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FIRST DAY

NOON SESSION

House Chamber, Olympia, Monday, January 9, 1995

The House of Representatives of the 1995 regular Session of the Fifty-Fourth Legislature was called to order at 12:00 Noon by the Chief Clerk of the Fifty-Third Legislature, Marilyn Showalter.

The Chief Clerk requested the Sergeant at Arms to escort the Members-elect to seats on the floor of the House, as selections by Quintessence were performed.

The Fifty-Fourth Session of the House of Representatives for the State of Washington will please come to order.

The flag was escorted to the rostrum by The Washington Army National Guard.

The Star Spangled Banner was sung by Annie Mastrondanato an eighth grader from Washington Middle School.

Prayer was offered by The Reverend Dale Cook, Free Methodist Church of Wenatchee.

Almighty and eternal God,

Thank you for the high privilege and awesome responsibility you have given to each member of this legislative body during the weeks and months ahead.

We know that during that time the load will get heavy; the days will become long; the physical and emotional and mental strain will increase. I pray for the physical health of each member. May he or she not lose the hope and vision that is sensed today. May they each have courage to stand strong for the ideals that are lodged deep within the heart. Grant to each one a strong commitment to his or spouse and family as the pressures of the work load increase.

Conscious of our own fallibility as human beings, I pray for Divine aid for the members of this assembly to be your messengers in the critical decisions they will be called upon to make. May there be a willingness to work with you to bring peace and morality to every citizen of this great State. As you give them wisdom to make right decisions, may your will be done in the State of Washington as it is in heaven.

In the Name of Him Who is the Way, the Truth & the Life.

Amen.

APPOINTMENT OF SPECIAL COMMITTEE

The Chief Clerk appointed Representatives Padden and Dellwo to escort Justice Richard P. Guy of the Supreme Court of the State of Washington from the State Reception Room to the Rostrum.

MESSAGES FROM THE SECRETARY OF STATE

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

Mr. Speaker:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Representative at the State General Election held in the State of Washington on the eighth day of November, 1994, as shown by the official returns of said election now on file in the office of the Secretary of State:

REPRESENTATIVES ELECTED NOVEMBER 8, 1994

DIST. NAME COUNTIES REPRESENTED

- NO. 1 Elliot (R) King (part), Snohomish (part)
Sherstad (R)
- No. 2 Campbell (D) Pierce (part)
Smith (R)
- No. 3 Brown (D) Spokane (part)
Dellwo (D)
- No. 4 Crouse (R) Spokane (part)
Padden (R)
- No. 5 Thomas (R) King (part)
Dyer (R)
- No. 6 Silver (R) Spokane (part)
Mielke (R)
- No. 7 Fuhrman (R) Ferry, Lincoln, Okanogan
McMorris (R) (part), Pend Oreille,
Spokane (part), Stevens
- No. 8 Hankins (R) Benton (part)
Delvin (R)
- No. 9 Sheahan (R) Adams, Asotin (part),
Schoesler (R) Spokane (part), Whitman
- No. 10 Beeksma (R) Island, Skagit (part),
Sehlin (R) Snohomish (part)
- No. 11 Cody (D) King (part)
Veloria (D)
- No. 12 Ballard (R) Chelan, Douglas, Grant
Foreman (R) (part), Okanogan (part)
- No. 13 Chandler (R) Benton (part), Grant (part),
Mulliken (R) Kittitas, Yakima (part)
- No. 14 Skinner (R) Yakima (part)
Clements (R)
- No. 15 Honeyford (R) Benton (part), Klickitat,
Lisk (R) Skamania (part), Yakima (part)
- No. 16 Mastin (D) Asotin (part), Columbia,
Grant (D) Franklin, Garfield, Walla
- No. 17 Boldt (R) Clark (part), Skamania
Benton (R) (part)
- No. 18 Morris (D) Clark (part), Cowlitz (part)
Pennington (R) Lewis (part)
- No. 19 Hatfield (D) Cowlitz (part), Grays Harbor
Basich (D) (part), Pacific, Wahkiakum
- No. 20 Chappell (D) Lewis (part), Pierce (part)
Brumsickle (R) Thurston (part)
- No. 21 Blanton (R) Snohomish (part)
Raddliff (R)
- No. 22 Romero (D) Thurston (part)
Wolfe (D)
- No. 23 Hargrove (R) Kitsap (part)
Schmidt (R)
- No. 24 Buck (R) Clallam, Grays Harbor (part),
Kessler (D) Jefferson
- No. 25 Casada (R) King (part), Pierce (part)
Pelesky (R)
- No. 26 McMahan (R) Kitsap (part), Pierce (part)
Huff (R)
- No. 27 Fisher (D) Pierce (part)
Regala (D)
- No. 28 Talcott (R) Pierce (part)
Carrell (R)
- No. 29 Conway (D) Pierce (part)
Ebersole (D)
- No. 30 Hickel (R) King (part), Pierce (part)
Mitchell (R)
- No. 31 Robertson (R) King (part), Pierce (part)
Thomas (R)
- No. 32 Rust (D) King (part)

- Cole (D)
 No. 33 Patterson (D) King (part)
 Fisher (D)
 No. 34 Poulsen (D) King (part)
 Valle (D)
 No. 35 Johnson (R) Grays Harbor (part), Kitsap
 Sheldon (D) (part), Mason, Thurston (part)
 No. 36 Sommers (D) King (part)
 Dickerson (D)
 No. 37 Mason (D) King (part)
 Tokuda (D)
 No. 38 Costa (D) Snohomish (part)
 Scott (D)
 No. 39 Stevens (R) King (part), Snohomish (part)
 Koster (R)
 No. 40 Quall (D) San Juan, Skagit (part),
 Hymes (R) Whatcom (part)
 No. 41 Horn (R) King (part)
 Ballasiotes (R)
 No. 42 Goldsmith (R) Whatcom (part)
 Kremen (D)
 No. 43 Thibaudeau (D) King (part)
 Chopp (D)
 No. 44 Schmidt (R) Snohomish (part)
 Thompson (R)
 No. 45 Lambert (R) King (part)
 Backlund (R)
 No. 46 Appelwick (D) King (part)
 Jacobsen (D)
 No. 47 Cooke (R) King (part)
 Cairnes (R)
 No. 48 Reams (R) King (part)
 Van Luven (R)
 No. 49 Carlson (R) Clark (part)
 Ogden (D)

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia this ninth day of January, 1995.
 (Seal)

Ralph Munro, Secretary of State.

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

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,733,471 votes cast by the 2,896,519 registered voters of the state for and against the initiatives, referendums, federal offices, joint-judicial offices and joint-legislative offices which were submitted to the vote of the people at the state general election held on November 8, 1994, as received from the County Auditors.

INITIATIVE TO THE PEOPLE 607

"Shall persons other than dentists be licensed to make and sell dentures to the public, as regulated by a new state board of denture technology?"

YES 955,960
 NO 703,619

REFERENDUM BILL 43

"Shall taxes on sales of cigarettes, liquor, and pop syrup be extended to fund violence reduction and drug enforcement programs?"

YES 947,847
NO 712,575

U.S. Senate

Ron Sims (D) 752,352
Slade Gorton (R) 947,821

U.S. Representative, 1st District

Maria Cantwell (D) 94,110
Rick White (R) 100,554

U.S. Representative, 2nd District

Harriet A. Spaul (D) 89,096
Jack Metcalf (R) 107,430

U.S. Representative, 3rd District

Jolene Unsoeld (D) 85,826
Linda Smith (R) 100,188
Caitlin Davis Carlson (GC) 6,620

U.S. Representative, 4th District

Jay Inslee (D) 81,198
Doc Hastings (R) 92,828

U.S. Representative, 5th District

Thomas S. Foley (D) 106,074
George Nethercutt (R) 110,057

U.S. Representative, 6th District

Norm Dicks (D) 105,480
Benjamin Gregg (R) 75,322

U.S. Representative, 7th District

Jim McDermott (D) 148,353
Keith Harris (R) 49,091

U.S. Representative, 8th District

Jim Wyrick (D) 44,165
Jennifer Dunn (R) 140,409

U.S. Representative, 9th District

Mike Kreidler (D) 72,451
Randy Tate (R) 77,833

State Supreme Court Justice, Position 1

Richard Guy (NP) 1,104,579

State Supreme Court Justice, Position 2

Gerry Alexander (NP) 731,090
Janice Niemi (NP) 653,131

State Supreme Court Justice, Position 3

Phil Talmadge (NP) 804,669
Jeanette Burrage (NP) 607,560

Court of Appeals, Division I, District 3, Position 1
(Island, San Juan, Skagit, and Whatcom)

Mary Kay Becker (NP) 71,978

Court of Appeals, Division II, District 3, Position 1
(Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum)

J. Dean Morgan (NP) 95,489

Court of Appeals, Division III, District 1, Position 1
(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens)

John A. Schultheis (NP) 134,673

Superior Court Judge, Position 1
(Benton and Franklin)

Philip M. Rodriguez (NP) 4,198
George F. Wolcott (NP) 8,589
Vic L. VanderSchoor (NP) 12,472
Phil Raekes (NP) 14,326
Bill Cameron (NP) 8,582

State Representative District 1, Position 1
(King and Snohomish)

Barbara S. Cothorn (D) 15,321
Ian Elliot (R) 16,027
Alan Negrin (NL) 666

State Representative District 1, Position 2
(King and Snohomish)

Linda S. Johnson (D) 14,472
Mike Sherstad (R) 16,691
Amy Kolve (NL) 714

State Senator, District 7
(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens)

Bob Morton (R) 34,963

State Representative, District 7, Position 1
(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens)

Jack McLean (D) 10,761
Steve Fuhrman (R) 31,573

State Representative, District 7, Position 2
(Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens)

John McLaughlin (D) 13,200
Cathy McMorris (R) 28,470

State Representative, District 9, Position 1
(Adams, Asotin, Spokane and Whitman)

Larry Sheahan (R) 23,676
John Gearhart (LB) 6,386

State Representative, District 9, Position 2
(Adams, Asotin, Spokane and Whitman)

Mark Schoesler (R) 26,651

State Representative, District 10, Position 1
(Island, Skagit and Snohomish)

Sue Karahalios (D) 18,333
Barney Beeksma (R) 20,727

State Representative, District 10, Position 2
(Island, Skagit and Snohomish)

Juanita Wagner (D) 13,943
Barry Sehlin (R) 24,220

State Representative, District 12, Position 1
(Chelan, Douglas, Grant and Okanogan)

W. Gordon Edgar (D) 8,924
Clyde Ballard (R) 25,635

State Representative, District 12, Position 2
(Chelan, Douglas, Grant and Okanogan)

Dale Foreman (R) 27,617

State Senator, District 13
(Benton, Grant, Kittitas and Yakima)

Mike Williams (D) 10,612
Harold Hochstatter (R) 23,072

State Representative, District 13, Position 1
(Benton, Grant, Kittitas and Yakima)

Pamela Kursave (D) 8,163
Gary Chandler (R) 25,326

State Representative, District 13, Position 2
(Benton, Grant, Kittitas and Yakima)

Mick Hansen (D) 13,374
Joyce Mulliken (R) 20,153

State Senator, District 15
(Benton, Klickitat, Skamania and Yakima)

Kevin L. Jackson (D) 7,576
Irv Newhouse (R) 15,436

State Representative, District 15, Position 1
(Benton, Klickitat, Skamania and Yakima)

Elmer J. Ward (D) 7,078

Jim Honeyford (R) 15,606

State Representative, District 15, Position 2
(Benton, Klickitat, Skamania and Yakima)

Barb Lisk (R) 19,032

State Representative, District 16, Position 1
(Asotin, Columbia, Franklin, Garfield and Walla Walla)

Dave Mastin (D) 18,988
Bob Hershman (R) 13,482

State Representative, District 16, Position 2
(Asotin, Columbia, Franklin, Garfield and Walla Walla)

Bill Grant (D) 18,656
Dennis J. Schilling (R) 13,953

State Representative, District 17, Position 1
(Clark and Skamania)

Kim Peery (D) 15,771
Marc Boldt (R) 16,799

State Representative, District 17, Position 2
(Clark and Skamania)

Jim Davis (D) 14,099
Don Benton (R) 17,893

State Representative, District 18, Position 1
(Clark, Cowlitz and Lewis)

Betty Sue Morris (D) 18,728
Joseph Zarelli (R) 17,631

State Representative, District 18, Position 2
(Clark, Cowlitz and Lewis)

Jim Springer (D) 15,078
John Pennington (R) 20,937

State Representative, District 19, Position 1
(Cowlitz, Grays Harbor, Pacific and Wahkiakum)

Brian Hatfield (D) 20,193
Mark Obtinario (R) 11,762

State Representative, District 19, Position 2
(Cowlitz, Grays Harbor, Pacific and Wahkiakum)

Bob Basich (D) 16,132
Brian Shay (R) 15,954

State Representative, District 20, Position 1
(Lewis, Pierce and Thurston)

Dave Chappell (D) 20,301
Ron Laeger (R) 15,364

State Representative, District 20, Position 2

(Lewis, Pierce and Thurston)

Bill Brumsickle (R) 27,463

State Representative, District 24, Position 1
(Clallam, Grays Harbor and Jefferson)

Evan Jones (D) 20,292
Jim Buck (R) 22,242

State Representative, District 24, Position 2
(Clallam, Grays Harbor and Jefferson)

Lynn Kessler (D) 24,513
Ray W. Freeman (R) 16,143

State Representative, District 25, Position 1
(King and Pierce)

Marc F. Brouillet (D) 13,114
Sarah M. Casada (R) 20,060

State Representative, District 25, Position 2
(King and Pierce)

Barbara Skinner (D) 14,014
Grant Owen Pelesky (R) 17,720
Mark Downey (PP) 1,089

State Senator, District 26
(Kitsap and Pierce)

Ron Hanna (D) 12,350
Bob Oke (R) 24,445

State Representative, District 26, Position 1
(Kitsap and Pierce)

Ron Meyers (D) 16,871
Lois McMahan (R) 19,749

State Representative, District 26, Position 2
(Kitsap and Pierce)

Mary Ann Huntington (D) 14,157
Tom Huff (R) 22,203

State Senator, District 30
(King and Pierce)

Jean Marie Brough (D) 14,046
Ray Schow (R) 15,610

State Representative, District 30, Position 1
(King and Pierce)

Tracey J. Eide (D) 13,529
Tim Hickel (R) 15,858

State Representative, District 20, Position 2
(King and Pierce)

Helen E. Myrick (D) 10,323
Maryann Mitchell (R) 18,677

State Senator, District 31
(King and Pierce)

Tina Aguilar (D) 9,723
Pam Roach (R) 19,554

State Representative, District 31, Position 1
(King and Pierce)

Judi Roland (D) 12,277
Eric Robertson (R) 16,796

State Representative, District 31, Position 2
(King and Pierce)

Lee Valenta (D) 11,568
Les Thomas (R) 17,398

State Senator, District 35
(Grays Harbor, Kitsap, Mason and Thurston)

Brad Owen (D) 24,265
Meta Heller (R) 11,736

State Representative, District 35, Position 1
(Grays Harbor, Kitsap, Mason and Thurston)

Barbara J. Holm (D) 16,222
Peggy Johnson (R) 20,575

State Representative, District 35, Position 2
(Grays Harbor, Kitsap, Mason and Thurston)

Tim Sheldon (D) 28,489

State Representative, District 39, Position 1
(King and Snohomish)

Steve Hobbs (D) 12,425
Val Stevens (R) 21,936

State Representative, District 39, Position 2
(King and Snohomish)

Hans Dunshee (D) 16,324
John Koster (R) 18,185

State Representative, District 40, Position 1
(Skagit, San Juan and Whatcom)

Dave Quall (D) 22,969
Mark L. Hulst (R) 17,581

State Representative, District 40, Position 2
(Skagit, San Juan and Whatcom)

Kris Molesworth (D) 19,640
Cheryl Hymes (R) 21,196

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this 8th day of December, 1994.
(Seal)

Ralph Munro, Secretary of State

ROLL CALL

The Clerk called the roll of the House.

OATH OF OFFICE

Justice Richard P. Guy administered the oath of office to the Members-elect of the House of Representatives.

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

RESOLUTION

HOUSE RESOLUTION NO. 94-4600, by Representatives Foreman and Ebersole

BE IT RESOLVED, That the House of Representatives Rules Committee shall meet no later than Monday, January 16, 1995, the eighth legislative day, to consider and make recommendations on permanent rules for the House of Representatives; and

BE IT FURTHER RESOLVED, That no later than Friday, January 20, 1995, the twelfth legislative day, the House of Representatives shall meet to consider adoption of permanent rules for the Fifty-fourth Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Fifty-fourth Legislature be adopted as follows:

TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES FIFTY-FOURTH LEGISLATURE 1995-1996

HOUSE RULE NO.

- Rule 1 Definitions
- Rule 2 Chief Clerk to Call to Order
- Rule 3 Election of Officers
- Rule 4 Powers and Duties of the Speaker
- Rule 5 Chief Clerk
- Rule 6 Duties of Employees
- Rule 7 Admission to the House
- Rule 8 Absentees and Courtesy
- Rule 9 Bills, Memorials and Resolutions - Introductions
- Rule 10 Reading of Bills
- Rule 11 Amendments
- Rule 12 Final Passage
- Rule 13 Hour of Meeting, Roll Call and Quorum
- Rule 14 Daily Calendar and Order of Business
- Rule 15 Motions
- Rule 16 Members Right to Debate
- Rule 17 Rules of Debate
- Rule 18 Ending of Debate - Previous Question
- Rule 19 Voting
- Rule 20 Reconsideration
- Rule 21 Call of the House
- Rule 22 Appeal from Decision of Chair
- Rule 23 Standing Committees
- Rule 24 Duties of Committees
- Rule 25 Standing Committees - Expenses - Subpoena Power
- Rule 26 Vetoed Bills
- Rule 27 Suspension of Compensation
- Rule 28 Smoking
- Rule 29 Parliamentary Rules
- Rule 30 Standing Rules Amendment
- Rule 31 Rules to Apply for Assembly

Rule 32 Legislative Mailings

Definitions

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

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

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

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

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

Chief Clerk to Call to Order

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

Election of Officers

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

Powers and Duties of the Speaker

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

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

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

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

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

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

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

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

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

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

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

Chief Clerk

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

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

Duties of Employees

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

Admission to the House

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

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

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

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

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

Absentees and Courtesy

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

Bills, Memorials and Resolutions - Introductions

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

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

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

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

Reading of Bills

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

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

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

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

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

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

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

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

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

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

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

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

Amendments

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

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

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

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

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

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (Art. II § 38)

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

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

Final Passage

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

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

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

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

Hour of Meeting, Roll Call and Quorum

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

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

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

Daily Calendar and Order of Business

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

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

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

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

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

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

Motions

Rule 15. Rules relating to motions are as follows:

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

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

(1) Privileged motions:

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

(2) Subsidiary motions:

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

(3) Incidental motions:

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

(C) **THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT.** Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

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

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

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

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

Members Right to Debate

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

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

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

(C) **LIMITATION OF DEBATE.** No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the

same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

Rules of Debate

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

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

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

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

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

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

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

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

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

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

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

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

Ending of Debate - Previous Question

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

The previous question is not debatable and cannot be amended.

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

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

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

Voting

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

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

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

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

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

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

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

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

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

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

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

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

Reconsideration

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

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

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

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

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

Call of the House

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

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

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

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

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

Appeal from Decision of Chair

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

Standing Committees

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

1. Agriculture & Rural Development	10
2. Appropriations	27
3. Capital Budget	15
4. Commerce & Labor	9
5. Corrections	10
6. Education	19
7. Energy & Utilities	9
8. Environmental Affairs	14
9. Financial Institutions & Insurance	16
10. Fisheries & Wildlife	9
11. Health Care	16
12. Higher Education	18
13. Human Services	12
14. Judiciary	17
15. Local Government	11
16. Natural Resources & Parks	11
17. Revenue	16
18. Rules	18
19. State Government	9
20. Trade, Economic Development & Housing	14
21. Transportation	27
1. Agriculture & Ecology	17
2. Appropriations	31
3. Capital Budget	13
4. Children & Family Services	11
5. Commerce & Labor	11
6. Corrections	11
7. Education	19
8. Finance	12
9. Financial Institutions & Insurance	13
10. Government Operations	15
11. Health Care	11
12. Higher Education	11
13. Law & Justice	15
14. Natural Resources	15
15. Rules	19
16. Trade & Economic Development	13
17. Transportation	27

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

Duties of Committees

Rule 24. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

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

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

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

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

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

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

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

((This subsection (9) takes effect April 1, 1994.))

Standing Committees - Expenses - Subpoena Power

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

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

Vetoed Bills

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

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

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

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

Suspension of Compensation

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

imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

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

Smoking

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

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

Parliamentary Rules

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

Standing Rules Amendment

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

Rules to Apply for Assembly

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

Legislative Mailings

Rule 32. The house of representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes. With respect to member mailings to constituents, these policies and guidelines shall ensure that:

(A) All mailings are subject to applicable provisions of the code of ethics established in Rules 1 through 9 of the joint rules of the legislature.

(B) Within the twelve months preceding the expiration of a member's term of office, identical mailings are limited as follows: One mailing mailed within thirty days after the start of the regular legislative session and one mailing mailed within sixty days after the end of the regular legislative session. For purposes of this rule, an identical mailing is a mailing of identical content in excess of two hundred pieces not mailed in response to a constituent contact.

(C) Within the twelve months preceding the expiration of a member's term of office, individual letters are limited as follows: A member may mail to an individual constituent a letter or other information, including the member's opinion, on a matter relevant to legislative business if the member has a reasonable belief that the constituent is interested in that matter.

(D) The total cost of each member's mailings, including production costs, printing costs, and postage, are limited by an annual expenditure level established by the house executive rules committee.

Representative Foreman moved adoption of the resolution. Representatives Foreman and Appelwick spoke in favor of adoption of the resolution.

House Resolution No. 4600 was adopted.

ELECTION OF SPEAKER

The Chief Clerk announced that nominations were in order for Speaker of the House of Representatives.

Representative Van Luven: Thank you madame Chief Clerk, it's my pleasure to place the name of Representative Clyde Ballard of the 12th District before you for Speaker of the House of Representatives. My Party has not had a Speaker of the House for 12 years and today is a very momentous occasion.

Good things do come out of Arkansas and Republicans come out of Arkansas too and our new Speaker of the House is from Arkansas, and we are assured that he will have some pull with his distant cousin back in Washington

D.C. in the White House. I'm only guessing that they're cousins. Hopefully, Clyde "Little Newt" Ballard will also have some pull with "Big Newt", the other Speaker in Washington.

As a young boy, Clyde Ballard and his family came to the state of Washington as migrant workers. They came for jobs and for opportunities. I grew up in my early years, in the lower Yakima valley, and I went to school with a lot of kids from migrant families, and let me tell you it's a long ways from being a member of a migrant family, to being a Speaker of the House of Representatives.

Along the way, Representative Ballard and his wife Ruth raised three sons, and started and operated a very successful ambulance and medical service in the Wenatchee area. He worked around life and death daily. He learned many skills. He learned to be calm under pressure even when shots were being fired all around him. He learned to get the job done, not for the glory, but because the job had to be done.

In 1982 Representative Ballard was elected to the House of Representatives. He served his two years as Caucus Chairman of the Minority Party, he served as eight years as Minority Leader. Clyde is a steady, patient, compassionate, and very hard worker as a legislator. He cared deeply for the people of his district and for the people of the State of Washington. Clyde has never shown a fear of accepting responsibility and he understands a need for a firm and consistent and sensitive approach to solving conflicts.

Recently, I was in Mexico and was talking with an associate of mine, Enrique Ochoa, and I mentioned to him that here in the United States two hours after the elections are over, because of all of the computers we have, we can tell who wins our elections. Enrique said to me, "Six months before the elections in Mexico they know who's going to win."

Last September after the primaries we knew who the next Speaker of the House was going to be. I'm pleased that Clyde is my Speaker. I have not always agreed with him, and over the years I have been a burr in his saddle, but that was all yesterday. The new media people will have to talk to the old ones.

Great things happen in politics, you grow, you learn, you agree, you disagree, you fight, and sometimes you stop and team up and go forward together with the goal of making this state a better place to be and live for our citizens. For now on I plan on riding in a saddle next to Clyde Ballard, not as a burr under it. I hope that you too will join me in support of Representative Clyde Ballard as the next Speaker of the House of Representatives for the great state of Washington. Thank you.

Representative K. Schmidt: Thank you madame Speaker. It is my pleasure to rise to second this nomination, for I too, have been in the Ballard woodshed many a time. I think that it's commendable that the two people who have probably given him more heartache and heartburn over the years have come to stand and respect him and put his name in nomination; because we know the type of person that Clyde is, and the kind of leader he is, and the kind of leader he will be leading this body. You've heard how Clyde has been goal oriented all of his life, starting out in Arkansas, son of migrant workers. He was determined to better himself and his life, and he did. He built a successful ambulance service, and isn't it interesting that he would choose an ambulance service, so that he could not only earn a living but help people. And there were many times I'm sure that he was there helping the injured and helping the families, giving compassion, being there as the strong person that somebody needed to lean on in a difficult hour.

Twelve years ago he decided to help people in another way he came to Olympia because he wanted to represent the people in his district and bring his life long work for people to Olympia where he felt he could raise their lives and raise their living standards. He must be doing a good job since he was just recently re-elected into that office by about a 75% vote. Eight years ago he became our Caucus leader, that's no small task trying to manage a group that's as philosophically diverse as this group of people is that reside in our Caucus. Sometimes instead of a gavel we think he really needs a whip and a chair, but he's always guided us and lead us with a sense of humor and dignity. He's had patience and he's had determination and he's had an enormous amount of energy.

Now I deal with frequent travellers all the time, but during the campaign season you can find Clyde in places like Port Angeles, Bellingham, Tri-Cities and that's all in one day. He's always trying to help other people, and those who want to serve their districts can always look to Clyde for help. Now it will make my job in Transportation a lot easier because now when I talk to Clyde about a road, a bridge, or a ferry route, he's probably been on it.

During the last twelve years the goal was always to lead this body. Four times I've had the pleasure of voting for Clyde, unfortunately we were always a bit short all those times. I think it might be different today Clyde, I see your name is already printed on the program. This might be a strong hint now.

I last served with a Republican Speaker thirteen years ago, obviously we are all elated over here, not only for Clyde, but also for all our opportunities to once again be in the leadership. You can expect our leader to carry his sense of humor, and his patience and his determination into his job. His door will be open to you whether you are Republican or Democrat and he will generally listen to what you have to say and to what your concerns are. And if they are the concerns that he believes should be addressed you'll find a friend in the speaker.

It is with a great deal of pleasure then that I second the nomination of (Jeffery, I'm sorry) I mean Clyde Ballard to be our next Speaker of the House.

Representative Appelwick: Thank you madame Chief Clerk. Despite my high regards for the gentleman from the 12th, I rise to nominate Brian Ebersole for re-election for Speaker of the House. Good things may come out of Arkansas, but good things come out of Tennessee, like Vice President Gore, Representative Ebersole hails from Tennessee. Fully fitting within an economy like this state, that is so dependent on trade and imports that we import a little talent now and again.

This day has a long standing tradition of nominating the minority leader for this position of Speaker. I think it's a good tradition especially today because it gives us a chance to thank and honor Brian for his two years as Speaker

of the peoples' House. And this is a good time to remember some of what the House has achieved together over those two years while Brian was at the helm. And the truth is that the Democrats and the Republicans achieved quite a lot together under his Speakership. We together have slowed the rate of growth of government spending to less than one-half the average rate of the previous decade before the passage of Initiative 601 and we cut capitol spending as well. Importantly, we achieved these results without abandoning children or the elderly or the sick or working families, or our sense of compassion. And hundreds of thousands of people are living a better life in this state today because of that.

Think of it, over 200,000 more people, mostly children have access to medical coverage they couldn't get years ago. More than 10,000 unemployed workers are getting new skills and new hope through workforce training that was not available two years ago. More than 50,000 high school students are learning skills and planning careers in schools and work transition programs. And every citizen has been free from the fear that their health insurance will be canceled just when they need it most.

Under Brian's leadership, this House has achieved other successes that have benefitting every person in Washington. The most important educational reform since the Basic Education Act, the first major civil service reform in thirty years, the Washington Performance Partnership, the most sweeping ethics reform in the history of this state, tougher criminal laws that have helped to reduce crime in Washington each of the past two years. And a good start on welfare reform and regulatory reform.

Now most of these measures were achieved as they should have been with bi-partisan support and during his Speakership Brian has set a tone of bi-partisan cooperation. He appointed a juvenile justice task force with equal numbers of Democrats and Republicans to make what were the best recommendations seen last session on juvenile justice. And on the last day of the 94th Session he spoke out strongly for open conference committees in 1995, expecting to preside over those conference committees.

Now I'm not saying that Brian did all of this alone, but I am saying that his dedication and energy as Speaker have played a very significant role in these things occurring. In fact, he's been a force in a remarkable number of personal legislative achievements in his twelve years in service. In 1995 as Chair of the Education Committee, Brian was the prime sponsor of the Bill originating levy equalization that gives the children in property poor tax districts a chance for a better education by borrowing that money from those property rich districts.

In 1989 he put together and shared the bipartisan taskforce between the House and Senate again with equal numbers of Republicans and Democrats and wrote the omnibus drug bill and he has worked tirelessly on the drug prevention efforts since that time. In 1989 he worked hard to create the branch campus programs for Washington State and the University of Washington. And in 1990 against all odds he worked with Republicans in the Senate and finally immersed the vocational technical schools with the community colleges. And that was an uphill battle that dates back twenty years.

In 1993 working with Representatives Sheldon and Conway and others he designed and pushed through the Workforce Training Act which has allowed thousands of unemployed workers to receive the retraining they need to get off of unemployment and back on the job.

Brian has a tremendous grasp of this political process, he has the ability to work with people from all different political viewpoints, he has the ability to bring us together and he has done so. As Majority Leader for six years and Speaker for two he has given us a great sense of commitment and fairness and a sense of humor and most importantly integrity to his job. Today we will elect a new Speaker who has earned our great respect, but I want to make sure that our out-going Speaker also receives some acknowledgement for those tremendous efforts, respect that his earned as a leader of this institution and for this reason I proudly nominate my friend, longstanding colleague, Brian Ebersole as Speaker of the House.

POINT OF PERSONAL PRIVILEGE

Representative Ebersole: Thank you madame Chief Clerk, and thank you Marlin for those very kind words, you've been a good friend for twelve years. However I respectfully decline the nomination. I can count, in fact I used to be able to count to 65, and so the House will change hands, I feel better knowing that it will be in good hands of my good friend Clyde Ballard.

It's been a tremendous honor to serve as Speaker for this great institution, I thank you very much for that honor. I will treasure it always. It has been a tremendous privilege and pleasure to work with so many fine people over the years. And I look forward to continuing the friendships as we work together over this session. One word of advice, my friend, Mr. Speaker, tell your mother to grant no interviews.

MOTIONS

On motion of Representative Foreman, nominations for Speaker of the House were closed.

On motion of Representative Foreman, a unanimous ballot was cast for Representative Ballard as Speaker of the House.

COMMITTEE OF HONOR

The Chief Clerk appointed Representatives Van Luven and K. Schmidt to escort Speaker Ballard up the center aisle to the rostrum.

The Chief Clerk instructed the Sergeant at Arms to escort Mrs. Ballard to the rostrum.

Justice Guy administered the oath of office to Speaker Ballard.

The Chief Clerk presented the gavel to the Speaker.

SPEAKER'S ACCEPTANCE SPEECH

Mr. Speaker: My fellow representatives, friends, family and staff and most important fellow Washingtonians,

Virtually everyone recognizes that the people of Washington delivered a very strong message on election day this past November. But the people have been sending us a message for quite some time. They want change in the way government operates. They want change in the way government spends THEIR hard-earned tax dollars. They want change in the way government treats them. All too often we get calls from constituents, or are stopped by people on the street who tell us they believe government is their enemy. Sadly when we follow up on these citizen complaints it frequently turns out the person was right government was NOT ON THEIR SIDE.

That is wrong. And it must change. Government is here to SERVE THE PEOPLE. Everyone in government starting with the governor and the Legislature and right on down through every nook and cranny of the bureaucracy MUST MAKE IT THEIR JOB TO SERVE THE BEST INTERESTS OF THE PUBLIC. There are many state employees and elected officials who are doing a great job who really care about people who are doing their best to make government work for the public.

Unfortunately the state officials and workers that citizens remember are the ones who send the message that: government has the power and there is nothing ordinary people can do about it. There have been too many instances in which state agencies and bureaucrats have overstepped their bounds. Too often state agencies have tried to set themselves up as policy makers and the simple fact is that the officials in the agencies are not accountable to the public.

Officials in state agencies are not elected they are not there to set policy THEY ARE THERE TO CARRY OUT THE POLICIES ADOPTED BY THE LEGISLATURE which is elected to represent the people.

Too often state agencies present a hardship to the public rather than providing help.

This kind of attitude should not and will not be tolerated.

This kind of attitude must change.

But it's not just government's attitude that needs change it's government's policies.

The people of Washington have been delivering a clear message that they believe government has grown out of control overstepped its bounds and lost touch with the needs and concerns of the public.

And there are many examples of policies which prove the people are right government IS out of touch the bureaucracy IS out of control.

ON CRIME the people see a justice system that government has allowed to become a joke to the criminals who threaten the personal safety of every Washingtonian.

The criminals who prey upon our families who attack the weak and vulnerable who thumb their noses at the law do so for a very basic reason:

THEY THINK THEY CAN GET AWAY WITH IT.

The public understands that the only effective way to prevent crime and reduce the threat to our safety is to restore respect for the law by letting everyone know that committing a crime will result in serious consequences starting with the first offense.

It is not just the SEVERITY of criminal punishment that we must concern ourselves with but the CERTAINTY of punishment.

The people have delivered their message and WE HAVE BEEN LISTENING.

We will fight for meaningful reforms in our criminal justice system we will work for significant changes in our corrections system beginning with legislation introduced today.

ON HEALTH CARE the people have made it clear they do not want to lose their personal choice in selecting health-care coverage and providers.

The public DOES want reforms to ensure that coverage is available to everyone and people want action to control rising costs and help those who need help in obtaining care.

But people DO NOT believe government should dictate what coverage is available limit personal choice in health-care decisions or impose mandates that threaten to drive up health-care prices and cause the loss of jobs and wages.

Government overstepped its bounds by creating a health-care bureaucracy. The people have delivered their message and WE HAVE BEEN LISTENING.

We will fight for responsible reforms to make health care more available and more affordable to more people while fixing flaws and solving problems caused by the government-run health-care system adopted two years ago.

This effort begins today.

ON TAXES the people have made it clear they believe government has grown too much that money is wasted through inefficiency and poor management that the public is saddled with an excessive tax burden.

The people have delivered their message and WE HAVE BEEN LISTENING.

We will fight to identify and eliminate waste and inefficiency in government.

We will not only keep state spending within the limit established by Initiative 601 we will strive to control spending even further.

We will fight for property tax relief for everyone along with relief for those employers hit hardest by the huge tax increases imposed in 1993.

We will fight for new tax policies to encourage the creation of good new jobs in this state to make Washington communities more competitive in seeking new business to improve the economic security of their citizens.

This effort begins with legislation introduced today.

ON REGULATORY REFORM AND PROPERTY RIGHTS the people see that well-intentioned efforts to protect the public interest have resulted in excessive regulations and laws that give government too much control over our lives which restrict our personal rights.

The people have delivered their message and WE HAVE BEEN LISTENING.

We will work for TRUE regulatory reform to slow the growth of new regulations to get state agencies under control and to make sure that government's role is to help people not place an undue burden on them.

This effort begins with legislation being introduced today.

ON WELFARE REFORM the public is frustrated by a system that fails to help and encourage able-bodied individuals to work their way off of welfare by a system that traps too many people in a cycle of dependency and despair by a system that fails to adequately address the problems of abuse and fraud.

The people have delivered their message and WE HAVE BEEN LISTENING.

We propose meaningful welfare reforms to provide real incentives for people to work to require that able-bodied recipients accept personal responsibility, along with their benefits to limit the time able-bodied individuals can remain on welfare and to fight welfare abuse and fraud.

This effort begins with legislation being introduced today.

On these issues and others we will move quickly to bring about the change the public is demanding.

And for a moment I want to talk about the legislative process itself including reforms that are needed to restore the public's confidence in government to assure the people that we are responsible and accountable to them.

To begin with we must open up the legislative process.

We must make sure that the public is fully aware of what we are doing and that we provide the public with the opportunity to consider and comment on the legislation before it is enacted.

No longer will we allow last-minute legislation to be jammed through the process with little or no public scrutiny.

On critical issues we fully intend to act promptly.

But we will ALWAYS ensure the time is taken and opportunities provided to let people know what their elected representatives are doing on their behalf.

Among our efforts to open up the legislative process we insist that all conference committee meetings be open to the public and the media just as are other committee hearings.

Other reforms included in the new legislative rules will make the process more open and accountable and will protect the rights of the minority.

I deeply believe that every time you take away the rights of the minority or limit the public's right to participate in the legislative process you destroy a part of the political system that makes this state and nation great.

I must confess that the world looks a lot different as I stand before you as speaker and with the gavel held firmly in my hand.

Many of you will recall that as leader of the minority over these past several years I argued for many of these reforms.

Now as leader of the House majority I face the reality that these changes may make it more challenging to get some of our legislation adopted and resolving many of our differences must be done in public view.

But when I was in the minority I believed this was the right thing to do and I believe that today.

I am pleased that my good friend, the minority leader, agrees with these changes.

This is a big step toward reassuring the people that this is THEIR government and in restoring the public's faith in us as their representatives.

Let me also say that we will make every effort to ensure that the legislation we pass actually works the way it is supposed to.

Too often past attempts to force bills through the process resulted in laws that inflicted unintended or at least unexpected consequences upon the people of Washington.

As speaker of the House, I am committed to the principle that our success will be determined by the QUALITY AND VALUE of the legislation we adopt not by the QUANTITY of bills we pass.

Once again the people of Washington have delivered a strong message. We have heard that message. From listening to the people and learning from what they had to say we presented to the public a CONTRACT WITH WASHINGTON STATE.

That contract clearly laid out the changes we intend to seek in government changes based upon the CONCERNS the DESIRES and the HOPES of the people we serve.

Legislation to fulfill our promise of change is being introduced today.

Committee hearings will begin immediately.

And we will move promptly to adopt these measures.

We will make every effort to work together with our friends in the minority party as well as our colleagues across the rotunda to gain bipartisan support for these measures.

We will make every effort to work with the governor to enact measures that will give the people of Washington the change they WANT and DESERVE.

On virtually every issue in the Republican contract support for our proposals has been expressed by many Democrats as well which I hope will bode well for a spirit of cooperation.

Let me close by saying that I want us to set a high standard for how we conduct our business. In considering each piece of legislation, we must hold it to a strict test:

** Is it good for Washington families?

** Will it provide new opportunities for Washington citizens to improve the quality of their lives?

** Does it protect the personal rights and freedoms of the people?

** Will it ensure that individuals who work hard and make an investment will be supported by government rather than finding that government is an obstacle to their success?

What made this country great is the fact that people are allowed not only to dream but to FULFILL their dreams through hard work personal commitment and dedication. We must preserve this basic ideal by putting a stop to excessive government interference in people's lives by adopting basic reforms that improve the way government operates and by removing unnecessary limitations on opportunity for all Washingtonians. This is the only way we can let the people know that we got their message, that we understand what they are saying and that we are prepared to respond.

Thank you.

COMMITTEE OF HONORS

The Speaker appointed Representatives Conway and Sommers to escort Representative Ebersole to the rostrum.

The Speaker appointed Representatives Conway and Sommers to escort Representative Ebersole to his seat on the floor.

ELECTION OF SPEAKER PRO TEMPORE

The Speaker announced that nominations were now in order for Speaker Pro Tempore.

Representative Silver: Thank you Mr. Speaker, and I really appreciate being able to say Mr. Speaker.

I am honored to nominate Representative Jim Horn for position of Speaker Pro Tempore. Let me tell you a little bit about him, he has worked with both parties, he does a good job and he looks and reads and finds out about issues carefully. He has served on the ethics board and he has also served on the Governor's Ethic Commission, so that stands him in good stead that he's very good. He's a former Mayor of Mercer Island and he, for sixteen years he was on the City Council; a long time. He is a past and current member above many other boards of trustees and a community leader in his area.

Jim, when he tries to make money and support his family, he's an engineer and he has thirty-one years of experience and also, because I thought was rather fascinating, he was a manager in the defense and space group at Boeing.

Jim would make an excellent Pro Tempore Speaker, I urge your approval of Jim Horn for Pro Tempore, and I urge your vote.

Representative Sheldon: Thank you Mr. Speaker I rise to second the nomination of Representative Jim Horn for the position of Speaker Pro Tempore.

Mr. Speaker, ladies and gentleman of the House, Justice Guy, distinguished guests and honored family and friends.

It has been a pleasure for me to serve in the legislature along side Representative Horn. Six years ago Jim brought to Olympia his engineers precise mind combined with a varied background in local government that included sixteen years of service on the Mercer Island City Council. Jim also has extensive private sector experience in management with the Boeing company. Jim is a senior member of the Republican caucus and works well with both sides of the isle.

Major legislation: improving air quality, preventing marine oil spills would not be in effect today without Jim's bipartisan work. Jim will combine his formidably political and parliamentary strength to excel in the role of Speaker Pro Tempore, acting as a fair and impartial presiding officer Representative Jim Horn will serve Washington's 54th Legislature with distinction.

MOTIONS

On motion of Representative Foreman, the nominations for Speaker Pro Tempore were closed.

On motion of Representative Foreman, a unanimous ballot was cast for Representative Horn as Speaker Pro Tempore of the House.

COMMITTEE OF HONOR

The Speaker appointed Representatives Silver and Sheldon to escort Speaker Pro Tempore Horn to the rostrum.

The Speaker instructed the Sergeant at Arms to escort Mrs. Horn to the rostrum.

Justice Guy administered the oath of office to Speaker Pro Tempore Horn.

REMARKS BY SPEAKER PRO TEMPORE HORN

Representative Horn: Justice Guy, Mr. Speaker, Members of the House of Representatives, distinguished guests, family and friends.

Thank you for the great honor that you have bestowed upon me to serve as the Speaker Pro Tempore of the Washington State House of Representatives in this 54th Legislature. I humbly accept the challenge. Thank you Representative Silver and Representative Sheldon for your kind remarks.

To Speaker Ballard, I stand ready to accept your bidding - to preside over this body when asked, to lend assistance whenever and wherever you might seek my help and to conduct the business of the citizens of our state in a fair and equitable manner. I look forward to working with you and learning from you.

To my fellow members, I pledge that I will do my best to live up to your expectations-to be fair to each of you, to allow all sides of an issue to air their views before this august body, and to keep things moving briskly toward the completion of our task in this 105 day session.

I believe that these indeed are historic times. We have a great challenge before us to restore the confidence of our citizens in their elected officials, in us, and in our government. Our actions and our conduct on this floor, in this chamber, will be the framework for accomplishing this very large task. We must encourage the emotions of debate, make certain that the hoped for benefits and feared consequences of each legislative action are heard and considered. Should we go forward or wait, veer right or left, or make a mid-course change in our actions? Only through this deliberative, open and public process can we make the most sound choice, both individually and collectively.

We share a common bond to make this great State an even better place for us, our children, our grandchildren and generations to follow. While we have this bond, we have varying backgrounds, experiences, and visions on how best to achieve this end. The emotions of debate are to be both allowed and encouraged, however, we must remember that the debate is on the issue and not on one another. When the debate is over and the vote is cast, we must remain friends and colleagues as we go forward to meet the next challenge.

This reminds me of a comment of Speaker Emeritus John L. 'O'brien in the closing paragraph of Daniel Jack Chasan's book "Speaker of the House, The Political Career and Times of John L. O'Brien." He notes Speaker Emeritus O'Brien's philosophical view of the workings of the House and the coalitions formed. I quote, "The legislature is like being involved in a contest. You go out on the floor of the House and you do the best you can. The roll call may go for you or the vote may go against you. It's just one of those things. But then, after it's over, you consider other issues. You don't get disturbed because something happened. It might stay with you for a while, but as far as being disappointed - you can't let it remain as a personal matter. Because there's always another roll call, there's always another day." end of quote.

We must all strive to work together to make this session of the 54th State Legislature the best that we can make it, the best that it can be.

Again, my gratitude for bestowing this great honor upon me.

COMMITTEE OF HONOR

The Speaker instructed the committee of honor to escort Speaker Pro Tempore Horn to his seat on the floor of the House.

ELECTION OF CHIEF CLERK

The Speaker announced that nominations were in order for Chief Clerk of the House of Representatives.

Representative Mielke: Thank you Mr. Speaker, it is with a great honor today that I place the nomination, the name of Mr. Timothy A. Martin for Chief Clerk with the House of Representatives with the State of Washington. The

people have challenged us as legislators this year to change the way we do things, and in living up to that challenge and the formidably task to be resoundingly fair, we must be dedicated to moving forward and we must be conscientious in forming public policy. One person that holds all those qualities more than perhaps anyone I know is Tim Martin and I'm very proud to nominate him today.

I've known Tim and his family since 1986 when we were both working for the State Senate. Tim has a tremendous background, he obtained his juris-doctorate from the University of Puget Sound with honors, he's served in private law practice, he's served as a Law Clerk for the State Court of Appeals, he's moved to the caucus attorney position with the Senate Republican Caucus and from there he worked up to the position of Chief Legal Counsel where he's been for the past five years.

The one thing that I've found about Tim is that he's got this incredible sense of how to make things happen, how to be fair and how to be impartial. He's one of those people that he and his family put other peoples goals ahead of theirs. He has spent literally hundreds of hours, weeks and months, if you will, working to make sure that other people are in a position to accomplish their goals. And in doing that in volunteering himself for those responsibilities he's gone from one political spectrum to the other and has represented all political philosophies. Like I say, he's done that with great honor, he's done that with great fairness, and with great openness and it's a very proud moment for me today to nominate Mr. Timothy A. Martin for Chief Clerk of the House of Representatives. And I hope that each and everyone of you will join me in supporting him for this position.

Representative Wolfe: Thank you Mr. Speaker, it is both a great honor and a great privilege for me to stand here today to second the nomination of Tim Martin for the position of Chief Clerk for the Washington State House of Representatives.

I have known Tim Martin by reputation for several years, I've known of his fine legislative work in the Senate since the 1980's and the wealth of legislative experience he brings to this job. But these are not the qualities of Tim Martin that impress me the most, the qualities about Tim Martin that impress me the most are the qualities I have observed in these short three to four weeks that I have personally known him, and these are a very strong sense of integrity, his honesty and his strong commitment to fairness to everyone on both sides of the isle. It is very rare that I've had such a strong reaction to someone that I've known for such a short period of time, but I've indeed had that reaction with Tim Martin. I urge your support for Tim Martin for position of Chief Clerk.

MOTIONS

On motion of Representative Foreman, the nominations for Chief Clerk be closed.

On motion of Representative Foreman, a unanimous ballot was cast for Timothy A. Martin as Chief Clerk of the House.

COMMITTEE OF HONOR

The Speaker appointed Representatives Mielke and Wolfe to escort Timothy A. Martin to the rostrum.

Justice Guy administered the oath of office to Chief Clerk Martin.

REMARKS BY CHIEF CLERK MARTIN

Timothy A. Martin: Chief Clerk, Justice Guy, Mr. Speaker, Members of the House, and distinguished guests thank you. This is among the proudest moments of my life, but I'm going to state briefly and to the point because an even bigger event is imminent, my wife, Kim, seated in the wings is expecting the birth of our second child at any moment. And as we have the gift of great timing, the baby is now past due and I'll be to the point just in case my beeper goes off.

I'm blessed to have a wonderful wife, and a beautiful son Max who's sixteen months old and I would like to acknowledge them now for their patience and support. I would also like to thank my parents Jerry and Faye Martin without who's love and sacrifice I would not be standing here today. My thanks also for the professionalism and assistance of Chief Clerk Marilyn Showalter who has served the House with great distinction. Finally, I would like to thank a friend and mentor John Rico, who is seated at the rear of the chambers, who is a model of courage and a true inspiration for all.

My parents instilled in me a sense of service, and as I stand before the elected members of the House, I would like to congratulate each of you on what you have achieved and what you are about to achieve in the name of service to the people of the State of Washington. I share your optimism and your dedication for the goal of making our State a better place for our children.

And I consider it a great privilege to work under the leadership of Speaker Clyde Ballard. The Speaker has correctly reminded all of us of the paramount importance of protecting the freedom of the individual and of citizen democracy. He has challenged each of us to live up to and exceed the expectations of the people. As your Chief Clerk I offer my full support towards that goal. We will strive to maintain a professionally run, cost effective, open and ethical process that will allow each of you to pursue the goals that brought you here, and allow the citizens of our State

the voice that they deserve in the halls of our legislature. Thank you for the faith you have placed in me, it is an honor to serve you, thank you.

The Speaker thanks Justice Guy.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Padden and Dellwo to escort Justice Guy of the Supreme Court from the House Chamber.

REPORT OF SPECIAL COMMITTEE FROM THE SENATE

The Sergeant at Arms announced the arrival of the special committee from the Senate and the Speaker instructed him to escort the special committee to the bar of the House.

The committee consists of Senators Wood, J. Kohl, Heavey and Finkbeiner advised the House that the Senate was organized and ready to conduct business.

The report was received and the special committee was escorted from the House Chamber.

POINT OF PERSONAL PRIVILEGE

Representative Ebersole: Thank you Mr. Speaker, I rise to express our thanks to our outgoing Chief Clerk, Marilyn Showalter for her dedicated and conscientious service to the House of Representatives. In Marilyn's year as Chief Clerk she has provided prudent, fair and intelligent and all of professional management of House operations. Perhaps because of her experience as counsel to the House of Appropriations Committee she has proved to be a tight fist fiscal manager in tight fist times.

Through spending cuts Marilyn was able to implement a budget that has been continually reduced in the last six years and still leaves a 1.4 million dollar surplus as we enter the last six months of the biennium. If you read Marilyn's latest budget report you will be impressed to see that over a short period of time caucus staff has been cut in half, session staff has been cut by more than half, travel has been cut by more than thirty-percent. And equipment purchases have been cut by an astonishing 98% since 1991.

In a time when there's a lot of talk about cost cutting this House under Marilyn's leadership has already done it. In another area perhaps because of her legal background as an honors graduate of Harvard Law School, where she was a classmate of Representative Foreman, as a former prosecutor and a former counsel to Governor Spellman, Marilyn has helped guided to a trouble-free election season.

As you all know there is a maze of rules governing elected officials and their staffs regarding the appropriate use of public facilities during election seasons and at other times. With Marilyn's wise counsel and assistance the House stands in good stead on this very important subject. As Chief Clerk Marilyn has been fair in her dealings with members and staff and she has always kept in mind the best interest of the House of Representatives. Whatever your next venture may be Marilyn, we all wish you will succeed and we know that you will do fine in your new career. Thank you very much for your dedicated service.

POINT OF PERSONAL PRIVILEGE

Marilyn Showalter: Thank you. In this beautiful House Chamber we just witnessed a visual and physical display of the orderly transition of political power. And even though I'm on the outgoing side of this transition, I am terribly proud to be a part of it. Because this transition is a part of that greatest of American achievements-- representative democracy.

Mr. Speaker, Representative Ebersole, and to you and the returning members, thank you for giving me the chance to be your Chief Clerk. It's been a great honor and it's been an experience I won't soon forget. To the freshmen members I've enjoyed meeting you over the past several weeks and I wish you well. To all of our employees I know how hard you have worked and the sacrifices you have made in tight budget times, I am so grateful to you for your dedication, I will be cheering you on from the sidelines.

To all of you I want you to know how much I've enjoyed working on the transition with Tim Martin this past month, I think he will be a fine Chief Clerk and knowing what he's about to say, I ask that you will cut him some slack, at least for a week or two. I feel a great affection and respect to the House and to all of you. Good Luck and Good-bye. Thank you.

The Speaker appointed Representatives Foreman and Ebersole to escort Marilyn Showalter from the House Chambers.

MOTION

On motion of Representative Padden, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 95-4601, by Representatives Foreman and Ebersole

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

MOTION

Representative Foreman moved adoption of the resolution.

House Resolution No. 4601 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The Speaker appointed Representatives Lisk, McMorris, Morris and Hatfield to notify the Senate that the House was organized and ready to conduct business.

MESSAGE FROM THE SENATE

January 9, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8401,

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

On motion of Representative Foreman, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HB 1000 by Representatives Fuhrman, Basich, Schoesler, Buck, Pennington, Elliot, Thompson, D. Schmidt, Sherstad, Benton, Dyer, Johnson, Beeksma, Goldsmith, Backlund, Crouse, Cairnes, Foreman, Van Luven, Mulliken, Boldt, McMorris, Sheldon, Huff, Talcott, McMahan and Stevens

AN ACT Relating to endangered species; and amending RCW 77.08.010, 77.12.020, 77.12.265, 77.16.120, 77.16.340, 77.21.070, 77.32.010, and 90.48.366.

Referred to Committee on Natural Resources.

HB 1001 by Representatives Carlson, Sommers, Brumsickle, Jacobsen, Foreman, Silver, Schoesler, Kessler, Blanton, Morris, Dyer, Lisk, Van Luven, Ballasiotes, Reams, Horn, Sehlin, Chandler, Cooke, L. Thomas, B. Thomas, Scott, Tokuda, Benton, Costa, Delvin, Mason, Thompson, Beeksma, Brown, Backlund, Pennington, Mastin, Mitchell, Cole, Quall, Basich, Smith, Mulliken, Huff, Talcott and Chopp

AN ACT Relating to expenditure requirements of institutions of higher education; and amending RCW 43.88.150.

Referred to Committee on Higher Education.

HB 1002 by Representatives Carlson, Kremen, Costa, Mitchell, Conway, Quall, Ogden, Kessler, Chappell, Basich, Grant, Lambert, Patterson, Campbell, Veloria, Sheldon, McMahan, Morris and Cody

AN ACT Relating to the senior citizen and disabled person property tax exemption; amending RCW 84.36.381, 84.36.381, and 84.55.010; creating a new section; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 1003 by Representatives Carlson, Scott, Kremen, Tokuda, Costa, Mason, Mastin, Mitchell, Conway, Chappell, Basich, Veloria, Morris and Cody

AN ACT Relating to sales and use tax exemptions for senior citizens and disabled persons; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1004 by Representatives Carlson, Sherstad, Benton, Dyer, Thompson, Goldsmith, Radcliff, Pennington, Mitchell, Basich, Blanton, Mulliken, Boldt, Fuhrman, Huff, Talcott and McMahan

AN ACT Relating to higher education services contracts; adding a new section to chapter 41.06 RCW; and repealing RCW 41.06.382.

Referred to Committee on Higher Education.

HB 1005 by Representatives Carlson, Reams and Campbell

AN ACT Relating to political party declaration in a presidential preference primary; and amending RCW 29.18.200, 29.19.030, 29.19.040, 29.19.050, and 29.19.060.

Referred to Committee on Government Operations.

HB 1006 by Representatives Carlson and Brumsickle

AN ACT Relating to the definition of a school bus driver; and amending RCW 28A.160.210.

Referred to Committee on Education.

HB 1007 by Representatives Carlson, Reams, Scott, Costa, Mastin and Sheldon

AN ACT Relating to nonpartisan sheriffs; amending RCW 29.18.010, 29.21.010, 29.21.015, 29.21.070, 29.30.025, and 36.28.010; adding a new section to chapter 36.28 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1008 by Representatives Carlson, Ogden and Boldt

AN ACT Relating to wine and beer educator's licenses; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1009 by Representatives Chandler, Skinner, Kremen, Delvin, Schoesler, Mastin, Chappell, Grant, Foreman, D. Schmidt, Boldt, Clements and Stevens

AN ACT Relating to the commission on pesticide registration; amending RCW 15.92.010 and 15.92.060; adding new sections to chapter 15.92 RCW; and making an appropriation.

Referred to Committee on Agriculture and Ecology.

HB 1010 by Representatives Reams, Horn, Lisk, Cairnes, Dyer, Van Luven, Ballasiotes, Buck, Casada, D. Schmidt, B. Thomas, Chandler, L. Thomas, Brumsickle, Sehlin, Sherstad, Carlson, Benton, Skinner, Kremen, Hargrove, Cooke, Delvin, Schoesler, Johnson, Thompson, Beekma, Goldsmith, Radcliff, Hickel,

Backlund, Crouse, Elliot, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Chappell, Basich, Grant, Smith, Robertson, Foreman, Honeyford, Pelesky, Blanton, Koster, Lambert, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, Sheldon, Huff, Mielke, Talcott, Silver, McMahan, Stevens, Morris and Hymes

AN ACT Relating to regulatory reform; amending RCW 43.70.040, 82.01.060, 46.01.110, 50.12.010, 76.09.040, 77.04.090, 48.02.060, 34.05.570, 34.05.310, 34.05.370, 34.05.380, 34.05.330, 19.85.030, 34.05.010, 34.05.320, 34.05.350, 34.05.610, 34.05.620, 34.05.630, 34.05.640, 34.05.650, 34.05.660, 42.40.010, 42.40.020, 42.40.030, 43.31.086, and 43.180.110; adding new sections to chapter 43.21A RCW; adding new sections to chapter 43.22 RCW; adding new sections to chapter 43.24 RCW; adding a new section to chapter 50.12 RCW; adding new sections to chapter 34.05 RCW; adding a new section to chapter 19.85 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.300 RCW; adding a new section to chapter 48.02 RCW; adding a new section to chapter 50.08 RCW; adding a new section to chapter 82.01 RCW; adding new sections to chapter 4.84 RCW; adding a new section to chapter 43.88 RCW; adding a new chapter to Title 44 RCW; creating a new section; recodifying RCW 34.05.610, 34.05.620, 34.05.630, 34.05.640, 34.05.650, and 34.05.660; repealing RCW 43.21A.080, 50.12.040, and 19.85.060; prescribing penalties; and providing for submission of this act to a vote of the people.

Referred to Committee on Government Operations.

HB 1011 by Representatives Quall, Carlson and Basich

AN ACT Relating to waiver of driver's license examinations; and amending RCW 46.20.120.

Referred to Committee on Education.

HB 1012 by Representative L. Thomas

AN ACT Relating to loans made by pawnbrokers; and amending RCW 19.60.010, 19.60.060, and 19.60.061.

Referred to Committee on Financial Institutions & Insurance.

HB 1013 by Representatives Romero, R. Fisher, Costa, Quall, Ogden, Basich, Patterson and Chopp

AN ACT Relating to adopt-a-highway programs; and amending RCW 47.40.100.

Referred to Committee on Transportation.

HB 1014 by Representatives Padden, Dellwo, Costa, Appelwick and Silver; by request of Statute Law Committee

AN ACT Relating to obsolete references; amending RCW 4.24.400, 9.40.100, 18.20.130, 18.46.110, 18.51.140, 18.51.145, 18.85.310, 19.27.070, 19.27.097, 19.27.150, 19.27A.110, 24.46.010, 27.34.020, 27.34.210, 27.34.310, 27.53.030, 27.53.130, 27.53.140, 27.60.040, 28A.160.090, 28A.300.160, 28A.305.130, 28A.335.310, 28A.610.030, 28B.20.283, 28B.20.289, 28B.20.293, 28B.65.060, 28C.04.440, 28C.04.460, 35.02.260, 35.13.171, 35.21.300, 35.21.687, 35.21.755, 35.21.779, 36.01.120, 36.27.100, 36.70A.040, 36.70A.385, 36.93.080, 36.110.030, 38.52.005, 38.52.090, 38.54.010, 38.54.020, 38.54.030, 38.54.050, 39.19.040, 39.44.210, 39.44.230, 39.84.090, 39.86.110, 40.10.020, 41.06.072, 43.06.115, 43.08.260, 43.19.1920, 43.19.19201, 43.20A.037, 43.21A.510, 43.21A.515, 43.21A.612, 43.22.495, 43.23.035, 43.31.093, 43.31.960, 43.43.710, 43.63A.465, 43.70.330, 43.70.540, 43.79.201, 43.83.184, 43.132.020, 43.132.030, 43.133.030, 43.133.050, 43.143.040, 43.150.040, 43.155.020, 43.160.030, 43.160.115, 43.160.180, 43.163.020, 43.163.060, 43.165.010, 43.168.031, 43.170.020, 43.170.030, 43.170.070, 43.172.011, 43.172.020, 43.180.040, 43.180.200, 43.185.015, 43.185.020, 43.185A.010, 43.185A.020, 43.185B.010, 43.190.030, 43.210.030, 43.210.050, 43.210.060, 43.210.070, 43.210.100, 43.210.120, 43.220.070, 43.280.020, 43.280.060, 43.280.070, 43.310.020, 46.12.295, 46.16.340, 46.37.467, 47.06.110, 47.12.064, 47.39.040, 47.39.090, 47.50.090, 47.76.230, 48.05.320, 48.48.030, 48.48.040, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.48.140, 48.48.150, 48.50.020, 48.50.040, 48.53.020, 48.53.060, 50.38.030, 53.36.030, 54.16.285, 54.52.010, 54.52.020, 56.40.010, 56.40.020, 57.46.010, 57.46.020, 59.18.440, 59.21.010, 59.21.050, 59.22.010, 59.22.020, 59.22.070, 59.24.020, 59.24.050, 59.24.060, 59.28.040, 59.28.050, 59.28.060, 59.28.110, 66.08.190, 66.08.195, 67.16.100, 67.38.070, 68.60.030, 70.41.080, 70.75.020, 70.75.030, 70.75.040, 70.77.170, 70.77.250, 70.77.305, 70.77.315, 70.77.330, 70.77.360, 70.77.365, 70.77.375, 70.77.415, 70.77.430, 70.77.455, 70.77.460, 70.77.465, 70.77.575, 70.77.580, 70.94.537, 70.95.260, 70.95.265,

70.95.810, 70.95H.007, 70.95H.020, 70.95H.050, 70.108.040, 70.128.180, 70.136.030, 70.160.060, 70.164.020, 70.190.010, 71.12.485, 72.09.055, 72.65.210, 74.13.090, 74.15.050, 74.15.080, 76.09.030, 77.12.710, 79.08.1078, 79.90.565, 81.80.450, 82.14.335, 82.23B.020, 82.61.070, 88.12.275, 88.46.100, and 90.56.280; reenacting and amending RCW 28B.30.537, 28B.65.040, 28B.65.050, 38.52.010, 42.17.2401, and 80.28.010; decodifying RCW 41.06.089; and providing a contingent expiration date.

Referred to Committee on Law and Justice.

HB 1015 by Representatives Padden, Dellwo, Costa, Appelwick and Silver; by request of Statute Law Committee

AN ACT Relating to correcting double amendments from the 1994 legislative sessions; reenacting RCW 13.40.020, 30.04.215, 30.08.020, 30.08.040, 30.08.095, 30.08.190, 32.32.025, 35.23.051, 35.23.101, 35.23.850, 35A.06.020, 36.21.011, 41.32.500, 84.40.080, and 84.48.050; and repealing RCW 35.23.310.

Referred to Committee on Law and Justice.

HB 1016 by Representatives K. Schmidt and Kremen

AN ACT Relating to state and county ferries; and reenacting and amending RCW 82.08.0255 and 82.12.0256.

Referred to Committee on Transportation.

HB 1017 by Representatives D. Schmidt, Horn, Robertson, Padden, Lisk, Scott, Dyer, Thompson, Goldsmith, K. Schmidt, Sehlin, Campbell, Sheldon and Talcott

AN ACT Relating to emergency management; amending RCW 38.52.005, 38.52.090, 38.52.420, 46.16.340, and 88.46.100; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1018 by Representatives Padden and Appelwick

AN ACT Relating to the withdrawal from and the term of a limited partnership; and amending RCW 25.10.330 and 25.10.440.

Referred to Committee on Law and Justice.

HB 1019 by Representative Padden

AN ACT Relating to the transfer of a community property interest in an individual retirement account at death; and amending RCW 6.15.020.

Referred to Committee on Law and Justice.

HB 1020 by Representatives Padden, Delvin, Hickel, Robertson, Smith, Carrell, Sherstad, Benton, Dyer, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mitchell, K. Schmidt, Conway, Kessler, Chappell, G. Fisher, Basich, Grant, Foreman, Sehlin, Van Luven, Pelesky, Blanton, Hankins, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Campbell, Sheldon, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Ebersole, Hymes and Casada

AN ACT Relating to increasing penalties for armed crimes; amending RCW 9.94A.310, 9.94A.150, 9A.36.045, 9A.52.020, 9A.56.300, 9A.56.030, 9A.56.040, 9A.56.150, 9A.56.160, 9.41.040, and 10.95.020; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9A.56 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Corrections.

HB 1021 by Representatives Delvin, Hickel, Robertson, Smith, Padden, Sherstad, Dyer, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Chandler, Backlund,

Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, K. Schmidt, Chappell, Basich, Grant, Sehlin, Honeyford, Van Luven, Ballasiotes, Pelesky, Blanton, Hankins, Lambert, D. Schmidt, Mulliken, McMorris, Clements, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Casada

AN ACT Relating to juveniles; and amending RCW 13.04.030.

Referred to Committee on Corrections.

HB 1022 by Representatives B. Thomas, Dyer, Cooke, Carlson, Casada, Chandler, Brumsickle, Foreman, Silver, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Basich, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Hymes

AN ACT Relating to reducing property taxes; amending RCW 84.36.381; amending 1994 sp.s. c 8 s 3 (uncodified); adding a new section to chapter 84.55 RCW; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1023 by Representatives B. Thomas, Foreman, Chandler, Lisk, Cooke, Carlson, Brumsickle, Silver, Ballasiotes, Dyer, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Tokuda, Costa, Horn, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Blanton, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Morris, Hymes and Casada

AN ACT Relating to reducing business and occupation tax rates; amending RCW 82.04.255 and 82.04.290; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1024 by Representatives Van Luven, Foreman, B. Thomas, Lisk, Horn, Chandler, Casada, Dyer, Ballasiotes, Silver, Cooke, Brumsickle, Carlson, Sehlin, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Costa, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Mitchell, Conway, Quall, Ogden, Chappell, Regala, G. Fisher, Basich, Grant, Campbell, Smith, Robertson, Honeyford, Pelesky, Hankins, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Sheldon, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Morris and Hymes

AN ACT Relating to tax exemptions for manufacturing and processing; amending RCW 82.04.190, 82.60.070, 82.61.010, and 82.63.010; reenacting and amending RCW 82.60.020; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.63 RCW; creating new sections; repealing RCW 82.61.020, 82.61.030, 82.61.040, 82.63.040, and 82.63.050; providing an effective date; and declaring an emergency.

Referred to Committee on Trade and Economic Development.

HB 1025 by Representatives Cooke, Talcott, Cairnes, Carlson, Dyer, Brumsickle, B. Thomas, Lisk, Silver, Sehlin, Ballasiotes, Foreman, Chandler, Horn, Sherstad, Benton, Skinner, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Elliot, Reams, Pennington, Carrell, Mitchell, Chappell, Smith, Robertson, Honeyford, Van Luven, Pelesky, Blanton, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, Sheldon, L. Thomas, Huff, Mielke, McMahan, Stevens and Hymes

AN ACT Relating to developing personal responsibility for recipients of aid to families with dependent children through the use of contracts; reenacting and amending RCW 74.04.005; adding new sections to chapter 74.12 RCW; creating new sections; and repealing RCW 74.12.420.

Referred to Committee on Children & Family Services.

HB 1026 by Representatives Reams, Padden, Sherstad, Benton, Dyer, Skinner, Hargrove, Horn, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Mastin, K. Schmidt, Chappell, Grant, Robertson, Van Luven, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, L. Thomas, Huff, Talcott, Morris, Hymes and Casada

AN ACT Relating to regulation of private property; adding a new chapter to Title 64 RCW.

Referred to Committee on Government Operations.

HB 1027 by Representatives Brumsickle, Carlson, Cooke, Ballasiotes, B. Thomas, Chandler, Lisk, Horn, Foreman, Dyer, Sehlin, Silver, Sherstad, Benton, Schoesler, Buck, Johnson, Thompson, Radcliff, Hickel, Backlund, Cairnes, Elliot, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Chappell, Smith, Honeyford, Blanton, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, Huff, Mielke, Talcott and McMahan

AN ACT Relating to redirecting resources to the classroom; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

HB 1028 by Representatives Dyer, Carlson, Benton, Kremen, Cooke, Horn, Schoesler, Thompson, Beeksma, B. Thomas, Goldsmith, Radcliff, Hickel, Chandler, Mastin, Mitchell, Grant, Robertson, Foreman, Sehlin, Blanton, Koster, Clements, Sheldon, Huff, Mielke, Talcott and Lisk

AN ACT Relating to extending the implementation phase of the health services act of 1993; amending RCW 18.130.330, 41.05.011, 41.05.021, 41.05.065, 41.05.200, 70.47.020, 70.47.060, 43.72.040, 43.72.070, 43.72.090, 43.72.220, 43.72.230, and 43.72.240; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1029 by Representatives Dyer, Carlson, Benton, Cooke, Horn, Schoesler, Johnson, Thompson, B. Thomas, Radcliff, Hickel, Chandler, Mastin, Mitchell, Grant, Foreman, Sehlin, Sheldon, Huff, Mielke, Talcott and Hymes

AN ACT Relating to adoption of the uniform benefits package; amending RCW 41.05.022, 41.05.200, 43.72.010, 43.72.040, 43.72.130, 48.01.210, and 70.47.060; repealing RCW 43.72.180; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1030 by Representatives Lisk, Carlson, Dyer, Skinner, Cooke, Schoesler, Thompson, Goldsmith, Chandler, Basich, Foreman, Honeyford, Hankins, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, L. Thomas, Huff, Silver, Buck and McMahan

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

Referred to Committee on Commerce & Labor.

HB 1031 by Representatives Dyer and B. Thomas

AN ACT Relating to taxation of dental appliances, devices, restorations, and substitutes; amending RCW 82.04.120, 82.08.0283, and 82.12.0277; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1032 by Representative Padden

AN ACT Relating to administrative procedure; amending RCW 34.05.461, 34.05.467, 34.05.470, 34.05.510, 34.05.514, 34.05.518, 34.05.530, 34.05.542, 34.05.546, 34.05.550, 34.05.554, 34.05.562, 34.05.566, 34.05.570, 34.05.574, and 34.12.040; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

HB 1033 by Representatives B. Thomas, Horn, Cooke, Dyer, Brumsickle, Carlson, Sehlin, Chandler, Lisk, Ballasiotes, Kremen, Costa, Mitchell, Mulliken, Silver and Morris

AN ACT Relating to exempting impact fees from property taxation; adding a new section to chapter 84.36 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1034 by Representatives Lisk, Chandler, B. Thomas, Horn, Casada, Cooke, Dyer, Brumsickle, Carlson, Sehlin, Foreman, Silver, Thompson, Hickel, Backlund, Crouse, Mitchell, K. Schmidt, Honeyford, Blanton, Mulliken, McMorris, Sheldon and Mielke

AN ACT Relating to determining unemployment insurance compensation rates; reenacting and amending RCW 50.29.025 and 50.29.025; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1035 by Representatives Thibaudeau, Morris, Scott, Tokuda, Costa, Mason, Brown, Ogden, Basich, Wolfe, Patterson and Chopp

AN ACT Relating to death investigations in residential facilities operated or under control of the department of social and health services; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Children & Family Services.

HB 1036 by Representatives Backlund, Brumsickle, Sherstad, Carlson, Dyer, Kremen, Horn, Schoesler, Buck, Johnson, Thompson, Raddliff, Hickel, Elliot, Pennington, Carrell, Robertson, Foreman, Van Luven, Koster, D. Schmidt, Mulliken, Fuhrman, Campbell, L. Thomas, Huff, Mielke, Talcott, Silver, McMahan and Casada

AN ACT Relating to a performance audit of the office of the superintendent of public instruction; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

HB 1037 by Representatives B. Thomas, Mastin, Scott, Tokuda, Costa, Basich, Patterson, McMahan, Cody and Chopp

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

Referred to Committee on Education.

HB 1038 by Representatives Huff, Buck, Foreman and Fuhrman

AN ACT Relating to excluding utility line clearing from the definition of retail sale; amending RCW 82.04.050; providing an effective date; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1039 by Representatives B. Thomas, Reams, Dyer, R. Fisher, Sommers, Costa, Mitchell, Basich and Wolfe

AN ACT Relating to altering the Washington citizens' commission on salaries for elected officials by increasing the number of commission members selected by lot from registered voters, providing attendance requirements, and clarifying procedures; amending RCW 43.03.305 and 43.03.310; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1040 by Representatives B. Thomas, Sehlin, Dyer, Chandler, L. Thomas, Valle, Cooke, Brumsickle, Ballasiotes, K. Schmidt, Mitchell, Ogden, Regala and Mulliken

AN ACT Relating to the creation of a trust fund to finance the maintenance and efficient operation of state facilities; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.79 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1041 by Representatives Quall, Schoesler, Robertson and Sheldon

AN ACT Relating to manufactured housing dealers; and amending RCW 46.70.023.

Referred to Committee on Commerce & Labor.

HB 1042 by Representative B. Thomas

AN ACT Relating to apportionment of taxable income; amending RCW 82.04.460; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1043 by Representatives Sommers, Carlson, Jacobsen, Mason and Chopp

AN ACT Relating to higher education tuition fees; amending RCW 28B.15.012, 28B.15.066, 28B.15.067, and 28B.15.076; adding new sections to chapter 28B.15 RCW; creating a new section; repealing RCW 28B.15.202, 28B.15.402, and 28B.15.502; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1044 by Representatives Hickel, Delvin, Smith, Crouse, Padden, Dyer, Costa, Schoesler, Johnson, Thompson, Beeksmas, Radcliff, Cairnes, Mastin, Carrell, Chappell, Foreman, Fuhrman, Campbell, Morris and Casada

AN ACT Relating to attorneys' fees, costs, and expenses awarded against state and other units of government; adding a new section to chapter 4.84 RCW; and creating new sections.

Referred to Committee on Law and Justice.

HB 1045 by Representatives Hickel, Delvin, Robertson, Smith, Crouse, Padden, Sherstad, Benton, Dyer, Kremen, Costa, Schoesler, Johnson, Thompson, Beeksmas, Radcliff, Mastin, Carrell, Mitchell, Chappell, Foreman, Van Luven, Koster, McMorris, Fuhrman, Campbell, Mielke, Silver, McMahan, Morris and Casada

AN ACT Relating to attorneys' fees, costs, and expenses awarded against the state; adding a new section to chapter 4.84 RCW; and creating new sections.

Referred to Committee on Law and Justice.

HB 1046 by Representatives Dyer, Carlson, Kremen, Cooke, Horn, Schoesler, Buck, Johnson, Thompson, Beeksmas, B. Thomas, Radcliff, Hickel, Chandler, Backlund, Mastin, Mitchell, Foreman, Sehlin, Ballasiotes, Clements, Campbell, Sheldon, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Lisk

AN ACT Relating to health care reform improvement; amending RCW 18.130.330, 28A.400.200, 28A.400.350, 41.05.011, 41.05.021, 41.05.022, 41.05.055, 41.05.065, 41.05.200, 43.72.005, 43.72.010, 43.72.020, 43.72.070, 43.72.080, 43.72.090, 43.72.100, 43.72.130, 43.72.160, 43.72.170, 43.72.300, 43.72.310, 43.72.800, 43.72.810, 43.72.830, 43.72.860, 43.72.910, 47.64.270, 48.43.150, 48.41.110, 48.43.160, 48.43.170, 48.70.040, 48.70.900, 48.85.010, 48.85.020, 48.85.030, 48.85.040, 48.85.050, 70.47.060, 51.14.010, 51.16.060, 51.16.140, and 70.170.100; amending 1993 c 492 s 279 (uncodified); reenacting and amending RCW 41.05.075; adding a new section to chapter 4.24 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 28A.400 RCW; adding new sections to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 48.20 RCW; adding a new section to

chapter 48.21 RCW; adding a new section to chapter 48.36A RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 48 RCW; creating new sections; recodifying RCW 51.14.010, 43.72.005, 43.72.010, 43.72.070, 43.72.080, 43.72.090, 43.72.100, 43.72.130, 43.72.160, 43.72.170, 43.72.200, 43.72.300, 43.72.310, 43.72.800, 43.72.810, 43.72.830, 43.72.840, 43.72.850, 43.72.860, 43.72.900, 43.72.902, 43.72.904, 43.72.906, and 43.72.910; repealing RCW 41.05.170, 41.05.180, 48.20.390, 48.20.393, 48.20.395, 48.20.397, 48.20.410, 48.20.411, 48.20.412, 48.20.414, 48.20.416, 48.20.520, 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160, 48.21.180, 48.21.190, 48.21.195, 48.21.197, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.300, 48.21.310, 48.21.320, 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.309, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.440, 48.44.450, 48.44.460, 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.510, 48.46.520, 48.46.530, 49.64.040, 43.72.030, 43.72.040, 43.72.050, 43.72.060, 43.72.110, 43.72.120, 43.72.140, 43.72.150, 43.72.180, 43.72.190, 43.72.210, 43.72.220, 43.72.230, 43.72.225, 43.72.240, 43.72.820, 43.72.870, 48.43.010, 48.43.020, 48.43.030, 48.43.040, 48.43.050, 48.43.060, 48.43.070, 48.43.080, 48.43.090, 48.43.100, 48.43.110, 48.43.120, 48.43.130, 48.01.210, 48.20.540, 48.21.340, 48.44.480, 48.46.550, 48.42.060, 48.42.070, 48.42.080, 70.170.110, 70.170.120, 70.170.130, and 70.170.140; providing effective dates; providing an expiration date; and providing for submission of this act to a vote of the people.

Referred to Committee on Health Care.

HB 1047 by Representatives Sheahan, Sherstad, Benton, Dyer, Schoesler, Johnson, Thompson, Beekma, Radcliff, Crouse, Carrell, Robertson, Blanton, Lambert, Fuhrman, L. Thomas, Huff, Mielke, McMahan and Casada

AN ACT Relating to restitution; amending RCW 9.94A.140, 9.94A.142, 9.94A.145, and 4.16.020; and creating a new section.

Referred to Committee on Law and Justice.

HB 1048 by Representatives Sheahan and Appelwick

AN ACT Relating to the uniform unincorporated nonprofit association act; and adding a new chapter to Title 24 RCW.

Referred to Committee on Law and Justice.

HB 1049 by Representatives Padden and Schoesler

AN ACT Relating to criminal conspiracy; and amending RCW 9A.28.040.

Referred to Committee on Law and Justice.

HB 1050 by Representatives Padden, Goldsmith, Delvin, Schoesler and Robertson

AN ACT Relating to the representation of indigent persons in criminal proceedings; amending RCW 13.40.145; and adding new sections to chapter 10.73 RCW.

Referred to Committee on Law and Justice.

HB 1051 by Representatives Padden and Costa

AN ACT Relating to contempt of court; and amending RCW 7.21.020.

Referred to Committee on Law and Justice.

HB 1052 by Representatives Horn and Silver

AN ACT Relating to the review of nonappropriated funds; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1053 by Representatives Horn, Chandler and Sheldon

AN ACT Relating to wood burning devices; and amending RCW 70.94.473 and 70.94.477.

Referred to Committee on Agriculture and Ecology.

HB 1054 by Representatives Padden, Goldsmith, Delvin, Schoesler, Chappell, Robertson, Fuhrman, Campbell and Sheldon

AN ACT Relating to corrections cost reductions by restriction of adult offender privileges; adding new sections to chapter 72.09 RCW; and creating new sections.

Referred to Committee on Corrections.

HB 1055 by Representatives Padden, Fuhrman and Sheldon

AN ACT Relating to exempting docks of less than seven hundred square feet from the definition of substantial development under the shorelines management act; and amending RCW 90.58.030.

Referred to Committee on Agriculture and Ecology.

HJM 4000 by Representatives Reams, Dyer, Talcott, L. Thomas, Schoesler, Brumsickle, Carlson, Casada, Chandler, B. Thomas, Cooke, Van Luven, Sehlin, Horn, Foreman, Cairnes, Buck, D. Schmidt, Scott, Skinner, Johnson, Thompson, Goldsmith, Backlund, Conway, Chappell, Basich, Smith, Honeyford, Hankins, Mulliken, McMorris, Fuhrman, Campbell, Sheldon, Huff, Silver, McMahan and Stevens

Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag.

Referred to Committee on Government Operations.

HJM 4001 by Representatives Campbell, B. Thomas, Chappell, Schoesler, Talcott, Dyer, Mastin, Chandler, Casada, Kremen, Sheahan, Backlund, Beeksma, Pennington, Lambert, Smith, Delvin, Robertson, Buck, Elliot, Mulliken, Blanton, Benton, McMahan, Hargrove, Radcliff, Koster, Scott, Cooke, Johnson, Thompson, Goldsmith, Crouse, Brumsickle, G. Fisher, Basich, Grant, Sehlin, Van Luven, Hankins, McMorris, Fuhrman, Sheldon, Huff, Silver and Hymes

Petitioning the federal government to cease and desist mandates that are beyond the scope of its powers.

Referred to Committee on Government Operations.

HJR 4200 by Representatives Padden, Schoesler and Campbell

Ratifying amendment XXVII of the United States Constitution.

Referred to Committee on Government Operations.

HCR 4400 by Representatives Foreman and Ebersole

Establishing legislative cutoff dates.

HCR 4401 by Representatives Foreman and Ebersole

Resolving to meet in joint session.

SCR 8401 by Senator Gaspard

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

MOTION

On motion of Representative Foreman, the rules were suspended and Senate Concurrent Resolution No. 8401 was advanced to second reading and read the second time in full.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senator Gaspard

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

MOTION

On motion of Representative Foreman, the rules were suspended, the second reading considered the third, and the resolution was placed on final adoption.

Senate Concurrent Resolution No. 8401 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of Senate Concurrent Resolution No. 8401 the Speaker appointed Representatives Reams and Chappell to notify the Governor that the Legislature was organized and ready to conduct business.

SPEAKER'S PRIVILEGE

The Speaker introduced the 1994-95 Lakefair Queen, Miss Stephanie Henderson, Lakefair President, Conrad Mitch and wife. Stephanie briefly addressed the House of Representatives.

MOTION

On motion of Representative Foreman, the rules were suspended and House Concurrent Resolution No. 4400 was advanced to second reading and read the second time in full.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Foreman and Ebersole

Establishing legislative cutoff dates.

MOTION

On motion of Representative Foreman, the rules were suspended, the second reading considered the third, and the resolution was placed on final adoption.

Representatives Foreman and Appelwick spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4400 was adopted.

With the consent of the House, House Concurrent Resolution No. 4400 was immediately transmitted to the Senate.

MOTION

On motion of Representative Foreman the rules were suspended and House Concurrent Resolution No. 4401 was advanced to second reading and read the second time in full.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Foreman and Ebersole

Resolving to meet in joint session.

MOTION

On motion of Representative Foreman, the rules were suspended, the second reading considered the third, and the resolution was placed on final adoption.

House Concurrent Resolution No. 4401 was adopted.

With the consent of the House, House Concurrent Resolution No. 4401 was immediately transmitted to the Senate.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of House Resolution No. 4601 appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready to conduct business.

The report was received and the committee was discharged.

MESSAGE FROM THE SECRETARY OF THE STATE

The Honorable
Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington 98504

Mr. Speaker:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 159, originally filed with this office on April 8, 1994. On December 30, 1994, the sponsor of the proposed initiative filed 20,747 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 235,993 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 159 to you at this time. We expect to complete verification of signatures no later than February 13, 1995 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 9th day of January, 1995.

(Seal)

Ralph Munro, Secretary of State

INITIATIVE 159

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 159 to the Legislature is a true and correct copy as it was received by this office.

" AN ACT Relating to increasing penalties for armed crimes; amending RCW 9.94A.310, 9.94A.150, 9A.36.045, 9A.52.020, 9A.56.--, 9A.56.030, 9A.56.040, 9A.56.150, 9A.56.160, 9.41.040, and 10.95.020; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9A.56 RCW; creating new sections; repealing 1994 1st sp.s. c 7 s 510; repealing 1994 1st sp.s. c 7 s 511; repealing 1994 1st sp.s. c 7 s 512; and prescribing penalties."

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

NEW SECTION. **Sec. 1. FINDINGS AND INTENT.** (1) The people of the state of Washington find and declare that:

(a) Armed criminals pose an increasing and major threat to public safety and can turn any crime into serious injury or death.

(b) Criminals carry deadly weapons for several key reasons including: Forcing the victim to comply with their demands; injuring or killing anyone who tries to stop the criminal acts; and aiding the criminal in escaping.

(c) Current law does not sufficiently stigmatize the carrying and use of deadly weapons by criminals, and far too often there are no deadly weapon enhancements provided for many felonies, including murder, arson, manslaughter, and child molestation and many other sex offenses including child luring.

(d) Current law also fails to distinguish between gun-carrying criminals and criminals carrying knives or clubs.

(2) By increasing the penalties for carrying and using deadly weapons by criminals and closing loopholes involving armed criminals, the people intend to:

(a) Stigmatize the carrying and use of any deadly weapons for all felonies with proper deadly weapon enhancements.

(b) Reduce the number of armed offenders by making the carrying and use of the deadly weapon not worth the sentence received upon conviction.

(c) Distinguish between the gun predators and criminals carrying other deadly weapons and provide greatly increased penalties for gun predators and for those offenders committing crimes to acquire firearms.

(d) Bring accountability and certainty into the sentencing system by tracking individual judges and holding them accountable for their sentencing practices in relation to the state's sentencing guidelines for serious crimes.

Sec. 2. RCW 9.94A.310 and 1992 c 145 s 9 are each amended to read as follows:
FIREARM AND OTHER DEADLY WEAPON ENHANCEMENTS INCREASED.

(1) TABLE 1

Sentencing Grid

SERIOUSNESS
SCORE OFFENDER SCORE

9 or

0 1 2 3 4 5 6 7 8 more

XV Life Sentence without Parole/Death Penalty

XIV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y
240- 250- 261- 271- 281- 291- 312- 338- 370- 411-
320 333 347 361 374 388 416 450 493 548

XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y
123- 134- 144- 154- 165- 175- 195- 216- 257- 298-
164 178 192 205 219 233 260 288 342 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m
93- 102- 111- 120- 129- 138- 162- 178- 209- 240-
123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m
78- 86- 95- 102- 111- 120- 146- 159- 185- 210-
102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m
51- 57- 62- 67- 72- 77- 98- 108- 129- 149-
68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m
31- 36- 41- 46- 51- 57- 77- 87- 108- 129-
41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m
21- 26- 31- 36- 41- 46- 67- 77- 87- 108-
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m
12+ - 15- 21- 26- 31- 36- 46- 57- 67- 77-
14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y
6- 12+ - 13- 15- 22- 33- 41- 51- 62- 72-
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m

3- 6- 12+ - 13- 15- 22- 33- 43- 53- 63-
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y
1- 3- 4- 9- 12+ - 17- 22- 33- 43- 51-
3 8 12 12 16 22 29 43 57 68

II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m
0-90 2- 3- 4- 12+ - 14- 17- 22- 33- 43-
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m
0-60 0-90 2- 2- 3- 4- 12+ - 14- 17- 22-
Days Days 5 6 8 12 14 18 22 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after the effective date of this section if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after the effective date of this section under (a), (b), and/or (c) of this subsection or subsection (4) (a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after the effective date of this section if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive ((range)) sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) ((24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020))) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) ((18 months for Burglary 1 (RCW 9A.52.020))) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) ((12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault of a Child 2 (RCW 9A.36.130), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW

~~9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense)) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.~~

~~(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after the effective date of this section under (a), (b), and/or (c) of this subsection or subsection (3) (a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.~~

~~(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall not run concurrently with any other sentencing provisions.~~

~~(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.~~

~~(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030.~~

~~((4)) (5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence (~~range~~) determined under subsection (2) of this section:~~

~~(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1)(i) or 69.50.410;~~

~~(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)(ii), (iii), and (iv);~~

~~(c) Twelve months for offenses committed under RCW 69.50.401(d).~~

~~For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.~~

~~((5)) (6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.~~

Sec. 3. RCW 9.94A.320 and 1992 c 145 s 4 and 1992 c 75 s 3 are each reenacted and amended to read as follows:

PENALTIES INCREASED FOR OTHER CRIMES INVOLVING FIREARMS.

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)

Homicide by abuse (RCW 9A.32.055)

XIII Murder 2 (RCW 9A.32.050)

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)

XI Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

X Kidnapping 1 (RCW 9A.40.020)

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))

Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)

Leading Organized Crime (RCW 9A.82.060(1)(a))

IX Assault of a Child 2 (RCW 9A.36.130)

Robbery 1 (RCW 9A.56.200)

Manslaughter 1 (RCW 9A.32.060)

Explosive devices prohibited (RCW 70.74.180)

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Endangering life and property by explosives with threat to human being (RCW 70.74.270)

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Controlled Substance Homicide (RCW 69.50.415)

- Sexual Exploitation (RCW 9.68A.040)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- VIII Arson 1 (RCW 9A.48.020)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
 - Involving a minor in drug dealing (RCW 69.50.401(f))
 - Reckless Endangerment 1 (RCW 9A.36.045)
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
- VI Bribery (RCW 9A.68.010)
 - Manslaughter 2 (RCW 9A.32.070)
 - Rape of a Child 3 (RCW 9A.44.079)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 - Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 - Incest 1 (RCW 9A.64.020(1))
 - Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
 - Intimidating a Judge (RCW 9A.72.160)
 - Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
 - Theft of a Firearm (RCW 9A.56.--- (section 432, chapter 7, Laws of 1994 1st sp. sess., as amended by section 10 of this act))
- V Criminal Mistreatment 1 (RCW 9A.42.020)
 - Rape 3 (RCW 9A.44.060)
 - Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 - Child Molestation 3 (RCW 9A.44.089)
 - Kidnapping 2 (RCW 9A.40.030)
 - Extortion 1 (RCW 9A.56.120)
 - Incest 2 (RCW 9A.64.020(2))
 - Perjury 1 (RCW 9A.72.020)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Rendering Criminal Assistance 1 (RCW 9A.76.070)
 - Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 - Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
 - Possession of a Stolen Firearm (RCW 9A.56.--- (section 13 of this act))
- IV Residential Burglary (RCW 9A.52.025)
 - Theft of Livestock 1 (RCW 9A.56.080)
 - Robbery 2 (RCW 9A.56.210)

- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Threats to Bomb (RCW 9.61.160)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run — Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Criminal mistreatment 2 (RCW 9A.42.030)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Assault of a Child 3 (RCW 9A.36.140)
- Custodial Assault (RCW 9A.36.100)
- Unlawful possession of firearm ((~~or pistol by felon (RCW 9.41.040))~~) in the second degree (RCW 9.41.040(1)(b))
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Burglary 2 (RCW 9A.52.030)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 2 (RCW 9A.56.080)
- Securities Act violation (RCW 21.20.400)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- ~~((Reckless Endangerment 1 (RCW 9A.36.045)))~~
- Escape from Community Custody (RCW 72.09.310)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

Malicious Mischief 2 (RCW 9A.48.080)
Reckless Burning 1 (RCW 9A.48.040)
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Possess Controlled Substance that is a Narcotic from Schedule III, IV,
or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW
69.50.401(d))

NEW SECTION. Sec. 4. PROSECUTING STANDARDS TIGHTENED FOR ARMED OFFENDERS.

Notwithstanding the current placement or listing of crimes in categories or classifications of prosecuting standards for deciding to prosecute under RCW 9.94A.440(2), any and all felony crimes involving any deadly weapon special verdict under RCW 9.94A.125, any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both, and any and all felony crimes as defined in RCW 9.94A.310 (3)(f) or (4)(f), or both, which are excluded from the deadly weapon enhancements shall all be treated as crimes against a person and subject to the prosecuting standards for deciding to prosecute under RCW 9.94A.440(2) as crimes against persons.

NEW SECTION. Sec. 5. ALL PLEA AGREEMENTS AND SENTENCES FOR VIOLENT, MOST SERIOUS, AND ARMED OFFENDERS MADE A PUBLIC RECORD. Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

- (1) Any violent offense as defined in this chapter;
- (2) Any most serious offense as defined in this chapter;
- (3) Any felony with a deadly weapon special verdict under RCW 9.94A.125;
- (4) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or
- (5) The felony crimes of possession of a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

NEW SECTION. Sec. 6. JUDICIAL RECORDS KEPT FOR SENTENCES OF VIOLENT, MOST SERIOUS, AND ARMED OFFENDERS. (1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under section 5 of this act shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under section 5 of this act. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving:

- (a) Any violent offense as defined in this chapter;
- (b) Any most serious offense as defined in this chapter;
- (c) Any felony with any deadly weapon special verdict under RCW 9.94A.125;
- (d) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or
- (e) The felony crimes of possession of a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.320, offender score as defined in RCW 9.94A.360, and any applicable deadly weapon enhancements as defined in RCW 9.94A.310 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.

(4) Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option.

(5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines

commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission.

Sec. 7. RCW 9.94A.150 and 1992 c 145 s 8 are each amended to read as follows:

GOOD TIME REMOVED FOR DEADLY WEAPON ENHANCEMENTS. No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In the case of an offender who has been convicted of a felony committed after the effective date of this section that involves any applicable deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both, shall not receive any good time credits or earned early release time for that portion of his or her sentence that results from any deadly weapon enhancements. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case shall the aggregate earned early release time exceed one-third of the total sentence;

(2) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(5) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing ~~((him))~~ himself or herself in the community;

(6) The governor may pardon any offender;

(7) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(8) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.120(4).

Sec. 8. RCW 9A.36.045 and 1989 c 271 s 109 are each amended to read as follows:

RECKLESS ENDANGERMENT IN THE FIRST DEGREE. (1) A person is guilty of reckless endangerment in the first degree when he or she recklessly discharges a firearm as defined in RCW 9.41.010 in a manner which creates a substantial risk of death or serious physical injury to another person and the discharge is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge.

(2) A person who unlawfully discharges a firearm from a moving motor vehicle may be inferred to have engaged in reckless conduct, unless the discharge is shown by evidence satisfactory to the trier of fact to have been made without such recklessness.

(3) Reckless endangerment in the first degree is a class ~~((C))~~ B felony.

Sec. 9. RCW 9A.52.020 and 1975 1st ex. s. c 260 s 9A.52.020 are each amended to read as follows:

BURGLARY IN THE FIRST DEGREE. (1) A person is guilty of burglary in the first degree if, with intent to commit a crime against a person or property therein, he or she enters or remains unlawfully in a ~~((dwelling))~~ building and if, in entering or while in the ~~((dwelling))~~ building or in immediate flight therefrom, the actor or another participant in the crime (a) is armed with a deadly weapon, or (b) assaults any person therein.

(2) Burglary in the first degree is a class A felony.

Sec. 10. RCW 9A.56.--- and 1994 1st sp.s. c 7 s 432 are each amended to read as follows:

THEFT OF A FIREARM. (1) A person is guilty of theft of a firearm if ~~((the person:~~

~~(a)) he or she commits a theft of ((a)) any firearm((; or~~

~~(b) Possesses, sells, or delivers a stolen firearm)).~~

(2) This section applies regardless of the ~~((stolen firearm's))~~ value of the firearm taken in the theft.

(3) ~~(("Possession, sale, or delivery of a stolen firearm" as used in this section has the same meaning as "possessing stolen property" in RCW 9A.56.140))~~ Each firearm taken in the theft under this section is a separate offense.

(4) The definition of "theft" and the defense allowed against the prosecution for theft under RCW 9A.56.020 shall apply to the crime of theft of a firearm.

(5) As used in this section, "firearm" means any firearm as defined in RCW 9.41.010.

(6) Theft of a firearm is a class ((G)) B felony.

Sec. 11. RCW 9A.56.030 and 1975 1st ex.s. c 260 s 9A.56.030 are each amended to read as follows:

THEFT IN THE FIRST DEGREE OTHER THAN A FIREARM. (1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) one thousand five hundred dollars in value other than a firearm as defined in RCW 9.41.010; or

(b) Property of any value other than a firearm as defined in RCW 9.41.010 taken from the person of another.

(2) Theft in the first degree is a class B felony.

Sec. 12. RCW 9A.56.040 and 1994 1st sp.s. c 7 s 433 are each amended to read as follows:

THEFT IN THE SECOND DEGREE OTHER THAN A FIREARM. (1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value other than a firearm as defined in RCW 9.41.010, but does not exceed one thousand five hundred dollars in value; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) An access device; or

(d) A motor vehicle, of a value less than one thousand five hundred dollars.

(2) Theft in the second degree is a class C felony.

NEW SECTION. Sec. 13. A new section is added to chapter 9A.56 RCW to read as follows:

POSSESSING A STOLEN FIREARM. (1) A person is guilty of possessing a stolen firearm if he or she ~~possesses,~~ carries, delivers, sells, or is in control of a stolen firearm.

(2) This section applies regardless of the stolen firearm's value.

(3) Each stolen firearm possessed under this section is a separate offense.

(4) The definition of "possessing stolen property" and the defense allowed against the prosecution for possessing stolen property under RCW 9A.56.140 shall apply to the crime of possessing a stolen firearm. (5) As used in this section, "firearm" means any firearm as defined in RCW 9.41.010.

(6) Possessing a stolen firearm is a class B felony.

Sec. 14. RCW 9A.56.150 and 1975 1st ex.s. c 260 s 9A.56.150 are each amended to read as follows:

POSSESSING STOLEN PROPERTY IN THE FIRST DEGREE OTHER THAN A FIREARM. (1) A person is guilty of possessing stolen property in the first degree if he or she ~~possesses~~ stolen property other than a firearm as defined in RCW 9.41.010 which exceeds one thousand five hundred dollars in value.

(2) Possessing stolen property in the first degree is a class B felony.

Sec. 15. RCW 9A.56.160 and 1994 1st sp.s. c 7 s 434 are each amended to read as follows:

POSSESSING STOLEN PROPERTY IN THE SECOND DEGREE OTHER THAN A FIREARM. (1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she ~~possesses~~ stolen property other than a firearm as defined in RCW 9.41.010 which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

(b) He or she ~~possesses~~ a stolen public record, writing or instrument kept, filed, or deposited according to law;

or

(c) He or she ~~possesses~~ a stolen access device; or

(d) He or she ~~possesses~~ a stolen motor vehicle of a value less than one thousand five hundred dollars.

(2) Possessing stolen property in the second degree is a class C felony.

Sec. 16. RCW 9.41.040 and 1994 1st sp.s. c 7 s 402 are each amended to read as follows:

UNLAWFUL POSSESSION OF A FIREARM IN THE FIRST AND SECOND DEGREE--OWNERSHIP, POSSESSION OF FIREARMS PROHIBITED FROM CERTAIN PERSONS. (1)(a) A person, whether an adult or

juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm(-

~~(a)) after having previously been convicted in this state or elsewhere of ((a) any serious offense(, a domestic violence offense enumerated in RCW 10.99.020(2), a harassment offense enumerated in RCW 9A.46.060, or of a felony in which a firearm was used or displayed)) as defined in this chapter, residential burglary, reckless endangerment in the first degree, any felony violation of the uniform controlled substances act, chapter 69.50 RCW, classified as a class A or class B felony, or with a maximum sentence of at least ten years, or both, or equivalent statutes of another jurisdiction, except as otherwise provided in subsection (3) or (4) of this section;~~

~~(b) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under (a) of this subsection for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:~~

~~(i) After having previously been convicted of any remaining felony violation of the uniform controlled substances act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction not specifically listed as prohibiting firearm possession under (a) of this subsection, any remaining felony in which a firearm was used or displayed and the felony is not specifically listed as prohibiting firearm possession under (a) of this subsection, any domestic violence offense enumerated in RCW 10.99.020(2), or any harassment offense enumerated in RCW 9A.46.060, except as otherwise provided in subsection (3) or (4) of this section;~~

~~((e)) (ii) After having previously been convicted on three occasions within five years of driving a motor vehicle or operating a vessel while under the influence of intoxicating liquor or any drug, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.--- (section 404, chapter 7, Laws of 1994 1st sp. sess.);~~

~~((e)) (iii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.--- (section 404, chapter 7, Laws of 1994 1st sp. sess.); and/or~~

~~(iv) If the person is under eighteen years of age, except as provided in RCW 9.41.--- (section 403, chapter 7, Laws of 1994 1st sp. sess.).~~

~~(2)(a) Unlawful possession of a firearm in the first degree is a class ((C)) B felony, punishable under chapter 9A.20 RCW.~~

~~(b) Unlawful possession of a firearm in the second degree is a class C felony, punishable under chapter 9A.20 RCW.~~

~~(3) As used in this section, a person has been "convicted" at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.~~

~~(4) Notwithstanding subsection (1) of this section, a person convicted of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) of this section and has not previously been convicted of a sex offense prohibiting firearm ownership under subsection (1) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:~~

~~(a) Under RCW 9.41.--- (section 404, chapter 7, Laws of 1994 1st sp. sess.); and/or~~

~~(b) After five or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.360.~~

~~((6)(a) A person who has been committed by court order for treatment of mental illness under RCW 71.05.320 or chapter 10.77 RCW, or equivalent statutes of another jurisdiction, may not possess, in any manner, a firearm as defined in RCW 9.41.010.~~

~~(b) At the time of commitment, the court shall specifically state to the person under (a) of this subsection and give the person notice in writing that the person is barred from possession of firearms.~~

~~(c) The secretary of social and health services shall develop appropriate rules to create an approval process under this subsection. The rules must provide for the immediate restoration of the right to possess a firearm upon a showing in a court of competent jurisdiction that a person no longer is required to participate in an inpatient or outpatient treatment program, and is no longer required to take medication to treat any condition related to the commitment. Unlawful possession of a firearm under this subsection shall be punished as a class C felony under chapter 9A.20 RCW.)~~

~~(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall~~

notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265.

(6) Nothing in chapter . . . , Laws of 1995 (this act) shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

Sec. 17. RCW 10.95.020 and 1981 c 138 s 2 are each amended to read as follows:

DEATH PENALTY AUTHORIZED FOR DRIVE-BY SHOOTERS, MURDERS FOR GROUP MEMBERSHIP, AND RESIDENTIAL BURGLARS WHO KILL. A person is guilty of aggravated first degree murder if he or she commits first degree murder as defined by RCW 9A.32.030(1)(a), as now or hereafter amended, and one or more of the following aggravating circumstances exist:

(1) The victim was a law enforcement officer, corrections officer, or fire fighter who was performing his or her official duties at the time of the act resulting in death and the victim was known or reasonably should have been known by the person to be such at the time of the killing;

(2) At the time of the act resulting in the death, the person was serving a term of imprisonment, had escaped, or was on authorized or unauthorized leave in or from a state facility or program for the incarceration or treatment of persons adjudicated guilty of crimes;

(3) At the time of the act resulting in death, the person was in custody in a county or county-city jail as a consequence of having been adjudicated guilty of a felony;

(4) The person committed the murder pursuant to an agreement that he or she would receive money or any other thing of value for committing the murder;

(5) The person solicited another person to commit the murder and had paid or had agreed to pay money or any other thing of value for committing the murder;

(6) The person committed the murder to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group;

(7) The murder was committed during the course of or as a result of a shooting where the discharge of the firearm, as defined in RCW 9.41.010, is either from a motor vehicle or from the immediate area of a motor vehicle that was used to transport the shooter or the firearm, or both, to the scene of the discharge;

(8) The victim was:

(a) A judge; juror or former juror; prospective, current, or former witness in an adjudicative proceeding; prosecuting attorney; deputy prosecuting attorney; defense attorney; a member of the indeterminate sentence review board ((of prison terms and paroles)); or a probation or parole officer; and

(b) The murder was related to the exercise of official duties performed or to be performed by the victim;

((7)) (9) The person committed the murder to conceal the commission of a crime or to protect or conceal the identity of any person committing a crime, including, but specifically not limited to, any attempt to avoid prosecution as a persistent offender as defined in RCW 9.94A.030;

((8)) (10) There was more than one victim and the murders were part of a common scheme or plan or the result of a single act of the person;

((9)) (11) The murder was committed in the course of, in furtherance of, or in immediate flight from one of the following crimes:

(a) Robbery in the first or second degree;

(b) Rape in the first or second degree;

(c) Burglary in the first or second degree or residential burglary;

(d) Kidnapping in the first degree; or

(e) Arson in the first degree;

((10)) (12) The victim was regularly employed or self-employed as a newsreporter and the murder was committed to obstruct or hinder the investigative, research, or reporting activities of the victim.

NEW SECTION. Sec. 18. OFFENDER NOTIFICATION AND WARNING. Any and all law enforcement agencies and personnel, criminal justice attorneys, sentencing judges, and state and local correctional facilities and personnel may, but are not required to, give any and all offenders either written or oral notice, or both, of the sanctions imposed and criminal justice changes regarding armed offenders, including but not limited to the subjects of:

(1) Felony crimes involving any deadly weapon special verdict under RCW 9.94A.125;

(2) Any and all deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both, as well as any federal firearm, ammunition, or other deadly weapon enhancements;

(3) Any and all felony crimes requiring the possession, display, or use of any deadly weapon as well as the many increased penalties for these crimes including the creation of theft of a firearm and possessing a stolen firearm;

(4) New prosecuting standards established for filing charges for all crimes involving any deadly weapons;

(5) Removal of good time for any and all deadly weapon enhancements; and

(6) Providing the death penalty for those who commit first degree murder: (a) To join, maintain, or advance membership in an identifiable group; (b) as part of a drive-by shooting; or (c) to avoid prosecution as a persistent offender as defined in RCW 9.94A.030.

NEW SECTION. **Sec. 19.** REPEALER. The following acts or parts of acts are each repealed:

- (1) 1994 1st sp.s. c 7 s 510;
- (2) 1994 1st sp.s. c 7 s 511; and
- (3) 1994 1st sp.s. c 7 s 512.

NEW SECTION. **Sec. 20.** CODIFICATION. Sections 4 through 6 of this act are each added to chapter 9.94A RCW.

NEW SECTION. **Sec. 21.** SHORT TITLE. This act shall be known and cited as the hard time for armed crime act.

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

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

Initiative Number 159 was referred to the Committee on Corrections.

MOTION

On motion of Representative Foreman, the remaining bills, memorial and resolution listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

RESOLUTION

HOUSE RESOLUTION NO. 94-4602, by Representatives Foreman, Ebersole, Appelwick, Backlund, Ballard, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, G. Fisher, R. Fisher, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, D. Schmidt, K. Schmidt, Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, B. Thomas, L. Thomas, Thompson, Tokuda, Valle, Van Luven, Veloria and Wolfe

WHEREAS, Professional and volunteer fire fighters serve selflessly to protect citizens throughout the state of Washington and the United States of America; and

WHEREAS, The brave men and women who perform as fire fighters willingly accept the grave dangers inherent in their job in order to protect our lives and our property; and

WHEREAS, Many fire fighters have sacrificed their limbs and even their lives while courageously discharging the difficult duties of their profession; and

WHEREAS, On January 5, 1995, the Seattle Fire Department responded to a warehouse fire and began to contain and extinguish the flames; and

WHEREAS, While attempting to fight the fire from inside the building, four heroic fire fighters died when an explosion occurred, the floor collapsed, and they were trapped in the deadly flames; and

WHEREAS, The four skilled fire fighters who died were James T. Brown of Port Orchard, Randall R. Terlicker of Mill Creek, Walter D. Kilgore of Kirkland, and Gregory M. Shoemaker of Maple Valley; and

WHEREAS, They unselfishly gave their lives in the line of duty while attempting to preserve the safety and well-being of the community and its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor James T. Brown, Randall R. Terlicker, Walter D. Kilgore, and Gregory M. Shoemaker for the dedicated service that characterized their lives and for the outstanding example of sacrifice they set for others; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington offer condolences and prayers to the families and friends of James T. Brown, Randall R. Terlicker, Walter D. Kilgore, and Gregory M. Shoemaker during this time of grief for their loved ones; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the families of James T. Brown, Randall R. Terlicker, Walter D. Kilgore, and Gregory M. Shoemaker.

There being no objection, the resolution was moved.

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

House Resolution No. 4602 was adopted.

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

STANDING COMMITTEE ASSIGNMENTS

The Speaker announced the following standing committee appointments.

Member Assignments to House Standing Committees 1995

Appelwick, Marlin -- Law & Justice; Rules.

Backlund, Bill -- Transportation; Health Care; Rules.

Ballard, Clyde -- Rules.

Ballasiotes, Ida -- Corrections; Trade & Economic Development.

Basich, Bob -- Natural Resources; Appropriations.

Beeksmas, Barney -- Appropriations; Natural Resources, Financial Institutions & Insurance.

Benton, Don -- Transportation; Higher Education; Financial Institutions & Insurance.

Blanton, Jerry -- Transportation; Higher Education; Corrections.

Boldt, Marc -- Finance; Children & Family Services; Agriculture & Ecology.

Brown, Lisa -- Transportation; Children & Family Services; Rules.

Brumsickle, Bill -- Education; Appropriations.

Buck, Jim -- Transportation; Children & Family Services; Natural Resources.

Cairnes, Jack -- Transportation; Natural Resources; Commerce & Labor.

Campbell, Tom -- Finance; Energy & Utilities; Financial Institutions & Insurance.

Carlson, Don -- Higher Education; Appropriations.

Carrell, Michael -- Finance; Children & Family Services; Law & Justice.

Casada, Sarah -- Energy & Utilities; Health Care.

Chandler, Gary -- Agriculture & Ecology; Transportation; Energy & Utilities.

Chappell, David -- Appropriation; Law & Justice; Agriculture & Ecology.

Chopp, Frank -- Transportation; Capital Budget; Government Operations.

Clements, Jim -- Appropriations; Education; Agriculture & Ecology.

Cody, Eileen -- Health Care; Law & Justice; Commerce & Labor.

Cole, Grace -- Education; Corrections; Commerce & Labor.

Conway, Steve -- Health Care; Commerce & Labor; Rules.

Cooke, Suzette -- Children & Family Services; Appropriations.

Costa, Jeralita -- Capital Budget; Law & Justice; Financial Institutions & Insurance.

Crouse, Larry -- Appropriations; Health Care; Energy & Utilities.

Delwo, Dennis -- Health Care; Appropriations; Financial Institutions & Insurance.

Delvin, Jerome -- Higher Education; Law & Justice; Agriculture & Ecology.

Dickerson, Mary Lou -- Finance; Education; Corrections.

Dyer, Philip -- Health Care; Financial Institutions & Insurance.

Ebersole, Brian -- Rules.

Elliot, Ian -- Transportation; Education; Natural Resources.

Fisher, Greg -- Appropriations; Education; Natural Resources.

Fisher, Ruth -- Transportation; Government Operations; Agriculture & Ecology.

Foreman, Dale -- Appropriations; Rules.

Fuhrman, Steve -- Natural Resources; Education; Commerce & Labor.

Goldsmith, Gene -- Higher Education; Government Operations; Commerce & Labor.

Grant, William -- Appropriations; Rules.

Hankins, Shirley -- Transportation; Capital Budget; Energy & Utilities.

Hargrove, Steve -- Appropriations; Government Operations; Commerce & Labor.

Hatfield, Brian -- Transportation; Education; Trade & Economic Development.

Hickel, Tim -- Appropriations; Law & Justice; Trade & Economic Development.

Honeyford, Jim -- Capital Budget; Government Operations; Agriculture & Ecology.

Horn, Jim -- Rules; Transportation; Commerce & Labor.

Huff, Tom -- Appropriations; Energy & Utilities; Financial Institutions & Insurance.

Hymes, Cheryl -- Finance; Health Care; Government Operations.

Jacobsen, Ken -- Higher Education; Appropriations; Natural Resources.

Johnson, Peggy -- Transportation; Education; Agriculture & Ecology.

Kessler, Lynn -- Energy & Utilities; Higher Education; Financial Institutions & Insurance.

Koster, John -- Transportation; Corrections; Agriculture & Ecology.

Kremen, Pete -- Energy & Utilities; Agriculture & Ecology; Rules.

Lambert, Kathy -- Appropriations; Children & Family Services; Law & Justice.

Lisk, Barbara -- Commerce & Labor; Appropriations.

Mason, Dawn -- Finance; Higher Education; Trade & Economic Development.

Mastin, Dave -- Agriculture & Ecology; Higher Education.

McMahan, Lois -- Transportation; Education; Law & Justice.

McMorris, Cathy -- Appropriations; Capital Budget; Agriculture & Ecology; Rules.

Mielke, Todd -- Energy & Utilities; Financial Institutions & Insurance; Rules.

Mitchell, Maryann -- Transportation; Capital Budget; Energy & Utilities.

Morris, Betty Sue -- Finance; Health Care; Law & Justice.

Mulliken, Joyce -- Finance; Higher Education; Government Operations.

Ogden, Val -- Capital Budget; Transportation.

Padden, Mike -- Law & Justice; Children & Family Services; Rules.

Patterson, Julie -- Transportation; Children & Family Services; Energy & Utilities.

Pelesky, Grant Owen -- Appropriation; Education; Financial Institutions & Insurance.

Pennington, John -- Finance; Capital Budget; Natural Resources.

Poulsen, Erik -- Appropriations; Education; Agriculture & Ecology.

Quall, Dave -- Corrections; Education; Transportation.

Radcliff, Renee -- Education; Corrections; Trade & Economic Development.

Reams, Bill H. -- Government Operations; Appropriations.

Regala, Debbie -- Capital Budget; Natural Resources; Agriculture & Ecology.

Robertson, Eric -- Transportation; Law & Justice; Agriculture & Ecology.

Romero, Sandra Singery -- Commerce & Labor; Transportation; Natural Resources.

Rust, Nancy -- Government Operations; Appropriations; Agriculture & Ecology.

Schmidt, Dave -- Transportation; Government Operations; Trade & Economic Development.

Schmidt, Karen -- Transportation; Corrections; Rules.

Schoesler, Mark G. -- Finance; Corrections; Agriculture & Ecology; Rules.

Scott, Patricia "Pat" -- Transportation; Government Operations; Rules.

Sehlin, Barry -- Capital Budget; Appropriations.

Sheahan, Larry -- Appropriations; Higher Education; Law & Justice; Rules.

Sheldon, Tim -- Trade & Economic Development; Natural Resources.

Sherstad, Mike -- Health Care; Corrections; Trade & Economic Development.

Silver, Jean -- Appropriations; Capital Budget.

Skinner, Mary -- Transportation; Health Care; Trade & Economic Development.

Smith, Scott -- Education; Law & Justice; Financial Institutions & Insurance.

Sommers, Helen -- Appropriations; Government Operations.

Stevens, Val -- Children & Family Services; Natural Resources; Trade & Economic Development; Rules.

Talcott, Gigi -- Appropriations; Education; Rules.

Thibaudeau, Pat --Children & Family Services; Appropriations.

Thomas, Brian -- Finance; Education; Natural Resources.

Thomas, Les -- Financial Institutions & Insurance; Capital Budget; Government Operations.

Thompson, Bill -- Education; Natural Resources; Commerce & Labor.

Tokuda, Kip -- Transportation; Children & Family Services; Corrections.

Valle, Georgette -- Appropriations; Capital Budget; Trade & Economic Development.

Van Luven, Steve -- Trade & Economic Development; Finance; Government Operations.

Veloria, Velma -- Education; Law & Justice; Trade & Economic Development.

Wolfe, Cathy -- Financial Institutions & Insurance; Appropriations; Government Operations.

POINT OF PERSONAL PRIVILEGE

Representative Romero: Thank you Mr. Speaker. I wanted the members to notice the apples that were so graciously donated by the Washington Apple Growers. This commemorates one great big deal in our state today. The first shipment of apples arrived in Japan for sale. It's going to really mean a lot for our Washington economy. I also wanted to say that we also received a delegation from the Heoko pre-fixture which came to visit the Legislature today and they were on board the famous Northwest flight which also commemorates the first for our state. So I really and truly hope you enjoy your apple and please remember what the symbolism is.

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m. Tuesday, January 10, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIRST DAY, JANUARY 9, 1995

JOURNAL OF THE HOUSE

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

SECOND DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, January 10, 1995

The House was called to order at 9:55 a.m. by the Speaker.

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

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

INTRODUCTIONS AND FIRST READING

HB 1056 by Representatives Schoesler, Chandler, Sheahan, Mulliken, Sheldon, Delvin, Foreman and Mastin

AN ACT Relating to insect control; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Agriculture and Ecology.

HB 1057 by Representatives Schoesler, Morris, B. Thomas, Delvin, Carlson, Hankins, Dyer, Sheldon, Casada, Chandler, L. Thomas, Fuhrman, Mulliken, Lisk, Cooke, Sheahan and Mastin

AN ACT Relating to changing the tax rates for canola; amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Ecology.

HB 1058 by Representatives Horn and Sheldon; by request of Liquor Control Board

AN ACT Relating to the repeal of liquor vendors' appeals as authorized by RCW 41.06.150; amending RCW 41.06.070; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1059 by Representatives Lisk and Sheldon; by request of Liquor Control Board

AN ACT Relating to improvements to the enforcement provisions of the Washington state liquor act; amending RCW 66.12.120; adding a new section to chapter 66.44 RCW; repealing 1990 c 125 s 3 (uncodified); and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1060 by Representatives Lisk and Sheldon; by request of Liquor Control Board

AN ACT Relating to improvements to the licensing sections of the Washington state liquor act; and amending RCW 66.24.010, 66.24.025, 66.24.210, 66.24.290, 66.24.300, 66.24.320, 66.24.330, and 66.24.490.

Referred to Committee on Commerce & Labor.

HB 1061 by Representatives Buck, Cairnes, Benton, Goldsmith, Thompson, Hatfield, D. Schmidt, Pennington, McMorris, Smith, Sheahan, Pelesky, McMahan, Tokuda, Schoesler, Boldt, Foreman and Kremen

AN ACT Relating to licenses; amending RCW 77.32.101; and creating a new section.

Referred to Committee on Natural Resources.

HB 1062 by Representatives Ballasiotes, Koster, Cooke, Schoesler, Morris, Boldt, Benton, Foreman, Sheldon, Kremen, Mastin, Lisk, Chandler and Carlson

AN ACT Relating to using juvenile serious violent offenses as criminal history for purposes of adult sentencing; and reenacting and amending RCW 9.94A.360.

Referred to Committee on Corrections.

HB 1063 by Representatives Padden and Mastin; by request of Law Revision Commission

AN ACT Relating to technical corrections; correcting multiple amendments; deleting obsolete provisions; reenacting and amending RCW 29.04.160, 49.60.030, 70.94.053, 70.94.055, and 75.30.120; reenacting RCW 50.62.030; creating a new section; and repealing RCW 43.19.640, 43.19.645, 43.19.650, 43.19.655, 43.19.660, 43.19.665, and 70.94.222.

Referred to Committee on Law and Justice.

HB 1064 by Representatives Padden and Appelwick; by request of Law Revision Commission

AN ACT Relating to correcting unconstitutional provisions relating to resident employees on public works; amending RCW 35A.40.200; and repealing RCW 39.16.005, 39.16.020, 39.16.030, and 39.16.040.

Referred to Committee on Law and Justice.

HB 1065 by Representatives Chandler, Lisk, Mastin, Schoesler, McMorris, Robertson, Chappell, Delvin, Honeyford, Koster, Clements, Boldt, Foreman and Kremen

AN ACT Relating to safety standards for agriculture; amending RCW 49.17.050; and declaring an emergency.

Referred to Committee on Agriculture and Ecology.

HB 1066 by Representatives Lisk, Dyer, R. Fisher, Cairnes, Grant, Chandler, Sheldon, Scott and Ballasiotes

AN ACT Relating to agreements regarding smoking in the workplace; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1067 by Representatives Schoesler, Grant, Hankins, Delvin, Mastin and Sheldon

AN ACT Relating to property tax reform; amending RCW 84.33.035 and 84.33.170; and creating a new section.

Referred to Committee on Natural Resources.

HJM 4002 by Representatives Buck, Goldsmith, Sherstad, D. Schmidt, Thompson, Sheahan, McMorris, Mulliken, McMahan, Hargrove, Pelesky, Schoesler, Benton, Sheldon and Johnson

Petitioning Congress for a balanced budget.

Referred to Committee on Government Operations.

HJM 4003 by Representatives Chandler, Lisk, Kremen, Mulliken, Mastin, Honeyford, Chappell, Clements, Schoesler, Robertson, Delvin, Boldt, Foreman and Johnson

Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods.

Referred to Committee on Agriculture and Ecology.

HJM 4004 by Representatives Chandler, Lisk, Schoesler, Mulliken, Robertson, Honeyford, Mastin, Clements, Chappell, Delvin, McMorris, Koster, Boldt and Foreman

Petitioning Congress to introduce legislation on pesticide use for minor crops.

Referred to Committee on Agriculture and Ecology.

MOTION

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

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The Clerk called the roll.

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

MESSAGES FROM THE SENATE

January 9, 1995

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same is herewith transmitted.

Marty Brown, Secretary

January 10, 1995

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8401,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4401,
SENATE CONCURRENT RESOLUTION NO. 8401,

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Joel Pritchard; President Pro Tempore, Lorraine Wojahn; Vice President Pro Tempore, Rosa Franklin; Majority Leader, Marc Gaspard; Minority Leader, Dan McDonald to seats on the rostrum.

Mr. Speaker: It is my pleasure at this time to turn the gavel and this Joint Session of the Legislature over to Lieutenant Governor Pritchard.

President: The Joint Session will be in order. The Clerk of the House will call the roll of members of the House.

The Clerk of the Senate will call the roll of members of the Senate.

Mr. President: The purpose of this Joint Session is to receive a message from his excellency, Governor Mike Lowry.

The President appointed Representatives Brumsickle and Mason; and Senators Sheldon and West to advise his excellency, Governor Mike Lowry and Mrs. Lowry, that the Joint Session has assembled and to escort him from his chambers to the bar of the House of Representatives.

The President appointed Representatives Sheahan, Hickel, Lambert, Costa, Cody and Senators Smith, A. Anderson, Roach and Johnson to escort the Supreme Court Justices from the State Reception Room to the House Chamber.

The President appointed Representatives Fuhrman, Cooke, Dickerson and Senators Fraser, Franklin, Morton, and Hochstatter to escort the Elected Officials from the State Reception Room to the House Chambers.

The Sergeant at Arms announced the arrival of the Justices of the Supreme Court.

The President of the Senate instructed the special committee to escort the Justices of the Supreme Court to the front of the House chamber.

The Sergeant at Arms announced the arrival of the Elected Officials.

The President of the Senate instructed the special committee to escort the Elected Officials to the front of the House chamber.

The President recognizes Governor Rosellini and Mrs. Rosellini.

The President introduced the foreign dignitaries with the Consular Corps of the State of Washington. Mr. Masaki Saito, Consul General from Japan and Dean of the Consular Corp of Washington State; Mr. Haisson Lee, Consul General from South Korea and Vice-Dean of the Consular Corps, and Mrs. Lee; Mr. Stephen Turner, Consul General from Great Britain; Mr. Bernard Gagosz, Consul General from Canada, and Mrs. Gagosz; Mr. Andreas Prothmann, Consul from Germany, and Mrs. Prothmann; Vicente Montemayor, Consul from Mexico, and Mrs. Montemayor; Mr. Georgi Vlaskin, Consul from Russia; Mr. H. T. Chen, Director General of Taiwan, and Mrs. Chen.

The President introduced the Blaine High School choir directed by Andy Harmening, they performed the National Anthem and a selection entitled "Sweet Freedom" by Mac Huff.

The Sergeant at Arms announced the arrival of his excellency, Governor Mike Lowry.

The President introduced Mrs. Lowry, and Governor Lowry's Mother.

The President instructed the special committee to escort the Governor to his place on the rostrum.

The Speaker of the House introduced the Governor of the State of Washington.

SPEAKER'S PRIVILEGE

It is a pleasure and honor to join with the President of the Senate, Joel Pritchard in introducing the Governor of the State of Washington. Governor Mike Lowry has served our great state with distinction. He continues to serve the people of Washington with uncommon dedication and commitment. Through out a career that has seen him work right here in the Legislative Committee process.

Served the people of King County on their County Council. Represent our State and the U. S. Congress and now providing leadership for all Washingtonians. As our Governor, Mike Lowry has remained a true, honest and steadfast servant of the people. In politics and government those of us in Public Service are judged both by our philosophies and our personal qualities. Well, we may not always share the same philosophy, it is our personal qualities that enables us to work together for the betterment of our state. From personal experience, I can ensure you that Mike Lowry is a man of honor. A man who is true to his beliefs and absolutely committed to what he believes to be the best interest of all citizens. Ladies and Gentlemen, I present to you the great state of Washington, Mike Lowry.

STATE OF THE STATE ADDRESS
GOVERNOR MIKE LOWRY
Jan. 10, 1995

Thank you Mr. Speaker, Mr. President, distinguished members of the Supreme Court, Governor Rosellini distinguished state elected officials, members of the legislature and citizens of the great State of Washington.

Thank you for the privilege of serving as your governor.

First, I know I speak for every person in the state in extending our condolences to the families and friends of the four Seattle firefighters who this week gave their lives in service. Our hearts and prayers go out to them.

I would like to begin by acknowledging the members of the Consular Corps of Washington, who are here today to representing many of the nations with which our state maintains bonds of friendship and of trade.

Your efforts help us create and expand markets in the rest of the world. To supply those markets, our people get up every morning and go to work to build the best airplanes, grow the best wheat and apples, design the best computer software, and develop a cure for cancer.

One in five jobs in Washington depends on trade. Trade sustains our economy and that economy in the past two years has put more Washingtonians to work than ever before. We welcome you and we value your friendship.

The history of Washington state is one of partnership, of people coming together to work for the progress of all the people of the state. It is a history of Democrats, Republicans and Independents, rising above short-term politics for the good of the state and more importantly for our children and grandchildren.

This ability to work together, to form partnerships for the common good, is our "Northwest Ethic." As Governor, I see examples of that ethic at work every day.

It is that kind of Ethic we've seen working in Hoquiam. When the Grays Harbor Paper Company closed, local officials and a private citizen, Bill Quigg, put together a team of business, labor, state and federal representatives with the citizens of Grays Harbor County got that pulp mill running again and saved 300 jobs. Bill Quigg could not be here today, but Hoquiam Mayor Phyllis Shrauger is. Please join me in congratulating Bill Quigg, Mayor Shrauger and their whole team for their leadership.

We saw another example of our Northwest Ethic at work in Central Washington last summer, when public employees and private citizens joined together in a massive effort to control the nation's largest forest fire. In less than 12 hours, our emergency response plan delivered to the scene more than 60 firefighting units and the end result was no loss of life and minimum loss of structures.

With us today is Ray Dobbs, of KOZI Radio on the shores of Lake Chelan. His station kept broadcasting the fire news 24 hours a day, providing critical information to the public. Also with us is Ed Small, Director of Emergency Services, and Richard Small, of Fire Protection Services. They represent the many fine state and other public employees who with Lands Commissioner Jennifer Belcher, Speaker Clyde Ballard, Senator George Sellar and Representative Dale Foreman worked night and day coordinating the massive response. We applaud you and all the people who worked with you.

This Northwest Ethic has made this a great state in which to live and raise a family. I am here to talk to you about continuing that Northwest Ethic of partnership for the good of the State of Washington.

I'd like you all to consider just how far that partnership has brought us in the past two years.

In two years:

We cut unemployment from 7.8% to 6.1%. A 23% reduction.

We cut growth in state staffing levels to less than zero, when for the past decade they had grown by an average of 5,000 positions every biennium.

We cut the sky-rocketing costs of health care. Two years ago state employee premiums were increasing faster than 11% a year. This year we changed that 11% increase to a 6% decrease for a saving millions of dollars.

These are only a few examples and we still have much to do but we are making excellent progress.

Government Efficiency

One message we've all heard loud and clear is that the voters want a smaller state government — one that operates efficiently and concentrates on top priorities. I agree and see this as one of our primary responsibilities.

The new budget I submitted to you last month takes additional steps to get government out of areas where it doesn't need to be, while focusing on such key priorities as private sector jobs, public safety, education and protection of our Natural Resources.

It also holds the number of state employees to less than existed when I took office in 1993 — a dramatic reversal of the trend established over the past decade.

Reducing state employment to its lowest level in years will require courage. We sometimes have to disagree with our friends. I know many of my friends certainly disagree with me on this subject. Nevertheless, the cutbacks must go forward. We will have a smaller government. We will have a better government.

The most important reason we are able to have a smaller, better government is the dedication of hard-working, skilled state employees. My admiration for them grows daily. I admire them for what they do and how well they do it — and without receiving a cost-of-living adjustment in their pay for the past two years. On behalf of everyone in this chamber, I want to say to the State Employees in this state, thank you for a job well done.

Regulatory Reform

Smaller and better government means more efficient and less intrusive regulations. This week, I sent to you legislation that among other things, directs state agencies to focus on helping businesses comply with necessary rules, rather than penalizing them for minor infractions.

And I have requested additional funding to help local governments better coordinate growth management planning with existing environmental laws. These recommendations come from 16 months of hard work by the Regulatory Reform Task Force. This Task Force comprised of State Legislators and Representatives from business, labor, agriculture, conservation groups, State Agencies and Local Governments, has produced significant regulatory reform. Working together has again brought meaningful progress. I congratulate and thank them.

Reducing duplication regulations without removing those that protect the environment and public health and safety will help make our state a better place to live, raise a family, and hold a good paying job.

Good paying jobs are the top priority of the Lowry Administration. If everyone in the state had a family-wage job, 95% of the problems we deal with would be resolved.

Since this time two years ago, our economy has created 70,000 net new jobs.

Despite a loss of 20,000 jobs in the Aerospace Industry and job losses in our timber and fishing communities, we nevertheless have 70,000 more people employed now than we did in 1992. That net growth in jobs is 10 times greater than the last time there were comparable Boeing cutbacks. Ten times greater.

But we cannot rest now. Investment incentives, regulatory reform, quality education, a quality environment safe communities are all important for a strong Washington economy.

I am offering for your approval a Manufacturing Tax Incentive that would create as many as 45,000 high-wage jobs in our state over the next four years, according to a report from the Association of Washington Business.

I am also putting before you a program to provide tax credits to companies that hire and train people now on Welfare. Over the next two years this measure would put 5,000 people to work at wages adequate to support their families and remove them permanently from the Welfare rolls. That's a good tax investment for the future that will pay for itself many times over.

It's easy to blame people on Welfare--or new immigrants--or anyone else having trouble securing a stable place in our society, where more and more good paying jobs are connected with getting a good--often technical--education. But the facts are that most people who have to ask the government for help are in their mid-40s and have recently lost their jobs. Many others are recently divorced single women with children. Mocking them, denying them aid, keeping their children from receiving medical care or going to school--does neither help them, nor does it help society. But providing them the tools to get a good job will help us all.

Public Education

Nothing the state does is more important for quality jobs and our society than education.

No state government investment is more important, and nearly one half of the General Fund Budget for the next two years will go to pay for schooling our youngsters.

For 20 years, young students have been staying after school for Aki Kurose's science club at Laurelhurst Elementary, where she teaches first grade. The 40-some youngsters in the club discuss science with University of Washington Physicists, Chemists, Zoologists and other Scientists. With Astronomers, they watched the meteor showers that recently stretched across our skies. Some former club members have now chosen careers in science.

In 1990, Ms. Kurose received the Presidential Award for excellence in teaching science and math for President George Bush. She is here today. Thank you, Aki; and will you please stand so we can thank you and the thousands of other educators in this state who daily make a difference in the lives of many, many children.

Because of a burgeoning population and the increasing educational demands of the job market, we expect a considerable rise in the number of students wanting to enter our excellent Higher Education system. Making sure that they have the chance for quality education is critically important to our top priority of family-wage jobs.

The Higher Education Tax Incentive that I am proposing would increase funding for student Financial Aid by nearly 50 percent. This will protect middle-income and lower-income families from being excluded from Higher-Education.

Altogether, I am asking you to approve measures that would increase the financial aid eligibility limits on family income that now, much too low \$17,000 a year to as much, in some cases, as \$55,000 a year.

We cannot afford to lose any of our leaders of tomorrow because they could not pay the cost of their education today.

Health Care

One thing we have done as a state that is also making a big difference in the lives of many children — and adults as well — is the adoption in 1993 of the Historic Washington Health Services Act.

In its first two years of existence, that new law will make 138,000 children from lower-income families eligible to receive health coverage — children who might otherwise be denied adequate care. And in our state, no one can be denied from health insurance because of a pre-existing condition or job change. Those are everyone in this chamber should be proud of. I am pleased to report that cost increases in private insurance claims have dropped to the lowest rate in seven years. An increases in insurance premiums for large companies in Washington state are about half the national average.

We must preserve the gains made under reform. We all need to keep working to achieve universal coverage and cost savings and we must not let special-interest lobbying keep us from that goal.

Natural Resources

We are the seventh fastest growing state in the nation. Every two years that increase equals the population of another Tacoma. As population grows, our sense of community comes under strain, as does our natural environment.

We have threatened watersheds, and polluted and overdrawn sources of ground water. Our choices are clear. We can restore our watersheds ourselves or we can wait and let the Federal Courts or Federal Government decide for us. Waiting would be a politically shortsighted decision.

I am seeking your approval of a Water Policy/Salmon plan to fund local watershed and restoration efforts. This measure protects the environment and leaves a lasting legacy for our future generations.

Crime

We must also continue our efforts to address the growing problem of crime in our many communities. Not just as governor, but as a father, a son, and a husband. I share the public's concern about crime and their anger at those who victimize innocent people.

I am asking in our Smart on Crime Initiative for tougher sentences for violent criminals. I remain unconvinced that we know how to cure the violence. Until we do, we must secure these people behind prison walls, and we must increase penalties for crimes committed with guns.

But we must also recognize that any realistic solution to our crime problems does not stop at the prison door. Anyone in law enforcement can tell you that criminal behavior is closely linked to joblessness, lack of education, domestic violence, fetal alcohol syndrome, and child abuse. The answer to these problems can be found in strong families and strong communities.

Last year, the Legislature approved the Youth Agenda designed to provide additional support in these areas. This year's Smart on Crime Initiative would strengthen Law Enforcement's ability to pick up runaways; support parents better, and increase their responsibility for their children. It would provide safe places to help troubled youth stay away from crime and violence, to protect them from abuse, and provide job training to those who need it. We all want to be tough on crime. To do that we also must be Smart on Crime.

Community Values

For two years, our Youth Agenda teams have been asking people: "What are the most important factors in the development of our youth?" The answer consistently has been that every child needs to know that there are adults who love them. Every child needs to know that there are adults who care.

The answer to our youth problems is in strong families, strong communities and adults who care. I grew up in a wonderful family in Eastern Washington. There were 14 in my High School graduating class. In our town everybody knew what everybody else was doing. Maybe we were snooty but we had a sense of community. Every once in awhile, I would get into trouble, but there were always adults who would ask, "Have you seen Mike today?" because they cared. Today we need that same caring.

Today, we must refuse to accept the Excuse that just because most of us now live in larger populations it is okay for us to ignore our responsibilities to our communities. Because it is Not. Everyone of us must make sure that each child in our community knows we care, — that each child knows we care today, and everyday in the future. That, more than anything else, is what we must put before political expediency.

Today, I am calling for a recommitment by all of us to community. A recommitment that will create family wage jobs; reduce crime; fight bigotry and discrimination; ensure health care; reduce traffic congestion; protect the environment and better the lives of our children.

None of these are partisan matters. They are above partisanship. They are the challenges our citizens expect us to meet. I know we can do that.

I know we can say "no" to partisan divisiveness and "yes" to working together for the common good of the state of Washington; "yes" to a Northwest Ethic of Partnership that will make our great state even greater.

Thank you for the honor of serving as your governor.

The President of the Senate instructed the special committee to escort the Governor and his wife to his Chambers.

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

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

MOTION

On Motion of Representative Foreman the Joint Session was dissolved.

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

The Speaker instructed the Sergeant at Arms of the House and the Senate to escort the President of the Senate, Joel Pritchard; President Pro Tempore, Lorraine Wojahn; Vice President Pro Tempore, Rosa Franklin, Majority

Leader, Marc Gaspard; Minority Leader, Dan McDonald and members of the Washington State Senate from the House Chamber.

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

MOTION

On motion of Representative Foreman, the House adjourned until 10:00 a.m. Wednesday, January 11, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SECOND DAY, JANUARY 10, 1995

JOURNAL OF THE HOUSE

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

THIRD DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Wednesday, January 11, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dan Metcalf and Sean Veley. Prayer was offered by Father Robert Spitzer, Seattle University.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington 98504

Mr. Speaker:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 164, originally filed with this office on August 2, 1994. On December 30, 1994, the sponsor of the proposed initiative filed 15,282 petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 231,872 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 164 to you at this time. We expect to complete verification of signatures no later than February 13, 1995 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 10th day of January, 1995.

(Seal)

Ralph Munro, Secretary of State

INITIATIVE 164

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 164 to the Legislature is a true and correct copy as it was received by this office.

INITIATIVE MEASURE NO. 164

AN ACT Relating to regulation of private property; adding a new chapter to Title 64 RCW.

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

NEW SECTION. Sec. 1. This act is intended to provide remedies to property owners in addition to any constitutional rights under the state and/or federal constitutions and is not intended to restrict or replace any constitutional rights.

NEW SECTION. Sec. 2. This act shall be known as the private property regulatory fairness act.

NEW SECTION. Sec. 3. A regulation of private property or restraint of land use by a governmental entity is prohibited unless a statement containing a full analysis of the total economic impact in private property of such regulation or restraint is prepared by the entity and made available to the public at least thirty days prior to adoption of the regulation or imposition of the restraint. Such statement shall identify the manner in which the proposed action will substantially advance the purpose of protecting public health and safety against identified public health or safety risks created by the use of private property, and analyze the economic impact of all reasonable alternatives to the regulation or restraint. Should the governmental entity choose to adopt a proposed regulation or restraint on the use private property, the governmental entity shall adopt the regulation or restraint that has the least possible impact on private property and still accomplishes the necessary public purpose.

NEW SECTION. Sec. 4. (1) A portion or parcel of private property shall be considered to have been taken for general public use when:

(a) a governmental entity regulates or imposes a restraint of land use on such portion or parcel of property for public benefit including wetlands, fish or wildlife habitat, buffer zone, or other public benefit designations; and

(b) no public nuisance will be created absent the regulation; and

(2) When private property is taken for general public use, the regulating agency or jurisdiction shall pay full compensation of reduction in value to the owner, or the use of the land by the owner may not be restricted because of the regulation or restraint. The jurisdiction may not require waiving this compensation as a condition of approval of use or another permit, nor as a condition for subdivision of land.

(3) Compensation must be paid to the owner of a private property within three months of the adoption of a regulation or restraint which results in a taking for general public use.

(4) A governmental entity may not deflate the value of property by suggesting or threatening a designation to avoid full compensation to the owner.

(5) A governmental entity that places restrictions on the use of public or private property which deprive a landowner of access to his or her property must also provide alternative access to the property at the governmental entity's expense, or purchase the inaccessible property.

(6) The assessor shall adjust property valuation for tax purposes and notify the owner of the new tax valuation, which must be reflected and identified in the next tax assessment notice.

(7) The state is responsible for the compensation liability of other governmental entities for any action which restricts the use of property when such action is mandated by state law or any state agency.

(8) Claims for compensation as a result of a taking of private property under this act must be brought within the time period specified in RCW 4.16.020.

NEW SECTION. Sec. 6. No governmental entity may require any private property owner to provide or pay for any studies, maps, plans, or reports used in decisions to consider restricting the use of private property for public use.

NEW SECTION. Sec. 7. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Full compensation" means the reduction in the fair market value of the portion or parcel of property taken for general public use which is attributable to the regulation or restraint. Such reduction shall be measured as of the date of adoption of the regulation or imposition of restraint on the use of private property.

(2) "Governmental entity" means Washington state, state agencies, agencies and commissions funded fully or partially by the state, counties, cities, and other political subdivisions.

(3) "Private property" means -

(a) land;

(b) any interest in land or improvements thereon;

(c) any proprietary water right;

(d) Any crops, forest products, or resources capable of being harvested or extracted that is owned by

a non-governmental entity and is protected by either the Fifth or Fourteenth Amendments to the U.S. Constitution or the Washington State Constitution.

(4) "Restraint of land use" means any action, requirement, or restriction by a governmental entity, other than actions to prevent or abate public nuisances, that limits the use or development or private property.

NEW SECTION. Sec. 8 This act may be enforced in Superior Court against any governmental entity which fails to comply with the provisions of this act by any owner of property subject to the jurisdiction of such entity. Any prevailing plaintiff is entitled to recover the costs of litigation, including reasonable attorney's fees.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 64 RCW.

Initiative Number 164 was referred to the Committee on Government Operations.

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

INTRODUCTIONS AND FIRST READING

HB 1068 by Representatives Brumsickle, Chappell and Radcliff

AN ACT Relating to preserving port district debt limits; and amending RCW 53.36.030.

Referred to Committee on Government Operations.

HB 1069 by Representatives Delvin, Wolfe, Mielke, Ebersole, Ballasiotes, Sheldon, Mastin, Carlson, McMorris, Carrell, Robertson, Hickel, Sheahan, Reams, Benton, Padden, Boldt, Hargrove, Chandler, McMahan, Cairnes, Clements, Chappell, Buck, Campbell, L. Thomas, Johnson, Backlund, Cooke, Conway, Kessler, Costa, Mulliken, Kremen, Dickerson, Quall, Basich, Fuhrman, Morris, Huff, Mitchell, Honeyford, Pennington, Elliot, Schoesler, D. Schmidt, Dyer and Appelwick

AN ACT Relating to exceptions to restrictions on carrying firearms; and amending RCW 9.41.060.

Referred to Committee on Law and Justice.

HB 1070 by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp; by request of Office of Financial Management

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for the capital improvements; creating new sections; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1071 by Representatives Sehlin, Ogden and Dellwo; by request of Office of Financial Management

AN ACT Relating to general obligation bonds; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1072 by Representatives Chappell, Mastin, Chandler, Pennington, Brumsickle, Clements, Campbell, Kremen, Benton, Smith, Boldt, Conway, Romero, Costa, Sheldon, Hargrove, Quall, Basich and Morris

AN ACT Relating to assault; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1073 by Representatives Chappell, Patterson and Brumsickle

AN ACT Relating to arrests by enforcement officers of the Washington state liquor control board; and amending RCW 10.88.330.

Referred to Committee on Law and Justice.

HB 1074 by Representatives Chappell, Brumsickle, Mastin, Chandler, Campbell, Costa and Quall

AN ACT Relating to revoking drivers' licenses; and amending RCW 46.20.285.

Referred to Committee on Transportation.

HB 1075 by Representatives Chappell, Brumsickle, Mastin, Chandler, Campbell, Clements, Kremen, Conway, Patterson, Costa, Sheldon, Hargrove and Mielke

AN ACT Relating to the motorcycle safety education account; and amending RCW 46.68.065.

Referred to Committee on Transportation.

HB 1076 by Representatives Sehlin and Ogden; by request of Interagency Committee for Outdoor Recreation

AN ACT Relating to changing interagency committee for outdoor recreation accounts and accounting procedures; amending RCW 43.99.030, 43.99.040, 43.99.060, 43.99.070, 43.99.080, 43.99.095, 43.99.120, and 46.09.170; adding a new section to chapter 43.99 RCW; adding a new section to chapter 46.09 RCW; and repealing RCW 43.99.144 and 43.99.150.

Referred to Committee on Capital Budget.

HB 1077 by Representatives Quall, Lambert, Chandler, Basich, Mielke, Mastin, Kremen, Veloria, Dyer, Hatfield, Campbell, Kessler, Costa, Cody, Sheldon, Poulsen, Mason, Dickerson, Regala, Morris, Chopp, Patterson and Tokuda

AN ACT Relating to sales by nonprofit organizations; amending RCW 82.04.365; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Finance.

HB 1078 by Representatives Ogden, Carlson, Casada, Cole, Quall, Benton, Pennington, Thibaudeau, Cooke, Boldt and Huff

AN ACT Relating to the instruction in Braille reading and writing to blind students; and adding new sections to chapter 28A.155 RCW.

Referred to Committee on Education.

HB 1079 by Representatives Ogden, Carlson, Campbell, Conway, Kremen, Basich and Patterson

AN ACT Relating to premium reductions for older insureds who complete an accident prevention course; and amending RCW 48.19.460.

Referred to Committee on Financial Institutions & Insurance.

HB 1080 by Representatives Pennington, Chappell, McMorris, Carlson, Benton, McMahan, B. Thomas, Clements, Brumsickle, Boldt, Hatfield, Buck, Campbell, Delvin, Johnson, Sheldon, Mulliken, Kessler, Basich, Fuhrman, Morris, Huff, Honeyford, Chandler, Elliot, Schoesler and Sheahan

AN ACT Relating to exempting certain nonurban areas from outdoor burning permit requirements; and amending RCW 70.94.745.

Referred to Committee on Agriculture and Ecology.

HB 1081 by Representatives Radcliff, Blanton, Costa, Koster, Ballasiotes, Cole, Dickerson, Basich and Mitchell; by request of Department of Corrections

AN ACT Relating to sentences for additional crimes by felons; amending RCW 9.94A.200 and 9.94A.400; and prescribing penalties.

Referred to Committee on Corrections.

HB 1082 by Representatives Cooke, Sommers, Carlson, Dellwo, Sehlin, Kessler, Valle, Romero, Cody and Basich

AN ACT Relating to the calculation of excess compensation for retirement purposes; and amending RCW 41.50.150.

Referred to Committee on Appropriations.

HB 1083 by Representatives Carlson, Sommers, Sehlin, Cooke, Dellwo, Regala, Campbell, Conway, Kessler, Valle, Romero, Wolfe, Costa, Cody, Veloria, Mastin, Sheldon, Thibaudeau, Kremen, Dickerson, Poulsen, Mason, Scott, Quall, Basich, Morris, Chopp, Patterson, Appelwick and Tokuda

AN ACT Relating to cost-of-living allowances for retirement purposes; reenacting and amending RCW 41.32.010 and 41.40.010; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; creating a new section; repealing RCW 41.32.487, 41.32.4871, 41.32.488, 41.32.499, 41.32.575, 41.40.195, 41.40.198, 41.40.1981, 41.40.1983, and 41.40.325; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1084 by Representatives Sehlin, Carlson, Sommers, Cooke, Dellwo, Campbell, L. Thomas, Kessler, Valle, Costa, Cody, Veloria, Mastin, Thibaudeau, Kremen, Mason, Scott, Morris, Honeyford and Appelwick

AN ACT Relating to death benefits under the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.510 and 41.26.540; and declaring an emergency.

Referred to Committee on Appropriations.

MOTION

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

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m. Thursday, January 12, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

THIRD DAY, JANUARY 11, 1995

JOURNAL OF THE HOUSE

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

FOURTH DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Thursday, January 12, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

January 11, 1995

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same is herewith transmitted.

Marty Brown, Secretary

With the consent of the House, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 1085 by Representatives Lisk, Honeyford, McMorris, Koster, Schoesler, Brumsickle, Casada, Blanton, Mulliken, Stevens, Johnson, Horn, Huff, Silver, Foreman, Mitchell, Hickel, Sherstad, Backlund, Benton, Mielke and Elliot

AN ACT Relating to determining unemployment insurance contribution rates; amending RCW 50.16.094, 50.22.090, 50.29.020, and 50.29.062; reenacting and amending RCW 50.29.025; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1086 by Representatives Hickel and Appelwick; by request of Law Revision Commission

AN ACT Relating to personal property liens and security interests; amending RCW 61.12.162, 19.32.170, 60.08.040, 60.10.020, 60.10.040, 60.10.050, 60.34.040, 60.36.020, 60.36.050, 60.52.040, 60.72.040, 61.16.010, 61.16.020, and 61.16.030; adding new sections to chapter 60.10 RCW; recodifying RCW 61.12.162; decodifying RCW 61.12.164 and 61.12.165; and repealing RCW 61.16.060.

Referred to Committee on Law and Justice.

HB 1087 by Representatives Hickel and Appelwick; by request of Law Revision Commission

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

Referred to Committee on Law and Justice.

HB 1088 by Representatives Hatfield, Ballasiotes, Kessler, Poulsen, Sheldon, Schoesler, Brumsickle, Blanton, Campbell, Pennington, Costa, Sherstad and Benton

AN ACT Relating to sex offenders; amending RCW 9.94A.030, 9A.44.130, and 9A.44.140; and creating a new section.

Referred to Committee on Corrections.

HB 1089 by Representatives L. Thomas, Blanton, Campbell and D. Schmidt

AN ACT Relating to late campaign contributions; and amending RCW 42.17.105.

Referred to Committee on Government Operations.

HB 1090 by Representative L. Thomas

AN ACT Relating to special permits for miniature boilers; and amending RCW 70.79.070.

Referred to Committee on Commerce & Labor.

HB 1091 by Representatives Brumsickle, B. Thomas and Cole; by request of Joint Select Committee on Education Restructuring

AN ACT Relating to the recommendations of the joint select committee on education restructuring; amending RCW 28A.150.360, 28A.150.370, 28A.150.380, 28A.215.010, 28A.215.040, 28A.625.010, 28A.625.050, 28A.630.868, 28A.630.870, 28A.630.874, 28A.630.880, 28A.205.050, 28A.630.400, 28A.170.075, 28A.170.090, 28A.610.010, 28A.610.020, 28A.610.030, 28A.215.020, 28A.215.030, 28A.215.050, 28A.405.120, 28A.415.105, 28B.90.005, 28A.215.170, 28A.320.200, 28A.330.100, 28A.400.306, 28A.630.885, 28A.630.952, 28A.650.015, 28A.180.080, 28A.225.220, 28A.225.250, and 28A.335.160; reenacting and amending RCW 28A.315.680; adding new sections to chapter 28A.410 RCW; adding a new chapter to Title 28B RCW; creating new sections; recodifying RCW 28A.405.010, 28A.405.025, 28A.610.010, 28A.610.020, 28A.610.030, 28A.610.040, and 28A.610.050; repealing RCW 28A.310.380, 28A.170.010, 28A.170.020, 28A.170.030, 28A.170.040, 28A.170.060, 28A.170.070, 28A.175.060, 28A.210.050, 28A.225.190, 28A.405.150, 28A.405.160, 28A.415.290, 28A.630.090, 28A.630.091, 28A.630.750, 28A.630.753, 28A.630.756, 28A.630.759, 28A.630.762, 28A.630.765, 28A.630.768, 28A.630.771, 28A.630.774, 28A.630.777, 28A.630.780, 28A.630.783, 28A.630.786, 28A.630.789, 28A.630.800, 28A.175.070, 28A.210.005, 28A.215.300, 28A.215.310, 28A.215.320, 28A.215.330, 28A.234.010, 28A.175.020, 28A.175.030, 28A.175.040, 28A.175.050, 28A.240.010, 28A.240.020, 28A.240.030, 28A.300.110, 28A.300.180, 28A.300.200, 28A.415.110, 28A.415.115, 28A.415.220, 28A.600.425, 28A.600.430, 28A.600.435, 28A.600.440, 28A.600.445, 28A.600.450, 28A.615.060, 28A.625.300, 28A.630.070, 28A.630.075, 28A.630.300, 28A.630.320, 28A.630.330, 28A.630.390, 28A.415.120, 28A.205.060, 28A.225.180, 28A.225.320, 28A.300.210, 28A.335.310, 28A.340.050, 28A.170.100, 28A.175.080, 28A.180.050, 28A.180.070, 28A.415.050, 28A.400.150, 28A.405.070, and 28A.405.460; and providing expiration dates.

Referred to Committee on Education.

HB 1092 by Representative Dellwo; by request of Law Revision Commission

AN ACT Relating to creating unified judicial and nonjudicial foreclosure procedures for real property mortgages, deeds of trust, and real estate contracts; amending RCW 6.13.080, 6.17.070, 6.21.030, 6.21.040, 6.21.110, 6.21.120, 6.23.010, and 6.23.020; adding new sections to chapter 61.24 RCW; adding new chapters to Title 61 RCW; creating new sections; repealing RCW 61.12.040, 61.12.050, 61.12.060, 61.12.061, 61.12.070, 61.12.080, 61.12.090, 61.12.093, 61.12.094, 61.12.095, 61.12.100, 61.12.110, 61.12.120, 61.12.130, 61.12.140, 61.12.150, 61.24.010, 61.24.020, 61.24.030, 61.24.040, 61.24.045, 61.24.050, 61.24.060, 61.24.070, 61.24.080, 61.24.090, 61.24.100, 61.24.110, 61.24.120, 61.24.130, 61.30.010, 61.30.020, 61.30.030, 61.30.040, 61.30.050, 61.30.060, 61.30.070, 61.30.080, 61.30.090, 61.30.100, 61.30.110, 61.30.120, 61.30.130, 61.30.140, 61.30.150, 61.30.160, 61.30.900, 61.30.905, 61.30.910, and 61.30.911; and providing an effective date.

Referred to Committee on Law and Justice.

HB 1093 by Representatives K. Schmidt, Johnson, Romero and Wolfe; by request of Department of General Administration

AN ACT Relating to streamlining purchasing provisions for state agencies including Washington state ferries; amending RCW 43.19.1906, 43.19.1911, and 47.60.140; and repealing RCW 47.60.651, 47.60.653, 47.60.655, 47.60.657, 47.60.659, and 47.60.661.

Referred to Committee on Transportation.

HB 1094 by Representatives K. Schmidt, R. Fisher, Brumsickle, Romero, Wolfe, Mason, Brown and Kremen; by request of Department of General Administration

AN ACT Relating to state agency commute trip reduction programs; amending RCW 43.01.230, 43.01.225, 46.08.172, and 43.99H.070; and adding new sections to chapter 43.01 RCW.

Referred to Committee on Transportation.

HB 1095 by Representatives Honeyford, Chandler, Mastin, Kremen, Koster, Chappell, Delvin, Schoesler, McMorris, Robertson, Clements, Brumsickle, Casada, Mulliken, Stevens, Johnson, Foreman and Mielke

AN ACT Relating to agriculture funds and accounts interest; reenacting and amending RCW 43.84.092 and 43.79A.040; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture and Ecology.

HB 1096 by Representatives Padden, Appelwick and Hickel

AN ACT Relating to clarifying the Washington limited liability company act by amending RCW 25.15.005, 25.15.045, 25.15.060, 25.15.085, 25.15.130, 25.15.220, 25.15.250, 25.15.280, 25.15.310, and 24.06.045; amending RCW 25.15.005, 25.15.045, 25.15.060, 25.15.085, 25.15.130, 25.15.220, 25.15.250, 25.15.280, 25.15.310, and 24.06.045; and declaring an emergency.

Referred to Committee on Law and Justice.

HB 1097 by Representatives Sheahan, Appelwick and Padden

AN ACT Relating to the waiver or cancellation of penalties for certain estate tax returns; and amending RCW 83.100.070.

Referred to Committee on Law and Justice.

HB 1098 by Representatives Chappell, Chandler, Mastin, Brumsickle, Boldt, Lisk, Schoesler, Robertson, Sehlin, Clements, Foreman, Pennington, Stevens, Delvin and Mielke

AN ACT Relating to false writings or statements concerning the food production industry; amending RCW 4.16.080; adding a new section to chapter 4.24 RCW; adding a new chapter to Title 7 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture and Ecology.

HB 1099 by Representatives Scott, Appelwick, Padden, Campbell, Sherstad and Benton

AN ACT Relating to human immunodeficiency virus testing for persons arrested for prostitution and patronizing a prostitute; reenacting and amending RCW 9A.36.021; adding a new section to chapter 9A.88 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1100 by Representatives Scott, Appelwick, Padden, Honeyford, Brumsickle, Silver, Campbell, Mitchell, Hickel, Costa and Sherstad

AN ACT Relating to notice of actions against a juvenile's driver's license; and amending RCW 46.20.292.

Referred to Committee on Law and Justice.

HB 1101 by Representatives Hymes, Quall, Pennington, Kremen, Sehlin, Goldsmith, Skinner and Campbell

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050, 82.04.290, and 82.04.2201; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1102 by Representatives Sheldon, Johnson, Basich, Hargrove, Hatfield, Koster, Quall, Goldsmith, Kessler, Kremen and Buck

AN ACT Relating to tax exemptions for food fish or shellfish; amending RCW 82.27.030; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1103 by Representatives Sheldon, Johnson, Sommers and Silver

AN ACT Relating to emergency school construction; making an appropriation; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1104 by Representatives McMorris, Campbell, Pennington, Mulliken, Koster, Sheldon, Padden, Kremen, Smith, Chandler, Honeyford, Hargrove, McMahan, Benton, D. Schmidt, Chappell, Thompson, Fuhrman, Delvin, Schoesler, Casada, Blanton, Stevens, Johnson, Huff, Foreman, Hymes, Sherstad, Robertson, Backlund, L. Thomas, Mielke, Cairnes, Elliot, Goldsmith and Buck

AN ACT Relating to carrying a firearm; and amending RCW 9.41.050.

Referred to Committee on Law and Justice.

HB 1105 by Representatives Reams, Rust, L. Thomas, Wolfe, R. Fisher, Chopp and Scott; by request of Governor Lowry

AN ACT Relating to the rule-making process; amending RCW 34.05.310, 34.05.313, 34.05.325, 34.05.330, 34.04.375, and 19.85.030; adding new sections to chapter 34.05 RCW; adding a new section to chapter 19.85 RCW; and repealing RCW 34.05.355.

Referred to Committee on Government Operations.

HB 1106 by Representatives Reams, Rust, Goldsmith, Kremen, Wolfe, R. Fisher, Chopp and Scott; by request of Governor Lowry

AN ACT Relating to voluntary compliance with agency rules consistent with the recommendations of the governor's task force on regulatory reform; amending RCW 18.104.155, 49.17.180, 70.94.431, 70.105.080, 70.132.050, 70.138.040, 86.16.081, 90.03.600, 90.48.144, 90.58.210, 90.58.560, and 90.76.080; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Government Operations.

HB 1107 by Representatives Reams, Rust, Goldsmith, Kremen, Wolfe, R. Fisher and Chopp; by request of Governor Lowry

AN ACT Relating to the elimination and consolidation of boards and commissions; amending RCW 13.40.025, 9.94A.040, 18.16.020, 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.39.800, 18.130.095, 68.05.020, 68.05.095, 68.05.105, 68.05.175, 68.05.195, 68.05.205, 68.05.285, 68.24.090, 68.40.040, 68.44.115, 68.46.010, 68.46.090, 68.46.110, 68.46.130, 68.50.230, 68.60.030, 68.60.050, 68.60.060,

18.44.010, 18.44.240, 18.44.360, 18.44.380, 18.145.030, 18.145.050, 18.145.070, 18.145.080, 19.16.100, 19.16.360, 19.16.380, 19.16.420, 28B.10.804, 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937, 43.19A.020, 43.21B.005, 75.20.103, 75.20.160, 43.20A.750, 43.70.010, 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121, 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060, 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110, 75.44.140, and 90.70.065; reenacting and amending RCW 38.52.030, 82.44.180, and 75.30.050; adding a new section to chapter 9.94A RCW; adding a new section to chapter 18.44 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035, 2.52.040, 2.52.050, 18.16.050, 68.05.040, 68.05.050, 68.05.060, 68.05.080, 68.05.100, 18.44.208, 18.44.215, 18.145.060, 19.16.280, 19.16.290, 19.16.300, 19.16.310, 19.16.320, 19.16.330, 19.16.340, 19.16.351, 27.34.300, 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 75.20.130, 75.20.140, 43.31.631, 43.52.373, 70.170.030, 70.170.040, 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300, 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050, 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040, 81.62.050, 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s 6 (uncodified); providing effective dates; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1108 by Representatives Reams, Rust, L. Thomas and Wolfe; by request of Governor Lowry

AN ACT Relating to the reauthorization of the Puget Sound water quality authority; amending RCW 90.70.011, 90.70.025, 90.70.055, and 90.70.065; repealing RCW 90.70.035, 90.70.045, 90.70.902, 43.131.369, and 43.131.370; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1109 by Representatives Ballasiotes, Quall, Morris, Cole, Mastin, Blanton, Koster, Tokuda, Kremen, Honeyford, Schoesler, Brumsickle, Casada, Mulliken, Stevens, Johnson, Huff, Smith, Silver, Foreman, Campbell, Hymes, Costa, Kessler, Sherstad, Carlson, Backlund, Benton, Mielke and Elliot; by request of Department of Corrections

AN ACT Relating to health care services for offenders; amending RCW 72.10.020; and creating a new section.

Referred to Committee on Corrections.

MOTION

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

MOTIONS

On motion of Representative Foreman, the House advanced to the eighth order of business.

On motion of Representative Foreman, House Bill No. 1074 was rereferred from the Committee on Transportation to the Committee on Law & Justice.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m. Friday. January 13, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FOURTH DAY, JANUARY 12, 1995

JOURNAL OF THE HOUSE

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

FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 13, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

INTRODUCTIONS AND FIRST READING

HB 1110 by Representatives Buck, Fuhrman, Pennington, Silver, Johnson, Brumsickle, Stevens, Hargrove and Benton

AN ACT Relating to the department of natural resources; and adding a new section to chapter 43.30 RCW.

Referred to Committee on Natural Resources.

HB 1111 by Representatives Casada, Kessler, Chandler, Kremen, Horn, Patterson, Mielke, G. Fisher, Campbell, Mitchell, Grant, Huff and Basich

AN ACT Relating to promoting competition for long distance telecommunications; adding new sections to chapter 80.36 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1112 by Representatives Silver, Sommers, Romero, Wolfe, Huff, Stevens, Johnson, Brumsickle and Mason; by request of Department of General Administration

AN ACT Relating to clarifying and streamlining use of funds within the department of general administration; and amending RCW 4.92.220, 39.32.010, 39.32.020, 39.32.035, and 39.32.040.

Referred to Committee on Appropriations.

HB 1113 by Representatives Campbell, Hargrove, Smith, Chappell, D. Schmidt, Schoesler and Ballasiotes

AN ACT Relating to filing initiative petitions; and amending RCW 29.79.020.

Referred to Committee on Government Operations.

HB 1114 by Representatives Campbell, Smith, Sheldon, Schoesler and Sherstad

AN ACT Relating to health services; amending RCW 70.47.010, 70.47.020, 70.47.060, 41.05.011, 41.05.065, 41.05.190, 47.64.270, 41.05.022, 41.05.220, 48.01.210, 48.14.0201, 82.04.322, 18.130.320, 18.130.330, 43.70.510, 43.70.520, 43.72.810, 82.24.020, 82.08.150, 66.24.290, and 70.41.250; reenacting and amending RCW 42.17.2401; adding new sections to chapter 43.131 RCW; adding a new section to Title 48 RCW; repealing RCW 18.130.330, 28B.125.010, 41.05.200, 70.170.100, 70.170.110, 70.170.120, 70.170.130, 70.170.140, 48.01.200, 43.70.510, 43.70.520, 43.72.005, 43.72.010, 43.72.020, 43.72.060, 43.72.030, 43.72.040, 43.72.050, 43.72.070, 43.72.080, 48.43.160, 43.72.090, 43.72.100, 43.72.110, 43.72.120, 48.43.170, 48.43.010, 48.43.020, 48.43.030, 48.43.040, 48.43.050, 48.43.060, 48.43.070,

48.43.080, 48.43.090, 48.43.100, 48.43.110, 48.43.120, 48.43.130, 48.43.140, 48.43.150, 43.72.300, 43.72.310, 43.72.130, 43.72.140, 43.72.150, 43.72.160, 43.72.170, 43.72.180, 43.72.190, 43.72.200, 43.72.800, 43.72.210, 43.72.220, 43.72.230, 43.72.240, 43.72.810, 43.72.820, 43.72.830, 43.72.840, 43.72.850, and 43.72.870; repealing 1993 c 492 s 101 (uncodified); repealing 1993 c 492 s 102 (uncodified); repealing 1993 c 492 s 264 (uncodified); repealing 1993 c 492 s 482 (uncodified); and repealing 1993 c 492 s 484 (uncodified).

Referred to Committee on Health Care.

HB 1115 by Representatives Campbell, Robertson, Smith, Hargrove, Chappell, Sheldon, Kremen, Sheahan, D. Schmidt, Padden, Schoesler, Crouse, Basich and Sherstad

AN ACT Relating to firearm range training and practice facilities; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Law and Justice.

HB 1116 by Representatives Valle, B. Thomas, Poulsen, Morris, Sommers, Dickerson, R. Fisher, Regala, Basich, Patterson, Jacobsen, Cole, Hatfield and Mason

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

Referred to Committee on Government Operations.

HB 1117 by Representatives Lambert, Costa, Blanton, Silver, Ballasiotes, Backlund, Robertson, Boldt, Buck, Thompson, Hargrove and Huff

AN ACT Relating to penal institutions; and amending RCW 9.94.010, 9.94.020, 9.94.030, 9.94.040, and 9.94.041.

Referred to Committee on Law and Justice.

HB 1118 by Representatives Valle, Reams, Poulsen, Regala, L. Thomas, Smith, Honeyford and Basich

AN ACT Relating to state investment board membership; and amending RCW 43.33A.020.

Referred to Committee on Appropriations.

HB 1119 by Representatives Van Luven, Sheldon, Radcliff, Wolfe, Basich, G. Fisher, Kremen and Campbell; by request of Governor Lowry

AN ACT Relating to sales and use tax on manufacturing machinery and equipment, pollution control equipment, and high technology research and development; amending RCW 82.04.190, 82.60.070, 82.61.010, and 82.63.010; reenacting and amending RCW 82.60.020; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.63 RCW; creating new sections; repealing RCW 82.61.020, 82.61.030, 82.61.040, 82.63.040, and 82.63.050; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1120 by Representatives Backlund, Chappell, Sheldon, Campbell, Sherstad, Mielke, Schoesler, McMorris, Hickel, D. Schmidt, Elliot, Robertson, Goldsmith, Honeyford, L. Thomas, Basich, Hymes, Huff, Lambert, Crouse, Foreman, Blanton, Johnson, Casada, Smith, Mulliken, McMahan, Boldt, Buck, Stevens, Thompson, Hargrove, Mitchell, Kremen and Benton

AN ACT Relating to performance audits conducted by the state auditor; amending RCW 43.88.160 and 43.88.090; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Government Operations.

HB 1121 by Representatives Backlund, Chappell, Sheldon, Campbell, Sherstad, Hickel, McMorris, Mielke, D. Schmidt, Schoesler, Elliot, Robertson, Goldsmith, Honeyford, L. Thomas, Basich, Hymes, Huff,

Lambert, Crouse, Ballasiotes, Smith, McMahan, Boldt, Buck, Thompson, Koster, Mitchell, Kremen and Benton

AN ACT Relating to performance audits conducted by the state auditor; amending RCW 43.88.160 and 43.88.090; creating new sections; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1122 by Representatives Sommers, Brumsickle, Cole, Veloria, Chopp, Fuhrman, Regala, Basich, Rust, Kremen, Dickerson, Poulsen and Mason

AN ACT Relating to common school construction funding; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1123 by Representatives Sheldon, Van Luven, Horn, Campbell, Foreman, Mason, Hatfield, Ballasiotes, Kremen, Conway, K. Schmidt, D. Schmidt, Grant, Sheahan, Chopp, Schoesler, Morris, Koster, Thibaudeau, Talcott, Valle, Wolfe, L. Thomas, Casada, Boldt, Sherstad, Huff and Mitchell

AN ACT Relating to international trade; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1124 by Representatives Hatfield, Pennington, Basich, Sheldon, Kessler, Blanton and Kremen

AN ACT Relating to the sale of salmon and salmon eggs by the department of fish and wildlife; amending RCW 75.08.230; adding a new section to chapter 75.50 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1125 by Representatives Kessler, Casada, Chandler, Kremen, Patterson, Mastin, Morris, Quall, Foreman, L. Thomas, Brumsickle, Buck, Huff and Schoesler

AN ACT Relating to dam safety inspections; amending RCW 43.21A.064, 86.16.025, 90.03.350, and 90.03.370; reenacting and amending RCW 86.16.035; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Energy & Utilities.

HB 1126 by Representatives Cooke, Thibaudeau, Van Luven, Patterson, Brown, Wolfe, Silver, L. Thomas, Backlund, Robertson, Sherstad, Huff and Mason; by request of Governor Lowry

AN ACT Relating to public assistance recipient job training programs and employer business and occupation and utility tax credit incentives; adding a new chapter to Title 82 RCW; adding a new chapter to Title 74 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1127 by Representatives Cooke, Thibaudeau, Lambert, Patterson, Brown and Wolfe; by request of Governor Lowry

AN ACT Relating to job opportunities and basic skills training program participation criteria; and amending RCW 74.25.020.

Referred to Committee on Children & Family Services.

HB 1128 by Representatives Blanton, Costa, Koster, Ballasiotes, Cole, Quall, Tokuda, Padden, L. Thomas, Basich and Dickerson; by request of Department of Corrections

AN ACT Relating to admissibility in court of records certified by the secretary of corrections or his or her designee; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Corrections.

HB 1129 by Representatives Schoesler, Brown, Mulliken, Sheahan, Robertson, Buck, Dyer, Delvin, Skinner, Cooke, McMorris, Talcott, Fuhrman, Brumsickle, Sheldon, Campbell, Boldt, Elliot, Koster, Chandler, Van Luven, K. Schmidt, L. Thomas, Casada, Carlson, Backlund, Basich, Huff, Mitchell, Kremen and Benton

AN ACT Relating to tax exemptions for nonprofit organizations; amending RCW 82.04.365, 82.04.366, and 82.08.02571; adding a new section to chapter 82.08 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1130 by Representatives Crouse, Dellwo, Padden, Brown, Silver, Johnson, McMorris, Elliot, Stevens, Koster and Schoesler

AN ACT Relating to railroads; and amending RCW 81.48.010.

Referred to Committee on Transportation.

HB 1131 by Representatives Silver and G. Fisher; by request of Office of the Forecast Council

AN ACT Relating to economic assumptions for state retirement systems; amending RCW 41.45.030 and 41.45.060; repealing RCW 41.45.040 and 41.45.0601; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1132 by Representatives Beeksma, Sehlin, B. Thomas, Sheldon, Foreman, L. Thomas, Costa, Huff and Mason; by request of Governor Lowry

AN ACT Relating to use tax on aircraft training equipment transferred to Washington state as a result of base closure; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 1133 by Representatives Campbell, Stevens, Padden, Benton, Sheldon, Crouse, Carlson and Sherstad

AN ACT Relating to firearm dealers; amending RCW 9.41.110; and reenacting and amending RCW 9.41.010.

Referred to Committee on Law and Justice.

HB 1134 by Representatives Benton, Campbell, Chappell, Smith, Buck, Pelesky, Pennington and Boldt

AN ACT Relating to limiting increases in valuation for property tax purposes; amending RCW 84.40.040, and 84.70.010; adding a new section to chapter 84.40 RCW; and creating new sections.

Referred to Committee on Finance.

HJM 4005 by Representatives Hargrove, Cairnes, Pelesky, Goldsmith, Buck, Johnson, Clements, Carrell, McMahan, Campbell, Koster, Padden, Huff, Backlund, Reams, Pennington, Stevens, Fuhrman, Silver, Crouse, Casada, Thompson and Sherstad

Requesting Congress to renegotiate the Stevens Treaties.

Referred to Committee on Natural Resources.

HJR 4201 by Representatives Campbell, Smith, Hargrove and Schoesler

Amending the Constitution to revise terms and conditions of elective offices.

Referred to Committee on Law and Justice.

HJR 4202 by Representatives Campbell, Hargrove and Smith

Amending the state Constitution and requiring a two-thirds vote of the legislature to amend an initiative.

Referred to Committee on Government Operations.

HJR 4203 by Representatives Padden, Campbell, Boldt, Stevens, Carrell, Benton, Johnson, L. Thomas, McMorris, Crouse, Casada, Backlund, Mulliken, Elliot, McMahan, Buck, Thompson, Hargrove, Sherstad and Koster

Amending the state Constitution to protect rights of parents to upbringing and educate children.

Referred to Committee on Law and Justice.

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

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

With the consent of the House, House Bill No. 1102 was referred from the Committee on Natural Resources to the Committee on Finance.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MOTION

There being no objection, the House adjourned until 1:30 p.m. Monday, January 16, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTH DAY, JANUARY 13, 1995

JOURNAL OF THE HOUSE

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EIGHTH DAY

—————
AFTERNOON SESSION
—————

House Chamber, Olympia, Monday, January 16, 1995

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sonia Rose and Joy Tyler. Prayer was offered by Reverend Hendrick Lauer from the Gull Harbor Lutheran Church of Olympia.

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

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

INTRODUCTIONS AND FIRST READING

HB 1135 by Representatives McMorris, Morris, Pennington, Benton, Koster, Smith, Sheldon, Chandler, Mulliken, Foreman, L. Thomas, Schoesler, Sheahan, Honeyford, Fuhrman, Lambert, Blanton, Van Luven, Boldt, Buck, Crouse, Huff, Hickel, Thompson, Robertson, McMahan, Stevens, Sherstad, Cooke, Johnson, Delvin and Mielke

AN ACT Relating to acquisition of public art; amending RCW 43.17.200, 28B.10.025, 43.17.205, 43.17.210, and 43.19.455; and repealing RCW 28A.335.210.

Referred to Committee on Capital Budget.

HB 1136 by Representatives Ballasiotes, Kessler, Campbell, Costa, Padden, Delvin, Hargrove, Basich, Tokuda, Lisk, Dyer, Mastin, Schoesler, Blanton, Sheldon, Lambert, L. Thomas, Backlund, Van Luven, Benton, Buck, Crouse, Chappell, Wolfe, Huff, Mitchell, Hickel, Thompson, Foreman, Sherstad, Chandler, Clements, Patterson, Mulliken, Honeyford, Cooke, Johnson, D. Schmidt, Pennington, Hymes, Kremen, Carrell, Mielke and Sheahan

AN ACT Relating to inmate welfare accounts; amending RCW 43.88.195; and creating a new section.

Referred to Committee on Corrections.

HB 1137 by Representatives K. Schmidt, R. Fisher and Horn; by request of Office of Financial Management

AN ACT Relating to transportation appropriations; amending 1994 c 303 ss 18, 27, 31, 32, and 33 (uncodified); amending 1993 sp.s. c 23 s 34 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

HB 1138 by Representatives Jacobsen, Carlson and Mastin

AN ACT Relating to higher education; amending RCW 43.88.150, 43.88.110, 28B.15.013, 28B.15.067, 28B.15.076, 28B.15.556, 28B.15.740, and 28B.80.330; reenacting and amending RCW 28B.15.031, 28B.15.202, 28B.15.402, and 28B.15.820; adding new sections to chapter 28B.10 RCW; adding

new sections to chapter 28B.15 RCW; adding a new section to chapter 28B.80 RCW; adding new chapters to Title 28B RCW; and repealing RCW 28B.15.065.

Referred to Committee on Higher Education.

HB 1139 by Representatives McMahan and Lisk

AN ACT Relating to justifiable homicide; and amending RCW 9A.16.050.

Referred to Committee on Law and Justice.

HB 1140 by Representatives Ballasiotes, Horn, Blanton, Costa and Honeyford

AN ACT Relating to the use of criminal history in sentencing of offenders; amending RCW 9.94A.390; reenacting and amending RCW 9.94A.360; and prescribing penalties.

Referred to Committee on Corrections.

HB 1141 by Representatives Padden, Ballasiotes, Appelwick, Lisk, Carrell, Horn, Crouse, Costa, Basich, Cody, Regala, Wolfe, Scott, Mastin, Huff, Backlund, Fuhrman, Ebersole, Mitchell, Hickel, Thompson, Foreman, McMorris, Goldsmith, Buck, Dellwo, Stevens, Clements, Patterson, Romero, Smith, Mulliken, Schoesler, Honeyford, Cooke, Casada, Johnson, D. Schmidt, Kessler, Conway, Hymes, Mielke and Sheahan

AN ACT Relating to crimes committed by juveniles; amending RCW 13.04.030, 13.40.040, 13.40.050, 13.40.130, 28A.225.020, 28A.225.030, 28A.225.150, 74.13.032, 13.32A.030, 13.32A.130, 70.96A.140, 71.34.030, 71.34.050, 71.34.070, 13.40.320, 13.40.185, 13.40.160, 13.40.210, 13.40.025, 13.40.027, 13.40.030, 9A.04.050, 13.40.060, and 13.40.0357; reenacting and amending RCW 13.40.020; adding a new section to chapter 28A.225 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1142 by Representatives Lambert, Tokuda, Hymes, Carrell, Robertson, Quall, Mitchell, Smith, B. Thomas, L. Thomas, Backlund, Dyer, Thompson, Boldt, Chappell, Basich, Huff, Stevens, Sherstad, Schoesler, Casada and Padden

AN ACT Relating to the questioning of students regarding personal beliefs and practices; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 1143 by Representatives Reams, L. Thomas, Schoesler, Van Luven, Backlund, K. Schmidt, Horn, Dyer, Smith, Thompson, Basich, Huff, Mitchell, Hickel, Foreman, Goldsmith, McMahan, Chandler, Clements, Mulliken, Honeyford, Cooke, D. Schmidt, Pennington, Hymes, Kremen, Mielke and Sheahan

AN ACT Relating to crimes committed with a deadly weapon; amending RCW 9.94A.310; reenacting and amending RCW 9.94A.120; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1144 by Representatives Dyer, Backlund, Morris, Johnson, Campbell, Cooke, Skinner, Chandler, Casada, Schoesler, Boldt, Mulliken, Huff, Mitchell, Thompson, Foreman, Robertson, Buck, Clements, Smith, Delvin, Carrell, Mielke and Sheahan

AN ACT Relating to veterinary practice; and amending RCW 18.92.010.

Referred to Committee on Health Care.

HB 1145 by Representatives Quall, Brumsickle, Basich, Benton, Kremen, Chappell, Romero, Kessler, Campbell, Scott, Cody, Wolfe, Mason, Mastin, Ebersole, Dellwo and Patterson

AN ACT Relating to early retirement benefits; reenacting and amending RCW 43.01.170 and 28A.400.212; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1146 by Representatives Quall, Brumsickle, Benton, Basich, Chappell, Kessler, Kremen, Campbell, L. Thomas and Wolfe

AN ACT Relating to deposit of lottery proceeds; amending RCW 67.70.040 and 67.70.240; and creating a new section.

Referred to Committee on Appropriations.

HB 1147 by Representatives Quall, B. Thomas, Mastin, Carlson, Basich, Backlund, Dyer and Sheldon

AN ACT Relating to charter schools; adding a new chapter to Title 28A RCW; and making an appropriation.

Referred to Committee on Education.

HB 1148 by Representatives Smith, Fuhrman, Benton, McMahan, Chappell, Huff, Boldt, Pelesky, L. Thomas, Cooke, Koster, Hargrove, Johnson, McMorris, Crouse, Regala, Pennington, Beeksmas, Tokuda and Mastin

AN ACT Relating to motorcycles; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Health Care.

HB 1149 by Representatives Smith, Campbell, Fuhrman, Benton, Boldt, K. Schmidt, Pelesky, Koster, Lambert, Hargrove, Mulliken, Van Luven, Pennington, Elliot, Johnson, Backlund, Basich, Sheldon, Thompson, Goldsmith, Buck, Stevens, Clements, Skinner, Mielke and Padden

AN ACT Relating to authorization for counties, cities, and towns to plan under the Growth Management Act; amending RCW 36.70A.040; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations.

HB 1150 by Representatives Pennington, Buck, Benton, Foreman, Hymes and Mielke

AN ACT Relating to monthly premium copayments for health care benefit plans for state-wide elected officers and members of the legislature; and amending RCW 41.05.021.

Referred to Committee on Health Care.

HB 1151 by Representatives Pennington, McMorris, Smith, Boldt, Campbell, Sheldon, L. Thomas, Thompson, Foreman, Benton, Robertson, Goldsmith, McMahan, Hargrove, Sherstad, Clements, Mulliken, Schoesler, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes and Mielke

AN ACT Relating to ammunition; amending RCW 9.41.110; reenacting and amending RCW 9.41.010; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1152 by Representatives Pennington, Buck, Smith, Sherstad, Beeksmas, Hargrove, Campbell, Chappell, Basich, Sheldon, Backlund, L. Thomas, Thompson, Foreman, Benton, McMorris, Robertson, Goldsmith, McMahan, Chandler, Clements, Mulliken, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes, Skinner, Mielke and Padden

AN ACT Relating to fees for concealed pistol licenses; and reenacting and amending RCW 9.41.070.

Referred to Committee on Law and Justice.

HB 1153 by Representatives Casada, Kessler, Hankins, Kremen, Sheldon, Chandler, L. Thomas, Basich, Mitchell and Patterson

AN ACT Relating to 911 compatibility with private telecommunications systems and private shared telecommunications services; amending RCW 80.04.010 and 43.63A.320; adding new sections to chapter 80.36 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; adding new sections to chapter 38.52 RCW; adding a new section to chapter 43.22 RCW; creating a new section; and providing an effective date.

Referred to Committee on Energy & Utilities.

HB 1154 by Representatives Horn, Rust and Reams; by request of Environmental Hearings Office

AN ACT Relating to appeals involving environmental and land use boards; amending RCW 43.21B.160, 43.21B.170, 43.21B.190, 90.58.180, 34.05.518, 34.05.522, and 75.20.140; and repealing RCW 43.21B.140 and 43.21B.150.

Referred to Committee on Agriculture & Ecology.

HB 1155 by Representatives Carrell, Morris, Boldt, Huff, Pennington, Dyer, McMorris, Hymes, B. Thomas, Pelesky, Van Luven, Cooke, Carlson, McMahan, Costa, Chandler, Basich, Johnson, Kessler, Sherstad, Campbell, Quall, Romero, Talcott, Buck, Brumsickle, Scott, Ballasiotes, Benton, Valle, Hatfield, Mason, Grant, Kremen, Chappell, Ebersole, Mielke, Sheahan, Sheldon, Wolfe, Foreman, Horn, L. Thomas, Blanton, Backlund, Hargrove, Dickerson, Crouse, Mulliken, Elliot, Cody, Regala, Mastin, Fuhrman, Mitchell, Hickel, Thompson, Ogden, Dellwo, Clements, Patterson, Schoesler, D. Schmidt, Conway, Skinner and Padden

AN ACT Relating to compensating sellers for collecting sales tax; and amending RCW 82.08.050.

Referred to Committee on Finance.

HB 1156 by Representatives Dickerson, Brumsickle, Radcliff, Chopp, Mason, Cody, Hatfield, Poulsen, Veloria, Morris, Cole, Skinner, Tokuda, Costa, Elliot, Wolfe and Ogden

AN ACT Relating to assisting school districts to establish and develop educational foundations; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 1157 by Representatives Van Luven and Sheldon; by request of Department of Revenue

AN ACT Relating to sales and use tax exemptions for motor vehicles and trailers to be used for the purpose of transporting persons or property for hire; amending RCW 82.08.0263 and 82.12.0254; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1158 by Representatives Morris and Van Luven; by request of Department of Revenue

AN ACT Relating to deferral of property taxes by senior citizens and persons retired by reason of disability; amending RCW 84.38.120; and declaring an emergency.

Referred to Committee on Finance.

HB 1159 by Representatives Ballasiotes, Morris, Campbell, Costa, Wolfe, Scott, Huff, Mitchell, Hickel, Thompson, Talcott, Foreman, Carlson, Robertson, Ogden, Sherstad, Chandler, Patterson, Smith, Schoesler, Brumsickle, Casada, Johnson, D. Schmidt, K. Schmidt, Conway, Pennington, Delvin, Hymes, Mielke and Sheahan; by request of Department of Social and Health Services

AN ACT Relating to eligibility for juvenile offender basic training camp; and amending RCW 13.40.320.

Referred to Committee on Corrections.

HB 1160 by Representatives Valle and Cole

AN ACT Relating to background checks of caretakers of children, vulnerable adults, and developmentally disabled persons; and amending RCW 43.43.830, 43.43.832, 43.43.834, and 43.43.838.

Referred to Committee on Children & Family Services.

HB 1161 by Representatives Valle, Scott, Costa and Cole

AN ACT Relating to access to firearms by minors; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

HB 1162 by Representatives Schoesler and Mastin; by request of Department of Ecology and Department of Revenue

AN ACT Relating to the collection of hazardous waste generation fees; amending RCW 70.95E.050 and 70.95E.090; reenacting and amending RCW 70.95E.020; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1163 by Representatives Kremen, Goldsmith, Kessler, McMorris, Campbell, Basich, Thompson, Foreman, McMahan, Buck, Cooke, Mielke and Sheahan

AN ACT Relating to tax exemption of public-owned property used by nonprofit organizations; amending RCW 82.29A.130; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1164 by Representatives Kremen, Kessler, McMorris, Costa and Basich

AN ACT Relating to crimes; and amending RCW 9A.16.050 and 13.40.150.

Referred to Committee on Law and Justice.

HB 1165 by Representatives Sherstad, Dickerson, Van Luven, L. Thomas and Mason; by request of Department of Revenue

AN ACT Relating to technical correction of excise and property tax statutes; amending RCW 82.04.030, 82.32.145, 82.36.310, 82.48.010, 84.40.185, 9.41.135, and 82.32.320; reenacting and amending RCW 82.32.030; creating a new section; repealing 1994 sp.s. c 7 s 445; and declaring an emergency.

Referred to Committee on Finance.

HB 1166 by Representatives Sherstad, Morris and Van Luven; by request of Department of Revenue

AN ACT Relating to contracting out of state auditing services by the department of revenue; amending RCW 82.01.070; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1167 by Representative Appelwick; by request of Department of Social and Health Services

AN ACT Relating to child support enforcement; amending RCW 26.23.050 and 74.20A.055; and reenacting and amending RCW 74.20A.056.

Referred to Committee on Law and Justice.

HB 1168 by Representatives Stevens, Thompson, Casada, McMorris, Sherstad, Backlund, McMahan, Fuhrman, Radcliff, Goldsmith, Crouse, Schoesler, Mulliken, Padden, Blanton, Boldt, Benton, Campbell, Mastin, Chandler, Johnson, D. Schmidt, Koster, Hymes and Mielke

AN ACT Relating to tax exemptions for nonprofit organizations; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1169 by Representatives Stevens, Carrell, Pelesky, Mulliken, Silver, Smith, McMahan, Goldsmith, Buck, Huff, Benton, Cooke, Backlund, Hargrove, Schoesler, McMorris, Blanton, Crouse, D. Schmidt, Casada, Thompson, Padden, Boldt, Campbell, Johnson and Sheahan

AN ACT Relating to restricting students from leaving school grounds; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 1170 by Representatives Stevens, Hargrove, Casada, Smith, Blanton, Thompson, D. Schmidt, Mulliken, Sherstad, Elliot, Crouse, Fuhrman, Benton, Campbell and Pelesky

AN ACT Relating to requiring school district levy and bond elections to be conducted at primary and general elections; and amending RCW 84.52.053 and 84.52.056.

Referred to Committee on Education.

HB 1171 by Representatives Stevens, Koster, Thompson, Casada, Hargrove, Backlund, McMahan, McMorris, Crouse, Sherstad, Padden, Fuhrman, Goldsmith, Boldt, Campbell and Pelesky

AN ACT Relating to prohibiting adoption, foster care, and placement care of minor children by homosexuals; adding a new section to chapter 26.33 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1172 by Representatives Stevens, Casada, Hymes, McMorris, Koster, Smith, Chandler, Sheldon, D. Schmidt, Padden, Elliot, Backlund, Crouse, McMahan, Van Luven, Schoesler, Hargrove, Foreman, Mulliken, Mielke, Thompson, Goldsmith, Sherstad, Fuhrman, L. Thomas, B. Thomas, Dyer, Boldt, Benton, Huff, Clements, Pelesky, Cooke, Johnson and Sheahan

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

Referred to Committee on Education.

HB 1173 by Representatives Cooke and Brown; by request of Department of Social and Health Services

AN ACT Relating to adoption support; and amending RCW 74.13.118 and 74.13.121.

Referred to Committee on Children & Family Services.

HB 1174 by Representatives Cooke and Brown; by request of Department of Social and Health Services

AN ACT Relating to the children's services advisory committee; and amending RCW 74.13.031.

Referred to Committee on Children & Family Services.

HB 1175 by Representatives L. Thomas, Beeksma and Huff; by request of Department of General Administration

AN ACT Relating to interest on tort judgments; and amending RCW 4.56.115.

Referred to Committee on Financial Institutions & Insurance.

HB 1176 by Representatives Delvin, Hickel, Sheahan, Appelwick, Dellwo, Hankins, Mastin, Honeyford and Padden

AN ACT Relating to the number of district court judges; and amending RCW 3.34.010.

Referred to Committee on Law and Justice.

HB 1177 by Representatives Johnson, Koster, Sheldon, Chandler, Stevens, Beeksma, Hymes, Goldsmith, Hatfield, McMahan, Mielke, Kremen, Buck, Clements, McMorris, Thompson, D. Schmidt, Skinner, Hargrove, Boldt and Basich

AN ACT Relating to flood damage reduction; amending RCW 43.21C.020, 86.12.200, 86.16.025, 86.26.105, 75.20.100, 75.20.100, 75.20.103, 75.20.103, 75.20.130, 75.20.130, 79.90.150, 79.90.300, 90.58.030, 90.58.180, 47.28.140, 86.15.030, 86.15.050, 86.15.160, and 86.16.031; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding new sections to chapter 43.17 RCW; adding a new section to chapter 86.26 RCW; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; creating new sections; repealing RCW 79.90.325; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1178 by Representatives McMorris, Lisk, Mulliken, Chandler, L. Thomas, Thompson, Boldt, Mastin, Goldsmith, Stevens, Schoesler, Honeyford, Johnson, Koster, Mielke and Sheahan

AN ACT Relating to exemptions from industrial insurance coverage for persons under age twenty-one employed on the family farm; and reenacting and amending RCW 51.12.020.

Referred to Committee on Commerce & Labor.

HB 1179 by Representatives Van Luven, Hargrove, D. Schmidt, Schoesler, Blanton and Thompson

AN ACT Relating to employer experience rating; and amending RCW 50.29.020.

Referred to Committee on Commerce & Labor.

HB 1180 by Representatives Van Luven, D. Schmidt, Hargrove, Honeyford and Thompson

AN ACT Relating to administrative law judges; and amending RCW 42.52.080 and 34.12.050.

Referred to Committee on Government Operations.

HB 1181 by Representatives Van Luven, Jacobsen, Mulliken, Schoesler, Carlson, D. Schmidt, Sheahan, Blanton, Basich, Dellwo, Kessler, Hymes and Mielke

AN ACT Relating to sales and use exemption for purchases by institutions of higher education; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1182 by Representatives Hickel and Appelwick

AN ACT Relating to the uniform commercial code; amending RCW 62A.2-511, 62A.9-203, 62A.9-206, and 62A.9-312; and reenacting and amending RCW 62A.1-201 and 62A.9-302.

Referred to Committee on Law and Justice.

HB 1183 by Representatives Appelwick and Hickel

AN ACT Relating to updating uniform commercial code provisions on investment securities; amending RCW 62A.8-101, 62A.8-102, 62A.8-103, 62A.8-104, 62A.8-105, 62A.8-106, 62A.8-107, 62A.8-108, 62A.8-201, 62A.8-202, 62A.8-203, 62A.8-204, 62A.8-205, 62A.8-206, 62A.8-207, 62A.8-208, 62A.8-301, 62A.8-302, 62A.8-303, 62A.8-304, 62A.8-305, 62A.8-306, 62A.8-307, 62A.8-401, 62A.8-402, 62A.8-403, 62A.8-404, 62A.8-405, 62A.8-406, 62A.8-407, 62A.1-206, 62A.4-104, 62A.5-114, 62A.9-103, 62A.9-105, 62A.9-

106, 62A.9-203, 62A.9-301, 62A.9-304, 62A.9-305, 62A.9-306, 62A.9-309, 62A.9-312, and 62A.10-104; reenacting and amending RCW 62A.1-105 and 62A.9-302; adding new sections to Title 62A RCW; creating a new section; and repealing RCW 21.17.010, 21.17.020, 21.17.030, 21.17.040, 21.17.050, 21.17.060, 21.17.070, 21.17.080, 21.17.090, 21.17.900, 21.17.910, 62A.8-308, 62A.8-309, 62A.8-310, 62A.8-311, 62A.8-312, 62A.8-313, 62A.8-314, 62A.8-315, 62A.8-316, 62A.8-317, 62A.8-318, 62A.8-319, 62A.8-320, 62A.8-321, and 62A.8-408.

Referred to Committee on Law and Justice.

HB 1184 by Representative Appelwick

AN ACT Relating to the uniform partnership act; adding a new chapter to Title 25 RCW; creating new sections; repealing RCW 25.04.010, 25.04.020, 25.04.030, 25.04.040, 25.04.050, 25.04.060, 25.04.070, 25.04.080, 25.04.090, 25.04.100, 25.04.110, 25.04.120, 25.04.130, 25.04.140, 25.04.150, 25.04.160, 25.04.170, 25.04.180, 25.04.190, 25.04.200, 25.04.210, 25.04.220, 25.04.230, 25.04.240, 25.04.250, 25.04.260, 25.04.270, 25.04.280, 25.04.290, 25.04.300, 25.04.310, 25.04.320, 25.04.330, 25.04.340, 25.04.350, 25.04.360, 25.04.370, 25.04.380, 25.04.390, 25.04.400, 25.04.410, 25.04.420, and 25.04.430; and providing an effective date.

Referred to Committee on Law and Justice.

HB 1185 by Representatives Hickel and Costa

AN ACT Relating to investment of trust funds; amending RCW 11.100.010, 11.100.020, 11.100.035, and 11.100.130; and adding new sections to chapter 11.100 RCW.

Referred to Committee on Law and Justice.

HB 1186 by Representatives Appelwick and Padden

AN ACT Relating to social security benefits; and amending RCW 26.18.190.

Referred to Committee on Law and Justice.

HJM 4006 by Representatives Stevens, Thompson, Koster, Hymes, Buck, Sherstad, Boldt, Huff, McMorris, Padden, Radcliff, Fuhrman, Goldsmith, Mulliken, Elliot, L. Thomas, Blanton, Backlund, Hargrove, Benton, Ballasiotes, Sheldon, Foreman, Carlson, McMahan, Chandler, Cooke, Casada, Johnson, D. Schmidt, B. Thomas, Carrell, Talcott and Mielke

Claiming state sovereignty under the Tenth Amendment.

Referred to Committee on Government Operations.

HJM 4007 by Representatives Stevens, Koster, Boldt, Thompson, Hargrove, B. Thomas and Padden

Petitioning the council of state governments to convene a conference of the states.

Referred to Committee on Government Operations.

HCR 4402 by Representatives Foreman and Appelwick

Calling for a Joint Session to receive an address from the Washington State Supreme Court Chief Justice Barbara Durham.

MOTION

On motion of Representative Padden, the bills, memorials and resolution listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Bill No. 1135 and House Bill No. 1175.

MOTION

Representative Appelwick moved to refer House Bill No. 1175 to the Committee on Law & Justice rather than Committee on Financial Institutions & Insurance.

Representative Appelwick spoke in favor of the motion.

Representatives Padden and L. Thomas spoke against the motion.

The motion to refer House Bill No. 1175 to the committee on Law & Justice failed.

MOTION

On motion of Representative Padden, House Bill No. 1135 was referred to the Committee on Capital Budget and House Bill No. 1175 was referred to the Committee on Financial Institutions & Insurance.

MOTION

Representative Padden moved that the rules be suspended and that House Joint Resolution No. 4402 be advanced to second reading and read the second time in full.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Foreman and Appelwick

Calling for a Joint Session to receive an address from the Washington State Supreme Court Chief Justice Barbara Durham.

MOTION

On motion of Representative Padden the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

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

House Concurrent Resolution No. 4402 was adopted.

With the consent of the House, House Concurrent Resolution No. 4402 was immediately transmitted to the Senate.

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

REPORTS OF STANDING COMMITTEES

January 12, 1995

HB 1001 Prime Sponsor, Representative Carlson: Exempting institutions of higher education from certain expenditure requirements. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Benton; Blanton; Delvin; Goldsmith; Kessler; Mastin; and Sheahan.

Voting Yea: Representatives Benton, Blanton, Carlson, Delvin, Goldsmith, Jacobsen, Kessler, Mason, Mastin, Mulliken and Sheahan.

Referred to the Committee on Appropriations.

January 12, 1995

HB 1009 Prime Sponsor, Representative Chandler: Establishing a commission on pesticide registration. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking

Minority Member; Chappell, Assistant Ranking Minority Member; Bolt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust; and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Referred to the Committee on Appropriations.

January 12, 1995

HB 1024 Prime Sponsor, Representative Van Luvan: Providing tax exemptions for manufacturing and processing. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luvan, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner; and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle and Van Luvan.

Referred to the Committee on Finance.

January 12, 1995

HB 1030 Prime Sponsor, Representative Lisk: Regulating teen-age work hours. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman; and Goldsmith.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody; and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

MOTIONS

On motion of Representative Talcott, Representative Beeksma was excused.

On motion of Representative Foreman, the House advanced to the eighth order of business.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTIONS

On motion of Representative Foreman, House Bill No. 1124 was re-referred from the Committee on Finance to the Committee on Natural Resources.

On motion of Representative Foreman, House Bill No. 1001 was re-referred from the Committee on Appropriations to the Rules committee.

RESOLUTION

HOUSE RESOLUTION NO. 95-4603, by Representatives Foreman, Mason, Campbell, Hatfield, Tokuda, Costa, Poulsen, Basich, Brown, Reams, Huff, Scott, Backlund, Kessler, Wolfe, Thibaudeau, Romero, Dickerson, G. Fisher, Morris, R. Fisher, Valle, Sommers, Rust, Hickel, Hymes, Ballasiotes, Cody, Lambert, Van Luven, Dyer, Patterson, Quall, Regala, Hankins, Blanton, Sehlin, Casada, Veloria, Conway, Cooke, Dellwo, Hargrove, Ogden, Robertson, Carlson, Talcott, Thompson, Cole, Schoesler, Carrell, Kremen, Skinner, Delvin, Pennington and B. Thomas

WHEREAS, January 16, 1995, is the official observance of Dr. Martin Luther King, Jr.'s birthday; and
WHEREAS, Dr. King spent his life fighting against discrimination and violence, and by endeavoring to help all people live in freedom and live with dignity; and

WHEREAS, Dr. King was internationally acclaimed, and was awarded the Nobel Peace Prize in recognition of his leadership and dedication to achieving economic, educational, and social equality for all persons; and

WHEREAS, Dr. King's assassination was deeply grieved by this nation; and

WHEREAS, The Washington State Legislature and the Congress of the United States have recognized Dr. King by declaring his birthday a legal holiday; and

WHEREAS, We urge all residents of this State to join in officially commemorating this holiday;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington pause in our endeavors this day to honor the Reverend Dr. Martin Luther King, Jr.

Representative Foreman moved adoption of the resolution.

Representatives Mason, Lambert, Veloria, Elliot and Tokuda spoke in favor of adoption of the resolution.

House Resolution No. 4603 was adopted.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m. Tuesday, January 17, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

EIGHTH DAY, JANUARY 16, 1995

JOURNAL OF THE HOUSE

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

NINTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, January 17, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

INTRODUCTIONS AND FIRST READINGS

HB 1187 by Representatives Reams, Fuhrman, Van Luven, Stevens, Carrell, Campbell, Thompson, Blanton, Boldt, Koster, Sheahan and Huff

AN ACT Relating to state government organization; reenacting and amending RCW 43.17.010 and 43.17.020; adding new sections to chapter 41.06 RCW; adding new chapters to Title 43 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1188 by Representatives L. Thomas, Dyer, Grant, Benton, Campbell, Costa, Pelesky, Huff and Mielke

AN ACT Relating to loan-to-value ratios and examination periods; and amending RCW 31.04.125 and 31.04.145.

Referred to Committee on Financial Institutions & Insurance.

HB 1189 by Representatives Robertson, Chappell, Padden, Thompson, Blanton, Sheahan, Basich, McMahan and Dickerson; by request of Washington State Patrol

AN ACT Relating to dissemination of criminal history information; and amending RCW 43.43.815 and 43.43.839.

Referred to Committee on Law and Justice.

HB 1190 by Representatives K. Schmidt, R. Fisher, Mitchell and Koster; by request of Department of Transportation

AN ACT Relating to transferring the aeronautics account and the aircraft search and rescue, safety, and education account from the general fund to the transportation fund; and amending RCW 82.42.090, 82.48.080, 47.68.250, and 47.68.236.

Referred to Committee on Transportation.

HB 1191 by Representatives K. Schmidt, R. Fisher, Benton and Mitchell; by request of Department of Transportation

AN ACT Relating to state highway contracting; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

HB 1192 by Representatives Robertson, R. Fisher and K. Schmidt; by request of Department of Transportation

AN ACT Relating to vehicle loads; and reenacting and amending RCW 46.44.041 and 46.44.0941.

Referred to Committee on Transportation.

HB 1193 by Representatives Benton, Mitchell, K. Schmidt and R. Fisher; by request of Department of Transportation

AN ACT Relating to the transportation capital facilities account; and amending RCW 47.13.020.

Referred to Committee on Transportation.

HB 1194 by Representatives K. Schmidt, R. Fisher, Mitchell and Schoesler; by request of Department of Transportation

AN ACT Relating to the tort liability account; amending RCW 4.92.130 and 4.92.230; and reenacting and amending RCW 43.84.092.

Referred to Committee on Transportation.

HB 1195 by Representatives Buck, R. Fisher, K. Schmidt, Benton, Mitchell, Elliot, Stevens, Mulliken and Hicckel; by request of Department of Transportation

AN ACT Relating to the exclusion of site exploration as a substantial shoreline development; and amending RCW 90.58.030.

Referred to Committee on Transportation.

HB 1196 by Representatives Lisk, Thompson, Blanton, Honeyford and Van Luven

AN ACT Relating to revising the unemployment insurance tax schedules by establishing the tax schedule for 1995 and by modifying the fund balance ratio intervals used to determine the effective tax schedule; reenacting and amending RCW 50.29.025 and 50.29.025; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1197 by Representatives K. Schmidt and R. Fisher

AN ACT Relating to the use of the department of licensing service account to replace, update, procure, and expand the number of workstation equipment used in the department of licensing vehicle field system; and amending RCW 46.68.220.

Referred to Committee on Transportation.

HB 1198 by Representatives Carlson, Jacobsen, Conway and Basich; by request of Governor Lowry

AN ACT Relating to a business and occupation or public utility tax credit for persons making contributions to public institutions of higher education in this state; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1199 by Representatives Van Luven and G. Fisher; by request of Department of Revenue

AN ACT Relating to the taxation of cigarettes; amending RCW 82.24.010, 82.24.030, 82.24.040, 82.24.050, 82.24.080, 82.24.090, 82.24.110, 82.24.120, 82.24.230, 82.24.250, 82.24.260, and 82.26.010; adding new sections to chapter 82.24 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1200 by Representatives Basich, Kremen, Ballasiotes, Quall, Van Luven and Carlson

AN ACT Relating to sports officials; amending RCW 9A.36.031; adding a new section to chapter 4.24 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Law and Justice.

HB 1201 by Representatives Basich, Hatfield, Quall, Kremen, Sheldon, Chappell, Wolfe, Johnson, Conway, Thompson, Costa, Cody, Veloria and Kessler

AN ACT Relating to recreational fishing licenses for persons over seventy years of age; and amending RCW 75.25.091 and 75.25.092.

Referred to Committee on Natural Resources.

HB 1202 by Representatives Patterson, Thibaudeau, Wolfe and Conway; by request of Governor Lowry

AN ACT Relating to the suspension of driver's licenses for failure to pay child support; adding a new section to chapter 74.20A RCW; and adding new sections to chapter 46.20 RCW.

Referred to Committee on Law and Justice.

HB 1203 by Representatives Chappell and Robertson

AN ACT Relating to prohibiting impaired persons from purchasing liquor; adding a new section to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1204 by Representative Chappell

AN ACT Relating to eligibility for aid to families with dependent children; adding a new section to chapter 74.12 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Children & Family Services.

HB 1205 by Representative Dyer; by request of Department of Social and Health Services

AN ACT Relating to physician referral; and amending RCW 74.09.240.

Referred to Committee on Health Care.

HB 1206 by Representatives Carlson, Sommers, Cooke and Dellwo

AN ACT Relating to creating new retirement systems; amending RCW 41.40.005, 41.40.045, 41.32.005, 41.32.032, 41.45.010, 41.45.020, 41.45.030, 41.45.050, 41.45.060, 41.45.070, 41.50.075, 41.50.110, 41.50.030, 41.50.050, 41.50.060, 41.54.030, 41.04.440, 41.04.445, and 41.04.450; reenacting and amending RCW 41.40.010, 41.40.088, and 41.32.010; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.50 RCW; adding a new section to chapter 41.45 RCW; adding a new section to chapter 41.54 RCW; adding a new section to chapter 43.33A RCW; adding a new chapter to Title 41 RCW; creating new sections;

Referred to Committee on Appropriations.

HB 1207 by Representatives Smith, Campbell, Koster, Buck, Thompson, Blanton, Kremen, Johnson, Stevens, Casada, Hickel, L. Thomas and Chandler

AN ACT Relating to business and occupation tax relief; adding a new section to chapter 82.04 RCW; repealing RCW 82.04.4451; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1208 by Representatives Smith, Campbell, Koster, Thompson, Buck and Blanton

AN ACT Relating to tax exemptions for businesses; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1209 by Representatives K. Schmidt, Mielke, Johnson, Quall, Mitchell, Buck, Romero, Horn and Huff

AN ACT Relating to commercial vehicle safety enforcement by the Washington state patrol; and adding a new section to chapter 46.32 RCW.

Referred to Committee on Transportation.

HB 1210 by Representatives Rust, Sommers, L. Thomas, Hymes, Mitchell and Dickerson; by request of Puget Sound Water Quality Authority

AN ACT Relating to Puget Sound license plates; amending RCW 46.16.313; reenacting and amending RCW 43.79A.040; adding new sections to chapter 90.70 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1211 by Representatives Dyer, Sehlin, B. Thomas, Backlund and Huff

AN ACT Relating to creation of an efficiency reserve fund; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.88 RCW; and repealing RCW 43.88.140.

Referred to Committee on Appropriations.

HB 1212 by Representatives Dyer, Sehlin, B. Thomas, Carrell, Elliot, Schoesler, Johnson, Lambert, Stevens, Casada, Thompson, Blanton, Robertson, Backlund, Mitchell, Honeyford, Mulliken, Koster, Sheahan, Huff, Hickel, L. Thomas and McMahan

AN ACT Relating to duties of the state auditor; and adding a new section to chapter 43.09 RCW.

Referred to Committee on Finance.

HB 1213 by Representatives Brumsickle, Grant, Cody, Basich and McMahan

AN ACT Relating to training of emergency service medical personnel; amending RCW 18.71.210 and 18.71.215; and declaring an emergency.

HB 1214 by Representatives Mitchell, Carrell, Lambert, Sheahan, McMahan, Huff, Buck, Hickel, Padden, Elliot, Delvin, Kremen, Johnson, Casada, Thompson, Backlund, Honeyford, Mulliken, Boldt and Van Luven

AN ACT Relating to registration of sex offenders; and amending RCW 9A.44.130 and 9A.44.140.

Referred to Committee on Corrections.

HB 1215 by Representatives Clements, Chandler, Lisk, McMorris, Mastin, Schoesler, Koster, Chappell, Delvin, Honeyford, Robertson, Elliot, Kremen, Johnson, Stevens, Thompson, Backlund, Mulliken, Sheahan and L. Thomas

AN ACT Relating to rule making by the departments of ecology and agriculture; amending RCW 34.05.360, 34.05.345, 34.05.350, 18.104.040, 19.27.097, 43.21A.080, 43.21C.110, 43.27A.090, 43.37.030, 43.83B.420, 43.200.070, 43.200.080, 70.93.040, 70.93.090, 70.94.410, 70.94.457, 70.94.470, 70.94.477, 70.94.715, 70.95.260, 70.95D.080, 70.105.140, 70.107.060, 70.120.120, 76.09.040, 86.16.061, 90.14.230, 90.22.020, 90.48.220, 90.48.230, 90.54.050, 90.56.050, 90.58.200, 90.62.110, 90.70.080, 15.04.020, 15.13.260, 15.13.280, 15.13.460, 15.14.020, 15.17.030, 15.17.120, 15.17.920, 15.36.012, 15.36.021, 15.49.005, 15.49.081, 15.49.310, 15.49.930, 15.53.9012, 15.54.800, 15.58.040, 15.60.025, 15.76.180, 15.80.410, 15.83.100, 15.85.040, 15.86.060, 16.49.680, 16.49A.640, 16.49A.650, 16.57.080, 16.57.090,

16.57.140, 16.57.220, 16.57.400, 16.57.410, 16.58.030, 16.58.050, 16.58.130, 16.65.020, 16.65.030, 16.65.090, 16.68.170, 16.74.590, 17.10.074, 17.10.260, 17.21.040, 17.24.021, 20.01.020, 22.09.011, 22.09.020, 22.09.040, 22.09.045, 69.04.398, 69.04.761, 69.07.070, 69.25.030, and 69.25.040; reenacting and amending RCW 70.105D.030 and 16.57.220; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.95C RCW; adding a new section to chapter 70.95E RCW; adding a new section to chapter 70.95F RCW; adding a new section to chapter 70.95I RCW; adding a new section to chapter 70.95J RCW; adding a new section to chapter 89.16 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.42 RCW; adding a new section to chapter 90.54 RCW; adding a new section to chapter 90.76 RCW; adding a new section to chapter 15.08 RCW; adding a new section to chapter 15.60 RCW; adding a new section to chapter 16.36 RCW; adding a new section to chapter 19.94 RCW; adding a new section to chapter 19.112 RCW; adding a new section to chapter 34.05 RCW; creating new sections; providing an effective date; and providing an expiration date.

HB 1216 by Representatives Dyer, Backlund, Huff and L. Thomas

AN ACT Relating to prohibiting premium increase caps for long-term care insurance; amending RCW 48.84.030; and declaring an emergency.

Referred to Committee on Health Care.

HB 1217 by Representatives Brown, Mason, Patterson, Chopp, Tokuda, Romero, Dellwo and Dickerson

AN ACT Relating to interest on past due child support; and amending RCW 26.23.030.

Referred to Committee on Law and Justice.

HB 1218 by Representatives Brown, Thibaudeau, Patterson, Romero and Tokuda

AN ACT Relating to food stamps; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Children & Family Services.

HB 1219 by Representatives Brown, Reams and Dellwo

AN ACT Relating to appointments to air pollution control authority boards; and amending RCW 70.94.120.

Referred to Committee on Government Operations.

HB 1220 by Representatives Chandler, Mastin, Horn, Johnson, Kremen, Boldt, Sheahan and Huff

AN ACT Relating to an exemption from the state environmental policy act for the issuance of air operating permits; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Agriculture & Ecology.

HJM 4008 by Representatives Basich, Pennington, Johnson, Quall, Kremen, Fuhrman, Chappell, Hatfield, Backlund and Sheldon

Requesting modification of the federal Marine Mammal Protection Act.

Referred to Committee on Natural Resources.

There being no objection, the bills and memorial listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exceptions of House Bill No. 1213 and House Bill No. 1215.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m. Wednesday, January 18, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

NINTH DAY, JANUARY 17, 1995

JOURNAL OF THE HOUSE

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

TENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 18, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tim Winterstein and Diane Woolson. Prayer was offered by Representative Carlson.

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

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

INTRODUCTIONS AND FIRST READINGS

HB 1213 by Representatives Brumsickle, Grant, Cody, Basich and McMahan

AN ACT relating to training of emergency service medical personnel; amending RCW 18.71.210 and 18.71.215; and declaring an emergency.

Held on first reading from 1/17/95.
Referred to Committee on Health Care.

HB 1215 by Representatives Clements, Chandler, Lisk, McMorris, Mastin, Schoesler, Koster, Chappell, Delvin, Honeyford, Robertson, Elliot, Kremen, Johnson, Stevens, Thompson, Backlund, Mulliken, Sheahan, and L. Thomas

AN ACT relating to rule making by the departments of ecology and agriculture; amending RCW 34.05.360, 34.05.345, 34.05.350, 18.104.040, 19.27.097, 43.21A.080, 43.21C.110, 43.21A.090, 43.37.030, 43.83B.420, 43.200.070, 43.200.080, 70.93.040, 70.93.090, 70.94.410, 70.94.457, 70.94.470, 70.94.477, 70.94.715, 70.95.260, 70.95D.080, 70.105.040, 70.107.060, 70.120.120, 76.09.040, 86.16.061, 90.14.230, 90.22.020, 90.48.220, 90.48.230, 90.54.050, 90.56.050, 90.58.200, 90.62.110, 90.70.080, 15.04.020, 15.13.260, 15.13.280, 15.13.460, 15.14.020, 15.17.030, 15.17.120, 15.17.920, 15.36.012, 15.36.021, 15.49.005, 15.49.081, 15.48.310, 15.49.930, 15.53.9012, 15.54.800, 15.58.040, 15.60.025, 15.76.180, 15.80.410, 15.83.100, 15.85.040, 15.86.060, 16.49.680, 16.49A.640, 16.49A.650, 16.57.080, 16.57.090, 16.57.140, 16.57.220, 16.57.400, 16.57.410, 16.58.030, 16.58.050, 16.58.130, 16.65.020, 16.65.030, 16.65.090, 16.68.170, 16.74.590, 17.10.074, 17.10.260, 17.21.040, 17.24.021, 20.01.020, 22.09.011, 22.09.020, 22.09.040, 22.09.045, 69.04.398, 69.04.761, 69.07.070, 69.25.030, and 69.25.040; reenacting and amending RCW 70.105D.030 and 16.57.220; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.95C RCW; adding a new section to chapter 70.95E RCW; adding a new section to chapter 70.95F RCW; adding a new section to 70.95I RCW; adding a new section to chapter 70.95J RCW; adding a new section to chapter 89.16 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.42 RCW; adding a new section to chapter 90.54 RCW; adding a new section to chapter 15.60 RCW; adding a new section to chapter 16.36 RCW; adding a new section to chapter 19.94 RCW; adding a new section to chapter 19.112 RCW; adding a new section to chapter 34.05 RCW; creating new sections; providing an effective date; and providing an expiration date.

Held on first reading from 1/17/95.
Referred to the Committee on Agriculture & Ecology.

HB 1221 by Representatives Johnson, Buck, Cairnes, Hatfield, Chappell and Sheldon

AN ACT Relating to log trucks and pole trailers; and amending RCW 46.44.030.

Referred to Committee on Transportation.

HB 1222 by Representatives Honeyford, Grant, Hankins, Sheldon, Foreman, Carlson, Thompson, Mulliken, Fuhrman, Mielke, Johnson, Van Luven, D. Schmidt, Pelesky, Hargrove, Goldsmith, Buck, Clements, Huff, Beeksma, Schoesler, Hymes, McMahan, Boldt, Sheahan, Koster, Kremen, Scott, Sherstad, Costa, Smith and Basich

AN ACT Relating to counties that plan under the growth management act; and amending RCW 36.70A.040.

Referred to Committee on Government Operations.

HB 1223 by Representatives Brumsickle, Cole, B. Thomas, Silver and Carlson; by request of Board of Education and Superintendent of Public Instruction

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

Referred to Committee on Education.

HB 1224 by Representatives Brumsickle, Cole, Silver and Carlson; by request of Board of Education and Superintendent of Public Instruction

AN ACT Relating to educational waivers; and adding a new section to chapter 28A.630 RCW.

Referred to Committee on Education.

HB 1225 by Representatives K. Schmidt, R. Fisher, Johnson and Scott; by request of Department of Licensing

AN ACT Relating to licenses; amending RCW 46.12.030, 82.08.0287, 35A.82.010, 47.02.160, 47.10.793, 47.10.804, 47.10.815, 47.10.822, 47.10.829, 47.26.424, 47.26.4252, 47.26.4254, 47.26.504, 47.56.749, 47.56.750, 47.56.771, 47.60.580, 47.60.806, 82.36.010, 82.38.120, 82.38.140, 82.38.150, 82.38.170, 82.38.260, and 82.41.040; and repealing RCW 82.37.010, 82.37.020, 82.37.030, 82.37.040, 82.37.050, 82.37.060, 82.37.070, 82.37.080, 82.37.090, 82.37.100, 82.37.110, 82.37.120, 82.37.130, 82.37.140, 82.37.145, 82.37.150, 82.37.160, 82.37.170, 82.37.175, 82.37.180, 82.37.190, 82.37.900, 82.37.910, and 82.37.920.

Referred to Committee on Transportation.

HB 1226 by Representatives Buck, Basich, Fuhrman and Kessler; by request of Department of Fish and Wildlife

AN ACT Relating to salmon charter licenses; and amending RCW 75.28.095.

Referred to Committee on Natural Resources.

HB 1227 by Representatives Buck, Basich, Fuhrman and Kessler; by request of Department of Fish and Wildlife

AN ACT Relating to recovery of moneys pursuant to forfeitures or court-ordered restitution; amending RCW 75.08.230, 75.10.030, 77.12.170, and 77.21.010; and creating a new section.

Referred to Committee on Natural Resources.

HB 1228 by Representatives L. Thomas, Basich and Fuhrman; by request of Department of Fish and Wildlife

AN ACT Relating to game fish catch record cards; and amending RCW 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.250, 77.32.256, and 77.32.360.

Referred to Committee on Natural Resources.

HB 1229 by Representatives Sheahan and Appelwick

AN ACT Relating to public employment; amending RCW 2.10.146, 41.26.460, 41.32.530, 41.32.785, 41.40.188, and 41.40.660; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Law and Justice.

HB 1230 by Representatives Brumsickle, Cole, Silver and Scott; by request of Board of Education

AN ACT Relating to teacher preparation; amending RCW 28A.410.030 and 28A.305.130; and repealing RCW 28A.305.230, 28A.305.240, 28A.305.245, 28A.305.250, 28A.410.020, 28A.415.290, and 28B.40.380.

Referred to Committee on Education.

HB 1231 by Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp

AN ACT Relating to promoting the recycled content of products and buildings; amending RCW 43.19A.020, 43.19A.030, 43.19A.050, 43.78.170, 43.19A.090, 43.19A.100, 47.28.220, and 43.19A.110; and adding new sections to chapter 39.04 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1232 by Representatives Reams, R. Fisher, Wolfe, Scott and Basich; by request of Secretary of State

AN ACT Relating to the order of candidates on ballots; amending RCW 29.30.025; and repealing RCW 29.30.040.

Referred to Committee on Government Operations.

HB 1233 by Representatives L. Thomas, R. Fisher and Wolfe; by request of Secretary of State

AN ACT Relating to canvassing of election returns; amending RCW 29.62.020 and 29.62.030; and adding a new section to chapter 29.62 RCW.

Referred to Committee on Government Operations.

HB 1234 by Representatives Hymes, Reams, Rust, Wolfe, Honeyford, L. Thomas, Horn, Costa and Kessler; by request of Office of Marine Safety

AN ACT Relating to regulatory reform using incentives for vessel owners and operators to reduce the risk of oil spills; adding a new section to chapter 88.46 RCW; and adding a new section to chapter 88.40 RCW.

Referred to Committee on Government Operations.

HB 1235 by Representatives R. Fisher, K. Schmidt and Scott

AN ACT Relating to siting of transportation facilities; adding a new section to chapter 47.80 RCW; adding new sections to chapter 47.06 RCW; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

HB 1236 by Representatives Reams, R. Fisher, Talcott, Thompson, D. Schmidt, Huff, Scott, Regala, Costa, Robertson and Conway; by request of Secretary of State

AN ACT Relating to processing of incoming absentee ballots; and amending RCW 29.36.060.

Referred to Committee on Government Operations.

HB 1237 by Representatives Padden, Foreman, Honeyford, Chandler, Mielke, Johnson, Blanton, Goldsmith, Clements, Hickel, Dyer, Backlund, Schoesler, McMahan, Boldt, Sheahan, Koster, Sherstad and Smith

AN ACT Relating to indigent persons; amending RCW 13.40.145; and adding new sections to chapter 10.73 RCW.

Referred to Committee on Law and Justice.

HB 1238 by Representatives Honeyford, Ogden, Carlson and Sherstad; by request of Community, Trade, and Economic Development and Public Works Board

AN ACT Relating to appropriations for projects recommended by the public works board; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1239 by Representatives Romero, Costa, Quall, Kessler, Campbell, Ebersole, Fuhrman, Brown, Hatfield, Wolfe, Conway, Kremen and Chopp

AN ACT Relating to state budgeting; amending RCW 43.88.140; adding new sections to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1240 by Representatives Romero, Quall, Kessler, Costa, Campbell, Thompson, Kremen, Morris and Basich

AN ACT Relating to valuation for property tax purposes; adding new sections to chapter 84.40 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1241 by Representatives Crouse, Casada, Dellwo, Chappell, Schoesler, Honeyford, Hymes, Sherstad, Backlund, Mastin, Benton, Campbell and Kremen

AN ACT Relating to waivers of electric and gas utility connection charges; amending RCW 35.41.080, 54.24.080, 80.28.080, and 80.28.100; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy & Utilities.

HB 1242 by Representatives Sommers, McMorris, Thibaudeau, Wolfe, Patterson, Mitchell, Regala, Kessler and Valle

AN ACT Relating to services for public assistance recipients; amending RCW 74.25.020 and 74.12.420; adding new sections to chapter 74.25 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1243 by Representatives Brumsickle, Morris, Pennington, Chappell, Fuhrman, Foreman, Carlson, Sheldon, Poulsen, Kremen and Basich

AN ACT Relating to the Washington state horse park; amending RCW 41.06.070 and 43.19.190; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.01 RCW; adding a new chapter to Title 67 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1244 by Representatives Brumsickle, Chappell, B. Thomas, Elliot, Campbell, Quall and Thompson

AN ACT Relating to disciplining students for firearm possession at school; and amending RCW 9.41.280.

Referred to Committee on Education.

HB 1245 by Representatives Sheldon, Van Luven, Ballasiotes, Backlund, Hatfield, Schoesler, Conway, D. Schmidt, Sherstad, Radcliff, Wolfe, Morris, Kessler and Basich

AN ACT Relating to the business assistance center; and amending RCW 43.31.091 and 43.31.092.

Referred to Committee on Trade & Economic Development.

HB 1246 by Representatives Kremen, Goldsmith, Mastin, Kessler, Van Luven, Dyer, Sheldon, Hymes, Quall, Basich, Morris, Chandler, Backlund, Talcott and Sheahan

AN ACT Relating to the regulation of private school buses; amending RCW 46.32.010 and 46.37.193; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

HB 1247 by Representatives L. Thomas, Lisk, G. Fisher, Robertson, Casada, Basich, Clements, Ebersole, Horn, Boldt, Mason, B. Thomas, Cairnes, Radcliff, Foreman, Cooke, Chandler, Mielke, Dyer, Mitchell, Schoesler, Skinner, Appelwick, Sheldon, Costa and Morris

AN ACT Relating to Washington thoroughbred racing; amending RCW 67.16.105; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1248 by Representatives Van Luven, G. Fisher, Boldt, Carrell, Campbell, Mason, Ebersole, B. Thomas, Cairnes, Radcliff, Cooke, Chandler, Mielke, Ballasiotes, Robertson, Mitchell, Schoesler, Appelwick, Sheldon, Costa, Morris, Basich and Conway

AN ACT Relating to tax deferrals for a new thoroughbred race track facility; and adding a new chapter to Title 82 RCW.

Referred to Committee on Trade & Economic Development.

HB 1249 by Representatives Brumsickle and Cole; by request of Office of Financial Management and Superintendent of Public Instruction

AN ACT Relating to changing timelines for essential academic learning requirement assessments; amending RCW 28A.630.885; amending 1992 c 141 s 203 (uncodified); and providing an expiration date.

Referred to Committee on Education.

HB 1250 by Representatives Cole, Cody, Conway, Basich, Scott, Costa and Chopp

AN ACT Relating to prompt payment of industrial insurance awards; amending RCW 51.32.200; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1251 by Representatives Backlund, L. Thomas, Lisk, Mastin, McMorris, Sheldon, Basich, Hatfield, Fuhrman, Chandler, Elliot, Johnson, Hargrove, Clements, Hickel, Huff, Beeksma, Schoesler, Hymes, Boldt, Sheahan, Sherstad and Morris

AN ACT Relating to standing to appeal actions taken under the state environmental policy act; amending RCW 43.21C.075; and creating a new section.

Referred to Committee on Government Operations.

HB 1252 by Representatives Van Luven, Campbell, Mulliken, Sheldon, Horn, Johnson, Schoesler, Crouse, Foreman, Cooke, Thompson, Chandler, Fuhrman, Mielke, D. Schmidt, Hargrove, Mitchell, Skinner, Hymes, Boldt, Sheahan, Kremen and Sherstad

AN ACT Relating to coin-operated laundry facilities; and amending RCW 82.04.050.

Referred to Committee on Trade & Economic Development.

HB 1253 by Representatives Van Luven, Campbell, Mulliken, Sheldon, Horn, Pennington, Johnson, Schoesler, Crouse, Radcliff, Foreman, Cooke, Carlson, Thompson, Chandler, Elliot, Fuhrman, Mielke, D. Schmidt, Ballasiotes, Pelesky, Goldsmith, Clements, Dyer, Mitchell, Backlund, Beeksma, Benton, Hymes, McMahan, Kremen, Scott, Sherstad, Smith and Lisk

AN ACT Relating to business and occupation taxes; and amending RCW 82.04.050.

Referred to Committee on Trade & Economic Development.

HB 1254 by Representatives Johnson, Sheldon, Campbell, Foreman, Thompson, Hickel, Beeksma and Basich

AN ACT Relating to relocation assistance; and amending RCW 59.18.440 and 82.02.020.

Referred to Committee on Government Operations.

HB 1255 by Representatives Padden, Appelwick, Ballasiotes, Carrell, Campbell, Ebersole, Cooke, Honeyford, Thompson, Elliot, Johnson, Goldsmith, Clements, Hickel, Dyer, Robertson, Mitchell, Schoesler, Wolfe, Benton, Romero, Cody, Sheahan, Ogden, Scott, Sherstad, Regala, Costa, Patterson, Kessler, Casada, Basich and Conway

AN ACT Relating to juveniles; amending RCW 13.04.030, 13.40.040, 13.40.050, 13.40.130, 28A.225.020, 28A.225.030, 28A.225.150, 74.13.032, 13.32A.030, 13.32A.130, 70.96A.140, 71.34.030, 71.34.050, 71.34.070, 13.40.320, 13.40.185, 13.40.160, 13.40.210, 13.40.025, 13.40.027, 13.40.030, 9A.04.050, 13.40.060, and 13.40.0357; reenacting and amending RCW 13.40.020; adding a new section to chapter 28A.225 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1256 by Representatives Schoesler, Sheldon, Thompson, Johnson, Clements, Hickel, Huff, Boldt, Sheahan and Basich

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

Referred to Committee on Law and Justice.

HB 1257 by Representatives Padden, Sheldon, Schoesler, Johnson, Pennington, Crouse and Mulliken

AN ACT Relating to the statute of limitations for negotiable instruments; and amending RCW 62A.3-118.

Referred to Committee on Law and Justice.

HB 1258 by Representatives B. Thomas, Horn, Ebersole, Thompson, Fuhrman, Mielke, Johnson, Van Luven, Pelesky, Hickel, Huff, Dyer, Robertson, Mitchell, L. Thomas, Beeksma, Schoesler, Carrell, McMahan, Boldt, Talcott, Smith and Sehlin

AN ACT Relating to apportionment of taxable income of investment management companies; amending RCW 82.04.460; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1259 by Representatives Lisk and Horn

AN ACT Relating to limiting administration and enforcement of chapter 49.78 RCW; and adding a new section to chapter 49.78 RCW.

Referred to Committee on Commerce & Labor.

Amending the Constitution to authorize the legislature to provide methods of limiting increases in taxation of real estate.

Referred to Committee on Finance.

MOTION

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

POINT OF ORDER

Representative Appelwick: Thank you, Mr. Speaker. Again on today's introduction sheet there are two bills; House Bill No. 1213 and House Bill No. 1215 which appear destined for committees that historically they would not have gone to. The first bill is a liability bill. Again, for the past eighteen or more years, those bills have been handled in the Law & Justice Committee. And the second bill is a matter of administrative procedure and rule making and all of the bills of similar like this year are in the Government Operations Committee and have been in the past. It appears to me that they are miss-referred. And I'm wondering if you can explain or give us guidance if they'll be referred to the committees that they have historically been within the jurisdiction of.

SPEAKER'S RULING

Representative Appelwick, the Speaker understands your Point of Order to relate to House Rule 10 (A) which provides in pertinent part, "After the first reading the bill shall be referred to an appropriate committee."

While the Speaker does not deny that the Committee on Law & Justice would be an appropriate committee to hear House Bill No. 1213, and the bill may very well be re-referred to that committee after it is considered by the Health Care Committee, The Speaker Rules that the Committee on Health Care is "an appropriate Committee" to receive House Bill No. 1213 which deals with the training of emergency service medical personnel and possible liability issues surrounding that training.

In a similar fashion the Speaker Rules that the committee on Agriculture & Ecology is an "appropriate committee" to receive House Bill No. 1215 which deals with new procedures for adopting rules for the departments of Agriculture & Ecology. The fact that the Committee on Governmental Operations may also have an interest and expertise in regulatory reform may well give rise to a re-referral of this measure after its consideration by the Agriculture & Ecology committee but it does not mean that Agriculture & Ecology should be precluded from receiving the legislation.

Your Point of Order is not well taken.

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

REPORTS OF STANDING COMMITTEES

January 17, 1995

HB 1014 Prime Sponsor, Representative Padden: Correcting obsolete references to the department of community development and the department of trade and economic development. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass with the following amendment.

On page 74, line 28 after "committee" strike everything through "housing" and insert "~~((on trade, economic development, and housing))~~"

On page 74, line 29 after "representatives" insert "that deals with issues of economic development"

On page 74, line 30 after "committee" strike everything through "development" on line 31 and insert "~~((on trade, technology, and economic development))~~"

On page 74, line 31 after "senate" insert "that deals with issues of economic development"

Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 17, 1995

HB 1015 Prime Sponsor, Representative Padden: Correcting double amendments from the 1994 legislative sessions.
Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.
Excused: Representative Appelwick.

Passed to Committee on Rules for second reading.

January 17, 1995

HB 1018 Prime Sponsor, Representative Padden: Amending the Washington uniform limited partnership act.
Reported by Committee on Law and Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Veloria.
Excused: Representative Appelwick.

Passed to Committee on Rules for second reading.

January 17, 1995

HB 1032 Prime Sponsor, Representative Padden: Revising the procedure for issuing orders under the administrative procedure act. Reported by Committee on Law and Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.
Excused: Representative Appelwick.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Representative Foreman, the bills listed on today's committee report under the fifth order of business were referred to the committees so designated.

On motion of Representative Foreman, the advanced to the eighth order of business.

On motion of Representative Foreman, House Bill No. 1148 was re-referred from the Committee on Health Care to the Committee on Law & Justice.

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

RESOLUTION

HOUSE RESOLUTION NO. 95-4604, by Representatives Foreman and Ebersole

BE IT RESOLVED, That the House of Representatives Rules Committee shall meet no later than Monday, January 16, 1995, the eighth legislative day, to consider and make recommendations on permanent rules for the House of Representatives; and

BE IT FURTHER RESOLVED, That no later than Friday, January 20, 1995, the twelfth legislative day, the House of Representatives shall meet to consider adoption of permanent rules for the Fifty-fourth Legislature; and

BE IT FURTHER RESOLVED, That permanent House Rules for the Fifty-fourth Legislature be adopted as follows:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FIFTY-FOURTH LEGISLATURE 1995-1996

HOUSE RULE NO.

- Rule 1 Definitions
- Rule 2 Chief Clerk to Call to Order
- Rule 3 Election of Officers
- Rule 4 Powers and Duties of the Speaker
- Rule 5 Chief Clerk
- Rule 6 Duties of Employees
- Rule 7 Admission to the House
- Rule 8 Absentees and Courtesy
- Rule 9 Bills, Memorials and Resolutions - Introductions
- Rule 10 Reading of Bills
- Rule 11 Amendments
- Rule 12 Final Passage
- Rule 13 Hour of Meeting, Roll Call and Quorum
- Rule 14 Daily Calendar and Order of Business
- Rule 15 Motions
- Rule 16 Members Right to Debate
- Rule 17 Rules of Debate
- Rule 18 Ending of Debate - Previous Question
- Rule 19 Voting
- Rule 20 Reconsideration
- Rule 21 Call of the House
- Rule 22 Appeal from Decision of Chairman
- Rule 23 Standing Committees
- Rule 24 Duties of Committees
- Rule 25 Standing Committees - Expenses - Subpoena Power
- Rule 26 Vetoed Bills
- Rule 27 Suspension of Compensation
- Rule 28 Smoking
- Rule 29 Parliamentary Rules
- Rule 30 Standing Rules Amendment
- Rule 31 Rules to Apply for Assembly
- Rule 32 Legislative Mailings

Definitions

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

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

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

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

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

Chief Clerk to Call to Order

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

Election of Officers

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

Powers and Duties of the Speaker

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

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

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

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

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

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

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

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

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

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

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

Chief Clerk

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

The chief clerk shall employ, upon the recommendation of the employment committee and subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of

the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

Duties of Employees

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

Admission to the House

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

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

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

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

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

Absentees and Courtesy

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

Bills, Memorials and Resolutions - Introductions

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

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

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

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

Reading of Bills

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

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

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

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

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

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

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

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

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

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

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

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

Amendments

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

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

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

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

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

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. (Art. II § 38)

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

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

Final Passage

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

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

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

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

Hour of Meeting, Roll Call and Quorum

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

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

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

Daily Calendar and Order of Business

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

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

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

Second: Introduction of visiting dignitaries.

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

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

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

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

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

Eleventh: Announcements.

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

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

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

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

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

Motions

Rule 15. Rules relating to motions are as follows:

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

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

(1) Privileged motions:

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

(2) Subsidiary motions:

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

(3) Incidental motions:

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

(C) **THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT.** Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

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

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

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

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

Members Right to Debate

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

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

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

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

Rules of Debate

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

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

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

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

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

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

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

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

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

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

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

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

Ending of Debate - Previous Question

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

The previous question is not debatable and cannot be amended.

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

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

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

Voting

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

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

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

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

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

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

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

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

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

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

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

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

Reconsideration

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

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

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

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

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

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

Call of the House

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

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

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

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

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

Appeal from Decision of Chairman

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

Standing Committees

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

1. Agriculture & Rural Development	10
2. Appropriations	27
3. Capital Budget	15
4. Commerce & Labor	9
5. Corrections	10
6. Education	19
7. Energy & Utilities	9
8. Environmental Affairs	14
9. Financial Institutions & Insurance	16
10. Fisheries & Wildlife	9
11. Health Care	16
12. Higher Education	18
13. Human Services	12
14. Judiciary	17
15. Local Government	11
16. Natural Resources & Parks	11
17. Revenue	16
18. Rules	18
19. State Government	9
20. Trade, Economic Development & Housing	14
21. Transportation	27
1. Agriculture & Ecology	17
2. Appropriations	31
3. Capital Budget	13
4. Children & Family Services	11
5. Commerce & Labor	11
6. Corrections	11

7. Education	19
8. Energy & Utilities	11
9. Finance	12
10. Financial Institutions & Insurance	13
11. Government Operations	15
12. Health Care	11
13. Higher Education	11
14. Law & Justice	15
15. Natural Resources	15
16. Rules	19
17. Trade & Economic Development	13
18. Transportation	27

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

Duties of Committees

Rule 24. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

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

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

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

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

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

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

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

Standing Committees - Expenses - Subpoena Power

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

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

Vetoed Bills

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

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

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

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

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

Suspension of Compensation

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

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

Smoking

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

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

Parliamentary Rules

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

Standing Rules Amendment

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

Rules to Apply for Assembly

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

Legislative Mailings

Rule 32. The house of representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes. With respect to member mailings to constituents, these policies and guidelines shall ensure that:

(A) All mailings are subject to applicable provisions of the code of ethics established in Rules 1 through 9 of the joint rules of the legislature.

(B) Within the twelve months preceding the expiration of a member's term of office, identical mailings are limited as follows: One mailing mailed within thirty days after the start of the regular legislative session and one mailing mailed within sixty days after the end of the regular legislative session. For purposes of this rule, an identical mailing is a mailing of identical content in excess of two hundred pieces not mailed in response to a constituent contact.

(C) Within the twelve months preceding the expiration of a member's term of office, individual letters are limited as follows: A member may mail to an individual constituent a letter or other information, including the member's opinion, on a matter relevant to legislative business if the member has a reasonable belief that the constituent is interested in that matter.

(D) The total cost of each member's mailings, including production costs, printing costs, and postage, are limited by an annual expenditure level established by the house executive rules committee.

Representative Mielke moved adoption of the resolution.

Representatives Mielke and Appelwick spoke in favor of adoption of the resolution.

House Resolution No. 4604 was adopted.

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

SECOND READING

HOUSE BILL NO. 1030, by Representatives Lisk, Carlson, Dyer, Skinner, Cooke, Schoesler, Thompson, Goldsmith, Chandler, Basich, Foreman, Honeyford, Hankins, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, L. Thomas, Huff, Silver, Buck and McMahan

Regulating teen-age work hours.

The bill was read the second time. On motion of Representative Lisk, Substitute House Bill No. 1030 was substituted for House Bill No. 1030 and the substitute bill was placed on the second reading calendar.

Representative Appelwick spoke in favor of the motion.

With the consent of the House, the House deferred further consideration of Substitute House Bill No. 1030.

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

MOTION

On motion of Representative Mielke, the House adjourned until 9:55 a.m., Thursday, January 19, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

TENTH DAY, JANUARY 18, 1995

JOURNAL OF THE HOUSE

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

ELEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, January 19, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

INTRODUCTIONS AND FIRST READINGS

HB 1260 by Representatives Dyer, Backlund, Hymes, Casada and Kremen

AN ACT Relating to health care liability reform; adding a new section to chapter 4.24 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 18.130 RCW; and creating a new section.

HB 1261 by Representatives Dyer, Backlund, Hymes, Casada and Kremen

AN ACT Relating to economic incentives for health care coverage; adding new sections to chapter 48.43 RCW; adding new sections to chapter 51.16 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and recodifying RCW 51.14.010.

Referred to Committee on Health Care.

HB 1262 by Representatives Dyer, Backlund, Hymes, Casada and Cooke

AN ACT Relating to health care reform; adding new sections to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 44.44 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.36A RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.41 RCW; adding new sections to chapter 48.70 RCW; adding new sections to chapter 48.85 RCW; adding a new section to chapter 70.47 RCW; creating new sections; and repealing RCW 43.72.020.

Referred to Committee on Health Care.

HB 1263 by Representatives Dyer, Backlund, Hymes, Casada and Kremen

AN ACT Relating to public employee health care coverage; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 47.64 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1264 by Representatives Benton, Ebersole, L. Thomas, Campbell, Quall, Costa, D. Schmidt, Boldt, Delvin, Robertson, Sherstad, Conway, Scott and Kremen

AN ACT Relating to public employees' collective bargaining; amending RCW 41.56.465; and reenacting and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

HB 1265 by Representatives Mastin, Honeyford and Johnson

AN ACT Relating to exemptions from industrial insurance coverage for persons employed on the family farm; and reenacting and amending RCW 51.12.020.

Referred to Committee on Commerce & Labor.

HB 1266 by Representatives Mastin, Sheldon, Quall, Basich and Grant

AN ACT Relating to health care reform; amending RCW 43.72.010, 43.72.040, 43.72.060, and 43.72.170; repealing RCW 43.72.210 and 43.72.220; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1267 by Representatives Mastin, Costa, Sherstad and Kessler

AN ACT Relating to parking in a parking place reserved for physically disabled persons; amending RCW 46.16.381; and prescribing penalties.

Referred to Committee on Transportation.

HB 1268 by Representative Mastin

AN ACT Relating to community work experience for recipients of aid to families with dependent children; amending RCW 74.25.010 and 74.25.020; and adding a new section to chapter 74.25 RCW.

Referred to Committee on Children & Family Services.

HB 1269 by Representatives Cairnes and Veloria

AN ACT Relating to funeral, transportation, and disposition expenses of the department of social and health services; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1270 by Representatives Morris, Benton, Sheldon, Pennington, Basich, Chappell, Kessler, Schoesler, Boldt, Hatfield, Stevens and Johnson

AN ACT Relating to farm vehicle exceptions to commercial driver's license requirements; and amending RCW 46.25.050.

Referred to Committee on Transportation.

HB 1271 by Representatives Morris, Blanton, Grant, Schoesler, Sheldon, Sherstad, Quall, Carlson, Hatfield, Mulliken, Elliot, Stevens, McMorris, Backlund, Johnson, Talcott, Kremen and Radcliff

AN ACT Relating to public agency lobbyists; amending RCW 42.17.160 and 42.17.190; and reenacting and amending RCW 43.88.030.

Referred to Committee on Government Operations.

HB 1272 by Representatives Chandler, Mastin, Blanton, Johnson, Kremen, Sherstad, Elliot and Backlund

AN ACT Relating to gasoline vapor recovery at service stations and other dispensing facilities; adding a new section to chapter 70.94 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1273 by Representatives Fuhrman, Blanton, Elliot and McMorris

AN ACT Relating to refunding motor vehicle fuel and special fuel taxes to Indian tribes; amending RCW 82.36.010; adding new sections to chapter 82.36 RCW; and adding a new section to chapter 82.38 RCW.

Referred to Committee on Transportation.

HB 1274 by Representatives Reams, Sheldon, K. Schmidt, Hargrove, McMahan, Mulliken, Foreman, Sherstad, Elliot, Stevens, Johnson, Talcott and Huff

AN ACT Relating to growth management; amending RCW 36.70A.070, 36.70A.110, 36.70A.210, 36.70A.280, 36.70A.320, 36.70A.350, and 43.62.035; and reenacting and amending RCW 36.70A.030.

Referred to Committee on Government Operations.

HB 1275 by Representatives McMorris, Morris, Kessler, Buck, Foreman and Basich

AN ACT Relating to extending existing employer workers' compensation group self-insurance; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Commerce & Labor.

HB 1276 by Representatives Ballasiotes, Costa, Mastin, Scott and Morris

AN ACT Relating to execution witnesses; and amending RCW 10.95.185.

Referred to Committee on Corrections.

HB 1277 by Representatives Cairnes, Scott, Padden and Lambert

AN ACT Relating to reporting of crimes involving the taking or theft of a motor vehicle; and adding a new section to chapter 9A.56 RCW.

Referred to Committee on Law and Justice.

HB 1278 by Representatives Lambert, Mason, Costa, Delvin and Huff

AN ACT Relating to restitution; amending RCW 9.94A.142; and creating a new section.

Referred to Committee on Law and Justice.

HB 1279 by Representatives Pennington, Morris, Schoesler, Campbell, Boldt, Carrell, Mielke, Van Luven, Hymes, McMahan, Mulliken, Foreman, Blanton, Sherstad, Elliot, Backlund, Johnson, L. Thomas and Huff

AN ACT Relating to sales and distribution of magazines by subscription; adding a new section to chapter 82.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1280 by Representatives Sherstad, Radcliff, Ballasiotes, Blanton, Cole, Tokuda and Dickerson; by request of Department of Corrections

AN ACT Relating to offenders' noncompliance with conditions or requirements of sentences; amending RCW 9.94A.200; and prescribing penalties.

Referred to Committee on Corrections.

HB 1281 by Representatives Ballasiotes, Blanton, Quall, Cole, Tokuda, Dickerson, Costa, Conway, Casada, Backlund, Johnson, Talcott and Huff; by request of Department of Corrections

AN ACT Relating to work ethic camps; amending RCW 9.94A.137; and prescribing penalties.

Referred to Committee on Corrections.

HB 1282 by Representatives Fuhrman, Mastin, Buck, Goldsmith, Koster, Padden, Mulliken, Lambert, Crouse, Thompson, Basich, Hargrove, Sheldon, McMahan, Pelesky, Sheahan, Boldt and Elliot

AN ACT Relating to certain animals posing a danger to livestock or crops; adding a new section to chapter 77.32 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1283 by Representatives Fuhrman, L. Thomas, Goldsmith, Buck, Basich, Hargrove, Mastin, Boldt, Pennington, Sheldon and McMahan

AN ACT Relating to game animals killed as a result of motor vehicle accidents; and adding a new section to chapter 77.16 RCW.

Referred to Committee on Natural Resources.

HB 1284 by Representatives Fuhrman, Campbell, Stevens, Goldsmith, Padden, Mulliken, Koster, Crouse, Buck, Thompson, Hargrove, Smith, Pelesky, McMahan, Sheahan, Talcott, Boldt, Pennington and Johnson

AN ACT Relating to testing of unemancipated minors for sexually transmitted diseases and HIV virus; and amending RCW 70.24.105 and 70.24.110;

Referred to Committee on Law and Justice.

HB 1285 by Representatives L. Thomas, Dellwo, Mielke, Benton, Huff, Wolfe, Campbell, Costa, Pelesky, Dyer, Kessler, Smith and Beekma

AN ACT Relating to immunity for providing surplus line insurance information to the insurance commissioner; and amending RCW 48.01.190.

HB 1286 by Representatives Buck, Pennington, Fuhrman, Pelesky, Johnson, McMorris, Sheldon, Cairnes, B. Thomas, Kessler, Stevens and Talcott

AN ACT Relating to the regulation of forest practices; amending RCW 76.09.010, 76.09.020, 76.09.050, 76.09.080, and 76.09.090; adding new sections to chapter 76.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1287 by Representatives McMorris, Horn, Chandler, Regala, Mastin, Clements, Koster, Robertson, Johnson, Boldt, Chappell, Schoesler and Rust

AN ACT Relating to forest health and calculating emissions for silvicultural burning; and amending RCW 70.94.665.

Referred to Committee on Agriculture & Ecology.

HB 1288 by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Sheldon, Mielke, Padden, Conway, Delvin, Schoesler, Foreman, Stevens, Thibaudeau, Dickerson, Blanton, Sherstad, Hargrove, Scott, Kessler and Raddliff

AN ACT Relating to inmate name changes; and amending RCW 4.24.130.

HB 1289 by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott

AN ACT Relating to vessels; amending RCW 88.12.155; reenacting and amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Law and Justice.

There being no objection, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exceptions of House Bill No. 1260, House Bill No. 1285 and House Bill No. 1288.

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

REPORTS OF STANDING COMMITTEES

January 17, 1995

HI 159 Prime Sponsor, Representative People of the State of Washington: Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Koster; Radcliff; K. Schmidt and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives Cole and Dickerson.

Voting Yea: Representatives Ballasiotes, Blanton, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Voting Nay: Representatives Cole and Dickerson.

Referred to the Committee on Law & Justice.

January 17, 1995

HI 164 Prime Sponsor, Representative People of the State of Washington: Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Referred to the Committee on Law & Justice.

January 18, 1995

HB 1012 Prime Sponsor, Representative L. Thomas: Regulating loans made by pawnbrokers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Benton; Costa; Dellwo; Dyer; Huff; Kessler; Mielke and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Costa, Huff, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representatives Campbell, Dellwo, Dyer and Kessler.

Passed to Committee on Rules for second reading.

January 17, 1995

HB 1022 Prime Sponsor, Representative B. Thomas: Reducing property taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 13, strike all of section 5.

Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Hymes; Mulliken; Pennington; Schoesler and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Campbell and Mason.

Voting Yea: Representatives Boldt, Carrell, Hymes, Mulliken, Pennington, Schoesler, B. Thomas and Van Luven.

Voting Nay: Representatives Campbell, Dickerson, Mason and Morris.

Passed to Committee on Rules for second reading.

January 17, 1995

HB 1023 Prime Sponsor, Representative B. Thomas: Reducing business and occupation tax rates. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Campbell; Hymes; Mulliken; Pennington; Schoesler and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member; and Mason.

Voting Yea: Representatives Boldt, Campbell, Carrell, Hymes, Morris, Mulliken, Pennington, Schoesler, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Passed to Committee on Rules for second reading.

January 17, 1995

HJM 4000 Prime Sponsor, Representative Reams: Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Scott, Assistant Ranking Minority Member; Chopp; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; and R. Fisher.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Voting Nay: Representatives Rust and R. Fisher.

Passed to Committee on Rules.

There being no objection, the bills and memorial listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 1:30 p.m., Friday, January 20, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

ELEVENTH DAY, JANUARY 19, 1995

JOURNAL OF THE HOUSE

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

TWELFTH DAY

—————
AFTERNOON SESSION
—————

House Chamber, Olympia, Friday, January 20, 1995

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joey Doughly and Alissa Marzolf. Prayer was offered by Archbishop Thomas J. Murphy from the Archdiocese of Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved. There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

January 18, 1995

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4402,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4402,

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

INTRODUCTIONS AND FIRST READINGS

HB 1260 by Representatives Dyer, Backlund, Hymes, Casada and Kremen

AN ACT Relating to health care liability reform; adding a new section to chapter 4.24 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care.
Held on first reading from 1/19/95.

HB 1285 by Representatives L. Thomas, Dellwo, Mielke, Benton, Huff, Wolfe, Campbell, Costa, Pelesky, Dyer, Kessler, Smith and Beekma

AN ACT Relating to immunity for providing surplus line insurance information to the insurance commissioner; and amending RCW 48.01.190.

Referred to Committee on Financial Institutions & Insurance.
Held on first reading from 1/19/95.

HB 1288 by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Sheldon, Mielke, Padden, Conway, Delvin, Schoesler, Foreman, Stevens, Thibaudeau, Dickerson, Blanton, Sherstad, Hargrove, Scott, Kessler and Radcliff.

AN ACT Relating to inmate name changes; and amending RCW 4.24.130.

Referred to Committee on Corrections.
Held on first reading from 1/19/95.

HB 1290 by Representative Valle

AN ACT Relating to responsible forest fire protection measures; amending RCW 66.08.200 and 82.08.170; adding a new section to chapter 76.04 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1291 by Representatives Goldsmith, Carlson, Mulliken, Sheahan, McMahan, Buck, Benton, Thompson and Kessler

AN ACT Relating to a surcharge for excess credits taken at institutions of higher education; reenacting and amending RCW 28B.15.031; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 1292 by Representatives Pelesky, Carrell, McMahan, Huff, Campbell, L. Thomas, Smith, Crouse, Buck, Sherstad, Clements, Hymes, Thompson, Lambert, Mulliken, Padden, Radcliff, Johnson, Hickel, Mielke, Casada and Hargrove

AN ACT Relating to classroom discipline; amending RCW 28A.600.020; and prescribing penalties.

Referred to Committee on Education.

HB 1293 by Representatives Patterson, Reams, Mitchell, Poulsen, R. Fisher, Valle and G. Fisher

AN ACT Relating to soundproofing programs in aircraft noise- impacted areas; amending RCW 53.54.030; adding a new section to chapter 53.54 RCW; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1294 by Representatives Dellwo, Kessler, Wolfe, Romero, Appelwick, Basich and Cody

AN ACT Relating to the head injury trust fund; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1295 by Representatives Carlson, Sommers, Sehlin and Basich; by request of Department of Retirement Systems

AN ACT Relating to payment of retirement system benefits upon death of a member or retiree; amending RCW 41.40.188, 41.40.220, 41.40.250, 41.40.270, 41.40.660, 41.40.670, 41.40.700, 41.32.520, 41.32.522, 41.32.523, 41.32.530, 41.32.550, 41.32.785, 41.32.790, 41.32.805, 41.26.460, 41.26.470, 41.26.510, 2.10.144, and 2.10.146; and reenacting and amending RCW 41.40.235.

Referred to Committee on Appropriations.

HB 1296 by Representatives Sommers, Carlson and Sehlin; by request of Department of Retirement Systems

AN ACT Relating to employer responsibility for retirement contributions; amending RCW 41.50.140; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1297 by Representatives Sehlin, Sommers and Carlson; by request of Department of Retirement Systems

AN ACT Relating to complying with federal limits on the maximum compensation used to calculate state retirement system benefits; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Appropriations.

HB 1298 by Representatives Cooke, Tokuda and Patterson; by request of Department of Social and Health Services

AN ACT Relating to methadone treatment; and amending RCW 70.96A.400, 70.96A.410, and 70.96A.420.

Referred to Committee on Children & Family Services.

HB 1299 by Representatives Brumsickle, Cole and Dickerson; by request of Office of Financial Management

AN ACT Relating to the use of student learning improvement grants; and amending RCW 28A.300.138.

Referred to Committee on Education.

HB 1300 by Representatives Mastin, Grant, Chappell, L. Thomas, Sheldon, Campbell, Benton, Carrell, Kessler and Basich

AN ACT Relating to attorneys' fees, costs, and expenses awarded against the state; adding a new section to chapter 4.84 RCW; and creating new sections.

Referred to Committee on Law and Justice.

HB 1301 by Representatives Campbell, Pennington, Morris, Boldt, Hymes, Van Luven, Carrell, Patterson, B. Thomas, Mulliken, L. Thomas, Schoesler, Smith, Sherstad, Hargrove, Kremen and Costa

AN ACT Relating to modifying business and occupation tax rates; amending RCW 82.04.255 and 82.04.290; creating a new section; repealing RCW 82.04.2201; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1302 by Representatives Delvin, Costa, Appelwick, Hickel, Robertson, Sheahan, Padden, L. Thomas and Mastin

AN ACT Relating to crimes involving food stamps; amending RCW 9.91.140; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1303 by Representatives Delvin, Ebersole, Robertson, Chappell, Mielke, Sheldon, Cairnes, Mastin, Skinner, Appelwick, Conway, Sheahan, Kremen, Ballasiotes, Wolfe, Huff, Tokuda, Dyer, McMorris, Foreman, Dickerson, Mitchell, Basich and Schoesler

AN ACT Relating to a death benefit award for certain law enforcement officers, fire fighters, and commissioned employees of the Washington state patrol who die in the line of duty; adding a new section to

chapter 41.04 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 43.43 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1304 by Representatives Buck, Kessler, Johnson, Hatfield, Sheldon, Basich and Schoesler; by request of Governor Lowry

AN ACT Relating to economic and employment impact of natural resources harvest variation in rural communities; amending RCW 43.31.601, 43.31.611, 43.31.621, 43.31.641, 50.22.090, 43.31.651, 43.63A.600, 43.63A.440, 43.160.076, 28B.50.030, 28B.50.258, 28B.50.262, 28B.80.570, 28B.80.575, 28B.80.580, 28B.80.585, 43.17.065, 43.20A.750, 43.21J.010, 43.168.020, 43.168.140, 43.210.110, 50.12.270, 50.70.010, and 50.70.020; amending 1993 c 316 s 5 (uncodified); amending 1993 c 320 s 10 (uncodified); amending 1993 c 316 s 7 (uncodified); amending 1993 c 320 s 11 (uncodified); reenacting and amending RCW 43.160.020 and 43.160.200; adding a new section to chapter 43.63A RCW; creating a new section; repealing RCW 43.31.661 and 43.31.631; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1305 by Representatives Johnson, Sheldon, Reams, Mastin, L. Thomas and Basich

AN ACT Relating to growth management; amending RCW 36.70A.110, 36.70A.070, and 36.70A.210; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations.

HB 1306 by Representatives Carlson and Jacobsen; by request of Office of Financial Management

AN ACT Relating to tuition; and reenacting and amending RCW 28B.15.202, 28B.15.402, and 28B.15.502.

Referred to Committee on Higher Education.

HB 1307 by Representatives Crouse, Benton, Padden, Backlund, Koster, Sherstad, Hargrove, McMorris, Sheahan, Pelesky, Goldsmith, Fuhrman, Honeyford, Lambert and Thompson

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

Referred to Committee on Capital Budget.

HB 1308 by Representatives Crouse, Padden, Benton, Koster, Mastin, Sherstad, Hargrove, Goldsmith, Fuhrman, Lambert and Thompson

AN ACT Relating to abolishing the Washington state arts commission; creating a new section; and repealing RCW 28A.335.210, 28B.10.025, 28B.10.027, 43.17.200, 43.17.205, 43.17.210, 43.19.455, 43.46.005, 43.46.015, 43.46.030, 43.46.040, 43.46.045, 43.46.050, 43.46.055, 43.46.060, 43.46.070, 43.46.090, 43.46.095, and 43.46.900.

Referred to Committee on Government Operations.

HB 1309 by Representatives R. Fisher and Hatfield; by request of Office of Financial Management

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

Referred to Committee on Transportation.

HB 1310 by Representatives K. Schmidt, R. Fisher and Buck; by request of Board of Pilotage Commissioners

AN ACT Relating to pilotage services; amending RCW 88.16.070; reenacting and amending RCW 88.16.150; and prescribing penalties.

Referred to Committee on Transportation.

HB 1311 by Representatives K. Schmidt, R. Fisher and Blanton; by request of Board of Pilotage Commissioners

AN ACT Relating to pilotage license fees; amending RCW 88.16.090; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1312 by Representatives Buck, Benton, Foreman, Delvin, Carrell, Johnson, Thompson, Sheldon, Elliot and Mielke

AN ACT Relating to firearm range training and practice facilities; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Law and Justice.

HB 1313 by Representatives Buck, Pennington, Fuhrman, Benton, Foreman, Sheldon, Honeyford, Johnson, Thompson, Hatfield, Hargrove and Elliot

AN ACT Relating to a financial performance review of the management of state forest assets; adding a new section to chapter 43.30 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1314 by Representatives Buck, Fuhrman, Benton, Honeyford, Elliot, Thompson, Sherstad, Mulliken and Hargrove

AN ACT Relating to armed crimes; amending RCW 9.41.040, 9.41.047, 9.41.050, 9.41.098, 9.41.110, 9.41.135, 9.41.170, and 9.41.800; reenacting and amending RCW 9.41.010 and 9.41.070; repealing RCW 9.41.240; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1315 by Representatives Van Luven, Sheldon, Horn and Campbell

AN ACT Relating to court fees funding dispute resolution centers; and creating a new section.

Referred to Committee on Law and Justice.

HB 1316 by Representatives Elliot, Thompson, Fuhrman, Mulliken, Pelesky, McMorris, D. Schmidt, Sheahan, Sherstad, B. Thomas, McMahan, Johnson, Stevens, L. Thomas, Backlund, Hargrove and Koster

AN ACT Relating to educational employees' collective bargaining and contractual obligations; adding a new chapter to Title 28A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Education.

HB 1317 by Representatives Robertson, Cairnes, B. Thomas, Mitchell, Van Luven, Dyer, Lambert, Radcliff, D. Schmidt, Backlund, Cooke, Reams, Campbell, Stevens, L. Thomas and Koster

AN ACT Relating to transportation systems and facilities; amending RCW 47.46.030 and 47.46.040; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1318 by Representatives Carlson, Mulliken and Mastin; by request of Higher Education Coordinating Board

AN ACT Relating to the Washington scholars program; amending RCW 28A.600.130, 28B.15.543, 28B.80.245, and 28B.80.246; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1319 by Representatives Blanton, Mulliken, Carlson and Mastin; by request of Higher Education Coordinating Board

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

Referred to Committee on Higher Education.

HB 1320 by Representatives Delvin, Dickerson, Mulliken, Carlson and Mastin; by request of Higher Education Coordinating Board

AN ACT Relating to student financial aid; and amending RCW 28B.80.160.

Referred to Committee on Higher Education.

HB 1321 by Representatives Mulliken, Mason, Goldsmith and Carlson; by request of Higher Education Coordinating Board

AN ACT Relating to the tuition recovery trust fund; amending RCW 28B.85.200 and 28B.85.210; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1322 by Representatives Van Luven, G. Fisher, Hatfield, Ballasiotes, Mitchell, Hymes, Johnson, L. Thomas, Campbell, Kremen and Basich

AN ACT Relating to the property taxation of senior citizens and persons retired because of physical disability; amending RCW 84.36.381 and 84.36.381; adding a new section to chapter 84.40 RCW; creating a new section; repealing 1994 sp.s. c 8 s 3 (uncodified); providing effective dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1323 by Representatives Cairnes, Hargrove and Sherstad

AN ACT Relating to an exemption for new construction from seller's disclosure requirements; and amending RCW 64.06.010.

Referred to Committee on Trade & Economic Development.

HB 1324 by Representatives Veloria, Cody, Dellwo and Dickerson

AN ACT Relating to the medical quality assurance commission; and amending RCW 18.71.015.

Referred to Committee on Health Care.

HB 1325 by Representatives Sheahan, Jacobsen, Mulliken, Benton and Carlson

AN ACT Relating to tuition for students in programs leading to the degree of doctor of pharmacy; reenacting and amending RCW 28B.15.202; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1326 by Representatives Mulliken, Chandler, Sheahan, Carlson, Benton, Blanton and Delvin

AN ACT Relating to commercial activities by institutions of higher education; amending RCW 28B.63.050; and adding a new section to chapter 28B.63 RCW.

Referred to Committee on Higher Education.

HB 1327 by Representatives Chandler, Kremen, Clements, McMorris, Mastin, Johnson, Chappell, Schoesler, Lisk, Cairnes, Boldt, L. Thomas, Thompson, Sheldon, Campbell, Mulliken and Mielke

AN ACT Relating to water rights claim filing; amending RCW 90.14.041 and 90.14.071; and adding a new section to chapter 90.14 RCW.

Referred to Committee on Agriculture & Ecology.

HJM 4009 by Representatives Mastin, Ballasiotes, Patterson, Backlund, Campbell, Sherstad, Elliot, Robertson and Costa

Asking Congress to consider various options regarding alien offenders.

Referred to Committee on Corrections.

MOTION

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

POINT OF ORDER

Representative Appelwick: Thank you, Mr. Speaker. Not to sound like a broken record but I see House Bill No. 1260 is again a liability or tort bill that for more than a decade would historically have gone to the Law & Justice Committee and that the immunity provisions in House Bill No. 1285 is also general liability provisions and I'm requesting the Speaker's guidance in whether they will be re-referred to the Law & Justice Committee.

SPEAKER'S RULING

Thank you, Representative Appelwick. We're going to send them to the committee so designated for the start of the process and then we'll certainly give consideration whether they will be re-referred or not. My tendency on a number of these is that they will be sent to both committees but we're going to take it on a case by case basis as we proceed.

Your point of order is not well taken.

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

REPORTS OF STANDING COMMITTEES

January 17, 1995

HB 1010 Prime Sponsor, Representative Reams: Implementing regulatory reform. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bill listed on today's committee reports under the fifth order of business was referred to the committee so designated.

MOTION

Representative Appelwick moved that House Bill No. 1010 be referred to the Committee on Appropriations.

Representatives Appelwick, Sommers, Ebersole and Rust spoke in favor of the motion and Representatives Foreman, Dyer and Reams spoke against it.

Representative Appelwick again spoke in favor of the motion.

Representative Appelwick demanded an electronic roll call vote on the motion and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to refer House Bill No. 1010 to the Committee on Appropriations and the motion failed by the following vote: Yeas - 37, Nays - 59, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 37.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Excused: Representatives Dellwo and Fuhrman - 2.

The motion to refer House Bill No. 1010 to the Rules Committee was carried.

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

RESOLUTION

HOUSE RESOLUTION NO. 95-4606, by Representatives Tokuda, Brumsickle, Ballard, Romero, Valle, Wolfe, Buck, Mason, Hatfield, Grant, Mielke, Sommers, Poulsen and Schoesler

WHEREAS, On January 17, 1995, an earthquake with a magnitude of 7.2 on the Richter scale ravaged Kobe, Japan's sixth largest city, killing several thousand people and injuring thousands more; and

WHEREAS, The 20 second quake, the worst to hit a metropolitan area in Japan in nearly half a century, flattened over 7,000 buildings and homes, set off raging fires, and annihilated vital infrastructure such as train lines, power, and communications throughout the city; and

WHEREAS, While Japanese Prime Minister Tomiichi Murayama has sent some 2,000 troops to the area, and earmarked one billion dollars for emergency relief measures, today there is only enough water in the city to supply a third of the 140,000 people left homeless by the quake, who are also in immediate need of food and shelter; and

WHEREAS, Kobe, a vital port city and commercial hub with a population of 1.4 million people, became Seattle, Washington's first sister city in 1957, paving the way for nine other Washington cities to develop their own ties with cities in Japan; and

WHEREAS, Kobe is located in Hyogo Prefecture, the state-equivalent in Japan which shares a sister relationship with Washington state; and

WHEREAS, Valuable, long-standing trade relations and personal friendships among residents of Japan and Washington state cause the devastating grief of this disaster to be shared among all the people of our state; and

WHEREAS, Residents, business leaders, and charitable organizations in Washington state currently are joining the national and international efforts to provide humanitarian aid to residents of Kobe, a once-beautiful city which has been reduced to the kind of rubble and carnage usually only seen in war-torn areas;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington join in the process of assisting the people of Kobe and its outlying areas by facilitating the ongoing relief effort in any way possible.

Representative Tokuda moved adoption of the resolution.

Representatives Tokuda, Brumsickle, Brown, Valle, Stevens, Schoesler and Mason spoke in favor of the resolution.

House Resolution No. 4606 was adopted.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1030, by House Committee on Commerce & Labor (originally sponsored by Representatives Lisk, Carlson, Dyer, Skinner, Cooke, Schoesler, Thompson, Goldsmith, Chandler, Basich, Foreman, Honeyford, Hankins, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, L. Thomas, Huff, Silver, Buck and McMahan)

Regulating teen-age work hours.

Substitute House Bill No. 1030 was read the second time.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 1, line 14, after "after" strike "~~((being assured))~~ determining that" and insert "being assured"

On page 2, at the beginning of line 33, strike "C" and insert "E"

Representative Lisk spoke in favor of adoption of the amendment and it was adopted.

With the consent of the House, amendment number 002 was withdrawn.

Representative Foreman moved adoption of the following amendment by Representative Foreman:

On page 2, line 28, after "(3)" insert "(a) Except as otherwise provided in this chapter, the hours of employment for minors age sixteen and seventeen shall not be restricted except as follows:

(i) The total number of hours worked during the school year may not exceed a maximum of twenty-four hours per week.

(ii) The total number of hours worked during school vacations may not exceed a maximum of ten hours per day or forty-eight hours per week.

(b) A variance to (a) of this subsection may be granted by the minor's school with concurrence of the minor's parent or legal guardian. The department shall adopt rules establishing the procedures that the school must follow in granting a variance under this subsection. The variance may permit up to a maximum of thirty-two hours of work per week during the school year.

(4)"

On page 2, at the beginning of line 34, strike "(4)" and insert "(5)"

Representatives Foreman, Quall, Ebersole, Lisk, Robertson and Lambert spoke in favor of adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment numbers 001 and 004 were withdrawn.

Representative Kremen moved adoption of the following amendment by Representative Kremen:

On page 2, line 28, after "(3)" insert "Minors age sixteen and seventeen may not be employed more than six days per week while school is in session.

(4)"

On page 2, at the beginning of line 34, strike "(4)" and insert "(5)"

Representatives Kremen and Lisk spoke in favor of adoption of the amendment and it was adopted.

Representative Kremen moved adoption of the following amendment by Representative Kremen:

On page 2, line 28, after "(3)" insert "Minors age sixteen and seventeen may not be employed more than ten hours per day on school days.

(4)"

On page 2, at the beginning of line 34, strike "(4)" and insert "(5)"

Representatives Kremen and Lisk spoke in favor of adoption of the amendment.

Representatives Quall and Cole spoke against the adoption of the amendment.

The amendment was adopted.

Representative Kessler moved adoption of the following amendment by Representative Kessler:

On page 2, line 28, after "(3)" insert "Except as otherwise provided in this chapter, the hours of employment for minors age sixteen and seventeen shall not be restricted except as follows:

(a) Employment may not begin earlier than 7:00 a.m. on a school day; and

(b) Employment may not begin earlier than 5:00 a.m. on Saturdays, Sundays, or school holidays or vacations.

(4)"

On page 2, at the beginning of line 34, strike "(4)" and insert "(5)"

Representatives Kessler, Cole and Mastin spoke in favor of adoption of the amendment.

Representatives Lisk, Clements, Mielke and Carlson spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment number 009 was withdrawn.

Representative Jacobsen moved adoption of the following amendment by Representative Jacobsen:

On page 2, line 28, after "(3)" insert "Except as otherwise provided in this chapter, the hours of employment for minors age sixteen and seventeen shall not be restricted except employment may not end later than 1:00 a.m. of the night ending on a school day.

(4)"

On page 2, at the beginning of line 34, strike "(4)" and insert "(5)"

Representatives Jacobsen, Mastin, Ebersole, and Appelwick spoke in favor of adoption of the amendment.

Representatives Lisk, Thompson, Delvin, Chandler, Johnson and Mielke spoke against the adoption of the amendment.

MOTION

On motion of Representative Brown, Representative Dellwo was excused.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2, line 28, by Representative Jacobsen to Substitute House Bill No. 1030, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 57, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Benton, Brown, Campbell, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 39.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell,

Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 57.

Excused: Representatives Dellwo and Fuhrman -2.

With the consent of the House, amendment number 011 was withdrawn.

With the consent of the House, amendment number 017 was withdrawn.

Representative Patterson moved adoption of the following amendment by Representative Patterson:

On page 2, line 28, after "(3)" insert "If a minor age sixteen or older is employed past 12:00 a.m., the employer must provide the minor employee with an escort to his or her means of transportation home.

(4)"

Representative Patterson spoke in favor of adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mastin moved adoption of the following amendment by Representative Mastin:

On page 2, line 28, after "(3)" insert "(a)"

On page 2, line 28, after "by" insert "this subsection or"

On page 2, on line 29, after "hazardous." strike "In" and insert "Except as provided in (b) of this subsection,
in"

On page 2, after line 33, insert:

"(b) Minors may not be employed in:

(i) Occupations where there is a risk of exposure to bodily fluids or transmission of infectious agents, including but not limited to hepatitis and HIV, including lab work which entails the cleaning of medical equipment used to draw or store blood or other contaminated tissue; duties which involve venipuncture; and duties involving work with laundry from health care facilities. This subsection(b)(i) does not apply if the minor is a student in a bona fide health care career training or vocational education program. State-certified life guards with first aid training are exempt.

(ii) Occupations involving potential exposure to hazardous substances which are considered to be carcinogenic, corrosive, highly toxic, toxic sensitizers, or which have been determined to cause reproductive health effects or irreversible end organ damage. This does not include handling of such substances in sealed containers in retail situations. This subsection's prohibitions shall not apply to any consumer product or hazardous substance, as those terms are defined by the consumer product safety act (15 U.S.C. 2051 et seq.) and the federal hazardous substances act (15 U.S.C. 1261 et seq.) and those statutes' regulations, where the employer of a minor can demonstrate that a product or substance is used in the workplace in the same manner as normal consumer use, and which use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers using the product or substance in conformity with the manufacturer's instructions."

Representatives Mastin, Lisk and Brown spoke in favor of adoption of the amendment.

Representative Padden demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2, line 28, by Representative Mastin to Substitute House Bill No. 1030, and the amendment was adopted by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Dellwo and Fuhrman - 2.

With the consent of the House, amendment number 015 was withdrawn.

Representative Mastin moved adoption of the following amendment by Representative Mastin:

On page 2, line 28, after "(3)" insert "(a)"

On page 2, line 28, after "by" insert "this subsection or"

On page 2, line 29, after "hazardous." strike "In" and insert "Except as provided in (b) of this subsection, in"

On page 2, after line 33, insert:

"(b) Minors may not be employed in sauna or massage parlors, body painting or tattoo studios, or adult entertainment establishments."

Representative Mastin, Chandler, Lisk, Cody and Conway spoke in favor of adoption of the amendment.

Representative Lisk again spoke in favor of adoption of the amendment and it was adopted.

Representative Patterson moved adoption of the following amendment by Representative Patterson:

On page 2, beginning on line 28, after "in" strike all material through "1994." on line 33 and insert "hazardous occupations. For the purposes of this subsection, "hazardous occupations" means the standards for hazardous occupations that were in effect under this chapter on the effective date of this section."

Representatives Patterson, Conway, Cole, Brown, Appelwick and Romero spoke in favor of adoption of the amendment.

Representatives Foreman, Horn, Pelesky, Buck and Mielke spoke against the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2, beginning on line 28, by Representative Patterson to Substitute House Bill No. 1030, and the amendment was not adopted by the following vote: Yeas - 28, Nays - 68, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Brown, Campbell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Mason, Ogden, Patterson, Poulsen, Quall, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 28.

Voting nay: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Excused: Representatives Dellwo and Fuhrman - 2.

With the consent of the House, amendment numbers 012, 013 and 006 were withdrawn.

The bill was ordered engrossed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Engrossed Substitute House Bill No. 1030 was referred to the Rules Committee.

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Substitute House Bill No. 1030.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:30 a.m., Monday, January 23, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

TWELFTH DAY, JANUARY 20, 1995

JOURNAL OF THE HOUSE

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

FIFTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 23, 1995

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dave Hunter and Joshua Weimer. Prayer was offered by Reverend Robert Cassis of South Sound Presbyterian Church.

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

There being not objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READINGS

HB 1328 by Representatives Dyer, Dellwo and Backlund; by request of Department of Health

AN ACT Relating to the uniform disciplinary act; amending RCW 18.130.020, 18.130.095, 18.130.098, 18.130.170, and 18.130.180; and reenacting and amending RCW 18.130.040 and 18.130.050.

Referred to Committee on Health Care.

HB 1329 by Representatives Dyer, Dellwo, Cody and Conway; by request of Department of Health

AN ACT Relating to food sanitation and safety; amending RCW 69.06.010; adding new sections to chapter 69.06 RCW; adding a new section to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1330 by Representatives Dyer, Dellwo and Backlund; by request of Department of Health

AN ACT Relating to health facilities and services; amending RCW 70.38.015, 70.38.025, 70.38.105, 70.38.115, 70.38.125, and 70.38.135; creating new sections; decodifying RCW 70.38.155, 70.38.156, 70.38.157, 70.38.914, 70.38.915, 70.38.916, 70.38.917, 70.38.918, and 70.38.919; repealing RCW 70.38.095, 70.38.105, 70.38.111, 70.38.115, 70.38.125, and 70.38.220; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1331 by Representatives Dyer, Dellwo, Skinner and Backlund; by request of Department of Health

AN ACT Relating to the use of examinations in the credentialing of health professionals; amending RCW 18.25.030, 18.32.050, 18.34.080, 18.29.021, 18.29.120,

18.53.060, 18.54.070, 18.64A.020, 18.74.035, 18.83.070, 18.83.072, 18.92.030, 18.92.100, 18.108.030, 18.108.050, and 18.108.073; and reenacting and amending RCW 18.74.023.

Referred to Committee on Health Care.

HB 1332 by Representatives Dyer and Dellwo; by request of Department of Health

AN ACT Relating to the licensure of ambulatory surgical centers; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1333 by Representatives Dyer, Dellwo, Cody, Backlund and Conway; by request of Department of Health

AN ACT Relating to implementation of the public health improvement plan; amending RCW 41.05.240, 70.05.030, 70.05.035, and 70.46.020; adding new sections to chapter 43.70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1334 by Representatives Dyer, Carrell, Brumsickle, G. Fisher, Romero, Brown, Johnson, Backlund, Wolfe, B. Thomas, Boldt, Campbell, Morris, Van Luven, Sheldon, Scott, Kremen, Dellwo, Horn and Basich

AN ACT Relating to taxation of hospitals; amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1335 by Representatives Thompson, McMorris, Sherstad, Lisk, Hargrove, Koster, D. Schmidt, Buck, Talcott, Blanton, B. Thomas, Sheldon, Johnson and Mulliken

AN ACT Relating to firearm dealers; amending RCW 9.41.110; and reenacting and amending RCW 9.41.010.

Referred to Committee on Law and Justice.

HB 1336 by Representatives Jacobsen, Carlson, Mastin and Basich

AN ACT Relating to accountability and collaboration in higher education and K-12 education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1337 by Representatives Lisk, Cole, Conway, Fuhrman, Sheahan, Romero, Jacobsen and Wolfe; by request of Department of Licensing

AN ACT Relating to deregulating debt adjusters; amending RCW 18.28.010, 18.28.080, 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.150, 18.28.165, and 18.28.190; repealing RCW 18.28.020, 18.28.030, 18.28.040, 18.28.045, 18.28.050, 18.28.060, 18.28.070, 18.28.160, and 18.28.170; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1338 by Representatives Lisk, Cole, Conway, Fuhrman, Sheahan, Romero, Jacobsen, Wolfe and Costa; by request of Department of Licensing

AN ACT Relating to court reporting; amending RCW 18.145.005, 18.145.010, 18.145.020, 18.145.030, 18.145.040, 18.145.050, 18.145.070, 18.145.080, 18.145.090, 18.145.110, 18.145.120, 18.145.130, and 18.145.900; and repealing RCW 18.145.060.

Referred to Committee on Commerce & Labor.

HB 1339 by Representatives Ballasiotes, Morris, Costa, Carlson and Conway

AN ACT Relating to juvenile services; and amending RCW 13.04.035.

Referred to Committee on Corrections.

HB 1340 by Representatives Romero, Ogden, Basich and Jacobsen; by request of Parks and Recreation Commission

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

Referred to Committee on Natural Resources.

HB 1341 by Representatives Fuhrman, Buck, Sehlin, Carrell, Romero, Ogden, Regala, Jacobsen and Basich; by request of Parks and Recreation Commission

AN ACT Relating to watercraft excise tax; amending RCW 82.49.030 and 88.12.375; adding a new section to chapter 88.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1342 by Representatives Fuhrman, Buck, Sehlin, Romero, Ogden, Regala, Jacobsen and Basich; by request of Parks and Recreation Commission

AN ACT Relating to the parks and recreation commission; amending RCW 43.51.047, 43.51.060, and 43.51.270; adding a new section to chapter 43.85 RCW; adding a new section to chapter 43.51 RCW; repealing RCW 43.51.280; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1343 by Representatives Casada, Kessler and Basich; by request of Utilities & Transportation Commission

AN ACT Relating to eliminating the requirement of port districts to file tariffs with the utilities and transportation commission; and amending RCW 53.08.070.

Referred to Committee on Energy & Utilities.

HB 1344 by Representatives Casada and Kessler; by request of Utilities & Transportation Commission

AN ACT Relating to civil penalties for violation of gas pipeline safety regulations; amending RCW 80.28.212; and prescribing penalties.

Referred to Committee on Energy & Utilities.

HB 1345 by Representatives Mason, Mulliken, Jacobsen, Chopp, Regala and Conway; by request of Higher Education Coordinating Board

AN ACT Relating to the doctoral fellowship for faculty diversity program; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1346 by Representatives Foreman, Van Luven, Sheldon, Veloria, Jacobsen and Conway

AN ACT Relating to disaster assistance; amending RCW 38.52.005, 38.52.020, 38.52.090, 38.54.010, 38.54.020, 38.54.030, and 38.54.050; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; adding a new section to chapter 41.04 RCW; creating a new section; and making an appropriation.

Referred to Committee on Government Operations.

HB 1347 by Representatives L. Thomas, Dellwo, Huff, Kessler, Mielke and Wolfe

AN ACT Relating to continuing market interest rates for consumer credit transactions; repealing RCW 63.14.135; repealing 1992 c 193 s 4 (uncodified); and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1348 by Representatives L. Thomas, Cole, Fuhrman and Wolfe; by request of Department of Licensing

AN ACT Relating to the regulation of escrow agents; and amending RCW 18.44.010, 18.44.080, 18.44.145, 18.44.208, 18.44.290, 18.44.380, 43.320.011, 43.320.013, 43.320.050, 43.320.060, 43.320.100, and 43.320.110.

Referred to Committee on Financial Institutions & Insurance.

HB 1349 by Representatives Lisk, Chandler and Veloria; by request of Joint Task Force on Unemployment Insurance

AN ACT Relating to noncharging of benefits to employers' unemployment insurance experience rating accounts; amending RCW 50.16.094, 50.22.090, and 50.29.020; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1350 by Representatives Lisk, Chandler and Veloria; by request of Joint Task Force on Unemployment Insurance

AN ACT Relating to authorizing voluntary contributions for unemployment insurance; and adding a new section to chapter 50.29 RCW.

Referred to Committee on Commerce & Labor.

HB 1351 by Representatives Lisk, Chandler and Veloria; by request of Joint Task Force on Unemployment Insurance

AN ACT Relating to unemployment insurance contribution rates for successor employers; and amending RCW 50.29.062.

Referred to Committee on Commerce & Labor.

HB 1352 by Representatives Cole, Tokuda, Conway, Romero and Costa

AN ACT Relating to payment of litigation costs of injured workers; and amending RCW 51.52.120.

Referred to Committee on Commerce & Labor.

HB 1353 by Representatives Poulsen, Reams, Mitchell, G. Fisher, Valle, Patterson, Chandler, Wolfe, Rust, R. Fisher, Honeyford and Hatfield

AN ACT Relating to the use of commissioner districts in port districts; amending RCW 53.12.010, 53.12.115, 53.12.130, and 53.16.015; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1354 by Representatives Fuhrman, Basich, Cairnes and McMorris

AN ACT Relating to hound permits; and amending RCW 77.32.350.

Referred to Committee on Natural Resources.

HB 1355 by Representatives Brumsickle, Cole and Wolfe; by request of Office of Financial Management

AN ACT Relating to school bus acquisitions; amending RCW 28A.160.200 and 43.19.637; adding a new section to chapter 28A.160 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

HB 1356 by Representatives Lambert, Pelesky, Koster, Thompson, Skinner, Smith, Hymes, Stevens, Radcliff, Campbell, Benton, McMahan, Huff, Johnson and Backlund

AN ACT Relating to parental presence at a minor child's medical treatment; and creating a new section.

Referred to Committee on Health Care.

HB 1357 by Representatives Ballasiotes, Sherstad, Cole, Costa, Blanton, Quall, Veloria, Radcliff, Campbell and Dickerson

AN ACT Relating to supervision of offenders placed on probation; amending RCW 9.95.210, 9.92.060, and 36.01.070; and adding new sections to chapter 9.95 RCW.

Referred to Committee on Corrections.

HB 1358 by Representatives Costa, Ballasiotes and Morris

AN ACT Relating to parole of juvenile offenders; amending RCW 13.40.210; and prescribing penalties.

Referred to Committee on Corrections.

HB 1359 by Representatives Van Luven and G. Fisher; by request of Department of Revenue

AN ACT Relating to the administration and collection of the cigarette tax; amending RCW 82.24.010, 82.24.030, 82.24.040, 82.24.050, 82.24.080, 82.24.090, 82.24.110, 82.24.120, 82.24.230, 82.24.250, 82.24.260, and 82.26.010; adding new sections to chapter 82.24 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1360 by Representatives Dyer, Dellwo, Backlund and Cody

AN ACT Relating to discriminatory practices against doctors of osteopathic medicine and surgery licensed under chapter 18.57 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 18.100 RCW; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care.

HB 1361 by Representatives Robertson, Costa, Cody, Delvin, Chappell, Hickel, Smith, McMahan and Honeyford

AN ACT Relating to electronic facsimile transmission of arrest warrants; and amending RCW 10.31.060.

Referred to Committee on Law and Justice.

HB 1362 by Representatives Robertson, L. Thomas and Sheldon

AN ACT Relating to retrocession of criminal jurisdiction; and amending RCW 37.12.100, 37.12.110, and 37.12.120.

Referred to Committee on Law and Justice.

HB 1363 by Representatives L. Thomas and Dyer

AN ACT Relating to the application of the insurer holding company act to certified health plans, health care service contractors, and health maintenance organizations; amending RCW 48.31B.005 and 48.31B.030; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1364 by Representatives L. Thomas and Kessler

AN ACT Relating to the disclosure of material transactions of insurance companies, certified health plans, health service contractors, and health maintenance organizations; adding new sections to chapter 48.05 RCW; adding new sections to chapter 48.43 RCW; adding new sections to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1365 by Representatives Dellwo, Jacobsen, Chopp, Mason, Cole, Veloria and Costa; by request of Insurance Commissioner

AN ACT Relating to declinations or terminations of automobile insurance applications or policies; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1366 by Representatives L. Thomas, Campbell, Chopp, Mason, Kessler, Cole and Jacobsen; by request of Insurance Commissioner

AN ACT Relating to the simplification and improved clarity of property and casualty insurance policies; and adding new sections to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1367 by Representatives Kessler, Mason, Campbell, Cole, Veloria, Jacobsen, Basich and Costa; by request of Insurance Commissioner

AN ACT Relating to the use of driving records by insurers; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1368 by Representatives Costa, Conway, Chopp, Mason, Cole, Veloria, Jacobsen, Wolfe and Dickerson; by request of Insurance Commissioner

AN ACT Relating to criteria to be used when rating senior citizens for private passenger automobile insurance; adding a new section to chapter 48.19 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1369 by Representatives L. Thomas, Campbell, Chopp, Mason, Cole, Veloria, Jacobsen, Wolfe and Costa; by request of Insurance Commissioner

AN ACT Relating to insurer provision of replacement transportation when a claimant's vehicle is totaled; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1370 by Representatives L. Thomas, Jacobsen and Dyer; by request of Insurance Commissioner

AN ACT Relating to the capital and surplus requirements of insurance companies; amending RCW 48.05.340; and adding new sections to chapter 48.05 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1371 by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen; by request of Insurance Commissioner

AN ACT Relating to prohibited investments by insurers; and amending RCW 48.13.270.

Referred to Committee on Financial Institutions & Insurance.

HB 1372 by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen; by request of Insurance Commissioner

AN ACT Relating to rural health care; and repealing RCW 48.45.005, 48.45.010, 48.45.020, and 48.45.030.

Referred to Committee on Financial Institutions & Insurance.

HB 1373 by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen; by request of Insurance Commissioner

AN ACT Relating to the licensing of general agents; and amending RCW 48.05.310.

Referred to Committee on Financial Institutions & Insurance.

HB 1374 by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen; by request of Insurance Commissioner

AN ACT Relating to unearned premium, loss, and loss expense reserves of insurance companies; and amending RCW 48.12.040, 48.12.090, 48.12.100, 48.12.120, and 48.12.130.

Referred to Committee on Financial Institutions & Insurance.

HB 1375 by Representatives Lisk, Chandler, Fuhrman, Goldsmith, Hargrove, Horn and Honeyford

AN ACT Relating to industrial insurance benefits during confinement in an institution; and amending RCW 51.32.040.

Referred to Committee on Commerce & Labor.

HB 1376 by Representatives Lisk, Chandler, Fuhrman, Goldsmith, Horn and Hargrove

AN ACT Relating to filing claims for occupational disease; and amending RCW 51.28.055.

Referred to Committee on Commerce & Labor.

HB 1377 by Representatives Lisk, Chandler, Fuhrman, Goldsmith, Horn and Hargrove

AN ACT Relating to industrial insurance compensation for school employees; and amending RCW 51.08.178.

Referred to Committee on Commerce & Labor.

HB 1378 by Representatives Lisk, Chandler, Fuhrman, Goldsmith, Horn and Hargrove

AN ACT Relating to compensation for occupational disease; and amending RCW 51.32.100.

Referred to Committee on Commerce & Labor.

HB 1379 by Representatives Carlson, Mason, Kessler, McMorris, Benton, Mastin, Schoesler, Chopp, Sheahan, Quall, Mielke, Brumsickle, Chappell, Patterson, Delvin, Talcott, Poulsen, Wolfe, Thibaudeau, Cooke, Costa, Kremen, Huff, Robertson, Romero, Basich, Sheldon, Cody, Johnson, Hatfield and Conway

AN ACT Relating to the governing board of the state's higher education institutions; amending RCW 28B.20.100, 28B.30.100, and 28B.35.100; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; and providing an effective date.

Referred to Committee on Higher Education.

HJM 4010 by Representatives Lisk, Chandler, Veloria, Wolfe and Conway; by request of Joint Task Force on Unemployment Insurance

Requesting that unemployment benefits be removed from the IRS definition of taxable income.

Referred to Committee on Commerce & Labor.

HJR 4205 by Representative Fuhrman

Amending the Constitution to authorize presentation of issues of law and conscience to juries.

Referred to Committee on Law and Justice.

HCR 4403 by Representatives Horn, Jacobsen and Sheldon

Calling for a joint session to honor recently deceased members of the legislature.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 20, 1995

HB 1017 Prime Sponsor, Representative D. Schmidt: Transferring emergency management functions from the department of community development to the military department. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

January 19, 1995

HB 1027 Prime Sponsor, Representative Brumsickle: Redirecting school administrative resources to the classroom. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, McMahan, Pelesky, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representative Poulsen.

Passed to Committee on Appropriations.

January 19, 1995

HB 1031 Prime Sponsor, Representative Dyer: Changing the taxation of dental appliances, devices, restorations, and substitutes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, B. Thomas and Van Luven.

Excused: Representative Campbell.

Passed to Committee on Rules for second reading.

January 19, 1995

HB 1036 Prime Sponsor, Representative Backlund: Requiring a performance audit of the office of the superintendent of public instruction. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Johnson, McMahan, Pelesky, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Voting Nay: Representatives Hatfield and Poulsen.

Passed to Committee on Appropriations.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

The Speaker declared the House to be at ease.

The Speaker called the House to order.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030, by House Committee on Commerce & Labor (originally sponsored by Representatives Lisk, Carlson, Dyer, Skinner, Cooke, Schoesler, Thompson, Goldsmith, Chandler, Basich, Foreman, Honeyford, Hankins, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, L. Thomas, Huff, Silver, Buck and McMahan)

Regulating teen-age work hours.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1030.

Representatives Lisk, Carlson, Quall, Pennington, Horn, Sheldon, McMahan, Hargrove, D. Schmidt, Cooke, Benton, Pelesky, Smith and Clements spoke in favor of passage of the bill.

Representatives Cole, Cody, Romero, Voloria, Ebersole, Brown and Conway spoke against the passage of the bill.

POINT OF INQUIRY

Representative K. Schmidt yielded to a question by Representative Appelwick.

Representative Appelwick: Thank you Mr. Speaker. Representative K. Schmidt, it's been a time honored tradition in this body that the Representative from District 23 was in charge of certain procedural motions. Has that mantle fallen on you?

Representative K. Schmidt: I was thinking that seems to be lacking and that we do need to be doing something about it. And I believe that I do concur with you. There can't possibly be anyone in this chamber that is undecided as to their position. It is my pleasure to ask for the previous question.

Representative K. Schmidt demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1030, and the bill passed the House by the following vote: Yeas - 70, Nays - 26, Excused - 2, Absent - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Campbell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Jacobsen, Kessler, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle and Voloria - 26.

Excused: Representatives Fisher, G. and Fuhrman - 2.

Engrossed Substitute House Bill No. 1030, having received the constitutional majority, was declared passed.

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

JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate.

The Sergeant at Arms was instructed to escort the President of the Senate, Joel Pritchard; President Pro Tempore, Lorraine Wojahn; Vice President Pro Tempore, Rosa Franklin; Majority Leader, Marc Gaspard; and Minority Leader, Dan McDonald to seats on the rostrum.

The Senators were invited to seats within the House chambers.

The Speaker turned the gavel and the Joint Session of the Legislature over to the President of the Senate.

APPOINTMENTS OF SPECIAL COMMITTEES

The President of the Senate appointed Representatives B. Thomas, Tokuda and Senators Prentice and Strannigan to escort his excellency, Governor Mike Lowry from the state reception room to the House chamber.

The President of the Senate appointed Representatives Sehlin, Hankins, Poulsen, Regala and Senators Snyder and Palmer to escort the State Elected Officials from the state reception room to the House chamber.

The President of the Senate appointed Representatives Casada, Chandler, Mastin, Kessler and Senators Hargrove, Pelz, Cantu, and Hale to escort the Supreme Court Justices from the state reception room to the House chamber.

The President of the Senate appointed Representatives Ballasiotes, Veloria and Senators Loveland and A. Anderson to advise Chief Justice of the Supreme Court, Barbara Durham that the Joint Session has assembled and to escort her from the state reception room to the rostrum.

The President of the Senate instructed the special committee to escort Governor Lowry to his place on the rostrum.

The President of the Senate instructed the special committee to escort the Elected Officials to the front of the House chamber.

The President of the Senate welcomes Secretary of State, Ralph Munro; State Treasurer, Dan Grimm; State Attorney General, Christine Gregoire; and State Auditor, Brian Sonntag.

The President instructed the special committee to escort the Supreme Court Justices to the front of the House chamber.

The President of the Senate welcomes Justice Robert Utter, Justice James M. Dolliver, Justice Charles Z. Smith, Justice Richard Guy, Justice Charles Johnson, Justice Barbara Madson, Justice Gerry Alexander, and Justice Phil Talmadge.

The President instructs the special committee to escort Chief Justice, Barbara Durham to her place on the rostrum.

The Clerk of the House called the roll of the House.

The Clerk of the Senate called the roll of the Senate.

President Pritchard announced the purpose of the Joint Session was to receive a message from Chief Justice, Barbara Durham.

The President of the Senate turned the gavel over to the Speaker of the House.

SPEAKER'S PRIVILEGE

Mr. Speaker: Thank you Mr. President, ladies and gentlemen of the House and Senate, honorable members of the Supreme Court of Washington, distinguished visitors and friends. It is my high honor and privilege today to introduce to you the new Chief Justice of the State Supreme Court, the Honorable Barbara Durham.

As you are all aware, Chief Justice Durham's swearing in this month was noteworthy, not only for the leadership she will bring to our state's judiciary, it was also historic because she is the first woman to serve as Chief Justice of the Washington Supreme Court. You may not know Chief Justice Durham made judicial history before. In 1980 as the first woman appellate judge in state history; and in 1984 as the first woman Chief Judge in the State Appellate Court System.

Today, Chief Justice Durham is the only sitting member of the State Supreme Court who's served at all four levels of our judiciary.

Chief Justice Durham began her judicial career with appointment to the Mercer Island District Court in 1977. She was elected to the King County Superior Court. In 1980 she was appointed to the State Court of Appeals. And since 1985 she has sat on the Supreme Court.

Chief Justice Durham has distinguished herself not only on the bench but throughout her legal career serving in numerous public and private leadership roles.

It is my pleasure to present to you, the Honorable Barbara Durham, Chief Justice of the Washington State Supreme Court.

STATE OF THE JUDICIARY SPEECH
CHIEF JUSTICE BARBARA DURHAM
JANUARY 23, 1995

Thank you for inviting me here today. I am honored to stand before you to report on the state of the judiciary. You are about to hear not only where the judiciary has been but also where we aspire to go. I will describe not only what we've accomplished, but how, by working together as legislature and judiciary, we can renew our common commitment to justice, and revitalize our state's judicial branch of government.

When I reviewed what our judges accomplished this past year, I was amazed. We have nearly 400 judges in our state courts. Last year they disposed of more than two million cases (that's an average of eight thousand cases every working day!). They also sentenced some 275 thousand defendants. What I admire most in these hard working women and men is their dedication to justice. To them, justice is a duty, a responsibility, and a public trust.

Now, let me turn to three pressing judicial issues that you in this legislature can help us resolve. They are: The process by which judges are selected; The optimum size of the Supreme Court; And, the way the Chief Justice is chosen.

First, let's look at the way we select our judges. As we all know, the integrity of the judicial system depends on the quality of its members. Yet, how we choose quality judges has been a source of confusion. In a poll conducted last week by telephone, two-thirds of the voters polled said that they lacked sufficient information to intelligently choose judicial candidates. The question is: How can we increase this information so that voters know who they're voting for? Judges themselves are unable to provide this information. Our state's Code of Judicial Conduct states that judges cannot announce their view on disputed legal and political issues. Some states have recommended that judges be elected on the basis of a sophisticated merit system. Others suggest that citizens get a judicial voter's pamphlet.

I believe that what we need to do is to give this matter careful and thoughtful consideration. Therefore, in order to reduce this confusion and improve the selection process, the Governor and I are announcing today the formation of a Judicial Election Review Commission. This citizen-based Commission will work with legislative leaders, judges and others to review all aspects of judicial selection. Their charge will be to hold public meetings, take testimony, review methods used in other states, and report their recommendations by the end of the year. I will work closely with Representative Ballard, Senator Gaspard, Governor Lowry, and others to appoint Commission members as soon as possible.

I have heard from Representative Jennifer Dunn and from City of Seattle Mayor Norm Rice -- both of whom support the Commission. As Representative Dunn stated: "Voters want and deserve more information about judicial elections. A review of the alternatives by a thoughtful Judicial Election Commission would provide some much needed perspective."

The second issue I wish to bring to your attention is the size of our state's Supreme Court. Presently, we have a court made up of nine members, as do the supreme courts in only six other states. However, the majority of states in the country have fewer members: Alaska has five members, Oregon has seven, and California seven. Twenty-five years ago in our state, former Senator Wes Uhlman and then Justice Walter McGovern suggested that our Supreme Court could operate as well

with seven members. Just last Thursday in Seattle, speaking to the University of Washington Law School, Justice Utter recommended that the Supreme Court be reduced from nine to seven judges. I concur in these recommendations.

According, I have been working with House and Senate leadership to draft a constitutional amendment to provide for this reduction through normal attrition. If passed by voters, the next two vacancies to occur on the bench would not be filled. This reduction to seven justices would improve the court's circulation, communication and administration, and eventually save our taxpayers, we estimate, more than one million dollars.

This reduction effort, however, will require serious leadership to place this issue before the public in November and to sponsor the necessary legislation. Both the House and Senate have demonstrated this leadership. Senator Adam Smith and Representative Mike Padden are the prime sponsors and many others have signed on our bills.

A third fundamental change in our court structure that I propose is the way our Chief Justice is chosen. Currently, the role of Chief Justice is automatically assigned to a member of the court based on a combination of timing, seniority, and matriculation, whereas the American Bar Association recommends that Supreme Court members choose the Chief Justice "on the basis of legal competence and administrative ability."

In 1990, the Washington Commission on Trial Courts, chaired by William Gates, the past president of the State Bar Association, recommended that in order to change the method of selection of the Chief Justice, the state constitution should be amended. Mr. Gates is present in the audience today. The Commission believed that "changing the way in which the Chief Justice is selected and extending the Chief Justice's term could have far-reaching effects on the overall management of the court system."

In a recent survey of all Washington judges, 70 percent preferred a method of selecting the Chief Justice other than rotation. In the court of appeals and most of our trial courts, the presiding judges are elected by their peers. Therefore, in addition to the constitutional amendment to reduce the size of the Supreme Court, we are also submitting a proposal to choose the Chief Justice by means of election. You, as Representatives and Senators, can assist us in accomplishing these important pieces of legislation. I understand that the bills were delivered to the Bill Room this morning and are available in each chamber. I invite each of you to join our renewal effort by signing on as a co-sponsor.

As you all know, as long as there have been courts, there have been supporters and critics of the judicial system. Shakespeare's Hamlet bemoaned the law's delay. Dickens wrote about a seemingly endless chancery case. I'm proud to say that our judiciary has already undertaken many bold and innovative projects to improve the administration of justice in this state. Let me enumerate some of these projects for you.

First, we are improving our Supreme Court circulation procedures, especially with regard to opinion filings. Gladstone said, "Justice delayed is justice denied." Justice is truly denied with litigants have to wait years for resolution of their appeal. Two weeks ago in my inaugural remarks, I proposed that opinions of the Supreme Court should be published within the same year they are argued. This is in keeping with the United States Supreme Court which files all cases heard that year at the end of the Spring Term. We should do likewise.

Therefore, we will consider: Reducing the length of appellate opinions; Shortening the time allowed for circulation; And consolidating our hearing schedules.

We will continue to search for ways to improve the appeals process as we did recently by expediting more than 200 DUI cases, saving virtually one full year of appellate time. In our effort to make improvements, we consider nothing too sacred to be reviewed, and no alternative unworthy of consideration.

Another priority we must tackle is the issue of domestic violence. Domestic violence is a pervasive and systemic problem, and it is the number one cause of injury to women in this country. The number of domestic violence petitions filed in our courts in the past five years has increased by more than 400 percent. No other case type has been increasing more dramatically.

The branches of government must work together to combat and eradicate this devastating scourge. Two weeks ago, I met with Justice Guy, the chairperson of the Gender and Justice Commission, to lay the foundation for a Domestic Violence Summit. With the cooperation of Attorney General Christine Gregoire, the Domestic Violence Summit can provide a forum for the exchange of information, for identifying ways to reinforce the services already being provided, and to adopt a plan

of action to do what needs to be done. Invitations will be sent to participants from all three branches of government, both state and local. We can and we must work together to combat family violence.

And now a third project. During my term as Chief Justice, I intend to launch two major initiatives to improve access to our justice system. How many of you know where most cases in this state are filed? Ninety percent of all cases are filed in the courts of limited jurisdiction: the district and municipal courts, or the "people courts." And yet, our survey identified a growing concern among judges that these services provided in these courts vary widely across the state.

Therefore, I propose a comprehensive assessment of the services and operation of the district and municipal courts. Our objective is to inventory these courts to ensure that all citizens in this state have equal access to justice. We'll take a look, for example, at how probation services are monitoring defendant behaviors, and thereby ensuring public safety. We'll examine these court's procedures for granting protection orders in domestic violence cases, to make sure that in more rural areas, these courts have the ability to readily accommodate persons in need of protection.

Another thing we will do to further citizen access to justice is to televise, for the first time, Supreme Court oral arguments. In conjunction with T.V.W., a state level television network like C-Span, we will also invite the public into the courtroom. I hope to follow these broadcasts with informal citizen roundtables to explain the appellate process and answer their questions.

Another project in our effort to streamline and reduce expenditures is to attempt to contain the rising costs of indigent defense. Our Constitution requires that every person charged with a crime has the right to an attorney. If a defendant cannot afford an attorney, one is provided at government expense. If people are to maintain their respect for the courts and the constitutional right to an attorney, we must demonstrate that defendants who are able to pay for their own attorney do so, and that those who can pay some of the costs also contribute. Other states are already doing this.

We are preparing legislation for your consideration to establish cost recovery programs, with a mechanism for screening and evaluating indigency. Every person who has a legitimate right to a public attorney will continue to be represented. We want to be able to show that these persons are, in fact, in need.

The Supreme Court is also examining ways to streamline how we conduct business. One recommendation of the National Center for State Courts is to privatize some of the services now provided by the Reporter of Decisions office. The Reporter's office is responsible for issuing the written opinions of the Washington Supreme Court and the Court of Appeals. We've been able to reorganize the Reporter's office, reduce staff, and we hope to be able to publish reports more expeditiously. We will be seeking your approval of a bill to recover the costs of producing these reports. Currently, for example, statute requires that the Supreme Court purchase 300 copies of each published volume and provide them at no cost to a variety of government users. We are proposing legislation that would dramatically reduce that number.

As you know, the decisions a judge made are only as good as the evidence and information put before the court. This is particularly important, for example, in DUI cases. The judge needs to know whether the defendant being sentenced has an outstanding warrant or is on a deferred prosecution program. This year we expanded the statewide database for all misdemeanor defendants within our Judicial Information System.

Courts and criminal justice agencies across the state, from Seattle to Omak, can access the database to make sure that defendants are being sentenced appropriately. We will soon have nearly 90 percent of all misdemeanor criminal history in the state accessible on the JIS system.

A project we are also proud of is our new method of recruiting juries. Sometimes our jury system is viewed skeptically. As Robert Frost once remarked: "A jury consists of twelve persons chosen to decide who has the better lawyer." While this may be true right now in Los Angeles, we have taken steps in Washington state to improve our system.

If citizens are to maintain respect for justice, our jury system must reflect the diversity and faces of our society. Since September, our trial courts have begun drawing jurors from a combined list of registered voters and licensed drivers. This basic change in jury composition came about through authority granted jointly by the legislature, through statute, and by the Supreme Court through court rule.

The two results of this change are: a much larger pool of citizens from which to draw jurors, and a more diverse representation of the community for this most important civic duty. I am pleased to report on the cooperative effort between the courts, our Secretary of State, Ralph Munro, numerous executive branch agencies, and local officials, that led to this improvement in the jury system.

This past year, our judicial system took a long look in the mirror and did some careful soul searching. Last spring, every judge in this state was invited to take a first-ever judicial survey. This rigorous 150-question survey aimed to find out how the judiciary is working, what it is doing well, and what can be improved.

A total of 63 percent of all state judges responded. Here are some of their tabulated responses. Ninety-three percent of our judges indicated that the Sentencing Reform Act should be re-evaluated. The same number noted that we face increasing demands from pro se litigants (those without attorneys). Ninety-two percent believe that excessive litigation costs diminished the public confidence in our courts. Eighty-two percent indicated that crowded dockets prevent access to courts. And 82 percent felt that our courts could become more efficient by using telephonic motions and video arraignments.

Already, our judges are taking advantage of computer technology. Starting in March, district and municipal courts will begin issuing computer-generated snapshots of DUI cases. For the first time, judges will have reports that show the person's conviction and dismissal rate, plus the success and failure rates of deferred prosecution treatment programs. This means that judges will be able to match cases with cases filed in other courts, to see how their sentencing and fining practices compare with those of others.

These reports will help all of us understand better how we make decisions, how prosecutors charge, how attorneys defend, and how judges sentence. And yes, this information will be available to you and to the public. I am proud that our district and municipal court judges have clearly demonstrated their willingness to be accountable for their decisions in this important area of the law.

That, in a nutshell, is the state of the judiciary. As we enter the final half decade of this century, I think all of us can be proud of our accomplishments and encouraged by the prospect of being able to render even greater justice to the citizens of Washington state. I personally look forward to working together with you to further the causes that have brought us all here to serve.

In the words of a great American jurist, "The court's only armor is the cloak of public trust; its sole ammunition, the collective hopes of our society." I look forward to increasing that public trust, and keeping alive in all our citizens, their hope for justice.

Thank you.

The President of the Senate instructed the special committee to escort Chief Justice Durham from the House chamber and to the state reception room.

The President of the Senate instructed the special committee to escort Governor Mike Lowry from the House chamber and to the state reception room.

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

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

MOTION

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

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

The Speaker instructed the Sergeant at Arms of the House and the Senate to escort the President of the Senate, Joel Pritchard; President Pro Tempore, Lorraine Wojahn; Vice President Pro Tempore Rosa Franklin; Majority Leader, Marc Gaspard; and Minority Leader, Dan McDonald and members of the Washington State Senate from the House chamber.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m. Tuesday, January 24, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTEENTH DAY, JANUARY 23, 1995

JOURNAL OF THE HOUSE

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

SIXTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, January 24, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGES FROM THE SENATE

January 23, 1995

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4402,

and the same is herewith transmitted.

Marty Brown, Secretary

January 20, 1995

Mr. Speaker:

The Senate has passed:

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1380 by Representatives Reams, Scott, Foreman, R. Fisher, Smith, Buck, Johnson, Huff and Boldt

AN ACT Relating to growth management; amending RCW 36.70A.040, 36.70A.110, 36.70A.310, 36.70A.320, and 43.62.035; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations.

HB 1381 by Representatives Dyer, Brumsickle, Patterson, Campbell, Brown, Hankins, Chopp, Schoesler, Romero, Chandler, Robertson, Mitchell, G. Fisher, Sheahan, Poulsen, Thibaudeau, Sommers, Kessler, Mielke, Honeyford, Kremen, Wolfe, Boldt and Conway

AN ACT Relating to shared leave; and amending RCW 41.04.665.

Referred to Committee on Government Operations.

HB 1382 by Representatives Reams, Scott and Rust

AN ACT Relating to sale of surplus property by sewer and water districts; and amending RCW 56.08.080, 56.08.090, 57.08.015, and 57.08.016.

Referred to Committee on Government Operations.

HB 1383 by Representatives Reams, Scott, Rust and Hargrove

AN ACT Relating to annexation of unincorporated territory by municipal corporations providing sewer or water service; and amending RCW 56.24.205 and 57.24.210.

Referred to Committee on Government Operations.

HB 1384 by Representatives Reams, Scott and Rust

AN ACT Relating to sewer and water district sewer and water extension contracts; and amending RCW 56.22.020 and 57.22.020.

Referred to Committee on Government Operations.

HB 1385 by Representatives Reams, Scott and Rust

AN ACT Relating to premiums, charges, and costs for title insurance and title searches by sewer and water districts; and amending RCW 56.16.110 and 57.08.090.

Referred to Committee on Government Operations.

HB 1386 by Representative R. Fisher

AN ACT Relating to automated traffic enforcement; amending RCW 46.63.030 and 46.63.070; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 1387 by Representatives Delvin, Dellwo, Carrell, Cody, Morris, Padden, Hickel, Sommers, Conway, Brown, Mason, B. Thomas, Dickerson, Boldt, Campbell, Carlson, Patterson, Kessler, Mielke, Mulliken, Honeyford, Hargrove, L. Thomas, Kremen, Scott and Huff

AN ACT Relating to massage practitioners; amending RCW 18.108.040 and 18.108.085; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Law and Justice.

HB 1388 by Representatives Carrell, Boldt, Morris, Sommers, Brown, Cody, Mason, Conway, Campbell, Huff, Carlson, Dickerson, B. Thomas, Chandler, Patterson, Mielke, Buck, Cooke and Kessler

AN ACT Relating to taxation of massage services; amending RCW 82.04.050; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1389 by Representatives Dyer and Morris

AN ACT Relating to apprenticeship supervision by a physician, registered optometrist, or dispensing optician; and amending RCW 18.34.020 and 18.34.030.

Referred to Committee on Health Care.

HB 1390 by Representatives Beeksma, Sehlin, Hymes and Quall

AN ACT Relating to improving public health through the use of alternative methods of effluent disposal; and amending RCW 70.118.020 and 70.118.030.

Referred to Committee on Health Care.

HB 1391 by Representatives Basich, Hatfield, Fuhrman, Sheldon, Buck, Grant, Cairnes, Kessler, Stevens, Honeyford, Hargrove, Boldt and McMorris

AN ACT Relating to outdoor burning; and amending RCW 70.94.750.

Referred to Committee on Agriculture & Ecology.

HB 1392 by Representatives Benton, Ogden, Carlson, Dellwo, Skinner, Sherstad and Cody

AN ACT Relating to allowing medical transport services to become a limited health care service contractor; and amending RCW 48.44.035.

Referred to Committee on Health Care.

HB 1393 by Representatives Brown, Patterson, Chopp, Dickerson and Thibaudeau

AN ACT Relating to allowances for dependent care costs; and amending RCW 43.03.050.

Referred to Committee on Government Operations.

HB 1394 by Representatives K. Schmidt, R. Fisher, Sheldon, Scott and Huff

AN ACT Relating to state ferry bonds; and amending RCW 47.60.800.

Referred to Committee on Transportation.

HB 1395 by Representatives K. Schmidt, R. Fisher, Robertson and Scott

AN ACT Relating to funding for two high occupancy vehicle lane projects; amending RCW 47.10.819; and declaring an emergency.

Referred to Committee on Transportation.

HB 1396 by Representatives K. Schmidt and R. Fisher

AN ACT Relating to state highway bonds; and adding new sections to chapter 47.02 RCW.

Referred to Committee on Transportation.

HB 1397 by Representatives Fuhrman, Cairnes, Thompson, Boldt, Sheldon, Stevens and McMorris

AN ACT Relating to transfer of state forest lands back to counties; and adding a new section to chapter 76.12 RCW.

Referred to Committee on Natural Resources.

HB 1398 by Representatives Dyer, Dellwo, Backlund, Quall, Conway, Cody, Morris and Casada

AN ACT Relating to acupuncture; amending RCW 4.24.240, 4.24.290, 7.70.020, 18.06.010, 18.06.020, 18.06.045, 18.06.080, 18.06.090, 18.06.110, 18.06.120, 18.06.130, 18.06.140, 18.06.190, 18.06.200, and 18.120.020; and reenacting and amending RCW 18.130.040.

Referred to Committee on Health Care.

HB 1399 by Representatives Silver, Johnson, D. Schmidt, Carrell, Thompson, Goldsmith, McMahan, Robertson, Hargrove, Hymes, Clements, Pennington, Crouse, Lambert, Elliot, Hankins, Hickel, Honeyford, Smith, Delvin, Foreman, Lisk, Schoesler, Mielke, Sheahan, Van Luven, Sheldon, Chandler, Casada, Mulliken, B. Thomas, Backlund, Talcott, Dyer, Cooke, L. Thomas, Mitchell, Huff, Boldt and McMorris

AN ACT Relating to greater fiscal responsibility and accountability during the budget adoption process by providing for a modified zero-base budget review; adding new sections to chapter 43.88 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1400 by Representatives Silver, Mulliken, Blanton, B. Thomas, Huff, Mielke, Honeyford, Hargrove and Boldt

AN ACT Relating to remedial or precollege work at public institutions of higher education; amending RCW 28B.80.350; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1401 by Representatives Brumsickle, Cole, Carlson, G. Fisher, Mastin, Poulsen, Elliot, Quall, Clements, Smith, Chandler, Patterson, Costa, Mielke, Campbell, Mulliken, Honeyford, Talcott, Cooke, Thompson, L. Thomas, Mitchell, Kremen, Scott, Wolfe, Boldt, Conway and McMorris

AN ACT Relating to sharing of juvenile records among schools and other agencies; amending RCW 13.50.050, 13.50.100, and 28A.225.330; reenacting and amending RCW 13.40.215; adding a

new section to chapter 13.50 RCW; adding a new section to chapter 28A.320 RCW; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 1402 by Representatives Brumsickle, Cole, Carlson, G. Fisher, Elliot, L. Thomas and Scott

AN ACT Relating to student records for students transferring from private to public schools; and adding a new section to chapter 28A.195 RCW.

Referred to Committee on Education.

HB 1403 by Representatives B. Thomas, Radcliff, Carrell and Thompson

AN ACT Relating to the certificate of mastery; amending RCW 28A.630.885; adding a new section to chapter 28A.630 RCW; and providing an expiration date.

Referred to Committee on Education.

HB 1404 by Representatives Fuhrman, Buck and Basich; by request of Department of Health

AN ACT Relating to seafood safety enhancement; amending RCW 69.30.010, 69.30.030, 69.30.050, 69.30.110, 69.30.120, and 69.30.140; adding a new section to chapter 43.70 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 1405 by Representatives Chandler, Horn and Mastin; by request of Department of Health

AN ACT Relating to public water systems; amending RCW 70.116.060 and 70.119A.060; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 1406 by Representatives Goldsmith, Kessler and Kremen; by request of Community, Trade, and Economic Development

AN ACT Relating to disbursement of funds to border areas; amending RCW 66.08.190, 66.08.195, and 43.63A.190; adding a new section to chapter 66.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1407 by Representatives K. Schmidt, R. Fisher, Horn, Chandler and Elliot; by request of Washington State Maritime Commission

AN ACT Relating to the maritime commission; amending RCW 88.46.060; creating new sections; repealing RCW 88.44.155 and 88.44.215; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1408 by Representatives McMorris, Hargrove, Smith, Radcliff, Huff, Sherstad, Thompson, L. Thomas and Mitchell

AN ACT Relating to motorcycle equipment; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

HB 1409 by Representatives Silver and Sommers; by request of Office of Financial Management

AN ACT Relating to fiscal matters; amending 1994 sp.s. c 6 ss 110, 111, 113, 117, 119, 122, 218, 124, 132, 138, 142, 145, 202, 203, 204, 205, 206, 208, 212, 213, 214, 216, 217, 221, 223, 224, 225, 303, 310, 311, 313, 314, 315, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 516, 602, 603, 604, 606, 613, 617, 803, and 804 (uncodified); 1994 sp.s. c 7 s 919 (uncodified); 1993 sp.s. c 24 ss 201, 218, 711, and 804; 1993 sp.s. c 22 s 816 (uncodified); adding new sections to 1993 sp.s. c 24 (uncodified); repealing 1993 sp.s. c 2 s 709 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1410 by Representatives Silver and Sommers; by request of Office of Financial Management

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 41.06.150 and 90.56.510; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1411 by Representatives Padden, Appelwick, Sommers, G. Fisher, Robertson, Sheahan, Mastin, Beekma, Lisk, Silver, Kessler, Delvin, McMorris, Dyer, Dellwo, Sehlin, Romero, Hatfield, Clements, Elliot, Chandler, Costa, Mielke, Campbell, Casada, Mulliken, B. Thomas, Backlund, Johnson, Cooke, Thompson, L. Thomas, Mitchell, Kremen and Huff; by request of Supreme Court

AN ACT Relating to the size of the state supreme court; and amending RCW 2.04.070 and 2.04.071.

Referred to Committee on Law and Justice.

HB 1412 by Representative Padden

AN ACT Relating to marihuana offenses; amending RCW 69.50.425; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1413 by Representatives Boldt, Morris, Lisk, Mulliken and Kremen

AN ACT Relating to business and occupation taxation; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1414 by Representatives Conway, Lisk, Chandler, Fuhrman, Goldsmith, Cole and Romero

AN ACT Relating to the definition of "acting in the course of employment" for industrial insurance; and amending RCW 51.08.013.

Referred to Committee on Commerce & Labor.

HB 1415 by Representatives Hargrove, Lisk, Chandler, Cole, Fuhrman, Goldsmith, Romero, Conway, Horn, Ogden and Thompson

AN ACT Relating to sureties for industrial insurance self-insurers; and amending RCW 51.14.020.

Referred to Committee on Commerce & Labor.

HB 1416 by Representatives Skinner, Foreman, Schoesler and Huff

AN ACT Relating to certificate of need; and amending RCW 70.38.111 and 70.38.115.

Referred to Committee on Health Care.

HB 1417 by Representatives Carrell, Wolfe, Ballasiotes, Morris, Hymes, Conway, Pennington, Cooke, Lambert, Smith, McMorris, Sherstad, Elliot, Mitchell, McMahan, Regala, Basich, B. Thomas, Padden, Ebersole, Robertson, Schoesler, Patterson, Campbell, Mulliken, Johnson, Talcott, Thompson, Scott, Huff, Boldt and Chopp

AN ACT Relating to juveniles; amending RCW 13.32A.030, 13.32A.060, 13.32A.065, 13.32A.070, 70.96A.095, 70.96A.110, 71.34.030, 74.13.032, 74.13.033, and 74.13.034; adding a new section to chapter 46.20 RCW; adding new sections to chapter 13.40 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1418 by Representatives Mielke, Talcott, Huff, Hargrove, Hymes, Morris, Sehlin, Sheldon, Pelesky, K. Schmidt, Campbell, Johnson, Smith, Thompson and L. Thomas

AN ACT Relating to state and county government; and amending RCW 43.20.050, 70.118.020, 70.118.030, 70.118.040, and 70.118.050.

Referred to Committee on Health Care.

HB 1419 by Representatives Dellwo, Brown, Silver and Mielke

AN ACT Relating to public facilities districts; amending RCW 36.100.030 and 82.14.048; and adding new sections to chapter 36.100 RCW.

Referred to Committee on Government Operations.

HJM 4011 by Representatives Buck, Thompson, Goldsmith, Radcliff, Sheahan, Johnson, Beeksma, Delvin, Skinner, Hickel, Campbell, Mulliken, Hargrove, Talcott, Cooke, Mitchell, Huff and Boldt

Petitioning for a balanced budget.

Referred to Committee on Government Operations.

HJR 4206 by Representatives Benton, Kessler, Buck, Schoesler, Goldsmith, Sheahan, Dickerson, Mulliken and Boldt

Amending constitutional procedures for filling legislative vacancies.

Referred to Committee on Government Operations.

HJR 4207 by Representatives Hickel, Silver, Kessler, G. Fisher, Lisk, Beeksma, Sheahan, Mastin, Robertson, Romero, Delvin, Dyer, Dellwo, Appelwick, McMorris, Clements, Patterson, Costa, Campbell, Backlund, Thompson, L. Thomas, Mitchell and Scott; by request of Supreme Court

Revising size and leadership of the state supreme court.

Referred to Committee on Law and Justice.

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

With the consent of the House, Substitute Senate Bill No. 5103 was read the first time and referred to the Committee on Appropriations.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, January 25, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SIXTEENTH DAY, JANUARY 24, 1995

JOURNAL OF THE HOUSE

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

SEVENTEENTH DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Wednesday, January 25, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicki Horn and Alyssa Pullen. Prayer was offered by Reverend Robert Cassis, of the South Sound Presbyterian Church.

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

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

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington 98504

Mr. Speaker:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 159, a copy of which was preliminarily certified to you on January 9, 1995, and we have determined that the initiative contains the signatures of at least 181,667 legal voters of the State of Washington. Therefore, we hereby certify that initiative to the Legislature 159 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington, this 23rd day of January, 1995.

(Seal)

Ralph Munro, Secretary of State

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 159

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79.200, and WAC 434-79-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 159 to be examined in the following manner:

1) It was determined that 235,993 signatures were submitted by the sponsors of the initiative. A random sample of 17,089 signatures was taken from those submitted;

2) Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 15,263 valid signatures, 1,772 that were invalid due to non-registration or improper form, and 54 pairs of signatures duplicated signatures in the sample;

3) We calculated an allowance for the chance error of sampling (64) by multiplying the square root of the number of invalid signatures by 1.5;

4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (25,355) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;

5) We determined the maximum allowable number of pairs of signatures on the petition (28,971) by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington State Constitution (181,667) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

6) We determined the expected number of pairs of signatures in the sample (151) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7) We determined the acceptable number of pairs of signatures in the sample (130) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample; and

8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 159 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 23rd day of January, 1995.

(Seal)

Ralph Munro, Secretary of State

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

INTRODUCTIONS AND FIRST READINGS

HB 1420 by Representatives Jacobsen and R. Fisher

AN ACT Relating to service and delivery vehicles; amending RCW 46.37.400; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

HB 1421 by Representatives Sheldon, Foreman, Johnson, Hatfield, Buck, Grant, Schoesler, Chappell, Basich, Kessler, Morris, Skinner, Thompson, Campbell, Costa, Hargrove, Chandler, Mastin, Wolfe and Quall

AN ACT Relating to business incentives for distressed areas; amending RCW 82.60.010, 82.60.040, 82.60.045, 82.62.010, and 82.62.030; reenacting and amending RCW 82.60.020; and adding new sections to chapter 82.04 RCW.

Referred to Committee on Trade & Economic Development.

HB 1422 by Representatives McMahan, Brumsickle, Carrell, Mulliken, Sheahan, Huff, McMorris, Pelesky, Goldsmith, L. Thomas, Koster, D. Schmidt, Benton, Reams, Beeksma, Cooke, Hymes, B. Thomas, Stevens, Thompson, Johnson, Campbell, Hargrove, Sherstad, Boldt, Chandler, Smith, Schoesler, Kremen, Elliot, Silver, Honeyford, Mielke and Backlund

AN ACT Relating to state mandates on school districts; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 1423 by Representatives McMahan, Hargrove, Huff, Beeksma, Fuhrman, Johnson, Sheldon, Koster, McMorris, Delvin, Chandler, Robertson, L. Thomas, Stevens, Clements, Goldsmith, D. Schmidt, Pelesky, Crouse, Mulliken, Cooke, Thompson, Schoesler and Basich

AN ACT Relating to claims for noneconomic damages; and amending RCW 4.56.250.

Referred to Committee on Law and Justice.

HB 1424 by Representative Padden

AN ACT Relating to court seals; and amending RCW 3.54.030 and 35.20.110.

Referred to Committee on Law and Justice.

HB 1425 by Representatives Scott, Padden, Appelwick, Costa, Sheldon, Dickerson, Chappell, Hatfield, Brown and Basich

AN ACT Relating to privileged communications; and amending RCW 5.60.060.

Referred to Committee on Law and Justice.

HB 1426 by Representatives Scott, Appelwick and Costa

AN ACT Relating to defining incident; amending RCW 9.94A.030; and reenacting and amending RCW 38.52.010.

Referred to Committee on Law and Justice.

HB 1427 by Representatives Dyer, Dellwo, Backlund, Thibaudeau and Skinner

AN ACT Relating to emergency medical service professionals; and amending RCW 18.71.030, 18.71.200, 18.71.205, and 18.71.210.

Referred to Committee on Health Care.

HB 1428 by Representatives Dyer, Skinner, Cody, Backlund and Dellwo

AN ACT Relating to oral surgery; and amending RCW 18.32.020.

Referred to Committee on Health Care.

HB 1429 by Representatives Lisk, Morris, Chandler, Chappell, L. Thomas, Thompson, Hargrove, Casada and Silver

AN ACT Relating to manufacturers of recreation vehicles; and amending RCW 43.22.340, 43.22.345, 43.22.350, 43.22.434, 43.22.360, 43.22.370, 43.22.380, 43.22.390, 43.22.400, and 43.22.420.

Referred to Committee on Commerce & Labor.

HB 1430 by Representatives Carlson, Sehlin, Cooke, Sommers, Dellwo and Basich; by request of Joint Committee on Pension Policy

AN ACT Relating to exempting employers with qualified retirement plans from additional contributions; reenacting and amending RCW 41.40.010; adding a new section to chapter 41.40 RCW; decodifying RCW 41.40.045; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1431 by Representative Silver; by request of Department of Retirement Systems

AN ACT Relating to department of retirement system expenses; amending RCW 41.50.255; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1432 by Representatives Brumsickle and Reams

AN ACT Relating to county financial matters; and amending RCW 84.56.022.

Referred to Committee on Finance.

HB 1433 by Representatives Conway, Basich, Boldt, Romero, Poulsen, Huff, McMahan, Regala, Pelesky, L. Thomas, Thompson, Costa, Dickerson, Sherstad, Hatfield, Ebersole, Schoesler, Chopp and Carrell

AN ACT Relating to defacement of state monuments; adding a new section to chapter 9A.48 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1434 by Representatives Hankins, Casada, Mastin, Honeyford, Radcliff, Dyer, Grant, Blanton, Brumsickle, Delvin, L. Thomas and Chandler

AN ACT Relating to public utility districts bid procedures; and amending RCW 54.04.082.

Referred to Committee on Government Operations.

HB 1435 by Representatives Quall, Sheldon, Chappell, Schoesler, Kessler, Hatfield, Thompson, Mastin, Kremen, Elliot, Mielke and Basich

AN ACT Relating to exemption from tax of purchases by public institutions of higher education and K-12 schools; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1436 by Representatives Dyer and B. Thomas

AN ACT Relating to the special excise tax on lodging; and amending RCW 67.28.190, 67.28.200, and 67.40.100.

Referred to Committee on Finance.

HB 1437 by Representatives Foreman, Chandler, Mastin and B. Thomas

AN ACT Relating to lease rates for amateur radio repeater sites; and amending RCW 79.12.025.

Referred to Committee on Natural Resources.

HB 1438 by Representatives Goldsmith, Thompson, Carlson, D. Schmidt, Pelesky, Sheahan, Hargrove, McMahan and Sherstad

AN ACT Relating to accountability and collaboration in higher education and K-12 education; amending RCW 28A.225.220; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28A.300 RCW; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 1439 by Representatives Cooke, Patterson, Brown, Kremen and Kessler; by request of Department of Social and Health Services

AN ACT Relating to child care administration; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 1440 by Representatives Boldt, Dyer, Morris, Backlund, Van Luven, Dellwo, Carrell, B. Thomas, L. Thomas, Thompson, Costa, Sherstad, Chandler, Kremen, Cooke and Jacobsen

AN ACT Relating to tax exemptions for nonprofit blood banks; amending RCW 84.36.035; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1441 by Representatives Dickerson, Romero, Lisk, Robertson, Mitchell, G. Fisher, Sheahan, Poulsen, Thibaudeau, Sommers, K. Schmidt, Costa, Cooke, Kessler and Cody

AN ACT Relating to roadside safety rest areas; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Transportation.

HB 1442 by Representatives Romero, Fuhrman and Jacobsen

AN ACT Relating to compensation for injured fish and wildlife enforcement officers; and amending RCW 75.08.208.

Referred to Committee on Natural Resources.

HB 1443 by Representatives Hymes, Sehlin, Rust, Quall and Kremen; by request of Puget Sound Water Quality Authority

AN ACT Relating to operating water pollution prevention, control, and reduction programs through local government systems of sewerage; amending RCW 35.67.010, 35.67.020, 35.92.020, 36.94.010, 36.94.020, 36.94.140, 54.16.230, 56.08.020, 56.16.090, 57.08.065, and 90.72.040; reenacting and amending RCW 56.08.010; creating new sections; and providing an effective date.

Referred to Committee on Capital Budget.

HB 1444 by Representatives Carrell, Ballasiotes, Koster, Elliot, Smith, Johnson, Mitchell, Backlund, Sherstad, Mulliken, Skinner, Padden, Casada, Costa, Hargrove, Boldt, Schoesler, Stevens, McMahan, Honeyford and Blanton

AN ACT Relating to criminal defendants; amending RCW 10.77.060 and 10.77.220; adding new sections to chapter 10.77 RCW; and creating new sections.

Referred to Committee on Corrections.

HB 1445 by Representatives Silver, Valle, Sommers, Ogden, Fuhrman and Kremen; by request of Legislative Budget Committee

AN ACT Relating to hospital regulation and inspection; amending RCW 70.41.030, 70.41.040, 70.41.120, and 74.42.600; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1446 by Representatives Lisk, Romero, Fuhrman, Horn and Quall

AN ACT Relating to alcohol servers on-premises with class B and H licenses; adding new sections to chapter 66.20 RCW; adding a new chapter to Title 66 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1447 by Representatives Lisk, Romero, Fuhrman and Horn

AN ACT Relating to gambling taxes; and amending RCW 9.46.110.

Referred to Committee on Commerce & Labor.

HB 1448 by Representatives McMahan, Sheldon, Stevens, Padden, Campbell, Koster, D. Schmidt, Pelesky, Talcott, Hickel, Lambert, McMorris, Fuhrman, Silver, Mitchell, Basich, Hatfield, Benton, Johnson, Buck, Smith, Chandler, Robertson, Delvin, Hargrove, Sherstad, Boldt, Chappell, Schoesler, Hymes and Backlund

AN ACT Relating to the well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; prescribing penalties; and declaring an emergency.

Referred to Committee on Law and Justice.

HB 1449 by Representatives Robertson, Appelwick and Mitchell

AN ACT Relating to the penalty for failing to obey an officer; amending RCW 46.61.022; and prescribing penalties.

Referred to Committee on Law and Justice.

HB 1450 by Representatives Appelwick and Padden

AN ACT Relating to summaries of judgments; and amending RCW 4.64.030.

Referred to Committee on Law and Justice.

HB 1451 by Representatives Mielke, Lisk, McMorris, Sheldon, Mastin, Horn, Thompson, Hargrove, Sherstad and Basich

AN ACT Relating to expansion of employer workers' compensation group self-insurance; adding a new chapter to Title 51 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1452 by Representatives Mitchell, Regala, Reams, R. Fisher, Hickel, Ebersole, Carrell, Brumsickle, Huff and Conway

AN ACT Relating to allowing voters to approve ballot propositions protecting a portion of metropolitan park district property taxes from prorationing; amending RCW 84.52.010 and 84.52.043; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Finance.

HB 1453 by Representatives Foreman, Ogden, Chappell, Costa, Dickerson, Schoesler, Stevens and Raddliff

AN ACT Relating to reserve officers' retirement; amending RCW 41.24.010, 41.24.030, 41.24.040, 41.24.170, 41.24.172, 41.24.190, and 41.24.200; reenacting and amending RCW 41.24.240; and adding new sections to chapter 41.24 RCW.

Referred to Committee on Appropriations.

HB 1454 by Representatives Dyer, Kessler, Buck, Campbell, Romero, K. Schmidt, Scott, Grant, Cooke, Quall, Hankins, Huff, Morris, L. Thomas, Veloria, Appelwick, Mastin, Ballasiotes, Blanton and Basich

AN ACT Relating to pharmaceutical price discrimination; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HCR 4403 by Representatives Horn, Jacobsen, Sheldon, Kessler, Costa and L. Thomas

Calling for a joint session to honor recently deceased members of the legislature.

HCR 4404 by Representatives Foreman, Ebersole, Van Luven, Sheldon, Chandler, Mastin, Horn, Scott, R. Fisher, Thompson, Johnson, Carlson, Huff, Campbell, Costa, Mason, B. Thomas, Schoesler and McMahan

Seeking a sister state relationship with Province of Taiwan R.O.C.

Referred to Committee on Trade & Economic Development.

MOTIONS

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

On motion of Representative Foreman, the rules were suspended and House Concurrent Resolution No. 4403 was advanced to second reading and read the second time in full.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Horn, Jacobsen, Sheldon, Kessler, Costa and L. Thomas

Calling for a joint session to honor recently deceased members of the legislature.

The resolution was read the second time.

MOTION

On motion of Representative Foreman, the rules were suspended and House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the resolution was placed on final adoption.

Representative Horn spoke in favor of adoption of the resolution.

House Concurrent Resolution No. 4403 was adopted.

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

RESOLUTION

HOUSE RESOLUTION NO. 95-4608, by Representatives Talcott, Wolfe, D. Schmidt, Dyer, Carrell, Cairnes, Robertson, Huff, Pelesky, Foreman, Sherstad, Hargrove, Skinner, Elliot, Ballasiotes, Buck, Radcliff, Goldsmith, Honeyford, McMahan, Sheahan, Clements, Conway, Van Luven, L. Thomas, Carlson, Johnson, Thompson, Brumsickle, Hatfield, Chandler, Hankins, Campbell, Cooke, Backlund, Lambert and Casada

WHEREAS, Over nine thousand men and women of the Washington National Guard continue to serve the country as a key part of our national defense; and

WHEREAS, These citizen soldiers who reside in every legislative district throughout Washington volunteer their time and personal efforts to serve the needs of the people of Washington State; and

WHEREAS, The Guard is assisting local communities with their health needs through Operation Guardcare, a program under which medical personnel give care to medically underserved areas through inoculations and wellness services; and

WHEREAS, The Guard is active in promoting positive activities for the youth of our state through active involvement in the DARE program, drug demand reduction presentations at local schools, and Camp Minuteman, a motivational summer youth experience at Camp Murray; and

WHEREAS, The Guard makes a major contribution to our state's war on drugs by providing soldiers and equipment in support of local law enforcement through thirty-five different agencies. These counterdrug support efforts by our men and women last year contributed to over 9,000 drug-related arrests, seizures, and destruction of millions of dollars of illegal drugs; and

WHEREAS, The Guard continues its high priority support for local communities by opening armories for public use for classes, food banks, and community and youth activities. The Guard also answered numerous calls for assistance from local communities for missions varying from traditional color guards to hauling food in support of anti-hunger initiatives; and

WHEREAS, The Guard added another bright chapter in its history as an essential part of our state's ability to protect lives and property in the event of natural disasters. The Guard provided a major portion of the equipment and fire fighting and support personnel in the state effort to fight the Central Washington wildfires in August of 1994. Over 3,500 Guard soldiers and seven hundred pieces of equipment operated in the five fire areas during the height of the fire danger. These soldiers and airpersons gave up time from their jobs and families to preserve lives and safety in endangered local communities. They accomplished their missions in the face of constant danger and adversity with no loss of life or significant injury. Their actions represent a continuation of the great tradition of sacrifice and service to Washington as shown in the Mt. St. Helens eruption, Spokane wildfires, floods in Skagit county, and the 1993 Inauguration Day windstorm;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and applaud the members of the Washington National Guard for their exceptional dedication, pride, and professional service to the State of Washington; and
BE IT FURTHER RESOLVED, That the Washington State House of Representatives express its appreciation to the families and employers of our Guard soldiers and airpersons for their support without which the Guard's mission could not be successful; and
BE IT FURTHER RESOLVED, That the House of Representatives specifically and particularly recognize the value of a strong Washington National Guard to the economy and well-being of this state, both through the occasional performance of its state disaster relief mission, and through the ongoing benefit to local communities by the presence of productively employed, drug-free, and efficiently trained Guard units and the armories that house them; and
BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to the Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretary of the Army, the Secretary of the Air Force, and to the President of the United States.

Representative Talcott moved adoption of the resolution.

Representatives Talcott, D. Schmidt, Wolfe and Dyer spoke in favor of the adoption of the resolution.

House Resolution No. 4608 was adopted.

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

REPORTS OF STANDING COMMITTEES

January 24, 1995

HI 159 Prime Sponsor, Representative People of the State of Washington: Reported by Committee
on Law and Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representative Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.
Voting Nay: Representative Veloria.

Passed to Committee on Rules for second reading.

January 24, 1995

HI 164 Prime Sponsor, Representative People of the State of Washington: Reported by Committee
on Law and Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody and Veloria.

Voting Yea: Representatives Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Cody, Costa and Veloria.

Passed to Committee on Rules for second reading.

January 24, 1995

HB 1039 Prime Sponsor, Representative B. Thomas: Increasing the number of citizen members of the Washington citizens' commission on salaries for elected officials. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

January 24, 1995

HB 1047 Prime Sponsor, Representative Sheahan: Clarifying the process for defendants to pay restitution to their victims. Reported by Committee on Law and Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 24, 1995

HB 1048 Prime Sponsor, Representative Sheahan: Adopting the uniform unincorporated nonprofit association act. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 24, 1995

HB 1051 Prime Sponsor, Representative Padden: Authorizing certain court commissioners to impose sanctions for contempt of court. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 24, 1995

HB 1063 Prime Sponsor, Representative Padden: Making technical corrections. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 24, 1995

HB 1064 Prime Sponsor, Representative Padden: Correcting unconstitutional provisions relating to resident employees on public works. Reported by Committee on Law and Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Representative Foreman, the bills and initiatives listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exceptions of House Initiative No. 159 and House Initiative No. 164.

On motion of Representative Brown, Representatives Ogden, Rust and G. Fisher was excused.

MOTION

Representative Appelwick moved that the House refer House Initiative No. 159 and House Initiative No. 164 to the Committee on Appropriations.

Representatives Appelwick and Sommers spoke in favor of the motion and Representatives Foreman, Padden and Mielke spoke against the motion.

Representative Appelwick again spoke in favor of the motion.

The motion to refer House Initiative No. 159 and House Initiative No. 164 to the Committee on Appropriations was lost.

The motion to refer House Initiative No. 159 and House Initiative No. 164 to the Rules Committee was carried.

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

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Representative Foreman moved that the House immediately consider House Joint Memorial No. 4000 on the second reading calendar. The motion was carried.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4000, by Representatives Reams, Dyer, Talcott, L. Thomas, Schoesler, Brumsickle, Carlson, Casada, Chandler, B. Thomas, Cooke, Van Luven, Sehlin, Horn, Foreman, Cairnes, Buck, D. Schmidt, Scott, Skinner, Johnson, Thompson, Goldsmith, Backlund, Conway, Chappell, Basich, Smith, Honeyford, Hankins, Mulliken, McMorris, Fuhrman, Campbell, Sheldon, Huff, Silver, McMahan and Stevens

Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag.

The memorial was read the second time.

MOTION

On motion of Representative Foreman, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

The Speaker stated the question before the House to be final passage of House Joint Memorial No. 4000.

Representatives Reams, L. Thomas, Basich, Pennington, Smith, Kremen, Casada, Goldsmith, Dyer, Campbell, Pelesky, Morris, D. Schmidt, Mulliken and Clements spoke in favor of the memorial.

POINT OF PERSONAL PRIVILEGE

Representative Morris: Thank you Mr. Speaker. I would suggest that this body collectively and individually is probably a little better at passion than at protocol for the flag. So that I would ask you, Mr. Speaker if you would distribute to us before the next session, what the proper protocol is on when we are to put our hand over our heart as the flag passes by and when we are to take it down. Because I think if we were to look at each other during that time we would see that there is absolutely no uniformation. Now when I was in school and afraid of stealing pens from the Post Office, I did know when to put my hand over my heart and when to take it down. So if you could just refresh our memories that would be helpful. Thank you.

Representatives Dickerson, Hatfield, Cody, Romero, Patterson and Appelwick spoke against final passage of the memorial.

ROLL CALL

The Clerk called the roll on final passage of House Joint Memorial No. 4000, and the memorial passed the House by the following vote: Yeas - 76, Nays - 19, Excused - 2, Absent - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrel, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith,

Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheehan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 76.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Dellwo, Fisher, R., Hatfield, Jacobsen, Mason, Patterson, Poulsen, Regala, Romero, Rust, Thibaudeau, Tokuda, Valle and Veloria - 19.

Excused: Representatives Fisher, G. and Ogden - 2.

Absent: Representative Dickerson - 1.

House Joint Memorial No. 4000, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

The roll call machine failed to register the vote I cast on House Joint Memorial No. 4000. The record should reflect that I voted "NAY".

MARY LOU DICKERSON, 36th District

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m., Thursday, January 26, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SEVENTEENTH DAY, JANUARY 25, 1995

JOURNAL OF THE HOUSE

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

EIGHTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, January 26, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

January 25, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5038,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1455 by Representatives Sommers, Regala, Huff and Cooke

AN ACT Relating to directive for anatomical gifts upon death; and amending RCW 70.122.030.

Referred to Committee on Health Care.

HB 1456 by Representatives Dyer, Regala, D. Schmidt, Huff, Mielke, Johnson and Backlund; by request of Governor Lowry

AN ACT Relating to anatomical gift by persons under the age of eighteen; and amending RCW 68.50.540.

Referred to Committee on Health Care.

HB 1457 by Representatives Veloria, Tokuda, Brumsickle, Regala, Conway and Huff; by request of Commission on Asian American Affairs

AN ACT Relating to the commission on Asian Pacific American affairs; amending RCW 43.117.010, 43.117.020, 43.117.030, 43.117.070, 43.117.080, and 49.04.100; and reenacting and amending RCW 43.03.028.

Referred to Committee on Government Operations.

HB 1458 by Representatives Dyer, Ballasiotes, Stevens, D. Schmidt, Sherstad, Huff, Mielke, Johnson, Blanton, Boldt, L. Thomas, Cooke and Thompson

AN ACT Relating to photographing and fingerprinting of lawfully arrested juveniles; and amending RCW 43.43.735.

Referred to Committee on Law and Justice.

HB 1459 by Representatives Van Luven and Sheldon

AN ACT Relating to exempting from business and occupation tax reimbursements and advances received by property management companies for the payment of wages to on-site employees; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1460 by Representatives Honeyford, Cairnes, Clements, L. Thomas, Reams, Mulliken, Horn, Basich, Hargrove, McMorris, D. Schmidt and Thompson

AN ACT Relating to increasing categorical exemptions from the state environmental policy act within areas designated as urban growth areas under the growth management act; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Government Operations.

HB 1461 by Representatives Benton, R. Fisher, Horn, Romero, Chopp, Chandler, Boldt and Robertson; by request of Department of Licensing

AN ACT Relating to motor vehicle accident property damage reporting threshold amounts; amending RCW 46.29.060 and 46.52.030; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1462 by Representatives Benton, R. Fisher, Horn and Chandler; by request of Department of Licensing

AN ACT Relating to driver awareness classes; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1463 by Representatives Casada, Hankins, Blanton, Radcliff, Mulliken, Honeyford, Stevens, Backlund, Padden, Beekma, Goldsmith, Hymes, Silver, Pennington, Johnson and Mielke

AN ACT Relating to the state lottery; and amending RCW 67.70.040.

Referred to Committee on Commerce & Labor.

HB 1464 by Representatives B. Thomas, Boldt, Dyer, Goldsmith, Beeksma and Thompson

AN ACT Relating to educational grants; and adding a new section to chapter 28A.200 RCW.

Referred to Committee on Education.

HB 1465 by Representatives Silver and Sommers; by request of Secretary of State

AN ACT Relating to public employment; and amending RCW 41.60.020.

Referred to Committee on Appropriations.

HB 1466 by Representatives Silver, Sommers and Huff; by request of Secretary of State

AN ACT Relating to voter registration subsidies for small counties; and repealing RCW 29.07.230.

Referred to Committee on Appropriations.

HB 1467 by Representatives Silver and Sommers; by request of Secretary of State

AN ACT Relating to the repeal of legal advertising of constitutional amendments; repealing RCW 29.27.072 and 29.27.074; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1468 by Representatives Hymes, Reams and Chopp; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to the advisory council on historic preservation; and reenacting and amending RCW 27.34.250.

Referred to Committee on Government Operations.

HB 1469 by Representatives Sheahan, Dellwo, Appelwick, Delvin, Hickel and Radcliff

AN ACT Relating to the use of pro tempore judges and court commissioners; amending RCW 3.34.130 and 35.20.200; and adding a new section to chapter 35.20 RCW.

Referred to Committee on Law and Justice.

HB 1470 by Representatives Sheahan, Dellwo, Appelwick and Delvin

AN ACT Relating to imposition of costs; amending RCW 10.01.160; and repealing RCW 10.64.130.

Referred to Committee on Law and Justice.

HB 1471 by Representatives Padden and Appelwick

AN ACT Relating to homeowners' associations; and adding a new chapter to Title 64 RCW.

Referred to Committee on Law and Justice.

HB 1472 by Representatives Carlson, Jacobsen, Mulliken, Benton, Goldsmith and Silver

AN ACT Relating to tuition and fees at institutions of higher education; amending RCW 28B.15.025, 28B.15.041, 28B.15.066, and 82.33.020; reenacting and amending RCW 28B.15.031; adding new sections to chapter 28B.15 RCW; repealing RCW 28B.15.067, 28B.15.076, 28B.15.202, 28B.15.402, and 28B.15.502; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1473 by Representatives Quall, Goldsmith, Kremen and Hymes

AN ACT Relating to roads within a homeowner's association; adding a new section to chapter 36.83 RCW; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1474 by Representatives Carrell, B. Thomas, Huff, Hargrove, Talcott, D. Schmidt, Fuhrman, Elliot, Ballasiotes, Robertson, Reams, Smith, Hickel, McMorris, Clements, Padden and Thompson

AN ACT Relating to gang risk prevention and intervention pilot programs; and repealing RCW 43.310.005, 43.310.007, 43.310.010, 43.310.020, 43.310.030, and 43.310.040.

Referred to Committee on Law and Justice.

HB 1475 by Representatives Stevens, Carrell, Koster, Campbell, Lambert, Smith, Pelesky, Thompson, Kremen, Hargrove, Padden, Fuhrman and McMahan

AN ACT Relating to community networks; and amending RCW 70.190.080.

Referred to Committee on Children & Family Services.

HB 1476 by Representative Dyer; by request of Department of Social and Health Services

AN ACT Relating to federal financial participation related to health insurer's and children's health care; amending RCW 48.01.180, and 48.41.100, and 26.18.170; adding new sections to chapter 48.01 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 1477 by Representatives Campbell, Pelesky, Smith and Carrell

AN ACT Relating to processing of incoming ballots; and amending RCW 29.36.060.

Referred to Committee on Government Operations.

HB 1478 by Representatives Mielke, Hymes, Skinner, Ballasiotes, Campbell, Chappell, Boldt, Chandler, Cooke, Sheahan, Thompson, Schoesler, McMorris, Buck, Radcliff, Stevens, Sherstad, Huff, Johnson, L. Thomas and McMahan

AN ACT Relating to child support; amending RCW 26.19.001, 26.19.071, 26.19.075, and 26.09.100; reenacting and amending RCW 7.06.020; and adding a new section to chapter 26.19 RCW.

Referred to Committee on Law and Justice.

HB 1479 by Representatives Patterson, Valle, G. Fisher, Mitchell and Poulsen

AN ACT Relating to airport siting; amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 47 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1480 by Representatives Brumsickle, Sheldon, Huff, Blanton and Hickel

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

Referred to Committee on Trade & Economic Development.

HB 1481 by Representatives Cooke, Lambert, Mielke, Van Luven, Elliot, Schoesler, D. Schmidt, Sherstad, Huff, Buck, Clements, McMorris, Johnson, Blanton, Hickel, Boldt, Backlund, Mulliken, Robertson, Goldsmith, L. Thomas, McMahan, Talcott, Cairnes, Thompson, Beeksma, Benton, Foreman, Sehlin, Sheahan and Mitchell

AN ACT Relating to public assistance, including a requirement that caretakers under the aid to families with dependent children program enter into contracts with the state and including additional provisions governing public assistance eligibility and benefits; amending RCW 74.12.420 and 74.25.020; reenacting and amending RCW 74.04.005; adding new sections to chapter 74.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Children & Family Services.

HB 1482 by Representatives Pennington and Elliot

AN ACT Relating to conspicuous external marking of hatchery produced chinook salmon and coho salmon; adding new sections to Title 75 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

HB 1483 by Representatives Pennington, Elliot, Stevens, Huff, Mielke, Johnson, L. Thomas, McMahan and Sheahan

AN ACT Relating to the prevention and suppression of forest wild fires; amending RCW 76.04.165; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Natural Resources.

HB 1484 by Representative Pennington

AN ACT Relating to the landowner contingency forest fire suppression account; amending RCW 76.04.630; and reenacting and amending RCW 43.84.092.

Referred to Committee on Natural Resources.

HJM 4012 by Representatives Stevens, Cairnes, Elliot, Thompson, Koster, Sheahan, D. Schmidt, Delvin, McMorris, Robertson and Mielke

Requesting permission to use personal locator beacons.

Referred to Committee on Energy & Utilities.

HJR 4208 by Representatives Silver and Sommers; by request of Secretary of State

Eliminating legal notice advertising of Constitutional amendments.

Referred to Committee on Law and Justice.

SB 5038 by Senator Quigley

Extending time periods for certain health care reform activities.

Referred to Committee on Health Care.

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

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

REPORTS OF STANDING COMMITTEES

January 25, 1995

HB 1055 Prime Sponsor, Representative Padden: Exempting docks of less than seven hundred square feet from the definition of substantial development under the Shorelines Management Act. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Poulsen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives Chappell, Assistant Ranking Minority Member; R. Fisher and Regala.

Voting Yea: Representatives Boldt, Chandler, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Robertson and Schoesler.

Voting Nay: Representatives Chappell, R. Fisher and Regala.

Excused: Representative Rust.

Passed to Committee on Rules for second reading.

January 25, 1995

HB 1180 Prime Sponsor, Representative Van Luven: Limiting administrative law judge service by former agency employees. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

January 25, 1995

HJM 4003 Prime Sponsor, Representative Chandler: Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala and Robertson.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala and Robertson.
Excused: Representatives Rust and Schoesler.

Passed to Committee on Rules for second reading.

January 25, 1995

HJM 4004 Prime Sponsor, Representative Chandler: Petitioning Congress to introduce legislation on pesticide use for minor crops. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 20, after "of the" strike "1984 and 1988 amendments to the Food, Insecticide" and insert "1988 amendments to the Federal Insecticide, Fungicide,"

Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala and Robertson.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala and Robertson.
Excused: Representatives Rust and Schoesler.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 1:30 p.m., Friday, January 27, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

EIGHTEENTH DAY, JANUARY 26, 1995

JOURNAL OF THE HOUSE

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

NINETEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, January 27, 1995

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joshua Wymer and Samuel Horney. Prayer was offered by Reverend Robert Cassis of the South Sound Presbyterian Church.

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

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

INTRODUCTIONS AND FIRST READING

HB 1485 by Representatives Morris, Pennington, Brumsickle, Robertson, Campbell, Mastin, Schoesler, Basich, Chandler, Sheldon, Kremen, Thompson, Costa, McMahan and Quall

AN ACT Relating to sales and use tax exemption for volunteer fire departments; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1486 by Representatives Sherstad, Padden, Van Luven, Mielke, Koster, Morris, Hickel, Hargrove, Casada and Patterson

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

Referred to Committee on Law & Justice.

HB 1487 by Representatives Van Luven, Carlson, Jacobsen, Mason and Sheahan

AN ACT Relating to selecting the boards of trustees of community and technical college districts; and creating a new section.

Referred to Committee on Higher Education.

HB 1488 by Representatives Chappell, Morris, Mastin, Brumsickle, Schoesler, Regala, Kessler, Grant, Basich, Sheldon, Campbell, Hatfield, Scott, Kremen, Wolfe, Patterson and Costa

AN ACT Relating to business and occupation tax exemption for new small businesses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Trade & Economic Development.

HB 1489 by Representatives Cole and Rust

AN ACT Relating to city and town annexations; amending

Referred to Committee on Government Operations.

HB 1490 by Representatives Valle and Wolfe

AN ACT Relating to the organization of the liquor control board; amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.020, 66.08.030, 66.08.050, 66.08.150, 10.93.020, and 19.02.050; reenacting and amending RCW 43.03.028, 43.17.010, 43.17.020, 42.17.2401, and 43.82.010; adding new sections to chapter 66.08 RCW; creating new sections; repealing RCW 66.08.016; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1491 by Representatives Ballasiotes, Costa, K. Schmidt, Delvin, Kessler, Sheldon, Tokuda, Mitchell, Dickerson, Kremen, Robertson, Hymes, Schoesler, Mastin, Benton, Basich, Foreman, Dyer, Lisk, Pelesky, Sherstad, Chandler, Smith, Boldt, Hankins, Carrell, Beeksma, Quall, Stevens, Horn, Van Luven, L. Thomas, Goldsmith, Hickel, Cole, Fuhrman, Radcliff, Blanton, Thompson, Honeyford, Clements, Cooke, Brumsickle, Mielke, Padden, Sheahan, Chopp, Campbell, Conway, McMorris, Scott, Mulliken, D. Schmidt, Koster, Ebersole, Backlund, Dellwo, Wolfe, Rust, Johnson, Jacobsen, Lambert, Patterson, Poulsen, Brown, Huff, McMahan and Morris

AN ACT Relating to restricting eligibility for partial confinement for sex offenders and serious violent offenders;

amending RCW 9.94A.150; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Corrections.

HB 1492 by Representatives Crouse, Koster, Padden, Beeksma, Johnson, Pelesky, Mulliken, Backlund, Casada, Stevens, McMorris, Goldsmith, McMahan, Lambert, Fuhrman, Sheahan, Mielke, Carrell, Sherstad and Thompson

AN ACT Relating to AIDS education; amending RCW 28A.230.070, 28B.10.730, 28B.50.205, and 28C.04.600; and repealing RCW 70.24.240 and 70.24.250.

Referred to Committee on Health Care.

HB 1493 by Representatives Clements, Skinner and Honeyford

AN ACT Relating to members with service in the teachers' retirement system plan I and the public employees' retirement system plan II; and amending RCW 41.54.030.

Referred to Committee on Appropriations.

HB 1494 by Representatives Foreman, Casada, Campbell, Pelesky, L. Thomas, Sheldon, Sheahan, Kremen, Cairnes, Silver, Carlson, Boldt, K. Schmidt, Mitchell, Skinner, Chandler, Delvin, Mastin, Basich, Backlund, Johnson, Cooke and McMahan

AN ACT Relating to the valuation of vehicles for the purpose of determining the motor vehicle excise tax; and amending RCW 82.44.041.

Referred to Committee on Transportation.

HB 1495 by Representatives Basich, Hatfield, Fuhrman, Sheldon, Foreman, Chappell, Mastin, Johnson and Morris

AN ACT Relating to the timber excise tax small harvester option; amending RCW 84.33.073; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1496 by Representatives Basich, Hatfield, Quall, Grant, Valle, Ogden and Mastin

AN ACT Relating to exempting volunteer repair and construction crews from certain contractor registration requirements; amending RCW 18.27.090; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1497 by Representatives B. Thomas and Dyer

AN ACT Relating to the preservation of public electronic records; and reenacting and amending RCW 40.14.020.

Referred to Committee on Government Operations.

HB 1498 by Representatives L. Thomas, Wolfe, Dyer, Dellwo, Huff, Tokuda, Basich, Kessler, Blanton, Beeksma, Mielke, Hatfield and Hymes

AN ACT Relating to extending the pollution liability insurance agency; amending RCW 70.148.050 and 70.148.900; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1499 by Representatives Hargrove, Pelesky, Casada, Cairnes, Goldsmith, Hymes, D. Schmidt, Silver, Clements, Brumsickle, Horn, McMorris, Delvin, Mulliken, Padden, Huff, Elliot, Romero, Thompson and Quall

AN ACT Relating to limiting the debt service on outstanding state debt; amending RCW 39.42.060; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1500 by Representatives Hargrove, Fuhrman, Boldt, Campbell, Crouse, Huff, McMahan, McMorris, Thompson, Radcliff, Sheahan, B. Thomas, Pelesky, L. Thomas, Goldsmith, Casada, Benton, Koster, Cairnes, Stevens, Mastin, Basich, Chandler, Kremen and Backlund

AN ACT Relating to limiting increases in valuation for property tax purposes; amending RCW 84.40.040, 84.55.010, and 84.70.010; adding a new section to chapter 84.40 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1501 by Representatives L. Thomas, Wolfe, Huff, Dellwo and Kessler; by request of Law Revision Commission

AN ACT Relating to correcting double amendments related to insurance examination expenses; reenacting RCW 48.03.060; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1502 by Representatives Romero, Brumsickle, Talcott, Wolfe, Cole, Chopp, Dickerson and Poulsen

AN ACT Relating to requiring that an individualized education program for deaf, deaf-blind, and hard-of-hearing children fully consider the communication needs of the individual child; adding new sections to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

HB 1503 by Representatives Dyer, Morris, Carlson, Hymes, D. Schmidt, Appelwick, Mastin, Jacobsen, Carrell, Robertson, Conway, Schoesler, Mason, Beeksma, Kremen, Thompson, Smith, Lambert, Kessler, McMahan and Quall

AN ACT Relating to health care for persons receiving public assistance; and amending RCW 74.09.520.

Referred to Committee on Health Care.

HB 1504 by Representatives Horn, Romero, Cairnes, Costa, Van Luven, Kremen, Stevens, Cole, Appelwick and Quall

AN ACT Relating to commercial real estate broker's liens; and adding a new chapter to Title 60 RCW.

Referred to Committee on Law & Justice.

HB 1505 by Representatives Jacobsen, L. Thomas, Poulsen and Mason

AN ACT Relating to libraries; adding new sections to chapter 27.04 RCW; and creating a new section.

Referred to Committee on Government Operations.

HB 1506 by Representatives Reams, Rust, Brumsickle, Regala, R. Fisher, Hymes, Mielke and Quall

AN ACT Relating to public inspection of public records contained in geographic information systems maintained by state and local agencies; amending RCW 42.17.020 and 42.17.300; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations.

HB 1507 by Representatives Ogden, Radcliff, Jacobsen, Brumsickle, Chopp and Dickerson; by request of Washington State Historical Society

AN ACT Relating to heritage capital projects; adding a new section to chapter 27.34 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1508 by Representatives Goldsmith, Kremen, Cooke and Morris

AN ACT Relating to accounts under the authority of the department of labor and industries; amending RCW 18.27.340, 43.22.434, 43.22.480, and 43.22.500; adding a new section to chapter 18.27 RCW; and adding a new section to chapter 43.22 RCW.

Referred to Committee on Commerce & Labor.

HB 1509 by Representatives Dyer, Backlund, Skinner, Mielke and Thibaudeau

AN ACT Relating to the optometry board; and amending RCW 18.54.070

Referred to Committee on Health Care.

HB 1510 by Representatives K. Schmidt, Benton, Mastin, Reams, Robertson, Chandler, Mitchell, Tokuda, Delvin and D. Schmidt

AN ACT Relating to the restructuring of oil spill prevention and response programs; amending RCW 43.21I.010, 82.23B.020, 88.46.922, 88.46.925, 90.56.100, and 90.56.110; amending 1991 c 200 s 1120 (uncodified); amending 1993 c 281 s 73 (uncodified); repealing RCW 88.46.920 and 88.46.923; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1511 by Representatives Romero, Dellwo, Patterson, R. Fisher, Jacobsen, Kessler and Cody

AN ACT Relating to lost and unclaimed horses; amending RCW 16.54.010, 16.54.020, and 16.54.030; adding a new section to chapter 16.24 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1512 by Representatives Romero, Chandler, Patterson, Quall, Tokuda, D. Schmidt, Skinner, Chopp, Elliot, Johnson, Ogden, Scott, Blanton, Brown, Hatfield, R. Fisher, Basich, Sheldon, Appelwick, Dellwo, Wolfe, Rust, Regala, Chappell, Kremen, Dickerson, Kessler, Costa, Poulsen and Cody

AN ACT Relating to adopt-a-highway programs; and amending RCW 47.40.100.

Referred to Committee on Transportation.

HB 1513 by Representatives Cooke, Dyer, Boldt, Mastin, Brown, Patterson, Sheldon, L. Thomas, B. Thomas and Carlson

AN ACT Relating to clarifying, technical, and administrative revisions to community public health and safety networks; amending RCW 70.190.010, 70.190.060, 70.190.090, and 70.190.130; adding new sections to chapter 70.190 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1514 by Representatives Hymes, Dickerson, Costa, D. Schmidt, Hargrove, Romero, Poulsen, B. Thomas, Regala, R. Fisher, Benton, Wolfe, Ogden and Conway

AN ACT Relating to reorganization of Titles 82 and 84 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1515 by Representatives Hickel, Appelwick and Padden

AN ACT Relating to jurisdiction over judgments; and amending RCW 3.66.020, 3.66.040, 3.62.060, and 12.04.130.

Referred to Committee on Law & Justice.

HB 1516 by Representatives Honeyford, Scott and Chopp

AN ACT Relating to candidates filing for election; amending RCW 29.15.020, 29.15.120, 29.15.160, 29.27.020, and 29.42.050; and repealing RCW 29.18.150.

Referred to Committee on Government Operations.

HB 1517 by Representatives L. Thomas, Rust, Horn, Sommers and Ballasiotes

AN ACT Relating to the receipt and expenditure of federal and private funds by local governments; amending RCW 35.21.735; creating new sections; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1518 by Representatives Thompson, Lambert, Talcott, Brumsickle, Elliot, Radcliff, D. Schmidt, Pelesky, Padden, Voloria, Dickerson, McMahan, Quall, Johnson, Basich and Mason

AN ACT Relating to internship credit for teachers; amending RCW 28A.415.020; adding a new section to chapter 28A.415 RCW; and creating a new section.

Referred to Committee on Education.

HB 1519 by Representatives Hargrove, Mulliken, Casada, McMahan, Fuhrman, Backlund, Goldsmith, Padden, Cairnes, Boldt, Hymes, Sherstad, Pelesky, Lambert, Sheahan, Campbell, Chandler, Crouse, Beeksma, Johnson, Thompson and Smith

AN ACT Relating to information provided to women about abortion; adding new sections to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1520 by Representatives R. Fisher and Hatfield; by request of Office of Financial Management

AN ACT Relating to transportation bonds; amending RCW 47.10.834, 47.10.835, 47.10.836, 47.10.837, 47.10.838, 47.10.839, and 47.10.841; repealing RCW 47.10.840; and declaring an emergency.

Referred to Committee on Transportation.

HB 1521 by Representatives R. Fisher and Hatfield; by request of Office of Financial Management

AN ACT Relating to funding for two high occupancy vehicle lane projects; amending RCW 47.10.819; and declaring an emergency.

Referred to Committee on Transportation.

HB 1522 by Representatives Padden, Cooke, Goldsmith, Hickel, Lambert, Boldt, Sherstad, Thompson, Johnson, Fuhrman, Mulliken, McMahan, Koster, Hargrove, Pelesky, Sheahan, Backlund, McMorris, Huff, Talcott, Carrell, Casada, Honeyford, Clements, B. Thomas, Crouse, Campbell and D. Schmidt

AN ACT Relating to adoption; amending RCW 26.33.160; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Law & Justice.

HB 1523 by Representatives Boldt, Mulliken, Fuhrman, Goldsmith, Benton, Pennington, Stevens, Johnson, Sherstad, McMahan, Hargrove, Padden, Sheahan, Campbell, Chandler, D. Schmidt, Koster, Beeksma, Backlund and Smith

AN ACT Relating to parental notice of abortion; adding new sections to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Law & Justice.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 25, 1995

HB 1016 Prime Sponsor, Representative K. Schmidt: Exempting state and county ferry fuel sales and use tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Blanton, Brown, Buck, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Patterson, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Voting Nay: Representative Cairnes.

Excused: Representatives Benton, Chopp, Ogden and Quall.

Passed to Committee on Rules for second reading.

January 25, 1995

HB 1019 Prime Sponsor, Representative Padden: Transferring certain interests in individual retirement accounts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Excused: Representative Lambert.

Passed to Committee on Rules for second reading.

January 25, 1995

HB 1049 Prime Sponsor, Representative Padden: Removing a defense to the crime of criminal conspiracy. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Excused: Representative Lambert.

Passed to Committee on Rules for second reading.

January 25, 1995

HB 1053 Prime Sponsor, Representative Horn: Changing the limitations on the use of wood stoves. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, and Schoesler.

Excused: Representative Rust.

Passed to Committee on Rules for second reading.

January 25, 1995

HB 1190 Prime Sponsor, Representative K. Schmidt: Transferring the aeronautics account and the aircraft search and rescue, safety, and education account to the transportation fund. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan;

Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Blanton, Brown, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Patterson, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Excused: Representatives Benton, Chopp, Ogden and Quall.

Passed to Committee on Rules for second reading.

January 25, 1995

HB 1193 Prime Sponsor, Representative Benton: Giving the department of transportation discretion in setting capital facility rental rates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Blanton, Brown, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Patterson, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Excused: Representatives Benton, Chopp, Ogden and Quall.

Passed to Committee on Rules for second reading.

January 25, 1995

HB 1195 Prime Sponsor, Representative Buck: Excluding site exploration as a substantial shoreline development. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Blanton, Brown, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Patterson, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

MOTION

On motion of Representative Foreman, the House advanced to the eighth order of business.

On motion of Representative Foreman, House Bill No. 1334 was re-referred from the Health Care Committee to the Committee on Finance; House Bill No. 1452 was re-referred from the Committee on Finance the Committee on Government Operations.

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4611, by Representatives Delvin, Robertson, Cody, Chappell, L. Thomas, Pelesky, Campbell, Conway, Lambert, Dyer, Hatfield, Chandler, Mason and Costa

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in service to our state; and

WHEREAS, The Legislature recognizes and commends the loyal and courageous service provided Washington State citizens by current and retired peace officers, including those of every state, county, and municipal law enforcement agency; and

WHEREAS, The Legislature commends each commissioned police officer of this state for the very highest personal and professional commitment he or she exhibits as a quality police officer; and

WHEREAS, The Legislature recognizes that each and every day the police officers of this great state constantly and bravely, without complaint and without reservation, risk their health and their very lives so that our own homes, families, and communities will be safe; and

WHEREAS, All law-abiding citizens of the state of Washington deeply admire and appreciate the valiant men and women in uniform who so gallantly and proudly serve and protect us so well; and

WHEREAS, The Legislature recognizes that the dramatic and unique challenges facing police officers in the performance of their duties are met with unwavering excellence in service; and

WHEREAS, The Legislature understands that their high level of excellence is a direct result of the professionalism, unyielding dedication, enduring perseverance, and selfless motivation of each police officer; and

WHEREAS, The Legislature recognizes that behind each successful police officer is the compassionate support and prayerful strength of their family, friends, and community;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington does hereby honor and salute all the police officers of the state and other law enforcement personnel, both past and present, and reaffirm and express our sincere gratitude and commendation for the unsurpassed service provided those they faithfully serve.

Representative Delvin moved adoption of the resolution and spoke in favor of it.

House Resolution No. 4611 was adopted.

HOUSE RESOLUTION NO. 95-4612, by Representatives Quall, Hymes, Sehlin, Beeksma, L. Thomas, Pelesky, Robertson, Lambert, Chandler, Mason and Costa

WHEREAS, Washington Elementary School in West Mount Vernon received impressive national acclaim as a Blue Ribbon School in the 1993-94 school year; and

WHEREAS, Washington was one of only four public and private elementary schools from all across our state that were selected for this superb honor by the United States Department of Education; and

WHEREAS, In announcing the Blue Ribbon award for Washington Elementary School, United States Secretary of Education Richard W. Riley specifically lauded the school's high standards, family involvement, and a "can-do" attitude among students, teachers, and school leaders; and

WHEREAS, The Education Secretary also hailed Washington's safe, orderly, and drug-free environment, as well as the school's commitment to teacher growth and recognition; and

WHEREAS, Greg Gustafson, a Washington fifth grader, emphasized in his Blue Ribbon Flag Ceremony speech last fall that "We learn from and teach one another," and that "We all work together towards each other's goals," and that "We all have positive attitudes"; and

WHEREAS, Principal Linda Jenkins, Mount Vernon School District officials, and many of the school's parents, students, and staff are in Olympia today for a ceremony in which the teamwork and accomplishments of Washington Elementary School will be officially commemorated once again; and

WHEREAS, The alumni, parents, teachers, students, and other friends of Washington Elementary School will also join together in celebrating their school's 100th birthday in April of this year;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute the wonderful and very deserved recognition that has been bestowed upon Washington Elementary School; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Washington Principal Linda Jenkins, to Mount Vernon School District Superintendent Dr. Dolores J. Gibbons, and to the members of the Mount Vernon School District Board of Directors:

Jerome Chandler, Dr. Dennis Edmonds, Cathy Pelland, Tony Rodriguez, and Meryl Skjei.

Representative Quall moved adoption of the resolution.

Representatives Quall and Sehlin spoke in favor of adoption of the resolution.

House Resolution No. 4612 was adopted.

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

SECOND READING

HOUSE BILL NO. 1039, by Representatives B. Thomas, Reams, Dyer, R. Fisher, Sommers, Costa, Mitchell, Basich and Wolfe

Increasing the number of citizen members of the Washington citizens' commission on salaries for elected officials.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1039.

MOTION

On motion of Representative Brown, Representatives Ogden and G. Fisher were excused.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1039 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff,

Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Fisher, G., Fuhrman and Ogden - 4

House Bill No. 1039, having received the constitutional majority, was declared passed.

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

THIRD READING

HOUSE INITIATIVE NO. 159, by Representative People of the State of Washington

Hard time for hard crime.

The Initiative was read the third time.

Representatives Ballasiotes, Ebersole, Delvin, Robertson, Padden, Campbell, Hickel, Kessler, Thompson, Foreman, Pennington, Appelwick, Chappell, Johnson, Blanton, Skinner spoke in favor of passage of the initiative.

Representatives Voloria, Regala, Mason and Dickerson spoke against the passage of the initiative.

POINT OF INQUIRY

Representative Padden yielded to a question by Representative Appelwick.

Representative Appelwick: Drive-by shooting is not defined in Initiative 159. Is it the intention of I-159 to include firing a weapon from a vehicle and to include firing from the vicinity of a vehicle used to get to or from the shooting?

Representative Padden: Yes.

Representative Appelwick: Is it the intent of I-159 that the drive-by shooting must otherwise be chargeable as first-degree murder for the death penalty to apply?

Representative Padden: Yes. King County Prosecutor Maleng testified to that effect.

The Speaker stated the question before the House to be final passage of Initiative No. 159.

ROLL CALL

The Clerk called the roll on final passage of Initiative No. 159 and the bill passed the House by the following vote: Yeas - 88, Nays - 6, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Dickerson, Fisher, R., Mason, Regala, Thibaudeau and Veloria - 6.

Excused: Representatives Benton, Fisher, G., Fuhrman and Ogden - 4.

House Initiative No. 159, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 1001, by Representatives Carlson, Sommers, Brumsickle, Jacobsen, Foreman, Silver, Schoesler, Kessler, Blanton, Morris, Dyer, Lisk, Van Luven, Ballasiotes, Reams, Horn, Sehlin, Chandler, Cooke, L. Thomas, B. Thomas, Scott, Tokuda, Benton, Costa, Delvin, Mason, Thompson, Beeksma, Brown, Backlund, Pennington, Mastin, Mitchell, Cole, Quall, Basich, Smith, Mulliken, Huff, Talcott and Chopp

Exempting institutions of higher education from certain expenditure requirements.

The bill was read the second time. On motion of Representative Carlson, Substitute House Bill No. 1001 was substituted for House Bill No. 1001 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1001 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson, Jacobsen and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1001.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1001 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Absent: Representative Brown - 1.

Excused: Representatives Benton, Fisher, G., Fuhrman and Ogden - 4.

Substitute House Bill No. 1001, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

The roll call machine failed to register the vote I cast on Substitute House Bill No. 1001. The record should reflect that I vote "YEA".

LISA BROWN, 3rd District

HOUSE BILL NO. 1012, by Representative L. Thomas

Regulating loans made by pawnbrokers.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas, Basich and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1012.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1012 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Fisher, G., Fuhrman and Ogden - 4.

House Bill No. 1012, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1014, by Representatives Padden, Dellwo, Costa, Appelwick and Silver; by request of Statute Law Committee

Correcting obsolete references to the department of community development and the department of trade and economic development.

The bill was read the second time. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 10th Day, January 18, 1995.)

Representative Padden moved adoption of the committee amendment and spoke in favor of it.

The committee amendment was adopted.

The bill was ordered engrossed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Ebersole was excused.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1014.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1014 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Ebersole, Fisher, G., Fuhrman and Ogden - 5.

Engrossed House Bill No. 1014, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1015, by Representatives Padden, Dellwo, Costa, Appelwick and Silver; by request of Statute Law Committee

Correcting double amendments from the 1994 legislative sessions.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1015.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1015 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Ebersole, Fisher, G., Fuhrman and Ogden - 5.

House Bill No. 1015, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1018, by Representatives Padden and Appelwick

Amending the Washington uniform limited partnership act.

The bill was read the second time. On motion of Representative Padden, Substitute House Bill No. 1018 was substituted for House Bill No. 1018 and the substitute was placed on the second reading calendar.

Substitute House Bill No. 1018 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1018.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1018 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Ebersole, Fisher, G., Fuhrman and Ogden - 5.

Substitute House Bill No. 1018, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1032, by Representative Padden

Revising the procedure for issuing orders under the administrative procedure act.

The bill was read the second time. On motion of Representative Padden, Substitute House Bill No. 1032 was substituted for House Bill No. 1032 and the substitute was placed on the second reading calendar.

Substitute House Bill No. 1032 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1032.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1032 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp,

Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Ebersole, Fisher, G., Fuhrman and Ogden - 5.

Substitute House Bill No. 1032, having received the constitutional majority, was declared passed.

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

SPEAKER'S PRIVILEGE

The Speaker is pleased to announce the following appointments.

Washington State Investment Board
Representative Silver

Economic Development Finance Authority
Representative Sherstad
Representative Voloria

Municipal Research Council
Representative Honeyford
Representative Radcliff
Representative Scott
Representative Mason

Community Economic Revitalization Board
Representative Van Luven
Representative Sheldon

Capital Campus Design Advisory Board
Representative Brumsickle
Representative Romero

Governor's Council On Substance Abuse
Representative Delvin

MOTION

On motion of Representative Foreman, the House adjourned until 1:30 p.m., Monday, January 30, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

NINETEENTH DAY, JANUARY 27, 1995

JOURNAL OF THE HOUSE

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

TWENTY-SECOND DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, January 30, 1995

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brett Gelhausen and Tiffany Frankovich. Prayer was offered by Reverend Ken Lester of the Evergreen Christian Center.

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

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

INTRODUCTIONS AND FIRST READING

HB 1524 by Representatives Chandler, Mastin and McMorris

AN ACT Relating to weights and measures; amending RCW 19.94.005, 19.94.010, 19.94.160, 19.94.165, 19.94.185, 19.94.190, 19.94.216, 19.94.250, 19.94.255, 19.94.280, 19.94.320, 19.94.360, and 19.94.510; adding new sections to chapter 19.94 RCW; repealing RCW 19.94.175; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

HB 1525 by Representatives L. Thomas, Beeksma, Benton, Smith and McMahan

AN ACT Relating to information provided by banks for customers' examination of negotiable instruments; amending RCW 62A.4-406; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1526 by Representatives Benton, Carlson, Pennington, Boldt, Van Luven, D. Schmidt, Ballasiotes, Thompson, Campbell, Basich, Hargrove, Chandler, Johnson, Blanton, Koster, McMahan, Hymes, Clements, Cooke, Fuhrman and Brumsickle

AN ACT Relating to sales and use tax deferral for construction of new or expanded business; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1527 by Representatives Benton, Clements, Koster, Dellwo, Campbell, Boldt, Kessler, Wolfe, Mielke, Thompson, Delvin, Carlson, Pelesky, D. Schmidt, Chopp, Van Luven, R. Fisher, Hickel, Sehlin, Costa, Ballasiotes, Pennington, Radcliff, Carrell, Hatfield, Romero, B. Thomas, Beeksma, Cody, Cooke, Dickerson, Conway, Jacobsen, Basich, Hargrove, L. Thomas, Chandler, Kremen, Robertson, Johnson, K. Schmidt, Smith, Dyer, Elliot, Blanton, Goldsmith, Mulliken, Schoesler and Brumsickle

AN ACT Relating to recognition of World War II veterans; creating a new section; and making an appropriation.

Referred to Committee on Appropriations.

HB 1528 by Representatives Dyer, Dellwo and Skinner

AN ACT Relating to the education and training of physicians, nurse practitioners, and physician assistants; adding a new section to chapter 48.01 RCW; adding new sections to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1529 by Representatives Hankins, Appelwick, Cooke, Scott, Thompson, Huff, Dyer, Blanton, McMahan, Mulliken, Clements and Carlson; by request of Secretary of State

AN ACT Relating to business and nonprofit organizations; amending RCW 11.110.020, 23.86.090, 23.86.095, 23.86.310, 23.86.370, 24.03.307, 24.03.405, 24.03.410, 24.03.430, 24.36.090, 28B.10.620, 39.34.055, and 43.07.130; adding new sections to chapter 23.86 RCW; adding a new section to chapter 24.34 RCW; adding a new section to chapter 24.36 RCW; adding a new section to chapter 24.06 RCW; adding a new section to chapter 24.12 RCW; adding a new section to chapter 24.20 RCW; adding a new section to chapter 24.24 RCW; adding a new section to chapter 24.28 RCW; adding a new title to the Revised Code of Washington; creating new sections; recodifying RCW 24.03.060, 24.03.307, 24.03.350,

24.03.400, 24.03.405, 24.03.410, 24.03.415, 24.03.430, 24.03.420,
24.03.425, 24.03.435, and 24.03.480; repealing RCW 24.03.005,
24.03.010, 24.03.015, 24.03.017, 24.03.020, 24.03.025, 24.03.030,
24.03.035, 24.03.040, 24.03.045, 24.03.046, 24.03.047, 24.03.048,
24.03.050, 24.03.055, 24.03.065, 24.03.070, 24.03.075, 24.03.080,
24.03.085, 24.03.090, 24.03.095, 24.03.100, 24.03.103, 24.03.105,
24.03.110, 24.03.113, 24.03.115, 24.03.120, 24.03.125, 24.03.127,
24.03.130, 24.03.135, 24.03.140, 24.03.145, 24.03.150, 24.03.155,
24.03.160, 24.03.165, 24.03.170, 24.03.175, 24.03.180, 24.03.183,
24.03.185, 24.03.190, 24.03.195, 24.03.200, 24.03.205, 24.03.207,
24.03.210, 24.03.215, 24.03.217, 24.03.220, 24.03.225, 24.03.230,
24.03.235, 24.03.240, 24.03.245, 24.03.250, 24.03.255, 24.03.260,
24.03.265, 24.03.270, 24.03.275, 24.03.280, 24.03.285, 24.03.290,
24.03.295, 24.03.300, 24.03.302, 24.03.303, 24.03.305, 24.03.310,
24.03.315, 24.03.320, 24.03.325, 24.03.330, 24.03.335, 24.03.340,
24.03.345, 24.03.360, 24.03.365, 24.03.370, 24.03.375, 24.03.380,
24.03.385, 24.03.386, 24.03.388, 24.03.390, 24.03.395, 24.03.440,
24.03.445, 24.03.450, 24.03.455, 24.03.460, 24.03.465, 24.03.470,
24.03.490, 24.03.500, 24.03.510, 24.03.520, 24.03.530, 24.03.540,
24.03.900, 24.03.905, 24.03.910, 24.03.915, 24.03.920, 24.03.925,
24.06.005, 24.06.010, 24.06.015, 24.06.020, 24.06.025, 24.06.030,
24.06.035, 24.06.040, 24.06.045, 24.06.046, 24.06.047, 24.06.048,
24.06.050, 24.06.055, 24.06.060, 24.06.065, 24.06.070, 24.06.075,
24.06.080, 24.06.085, 24.06.090, 24.06.095, 24.06.100, 24.06.105,
24.06.110, 24.06.115, 24.06.120, 24.06.125, 24.06.130, 24.06.135,
24.06.140, 24.06.145, 24.06.150, 24.06.155, 24.06.160, 24.06.165,
24.06.170, 24.06.175, 24.06.180, 24.06.185, 24.06.190, 24.06.195,
24.06.200, 24.06.205, 24.06.207, 24.06.210, 24.06.215, 24.06.220,
24.06.225, 24.06.230, 24.06.233, 24.06.235, 24.06.240, 24.06.245,
24.06.250, 24.06.255, 24.06.260, 24.06.265, 24.06.270, 24.06.275,
24.06.280, 24.06.285, 24.06.290, 24.06.295, 24.06.300, 24.06.305,
24.06.310, 24.06.315, 24.06.320, 24.06.325, 24.06.330, 24.06.335,
24.06.340, 24.06.345, 24.06.350, 24.06.355, 24.06.360, 24.06.365,
24.06.370, 24.06.375, 24.06.380, 24.06.385, 24.06.390, 24.06.395,
24.06.400, 24.06.405, 24.06.410, 24.06.415, 24.06.420, 24.06.425,
24.06.430, 24.06.433, 24.06.435, 24.06.440, 24.06.445, 24.06.450,
24.06.455, 24.06.460, 24.06.465, 24.06.470, 24.06.475, 24.06.480,
24.06.485, 24.06.490, 24.06.495, 24.06.500, 24.06.505, 24.06.510,
24.06.515, 24.06.520, 24.06.525, 24.06.900, 24.06.905, 24.06.910,
24.06.915, 24.06.920, 24.12.010, 24.12.020, 24.12.030, 24.12.040,
24.20.010, 24.20.020, 24.20.030, 24.20.040, 24.24.010, 24.24.020,
24.24.030, 24.24.040, 24.24.050, 24.24.060, 24.24.070, 24.24.080,
24.24.090, 24.24.100, 24.24.110, 24.28.010, 24.28.020, 24.28.030,
24.28.040, 23.86.300, 23.86.320, and 23.86.350; prescribing
penalties; and providing effective dates.

Referred to Committee on Law & Justice.

HB 1530 by Representatives Foreman, Appelwick, Cooke, Scott, L.
Thomas, Huff, Goldsmith, Schoesler and Clements; by request of
Secretary of State

AN ACT Relating to financial reporting by corporations, associations, societies, and granges; amending RCW 24.28.010; adding a new section to chapter 24.03 RCW; adding a new section to chapter 24.06 RCW; adding a new section to chapter 24.12 RCW; adding a new section to chapter 24.20 RCW; adding a new section to chapter 24.24 RCW; adding a new section to chapter 24.34 RCW; and adding a new section to chapter 24.36 RCW.

Referred to Committee on Law & Justice.

HB 1531 by Representatives Dyer, Dellwo, Backlund and Basich; by request of Department of Labor & Industries

AN ACT Relating to extending deadlines for studies of medical benefits for injured workers under a consolidated health care system; and amending RCW 43.72.850 and 43.72.860.

Referred to Committee on Health Care.

HB 1532 by Representatives Dyer, Dellwo, Ballasiotes, Cody, Cooke and Thibaudeau

AN ACT Relating to the certification of mental health counselors; and amending RCW 18.19.120.

Referred to Committee on Health Care.

HB 1533 by Representatives Brumsickle, Cole, Talcott, Dickerson and Poulsen; by request of Superintendent of Public Instruction

AN ACT Relating to cooperation among school districts; and amending RCW 28A.225.250 and 28A.335.160.

Referred to Committee on Education.

HB 1534 by Representatives Cairnes, Romero, Lisk and Cody

AN ACT Relating to engineers and professional land surveyors; amending RCW 18.43.020, 18.43.040, 18.43.050, and 18.43.070; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1535 by Representative L. Thomas; by request of Office of Financial Management

AN ACT Relating to the pollution liability insurance program; amending RCW 70.148.900; and adding a new section to chapter 70.148 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1536 by Representative Dyer

AN ACT Relating to the long-term care partnership program; and amending RCW 48.85.010, 48.85.020, 48.85.030, 48.85.040, and 48.85.050.

Referred to Committee on Health Care.

HB 1537 by Representatives Honeyford, Chandler, Mastin, Chappell, Clements, Kremen, Schoesler, Robertson, McMorris, Delvin, Koster, Boldt, Johnson, L. Thomas, Goldsmith, McMahan, Mulliken and Brumsickle

AN ACT Relating to earnings of agricultural funds and accounts; reenacting and amending RCW 43.84.092 and 43.79A.040; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1538 by Representatives Mastin, Chandler, Grant, McMorris, Schoesler, Chappell, Foreman, Fuhrman, Basich, Buck, Johnson and Thompson

AN ACT Relating to claims for damage to wild shrubs or range land vegetation; and amending RCW 77.12.265.

Referred to Committee on Natural Resources.

HB 1539 by Representatives Buck, Ebersole, Fuhrman, Wolfe, Chandler, Chappell, Kremen, Grant, Kessler, Basich, Hargrove, L. Thomas, G. Fisher, Johnson, Dyer, Elliot, Goldsmith, McMahan, Clements, Cooke, Brumsickle and Mastin

AN ACT Relating to watershed restoration projects; adding new sections to chapter 89.08 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 90.70 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

HB 1540 by Representatives Fuhrman, Jacobsen, Buck, Campbell, Basich, Hargrove, L. Thomas, Chandler, Robertson, Honeyford, Johnson, Thompson, Dyer, Delvin, Elliot, Mielke, Blanton, McMorris, McMahan, Mulliken, Clements, Cooke, Brumsickle and Stevens

AN ACT Relating to the role of the state commission on fish and wildlife as recommended by the commission on fish and

wildlife; amending RCW 77.04.040, 77.04.055, 77.04.080, 75.08.011, 75.08.025, 75.08.055, 75.08.058, 75.08.070, 75.08.080, 75.08.090, 75.08.110, 75.08.120, 75.08.274, 75.08.285, 75.08.295, 75.08.460, 75.40.020, 75.40.040, 75.40.060, 75.08.014, 75.08.040, 75.08.045, 75.12.010, 75.12.015, 75.20.110, 75.24.030, 75.24.100, 75.24.130, 75.25.095, 75.30.060, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.050, 75.50.070, 75.50.110, 75.50.130, 75.52.050, and 77.16.135; reenacting and amending RCW 43.17.020 and 75.50.100; creating new sections; and providing an effective date.

Referred to Committee on Natural Resources.

HB 1541 by Representative Cooke; by request of Department of Social and Health Services

AN ACT Relating to residential habilitation centers; and amending RCW 71A.20.020.

Referred to Committee on Children & Family Services.

HB 1542 by Representatives Brown, Cooke, Dickerson and Costa; by request of Department of Social and Health Services

AN ACT Relating to placement of children; and amending RCW 13.34.130 and 13.34.145.

Referred to Committee on Children & Family Services.

HB 1543 by Representatives Schoesler, Brumsickle, Veloria and Jacobsen; by request of Secretary of State

AN ACT Relating to international student exchange visitor placement organizations; and amending RCW 19.166.030 and 19.166.040.

Referred to Committee on Government Operations.

HB 1544 by Representatives Chandler, Mastin, Lisk, Jacobsen, Backlund, Sheldon, Van Luven, B. Thomas, Honeyford, Johnson, Thompson, Dyer, McMorris, Hickel, Mulliken and Hymes

AN ACT Relating to water conservation and the reclamation and direct beneficial use of wastewater; amending RCW 90.46.005, 90.46.010, and 90.46.040; adding new sections to chapter 90.46 RCW; adding a new section to chapter 90.48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1545 by Representatives Mulliken, Boldt, Carrell, Chandler, McMorris, Koster, D. Schmidt, L. Thomas, Stevens, Beeksma,

Pelesky, Campbell, Mastin, McMahan, Hargrove, Hymes, Van Luven, Schoesler and Clements

AN ACT Relating to providing a business and occupation tax exemption for sale of out-of-state motor vehicles; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1546 by Representatives Casada, Goldsmith, Padden, Stevens, Boldt, Sherstad, Johnson, Fuhrman, Backlund, McMahan, D. Schmidt and Koster

AN ACT Relating to reducing incidents of breast cancer linked to abortion; adding a new section chapter 43.70 RCW; adding new sections to chapter 18.71 RCW; adding a new section to chapter 7.70 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1547 by Representatives L. Thomas, Dellwo, Kessler, Dickerson, Basich and Costa

AN ACT Relating to longshore and harbor workers' compensation act insurance; amending RCW 48.22.072; repealing 1993 c 177 s 3 and 1992 c 209 s 6 (uncodified); and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1548 by Representatives L. Thomas, Dellwo, Goldsmith, Rust, Wolfe, B. Thomas, Backlund, Kessler, Kremen, Robertson, Thompson, Huff, Elliot, McMorris, D. Schmidt, McMahan, Hickel, Schoesler, Clements, Cooke and Brumsickle; by request of State Treasurer

AN ACT Relating to performance audits of the state investment board; and adding a new chapter to Title 43 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1549 by Representatives Ballasiotes, Morris, Wolfe, Campbell, Quall, Backlund, Dyer and Blanton; by request of Sentencing Guidelines Commission

AN ACT Relating to treatment-oriented sentences for offenders convicted of manufacture, delivery, or possession with intent to deliver a narcotic from Schedule I or II; amending RCW 9.94A.030 and 9.94A.190; reenacting and amending RCW 9.94A.120; adding a new section to chapter 9.94A RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Corrections.

HB 1550 by Representatives Smith, Scott, Blanton, Benton, Campbell, Mielke, Huff, Lambert, Sheahan, Robertson, Carrell, McMahan, Padden, Delvin, Thompson and Kremen

AN ACT Relating to authority of police to arrest without a warrant; and reenacting and amending RCW 10.31.100.

Referred to Committee on Law & Justice.

HB 1551 by Representatives Hatfield, Buck, Basich, Johnson, Grant, Brumsickle, Mastin, Kessler, Sheldon, Chappell, Carrell, Morris, Quall, Pennington, Thompson, Chandler and Kremen

AN ACT Relating to weed control; amending RCW 75.20.100 and 90.58.030; adding a new section to chapter 90.48 RCW; adding a new chapter to Title 17 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1552 by Representatives Mitchell, Tokuda, Chopp, Horn and Backlund

AN ACT Relating to authorizing impoundment and sale of motor vehicles for failure to pay amounts owed on accumulated parking ticket violations; amending RCW 46.55.080, 46.55.110, 46.55.120, and 46.55.130; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

HB 1553 by Representative L. Thomas; by request of Attorney General

AN ACT Relating to elections; and amending RCW 29.27.060.

Referred to Committee on Government Operations.

HB 1554 by Representatives Reams, Jacobsen, L. Thomas, Dellwo, Robertson, Valle, Van Luven, Kremen, Chopp, Scott, Cole, Thibaudeau, Wolfe, Ebersole, Poulsen and Costa

AN ACT Relating to citizen participation in the discussion of public issues; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on Government Operations.

HB 1555 by Representatives McMorris, Foreman, Mastin, Chandler, Chappell, Koster, Boldt, Schoesler, Johnson, Honeyford, Clements, Regala, Basich, Hargrove, L. Thomas, Thompson, Delvin, Elliot, Goldsmith, McMahan, Mulliken, Fuhrman, Stevens and Lisk

AN ACT Relating to entry for the purposes of water pollution investigations on agricultural land; amending RCW 90.48.120; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 1556 by Representatives Wolfe, Boldt, Scott, Romero, B. Thomas, Johnson, Talcott, Delvin, Carrell, Campbell, Van Luven, Cooke, Dickerson, Kessler, Basich, Conway, Smith and Costa

AN ACT Relating to visitation; and amending RCW 26.09.240.

Referred to Committee on Law & Justice.

HB 1557 by Representatives L. Thomas, Dellwo, Mielke, Wolfe, G. Fisher, Blanton and Poulsen; by request of Insurance Commissioner and Attorney General

AN ACT Relating to insurance fraud; amending RCW 48.01.030, 48.18.460, 48.30.210, 48.30.220, 48.50.010, 48.50.020, 48.50.030, 48.50.040, 48.50.075, 48.80.020, 2.48.180, 9.12.010, 9A.72.010, 9A.72.030, 9A.76.020, 9A.82.010, and 18.130.190; reenacting and amending RCW 9.94A.320; adding a new section to chapter 42.17 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 9A.68 RCW; adding a new section to chapter 9A.76 RCW; adding a new chapter to Title 48 RCW; creating a new section; repealing RCW 9.91.090, 9A.82.903, 48.50.060, 48.50.080, and 49.44.070; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 27, 1995

HB 1029 Prime Sponsor, Representative Dyer: Modifying adoption of the uniform benefits package. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Casada; Crouse; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; and Conway.

Voting Yea: Representatives Backlund, Casada, Crouse, Dyer, Hymes, Morris, Sherstad, and Skinner.

Voting Nay: Representatives Cody, Conway and Dellwo.

Passed to Committee on Rules for second reading.

January 27, 1995

HB 1068 Prime Sponsor, Representative Brumsickle: Preserving port district debt limits. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

January 27, 1995

HB 1089 Prime Sponsor, Representative L. Thomas: Extending late campaign contribution limitations to all state-wide elections. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

January 26, 1995

HB 1102 Prime Sponsor, Representative Sheldon: Expanding the base of the tax exemption for food fish eggs and fry to shellfish. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Hymes; Mulliken; Pennington; Schoesler and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Hymes, Mulliken, Pennington, Schoesler, B. Thomas and Van Luven.

Excused: Representatives Dickerson, Campbell, Mason and Morris.

Passed to Committee on Rules for second reading.

January 27, 1995

HB 1110 Prime Sponsor, Representative Buck: Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksma; Cairnes; Elliot; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, Fuhrman, Pennington, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives Jacobsen, Regala and Romero.

Excused: Representative G. Fisher.

Passed to Committee on Rules for second reading.

January 26, 1995

HB 1188 Prime Sponsor, Representative L. Thomas: Concerning the loan security ratio. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Costa; Dellwo; Dyer; Huff; Kessler; Mielke and Pelesky.

Voting Yea: Representatives Beeksma, Campbell, Costa, Dyer, Huff, Pelesky, Smith, L. Thomas and Wolfe.

Excused: Representatives Benton, Dellwo, Kessler, Mielke and Wolfe.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

MOTION

On motion of Representative Foreman, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

January 27, 1995

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4400 with the following amendment:

On page 2, line 10, after "houses," strike "conference and free" and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Foreman moved that the House do concur in the Senate amendment to House Concurrent Resolution No. 4400 and adopt the resolution as amended by the Senate.

Representatives Appelwick and Foreman spoke in favor of the motion. The motion was carried.

House Concurrent Resolution No. 4400 as amended by the Senate was adopted.

January 27, 1995

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4403, with the following amendment:

On page 1, line 12, after "on" strike "Monday, February 20" and insert "Friday, February 24"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Horn moved that the House do concur in the Senate amendment to House Concurrent Resolution No. 4403 and adopt the resolution as amended by the Senate.

Representative Horn spoke in favor of the motion. The motion was carried.

House Concurrent Resolution No. 4403 as amended by the Senate was adopted.

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

SECOND READING

HOUSE BILL NO. 1010, by Representatives Reams, Horn, Lisk, Cairnes, Dyer, Van Luven, Ballasiotes, Buck, Casada, D. Schmidt, B. Thomas, Chandler, L. Thomas, Brumsickle, Sehlin, Sherstad, Carlson, Benton, Skinner, Kremen, Hargrove, Cooke, Delvin, Schoesler, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Elliot, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Chappell, Basich, Grant, Smith, Robertson, Foreman, Honeyford, Pelesky, Blanton, Koster, Lambert, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, Sheldon, Huff, Mielke, Talcott, Silver, McMahan, Stevens, Morris and Hymes

Implementing regulatory reform.

The bill was read the second time. On motion of Representative Reams, Substitute House Bill No. 1010 was substituted for House Bill No. 1010 and the substitute bill was placed on the second reading calendar.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

POINT OF INQUIRY

Representative Appelwick: Thank you, Mr. Speaker. On today's fourth order read-in sheet House Bill No. 1546 with the read-in sheet titles enacting the anti cancer act of 1995. On consulting the bill, the title actually studies the cancer risks of abortion. Will the scope of the bill be controlled by the rather broad title that was embedded in the bill, and shown on the read-in sheet, or will the Speaker be ruling on scope and object and conformance with the title?

SPEAKER'S RULING

Representative Appelwick, the scope and object of a bill is determined by looking at the actual title and content of specific legislation. The short title of an act which appears on the introduction sheet is not generated by the House and has no role in determining the scope and object of a bill.

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

MOTION

On motion of Representative Horn, the House adjourned until 9:55 a.m., Tuesday, January 31, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-SECOND DAY, JANUARY 30, 1995

JOURNAL OF THE HOUSE

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

TWENTY-THIRD DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Tuesday, January 31, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

January 30, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5087,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1558 by Representatives Carlson, Benton, Sommers, Romero, Lisk, Kessler, Goldsmith, Jacobsen, Kremen and Wolfe; by request of State Board for Community and Technical Colleges

AN ACT Relating to retention of sick leave by transferred employees of community and technical colleges; and amending RCW 28B.50.551.

Referred to Committee on Higher Education.

HB 1559 by Representatives Padden and Costa; by request of Attorney General

AN ACT Relating to consumer leases of automobiles; amending RCW 63.10.020, 63.10.040, and 63.10.050; adding new sections to chapter 63.10 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

HB 1560 by Representatives K. Schmidt and Blanton; by request of Attorney General

AN ACT Relating to evasion of fuel tax; amending RCW 82.36.010, 82.36.380, 82.38.020, 82.38.270, and 9A.04.080; and prescribing penalties.

Referred to Committee on Transportation.

HB 1561 by Representatives L. Thomas, Appelwick, Rust and Costa; by request of Attorney General

AN ACT Relating to nonconsensual common law liens; amending RCW 60.70.010 and 60.70.030; and adding new sections to chapter 60.70 RCW.

Referred to Committee on Law & Justice.

HB 1562 by Representatives Huff, Chappell, Chandler, Carrell and Costa

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

Referred to Committee on Commerce & Labor.

HB 1563 by Representatives Ballasiotes, Quall and Costa; by request of Governor Lowry and Attorney General

AN ACT Relating to juvenile offenders; amending RCW 13.40.0357, 13.40.050, 13.40.130, 5.60.060, 13.40.080, 13.40.010, 13.40.120, 13.40.025, 13.40.027, 13.40.030, 9.94A.040, 9.94A.050, 13.40.210, 13.40.045, and 13.40.060; reenacting and amending RCW

13.40.020; adding new sections to chapter 13.40 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Corrections.

HB 1564 by Representative Dyer; by request of Health Care Authority

AN ACT Relating to health care authority contracts with school districts; amending RCW 28A.400.350; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Health Care.

HB 1565 by Representative Dyer; by request of Health Care Authority

AN ACT Relating to the basic health plan; amending RCW 70.47.060 and 70.47.020; repealing RCW 70.47.065; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1566 by Representative Dyer; by request of Health Care Authority

AN ACT Relating to implementation of health care authority responsibilities; amending RCW 41.05.011, 41.05.021, 41.05.022, 41.05.065, 41.04.205, and 43.72.230; repealing RCW 41.05.200 and 41.05.240; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1567 by Representatives R. Fisher, Regala, Chappell and Brumsickle

AN ACT Relating to the transportation authority of first class cities; and amending RCW 35.92.060.

Referred to Committee on Transportation.

HB 1568 by Representatives Ballasiotes, Appelwick, Costa, Mitchell, Wolfe, Cooke, Romero, Patterson, Morris, Conway, Regala, Kessler, Kremen, Quall and Dickerson

AN ACT Relating to domestic violence; amending RCW 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.060, 26.50.070, 26.50.080, 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.125, 10.99.020, 10.99.030, 10.99.040, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 4.24.130, and 10.14.080; reenacting and amending RCW 26.50.010 and 10.31.100; adding new sections to chapter 26.50 RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 10.14 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1569 by Representatives Johnson, Sheldon, Stevens and Buck

AN ACT Relating to property owners' damages for governmental actions; and amending RCW 64.40.010, 64.40.020, and 64.40.030.

Referred to Committee on Government Operations.

HB 1570 by Representative L. Thomas

AN ACT Relating to the collection of taxes owed to taxing agencies; amending RCW 50.24.060, 51.16.155, 51.48.140, 51.48.160, 51.48.210, 51.48.230, 82.32.090, 82.32.215, 82.32.235, 82.32.330, 82.32.340, 84.64.080, 49.52.040, 50.12.220, 50.44.060, 82.32.265, and 82.42.060; adding new sections to chapter 61.24 RCW; adding a new chapter to Title 60 RCW; and repealing RCW 46.87.340, 46.87.360, 46.87.370, 50.24.040, 50.24.050, 50.24.080, 50.24.090, 50.24.100, 50.24.115, 51.16.170, 51.16.180, 51.48.170, 51.48.180, 51.48.190, 51.48.200, 51.48.220, 82.32.210, 82.32.220, 82.32.230, 82.32.245, 82.36.047, 82.36.110, 82.36.130, 82.37.090, 82.38.210, 82.38.230, and 82.38.235.

Referred to Committee on Finance.

HB 1571 by Representatives Veloria, Van Luven, Ebersole, Sheldon, Hatfield, Valle, Mason, Radcliff, Conway, Ballasiotes, Costa, Cody, Regala, Kessler, Chopp and Dickerson

AN ACT Relating to minority and women business development; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1572 by Representatives Valle, Veloria, Dellwo and Chopp; by request of State Treasurer

AN ACT Relating to prohibiting investment of public pension and retirement funds in business firms manufacturing tobacco products; amending RCW 43.33A.110, 43.33A.130, 43.84.061, and 43.84.150; adding a new section to chapter 43.33A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1573 by Representatives L. Thomas, Mielke, Blanton, Wolfe, Rust, Horn and Dellwo

AN ACT Relating to heating oil pollution liability; amending RCW 82.38.090; adding a new section to chapter 70.148

RCW; adding a new chapter to Title 70 RCW; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 1574 by Representatives Elliot, Sheldon, Fuhrman, Valle, McMorris, Schoesler and Radcliff

AN ACT Relating to clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations; and amending RCW 78.56.110, 78.56.120, and 78.44.087.

Referred to Committee on Natural Resources.

HB 1575 by Representatives Boldt, G. Fisher, Clements, L. Thomas and Sheldon

AN ACT Relating to a business and occupation tax exemption related to racing thoroughbred horses; and amending RCW 82.04.350.

Referred to Committee on Finance.

HB 1576 by Representatives Van Luven, Brumsickle, Cole, Quall, Costa, Kessler, Kremen, Radcliff and Sheldon

AN ACT Relating to sales and use tax exemption for school districts and educational service districts; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1577 by Representatives Sheahan, Schoesler and Costa

AN ACT Relating to court reporting; amending RCW 18.145.005, 18.145.010, 18.145.020, 18.145.030, 18.145.040, 18.145.050, 18.145.070, 18.145.080, 18.145.090, 18.145.110, 18.145.120, 18.145.130, and 18.145.900; and repealing RCW 18.145.060.

Referred to Committee on Commerce & Labor.

HB 1578 by Representatives Valle, Poulsen, Cody and Veloria

AN ACT Relating to making an appropriation for the purchase of property for environmental and park purposes; creating a new section; and making an appropriation.

Referred to Committee on Capital Budget.

HB 1579 by Representatives L. Thomas, Morris, Backlund, Dyer, McMorris, Huff, Hymes, Ballasiotes, Thompson, Pelesky, Mulliken, Patterson and Kessler

AN ACT Relating to tests required for food and beverage establishment workers' permits; adding a new section to chapter 69.06 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1580 by Representatives Dickerson, Cole, Mason, Tokuda, Poulsen and Chopp

AN ACT Relating to juvenile court jurisdiction over juveniles; and amending RCW 13.04.030.

Referred to Committee on Law & Justice.

HB 1581 by Representatives Horn and Morris; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to clarification of building code and structure requirements; amending RCW 19.27A.080, 70.92.110, 70.92.120, 70.92.130, 70.92.150, and 70.92.160; reenacting and amending RCW 19.27.031; and repealing RCW 70.89.005, 70.89.010, 70.89.021, 70.89.031, 70.89.040, 70.89.050, 70.89.060, 70.89.070, 70.89.900, and 70.89.910.

Referred to Committee on Commerce & Labor.

HB 1582 by Representatives Dellwo, Padden, Brown, Mielke and Silver

AN ACT Relating to the authority of the state or a political subdivision to dispose of surplus property; and amending RCW 39.33.020.

Referred to Committee on Government Operations.

HB 1583 by Representatives L. Thomas, Backlund, Huff, Chappell, Wolfe, Buck and Kessler; by request of State Auditor

AN ACT Relating to local government whistleblower reporting; and amending RCW 42.41.030.

Referred to Committee on Government Operations.

HB 1584 by Representatives Veloria, Skinner, Valle, Ballasiotes, Sheldon, Hatfield, Mason, Van Luven, Conway, Costa, Kessler, Chopp and Dickerson

AN ACT Relating to Washington youthbuilt; amending RCW 50.72.010, 50.72.020, 50.72.030, 50.72.050, 50.72.060, and

50.67.030; adding new sections to chapter 50.72 RCW; adding a new section to chapter 82.04 RCW; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 1585 by Representatives Morris and Dyer

AN ACT Relating to prescription of controlled substances for intractable pain; amending RCW 18.130.180; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1586 by Representatives Carlson, Hankins and Morris; by request of Secretary of State

AN ACT Relating to the presidential preference primary; amending RCW 29.19.020, 29.19.030, 29.19.040, 29.19.050, 29.19.060, 29.19.080, and 29.81.014; and adding new sections to chapter 29.19 RCW.

Referred to Committee on Government Operations.

HB 1587 by Representatives Talcott, Brumsickle, Scott, Wolfe and Conway; by request of Secretary of State

AN ACT Relating to candidate pamphlets for the state primary; amending RCW 29.15.020, 29.80.010, 29.80.020, 29.80.030, 29.80.040, and 29.80.080; adding a new section to chapter 29.80 RCW; and repealing RCW 29.80.050 and 29.80.060.

Referred to Committee on Government Operations.

HB 1588 by Representatives Poulsen, Brumsickle, Sommers, Cole, Dickerson, G. Fisher, Patterson, Hatfield, Quall, Valle, Chopp and Jacobsen

AN ACT Relating to computation of the fiscal growth factor; and amending RCW 43.135.025.

Referred to Committee on Appropriations.

HB 1589 by Representatives Backlund and Dyer

AN ACT Relating to quality assurance; adding new sections to chapter 43.70 RCW; creating a new section; repealing RCW 70.170.100, 70.170.110, 70.170.120, 70.170.130, and 70.170.140; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1590 by Representatives Mielke, Crouse and Huff

AN ACT Relating to energy financing voter approval; amending RCW 80.52.030, 80.52.040, 80.52.050, and 80.52.060; creating a new section; and decodifying RCW 80.52.020.

Referred to Committee on Energy & Utilities.

HJM 4013 by Representatives Thompson, Fuhrman, Horn, Cairnes, Goldsmith, Radcliff, Hargrove, Lisk, Koster, Beeksma, D. Schmidt, Blanton, Stevens, McMahan, Sheldon, Pennington, B. Thomas, Buck, Benton, Smith, Mulliken and Honeyford

Removing the spotted owl from endangered or threatened species lists.

Referred to Committee on Natural Resources.

HJM 4014 by Representatives Valle, Van Luven, Sheldon, D. Schmidt, Mason, Hickel, Voloria, Hatfield, Kessler, Blanton and Radcliff

Requesting that federal law be amended to allow foreign-flagged cruise ships between U.S. ports.

Referred to Committee on Trade & Economic Development.

HJM 4015 by Representatives McMorris, Koster, Mielke, Chandler, Stevens, Boldt, Mulliken, Schoesler, Pennington and Smith

Requesting Congress to propose a federal constitutional amendment allowing states to apportion state senates by considering interests other than population.

Referred to Committee on Government Operations.

HJR 4209 by Representatives McMorris and Mulliken

Amending the Constitution to provide for election of senators by county.

Referred to Committee on Government Operations.

SB 5087 by Senator Fraser; by request of Environmental Hearings Office

Revising appeals involving environmental and land use boards.

Referred to Committee on Agriculture & Ecology.

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

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

REPORTS OF STANDING COMMITTEES

January 27, 1995

HB 1028 Prime Sponsor, Representative Dyer: Delaying implementation of the health services act. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Casada; Crouse; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; and Conway.

Voting Yea: Representatives Backlund, Casada, Crouse, Dyer, Hymes, Morris, Sherstad and Skinner.

Voting Nay: Representatives Cody, Conway and Dellwo.

Held on fifth order.

January 27, 1995

HB 1173 Prime Sponsor, Representative Cooke: Modifying adoption support provisions. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Padden; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Lambert, Padden, Patterson, Stevens, Thibaudeau and Tokuda.

Passed to Committee on Rules for second reading.

January 27, 1995

HB 1174 Prime Sponsor, Representative Cooke: Modifying membership and duties of children's services advisory committee. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking

Minority Member; Boldt; Buck; Carrell; Padden; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Lambert, Padden, Patterson, Stevens, Thibaudeau and Tokuda.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1028.

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

MOTION

With the consent of the House, House Bill No. 1547 was re-referred from the Committee on Commerce & Labor to the Committee on Financial Institutions & Insurance.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, February 1, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-THIRD DAY, JANUARY 31, 1995

JOURNAL OF THE HOUSE

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

TWENTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 1, 1995

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Annie Foreman and Lindsey Serka. Prayer was offered by Reverend Ken Lester of The Evergreen Christian Center.

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

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

INTRODUCTIONS AND FIRST READING

HB 1591 by Representatives B. Thomas, Cole, Dickerson, Scott, Ebersole, Mason, Chopp, Patterson, Costa and Poulsen; by request of Office of Financial Management

AN ACT Relating to school district levies; amending RCW 84.52.0531; reenacting and amending RCW 28A.500.010; amending 1993 c 465 s 2 (uncodified); and providing an expiration date.

Referred to Committee on Appropriations.

HB 1592 by Representatives L. Thomas, Dellwo, Mielke and G. Fisher

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

Referred to Committee on Financial Institutions & Insurance.

HB 1593 by Representatives Boldt, Morris, Carrell, Sherstad, Kremen, Hargrove, Mastin and Kessler

AN ACT Relating to tax status of child care providers and nonprofit organizations that provide services to children and families; amending RCW 82.04.339 and 82.04.431; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1594 by Representatives Foreman, Sherstad, Campbell, Benton, McMahan, Elliot, Chandler and Hargrove

AN ACT Relating to persons rendering aid who had contact with the blood of an injured person; amending RCW 4.24.310; and adding a new section to chapter 4.24 RCW. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Referred to Committee on Law & Justice.

HB 1595 by Representatives Ogden, Jacobsen, Wolfe and Mason

AN ACT Relating to literacy in mathematics, science, and technology; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

HB 1596 by Representatives Romero, Cody, Conway and Cole

AN ACT Relating to the authority of the department of labor and industries to hold industrial insurance orders in abeyance; and amending RCW 51.52.060.

Referred to Committee on Commerce & Labor.

HB 1597 by Representatives Johnson, Koster, Chandler, Boldt, Sheldon, Mastin, Basich, McMorris, Thompson, Beeksma, Kremen, Hatfield, McMahan, Hymes, Honeyford, D. Schmidt, Skinner, Clements, Buck, Stevens, Mielke and Kessler

AN ACT Relating to flood damage reduction; amending RCW 36.70A.060, 36.70A.070, 36.70A.170, 43.21C.020, 75.20.100, 75.20.103, 75.20.130, 79.90.150, 79.90.300, 86.15.030, 86.15.050, 86.15.160, 86.26.105, 90.58.180, 86.12.200, 90.58.030, and 47.28.140; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 86.26 RCW; creating new sections; repealing RCW 79.90.325; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1598 by Representatives Mitchell, Ebersole, Conway, R. Fisher, Regala and Costa

AN ACT Relating to taxation of new and rehabilitated multiple-unit housing in urban centers; and adding a new chapter to Title 84 RCW.

Referred to Committee on Trade & Economic Development.

HB 1599 by Representatives Brumsickle, Campbell, Cooke and Mitchell

AN ACT Relating to rental payments to landlords from public assistance; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Children & Family Services.

HB 1600 by Representatives Sheldon, Huff, Kremen, Smith, Romero, Morris, Regala, Wolfe, Campbell, Benton, Cooke, K. Schmidt, Hargrove, Costa, Van Luven and Kessler

AN ACT Relating to valuation for property tax purposes; adding new sections to chapter 84.40 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1601 by Representatives D. Schmidt, Carlson, Mulliken, Jacobsen, Koster, Sheldon, Costa, Radcliff, Lambert, Robertson, Carrell, Backlund, Ballasiotes, Skinner, Huff, Johnson, Thompson, Elliot, Wolfe, Talcott, Conway, Kremen, Campbell, Benton, Mason, Cooke and Kessler

AN ACT Relating to tuition and fee waivers; and amending RCW 28B.15.535.

Referred to Committee on Higher Education.

HB 1602 by Representatives Cooke, Brown, Wolfe and Mastin; by request of Department of Social and Health Services

AN ACT Relating to the enforcement of child care agency licensing; amending RCW 74.15.010, 74.15.020, 74.15.030, 74.15.130, 74.15.100, and 74.15.120; adding new sections to chapter 74.15 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 1603 by Representatives L. Thomas, Morris, Huff, Campbell, Smith, Beeksma and Kessler

AN ACT Relating to deposit account information; adding new sections to chapter 30.22 RCW; adding a new section to chapter 9.38 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1604 by Representatives Johnson and Sheldon

AN ACT Relating to the purchase of mobile home parks by qualified tenant organizations; amending RCW 59.23.015, 59.23.020, and 59.20.080; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1605 by Representatives Johnson and Sheldon

AN ACT Relating to landlord and tenant relationships; amending RCW 7.75.030, 59.18.390, 59.20.040, 59.20.045, 59.20.080, 59.20.090, 59.20.140, 59.20.130, and 59.23.025; adding new sections to chapter 59.20 RCW; repealing RCW 59.22.090; and prescribing penalties.

Referred to Committee on Trade & Economic Development.

HB 1606 by Representatives Conway, Ballasiotes, Quall, Dickerson, Hatfield, Kremen, Costa and Kessler

AN ACT Relating to registration of sex offenders; amending RCW 9A.44.130; and adding a new section to chapter 9A.44 RCW.

Referred to Committee on Corrections.

HB 1607 by Representatives Van Luven, Carlson, Sheldon, Wolfe and B. Thomas

AN ACT Relating to international education; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1608 by Representatives Backlund, Cooke, Stevens, Lambert, Sherstad, Carrell, Hargrove, Mulliken, Hymes, Chappell, Crouse, L. Thomas and Smith

AN ACT Relating to parental discipline; and reenacting and amending RCW 26.44.020.

Referred to Committee on Children & Family Services.

HB 1609 by Representatives Radcliff, Dellwo, Reams, L. Thomas, Conway, Ballasiotes, R. Fisher, Sommers, Dickerson, Costa and Poulsen

AN ACT Relating to school district levies; and amending RCW 84.52.0531.

Referred to Committee on Appropriations.

HB 1610 by Representatives Delvin, Costa, Ballasiotes, Padden, Tokuda, Kremen, Chappell, Morris, Campbell, Hatfield, Cody, Regala, Romero, Hickel, Sheldon, Robertson and Kessler

AN ACT Relating to increasing the involvement of victims in the prosecution of criminal cases; amending RCW 9.94A.090; and reenacting and amending RCW 9.94A.440.

Referred to Committee on Law & Justice.

HB 1611 by Representatives Costa, Radcliff, Scott, Kessler, Blanton, Koster, D. Schmidt, Beeksma, Romero, Thompson, Regala and Kremen

AN ACT Relating to tax exemptions for new construction of alternative housing for youth in crisis; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 1612 by Representatives Goldsmith, Kremen, Hymes, Quall, Scott, Costa, Radcliff and Romero

AN ACT Relating to permitting special excise taxes on lodgings to be used for festival purposes; and amending RCW 67.28.210.

Referred to Committee on Trade & Economic Development.

HB 1613 by Representatives Pennington, Koster, Benton, Boldt, Carlson, Hatfield, Carrell, Cooke, Chandler and Backlund

AN ACT Relating to child care provided by recipients of aid to families with dependent children; adding new sections to chapter 74.12 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Children & Family Services.

HB 1614 by Representatives Basich, Clements, Van Luven, Regala, Chappell, Dellwo, Sheldon, Hatfield, Conway, Quall, Grant, Kessler, Chopp, D. Schmidt, Jacobsen, Koster, Kremen, Campbell, Benton, Mason, Chandler and Appelwick

AN ACT Relating to veterans' memorials; adding new sections to chapter 73.40 RCW; creating a new section; and making an appropriation.

Referred to Committee on Capital Budget.

HB 1615 by Representatives Backlund, McMorris, Carrell, Sherstad, Lambert, L. Thomas, Blanton, Campbell, Benton, Cooke, Smith, Mulliken, Hargrove, Costa and Kessler

AN ACT Relating to deductions from inmate wages; and amending RCW 72.09.111.

Referred to Committee on Corrections.

HB 1616 by Representatives Mastin and Chappell

AN ACT Relating to emergency rules; and amending RCW 34.05.350.

Referred to Committee on Government Operations.

HB 1617 by Representatives McMorris, Pelesky, Fuhrman, L. Thomas, Pennington, Schoesler, McMahan, Buck, Silver, Hankins, Chandler, Sheahan, Goldsmith, Mulliken, Johnson, Thompson, Skinner, Casada, Sherstad, Delvin, Lambert, Koster, D. Schmidt, Stevens, Hargrove, Van Luven, Smith, Horn, Boldt, Talcott, Huff, Sheldon, Elliot, Brumsickle, Mielke, Reams, Carrell, Backlund, Campbell, Crouse, Lisk, Cairnes, Padden, Clements, Dyer, B. Thomas, Ballasiotes, Mastin and Benton

AN ACT Relating to the acquisition of habitat conservation and outdoor recreation lands; amending RCW 43.98A.030, 43.98A.040, and 43.98A.050; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1618 by Representative Appelwick

AN ACT Relating to removal of ordinary health care expense from the child support economic table; and amending RCW 26.19.080 and 26.19.020.

Referred to Committee on Law & Justice.

HB 1619 by Representative Appelwick

AN ACT Relating to proportionate sharing of child support expenses not included in the child support economic table; and amending RCW 26.19.080.

Referred to Committee on Law & Justice.

HB 1620 by Representative Appelwick

AN ACT Relating to removal of the advisory status of the child support economic table for combined incomes of five thousand dollars and above; and amending RCW 26.19.020.

Referred to Committee on Law & Justice.

HB 1621 by Representatives Appelwick, Patterson, Mastin, Kessler, Romero, Dellwo, Tokuda, Poulsen, Brown, Chopp, Grant, Cole, Costa, Thibaudeau, G. Fisher, R. Fisher, Morris, Ebersole, Hatfield, Regala, Conway, Wolfe, Scott and Mason

AN ACT Relating to reducing business and occupation tax rates; adding a new section to chapter 82.04 RCW; repealing RCW 82.04.4451; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1622 by Representatives Brown, Dellwo, Kremen, Quall, Morris, Chappell, Mason, Regala, Mastin, Grant, Costa and Kessler

AN ACT Relating to reduction of the state sales and use tax rate; amending RCW 82.08.020; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HJR 4210 by Representatives Sheldon, Huff, Kremen, Smith, Romero, Morris, Wolfe, Campbell, Benton, Cooke, K. Schmidt, Hargrove, Costa and Kessler

Amending the Constitution to allow the legislature to limit increases in taxation of real estate.

Referred to Committee on Finance.

ESCR 8403 by Senators Snyder, Prince and Winsley

Recognizing the "Old Timers" reunion.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

January 31, 1995

HB 1028 Prime Sponsor, Representative Dyer: Delaying implementation of the health services act. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Casada; Crouse; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; and Conway.

Voting Yea: Representatives Backlund, Casada, Crouse, Dyer, Hymes, Morris, Sherstad, and Skinner.

Voting Nay: Representatives Cody, Conway and Dellwo.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1086 Prime Sponsor, Representative Hickel: Revising provisions relating to personal property liens and security interests. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1087 Prime Sponsor, Representative Hickel: Correcting an unconstitutional provision concerning jurisdiction for violations dealing with motor vehicles. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1096 Prime Sponsor, Representative Padden: Modifying the limited liability company act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1097 Prime Sponsor, Representative Sheahan: Waiving penalties for certain estate tax returns. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1176 Prime Sponsor, Representative Delvin: Authorizing Benton county to have one additional district court judge. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking

Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1182 Prime Sponsor, Representative Hickel: Modifying the uniform commercial code. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1183 Prime Sponsor, Representative Appelwick: Updating uniform commercial code provisions on investment securities. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1185 Prime Sponsor, Representative Hickel: Revising regulations for the investment of trust funds. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1186 Prime Sponsor, Representative Appelwick: Concerning social security benefits. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1237 Prime Sponsor, Representative Padden: Specifying responsibility for payment of costs incurred on appeal by indigent persons. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

SB 5038 Prime Sponsor, Senator Quigley: Extending time periods for certain health care reform activities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.022 and 1994 c 153 s 3 are each amended to read as follows:

(1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after January 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: Health benefits for employees of school districts and educational service districts; health benefits for state employees; health benefits for eligible retired or disabled school employees not eligible for parts A and B of medicare; and health benefits for eligible state retirees not eligible for parts A and B of medicare. Beginning July 1, 1995, the basic health plan shall be included in the risk pool. The administrator may develop mechanisms to ensure that the cost of comparable benefits packages does not vary widely across the risk pools before they are merged. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. Long-term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package. On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community-rated risk pool effective on and after July 1, 1997.

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan or a uniform benefits package as adopted (~~(by the Washington health services commission as provided in)~~) and from time to time revised pursuant to RCW 43.72.130, use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from them consistent with the provisions of chapter 492, Laws of 1993, and that a health maintenance organization, health care service contractor, insurer, or certified health plan that receives funds from a public program accept enrollment from state residents receiving a

state subsidy who may wish to enroll with them under the provisions of chapter 492, Laws of 1993;

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter 492, Laws of 1993;

(e) Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section.

Sec. 2. RCW 41.05.200 and 1993 c 492 s 228 are each amended to read as follows:

(1) The Washington state group purchasing association is established for the purpose of coordinating and enhancing the health care purchasing power of the groups identified in subsection (2) of this section. The purchasing association shall be administered by the administrator.

(2) The following organizations or entities may seek the approval of the administrator for membership in the purchasing association:

(a) Private nonprofit human services provider organizations under contract with state agencies, on behalf of their employees and their employees' spouses and dependent children;

(b) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the medical assistance personal care or community options program entry system program as provided in chapter 74.09 RCW, or the chore services program, as provided in chapter 74.08 RCW, on behalf of themselves and their spouses and dependent children;

(c) Owners and operators of child day care centers and family child care homes licensed under chapter 74.15 RCW and of preschool or other child care programs exempted from licensing under chapter 74.15 RCW on behalf of themselves and their employees and employees' spouses and dependent children; and

(d) Foster parents contracting with the department of social and health services under chapter 74.13 RCW and licensed under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children.

(3) In administering the purchasing association, the administrator shall:

(a) Negotiate and enter into contracts on behalf of the purchasing association's members in conjunction with its contracting and purchasing activities for employee benefits plans under RCW 41.05.075. In negotiating and contracting with insuring entities on behalf of employees and purchasing association members, two distinct pools shall be maintained.

(b) Review and approve or deny applications from entities seeking membership in the purchasing association:

(i) The administrator may require all or the substantial majority of the employees of the organizations or entities listed in subsection (2) of this section to enroll in the purchasing association.

(ii) The administrator shall require, that as a condition of membership in the purchasing association, an entity or organization listed in subsection (2) of this section that employs individuals pay at least fifty percent of the cost of the health insurance coverage for each employee enrolled in the purchasing association.

(iii) In offering and administering the purchasing association, the administrator may not discriminate against individuals or groups based on age, gender, geographic area, industry, or medical history.

(4) On and after July 1, 1995, the uniform benefits package and schedule of premiums and point of service cost-sharing adopted and from time to time revised (~~by the health services commission~~) pursuant to (~~chapter 492, Laws of 1993~~) RCW 43.72.130 shall be applicable to the association.

(5) The administrator shall adopt preexisting condition coverage provisions for the association as provided in RCW 48.20.540, 48.21.340, 48.44.480, and 48.46.550.

(6) Premiums charged to purchasing association members shall include the authority's reasonable administrative and marketing costs. Purchasing association members may not receive any subsidy from the state for the purchase of health insurance coverage through the association.

(7)(a) The Washington state group purchasing association account is established in the custody of the state treasurer, to be used by the administrator for the deposit of premium payments from individuals and entities described in subsection (2) of this section, and for payment of premiums for benefit contracts entered into on behalf of the purchasing association's participants and operating expenses incurred by the authority in the administration of benefit contracts under this section. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(b) Disbursements from the account are not subject to appropriations, but shall be subject to the allotment procedure provided under chapter 43.88 RCW.

Sec. 3. RCW 43.72.010 and 1994 c 4 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Certified health plan" or "plan" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an entity certified in accordance with RCW 48.43.020 through 48.43.120.

(2) "Chairman" means the presiding officer of the Washington health services commission.

(3) "Commission" or "health services commission" means the Washington health services commission.

(4) "Community rate" means the rating method used to establish the premium for the uniform benefits package adjusted to reflect

actuarially demonstrated differences in utilization or cost attributable to geographic region and family size as determined by the commission.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve health services while reducing costs.

(6) "Employee" means a resident who is in the employment of an employer, as defined by chapter 50.04 RCW.

(7) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(8) "Enrollee point of service cost-sharing" means amounts paid to certified health plans directly providing services, health care providers, or health care facilities by enrollees for receipt of specific uniform benefits package services, and may include copayments, coinsurance, or deductibles, that together must be actuarially equivalent across plans and within overall limits established by the commission.

(9) "Enrollee premium sharing" means that portion of the premium that is paid by enrollees or their family members.

(10) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(11) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(12) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 RCW and chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(13) "Health insurance purchasing cooperative" or "cooperative" means a member-owned and governed nonprofit organization certified in accordance with RCW 43.72.080 and 48.43.160.

(14) "Long-term care" means institutional, residential, outpatient, or community-based services that meet the individual needs of persons of all ages who are limited in their functional capacities or have disabilities and require assistance with performing two or more activities of daily living for an extended or indefinite period of time. These services include case management, protective

supervision, in-home care, nursing services, convalescent, custodial, chronic, and terminally ill care.

(15) "Major capital expenditure" means any project or expenditure for capital construction, renovations, or acquisition, including medical technological equipment, as defined by the commission, costing more than one million dollars.

(16) "Managed care" means an integrated system of insurance, financing, and health services delivery functions that: (a) Assumes financial risk for delivery of health services and uses a defined network of providers; or (b) assumes financial risk for delivery of health services and promotes the efficient delivery of health services through provider assumption of some financial risk including capitation, prospective payment, resource-based relative value scales, fee schedules, or similar method of limiting payments to health care providers.

(17) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family who chooses one of the three lowest priced uniform benefits packages offered by plans in a geographic region including both premium sharing and enrollee point of service cost-sharing.

(18) "Persons of color" means Asians/Pacific Islanders, African, Hispanic, and Native Americans.

(19) "Premium" means all sums charged, received, or deposited by a certified health plan as consideration for a uniform benefits package or the continuance of a uniform benefits package. Any assessment, or any "membership," "policy," "contract," "service," or similar fee or charge made by the certified health plan in consideration for the uniform benefits package is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point of service cost-sharing.

(20) "Qualified employee" means an employee who is employed at least thirty hours during a week or one hundred twenty hours during a calendar month.

(21) "Registered employer health plan" means a health plan established by a private employer of more than seven thousand active employees in this state solely for the benefit of such employees and their dependents and that meets the requirements of RCW 43.72.120. Nothing contained in this subsection shall be deemed to preclude the plan from providing benefits to retirees of the employer.

(22) "Supplemental benefits" means those appropriate and effective health services that are not included in the uniform benefits package or that expand the type or level of health services available under the uniform benefits package and that are offered to all residents in accordance with the provisions of RCW 43.72.160 and 43.72.170.

(23) "Technology" means the drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics, and computer sciences, as well as specialized

professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

(24) "Uniform benefits package" or "package" means those appropriate and effective health services, (~~defined by the commission under~~) adopted and from time to time revised pursuant to RCW 43.72.130, that must be offered to all Washington residents through certified health plans.

(25) "Washington resident" or "resident" means a person who intends to reside in the state permanently or indefinitely and who did not move to Washington for the primary purpose of securing health services under RCW 43.72.090 through 43.72.240, 43.72.300, 43.72.310, 43.72.800, and chapters 48.43 and 48.85 RCW. "Washington resident" also includes people and their accompanying family members who are residing in the state for the purpose of engaging in employment for at least one month, who did not enter the state for the primary purpose of obtaining health services. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

Sec. 4. RCW 43.72.040 and 1994 c 4 s 3 are each amended to read as follows:

The commission has the following powers and duties:

(1) Ensure that all residents of Washington state are enrolled in a certified health plan to receive the uniform benefits package, regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.

(2) Endeavor to ensure that all residents of Washington state have access to appropriate, timely, confidential, and effective health services, and monitor the degree of access to such services. If the commission finds that individuals or populations lack access to certified health plan services, the commission shall:

(a) Authorize appropriate state agencies, local health departments, community or migrant health clinics, public hospital districts, or other nonprofit health service entities to take actions necessary to assure such access. This includes authority to contract for or directly deliver services described within the uniform benefits package to special populations; or

(b) Notify appropriate certified health plans and the insurance commissioner of such findings. The commission shall adopt by rule standards by which the insurance commissioner may, in such event, require certified health plans in closest proximity to such individuals and populations to extend their catchment areas to those individuals and populations and offer them enrollment.

(3) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of chapter 492, Laws of 1993. An initial set of draft rules establishing at least the commission's organization structure, the uniform benefits package, and standards for certified health plan certification, must be submitted in draft form to appropriate committees of the legislature by December 1, 1994.

(4) Establish and modify as necessary, in consultation with the state board of health and the department of health, and coordination

with the planning process set forth in RCW 43.70.520 a uniform set of health services based on the recommendations of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990.

(5) (~~Establish and modify as necessary~~) Make recommendations to the legislature for the uniform benefits package as provided in RCW 43.72.130, which shall be offered to enrollees of a certified health plan. The benefit package shall be provided at no more than the maximum premium specified in subsection (6) of this section.

(6)(a) Establish for each year a community-rated maximum premium for the uniform benefits package that shall operate to control overall health care costs. The maximum premium cost of the uniform benefits package in the base year 1995 shall be established upon an actuarial determination of the costs of providing the uniform benefits package and such other cost impacts as may be deemed relevant by the commission. Beginning in 1996, the growth rate of the premium cost of the uniform benefits package for each certified health plan shall be allowed to increase by a rate no greater than the average growth rate in the cost of the package between 1990 and 1993 as actuarially determined, reduced by two percentage points per year until the growth rate is no greater than the five-year rolling average of growth in Washington per capita personal income, as determined by the office of financial management.

(b) In establishing the community-rated maximum premium under this subsection, the commission shall review various methods for establishing the community-rated maximum premium and shall recommend such methods to the legislature by December 1, 1994.

The commission may develop and recommend a rate for employees that provides nominal, if any, variance between the rate for individual employees and employees with dependents to minimize any economic incentive to an employer to discriminate between prospective employees based upon whether or not they have dependents for whom coverage would be required.

(c) If (~~the commission adds or deletes~~) services or benefits are added to or deleted from the uniform benefits package in subsequent years, ((it)) the commission may increase or decrease the maximum premium to reflect the actual cost experience of a broad sample of providers of that service in the state, considering the factors enumerated in (a) of this subsection and adjusted actuarially. The addition of services or benefits shall not result in a redetermination of the entire cost of the uniform benefits package.

(d) The level of state expenditures for the uniform benefits package shall be limited to the appropriation of funds specifically for this purpose.

(7) Determine the need for medical risk adjustment mechanisms to minimize financial incentives for certified health plans to enroll individuals who present lower health risks and avoid enrolling individuals who present higher health risks, and to minimize financial incentives for employer hiring practices that discriminate against individuals who present higher health risks. In the design of medical risk distribution mechanisms under this subsection, the commission shall (a) balance the benefits of price competition with the need to

protect certified health plans from any unsustainable negative effects of adverse selection; (b) consider the development of a system that creates a risk profile of each certified health plan's enrollee population that does not create disincentives for a plan to control benefit utilization, that requires contributions from plans that enjoy a low-risk enrollee population to plans that have a high-risk enrollee population, and that does not permit an adjustment of the premium charged for the uniform benefits package or supplemental coverage based upon either receipt or contribution of assessments; and (c) consider whether registered employer health plans should be included in any medical risk adjustment mechanism. ~~((Proposed))~~ Any medical risk adjustment mechanisms proposed by the commission shall be submitted to the legislature ~~((as provided in RCW 43.72.180))~~ for legislative consideration.

(8) Design a mechanism to assure minors have access to confidential health care services as currently provided in RCW 70.24.110 and 71.34.030.

(9) Monitor the actual growth in total annual health services costs.

(10) Monitor the increased application of technology as required by chapter 492, Laws of 1993 and take necessary action to ensure that such application is made in a cost-effective and efficient manner and consistent with existing laws that protect individual privacy.

(11) Establish reporting requirements for certified health plans that own or manage health care facilities, health care facilities, and health care providers to periodically report to the commission regarding major capital expenditures of the plans. The commission shall review and monitor such reports and shall report to the legislature regarding major capital expenditures on at least an annual basis. The Washington health care facilities authority and the commission shall develop standards jointly for evaluating and approving major capital expenditure financing through the Washington health care facilities authority, as authorized pursuant to chapter 70.37 RCW. By December 1, 1994, the commission and the authority shall submit jointly to the legislature such proposed standards. The commission and the authority shall, after legislative review, but no later than June 1, 1995, publish such standards. Upon publication, the authority may not approve financing for major capital expenditures unless approved by the commission.

(12) Establish maximum enrollee financial participation levels. The levels shall be related to enrollee household income.

(13) Establish rules requiring employee enrollee premium sharing, as defined in RCW 43.72.010(9), be paid through deductions from wages or earnings.

(14) For health services provided under the uniform benefits package and supplemental benefits, adopt standards for enrollment, and standardized billing and claims processing forms. The standards shall ensure that these procedures minimize administrative burdens on health care providers, health care facilities, certified health plans, and consumers. Subject to federal approval or phase-in schedules whenever necessary or appropriate, the standards also shall apply to state-purchased health services, as defined in RCW 41.05.011.

(15) Propose that certified health plans adopt certain practice indicators or risk management protocols for quality assurance, utilization review, or provider payment. The commission may consider indicators or protocols recommended according to RCW 43.70.500 for these purposes.

(16) Propose other guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis-related groups and a resource-based relative value scale. Such guidelines shall be voluntary and shall be designed to promote improved management of care, and provide incentives for improved efficiency and effectiveness within the delivery system.

(17) Adopt standards and oversee and develop policy for personal health data and information system as provided in chapter 70.170 RCW.

(18) Adopt standards that prevent conflict of interest by health care providers as provided in RCW 18.130.320.

(19) At the appropriate juncture and in the fullness of time, consider the extent to which medical research and health professions training activities should be included within the health service system set forth in chapter 492, Laws of 1993.

(20) Evaluate and monitor the extent to which racial and ethnic minorities have access to and receive health services within the state, and develop strategies to address barriers to access.

(21) Develop standards for the certification process to certify health plans and employer health plans to provide the uniform benefits package, according to the provisions for certified health plans and registered employer health plans under chapter 492, Laws of 1993.

(22) Develop rules for implementation of individual and employer participation under RCW 43.72.210 and 43.72.220 specifically applicable to persons who work in this state but do not live in the state or persons who live in this state but work outside of the state. The rules shall be designed so that these persons receive coverage and financial requirements that are comparable to that received by persons who both live and work in the state.

(23) After receiving advice from the health services effectiveness committee, adopt rules that must be used by certified health plans, disability insurers, health care service contractors, and health maintenance organizations to determine whether a procedure, treatment, drug, or other health service is no longer experimental or investigative.

(24) Establish a process for purchase of uniform benefits package services by enrollees when they are out-of-state.

(25) Develop recommendations to the legislature as to whether state and school district employees, on whose behalf health benefits are or will be purchased by the health care authority pursuant to chapter 41.05 RCW, should have the option to purchase health benefits through health insurance purchasing cooperatives on and after July 1, 1997. In developing its recommendations, the commission shall consider:

(a) The impact of state or school district employees purchasing through health insurance purchasing cooperatives on the ability of the state to control its health care costs; and

(b) Whether state or school district employees purchasing through health insurance purchasing cooperatives will result in inequities in health benefits between or within groups of state and school district employees.

(26) Establish guidelines for providers dealing with terminal or static conditions, taking into consideration the ethics of providers, patient and family wishes, costs, and survival possibilities.

(27) Evaluate the extent to which Taft-Hartley health care trusts provide benefits to certain individuals in the state; review the federal laws under which these trusts are organized; and make appropriate recommendations to the governor and the legislature on or before December 1, 1994, as to whether these trusts should be brought under the provisions of chapter 492, Laws of 1993 when it is fully implemented, and if the commission recommends inclusion of the trusts, how to implement such inclusion.

(28) Evaluate whether Washington is experiencing a higher percentage in in-migration of residents from other states and territories than would be expected by normal trends as a result of the availability of unsubsidized and subsidized health care benefits for all residents and report to the governor and the legislature their findings.

(29) In developing recommendations for the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan adopted by the federal government and its implications.

(30) Evaluate the effect of reforms under chapter 492, Laws of 1993 on access to care and economic development in rural areas.

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of personal health data, where the commission shall have primary data system policy-making authority and the department of health shall have primary responsibility for the maintenance and routine operation of personal health data systems.

Sec. 5. RCW 43.72.130 and 1993 c 492 s 449 are each amended to read as follows:

(1) The commission shall (~~define~~) develop recommendations for the uniform benefits package, which shall include those health services that, consistent with the goals and intent of chapter 492, Laws of 1993, are effective and necessary on a societal basis for the maintenance of the health of citizens of the state, weighed against the need to control state health services expenditures.

(2) The recommended schedule of covered health services shall emphasize proven preventive and primary health care and shall be composed of the following essential health services: (a) Primary and specialty health services; (b) inpatient and outpatient hospital services; (c) prescription drugs and medications; (d) reproductive services; (e) services necessary for maternity and well-child care, including preventive dental services for children; and (f) case-

managed chemical dependency, mental health, short-term skilled nursing facility, home health, and hospice services, to the extent that such services reduce inappropriate utilization of more intensive or less efficacious medical services. The commission's recommendations shall ((determine)) include the specific schedule of health services within the uniform benefits package, including limitations on scope and duration of services. The recommended schedule shall be the benefit and actuarial equivalent of the schedule of benefits offered by the basic health plan on January 1, 1993, including any additions that may result from the inclusion of the services listed in (c) through (f) of this subsection. ((The commission shall consider the recommendations of health services effectiveness panels [committee] established pursuant to RCW 43.72.060 in defining the uniform benefits package.))

(3) The uniform benefits package shall not limit coverage for preexisting or prior conditions, except that ((the commission shall establish)) exclusions for preexisting or prior conditions shall be included to the extent necessary to prevent residents from waiting until health services are needed before enrolling in a certified health plan.

(4) In making recommendations for the uniform benefits package, the commission shall seek the opinions of and information from the public. The commission shall also consider the recommendations of the health services effectiveness committee established in RCW 43.72.060 and the results of the public health assessment and policy development activities of the department of health.

(5) By December 1, 1994, and by December 1 of the year preceding any year in which the commission will request revision of the uniform benefits package, the commission shall submit the following to the legislature for consideration: (a) The recommended uniform benefits package or recommended revisions to the uniform benefits package; and (b) an independent actuarial analysis of the cost of the proposed package or proposed revisions giving consideration to the factors considered under RCW 43.72.040(6). The commission may not propose modification of the services included in the uniform benefits package before January 1, 1999. The uniform benefits package or uniform benefits package revisions may not take effect unless adopted by an act of law.

(6) The commission shall establish enrollee point of service cost-sharing for nonpreventive health services, related to enrollee household income, such that financial considerations are not a barrier to access for low-income persons, but that, for those of means, the uniform benefits package provides for moderate point of service cost-sharing. All point of service cost-sharing and cost control requirements shall apply uniformly to all health care providers providing substantially similar uniform benefits package services. The schedule shall provide for an alternate and lower schedule of cost-sharing applicable to enrollees with household income below the federal poverty level.

~~((+5))~~ (7) The commission shall adopt rules related to coordination of benefits and premium payments. The rules shall not have the effect of eliminating enrollee financial participation. The commission shall endeavor to assure an equitable distribution, among

both employers and employees, of the costs of coverage for those households composed of more than one member in the work force.

~~((6) In determining the uniform benefits package, the commission shall endeavor to seek the opinions of and information from the public. The commission shall consider the results of official public health assessment and policy development activities including recommendations of the department of health in discharging its responsibilities under this section.~~

~~(7) The commission shall submit the following to the legislature by December 1, 1994, and by December 1 of the year preceding any year in which the commission proposes to significantly modify the uniform benefits package: (a) The uniform benefits package; and (b) an independent actuarial analysis of the cost of the proposed package, giving consideration to the factors considered under RCW 43.72.040(6). The commission shall not modify the services included in the uniform benefits package before January 1, 1999.)~~

Sec. 6. RCW 48.01.210 and 1993 c 462 s 51 are each amended to read as follows:

(1) An insurer, health care service contractor, or health maintenance organization that offers coverage for dental services and is in full compliance with all applicable laws under chapter 48.05, 48.44, or 48.46 RCW governing the financial supervision and solvency of such organizations, including but not limited to laws concerning capital and surplus requirements, reserves, deposits, bonds, and indemnities, may provide coverage for dental services, to individuals and to employers for the benefit of employees or for the benefit of employees and their dependents, by separate policy, contract, or rider. If an individual or an employer purchases coverage for dental services from such a company and the coverage is part of the uniform benefits package ~~((designed by the Washington health services commission))~~ adopted and from time to time revised pursuant to RCW 43.72.130, the certified health plan covering the individual, employees, or employees and dependents need not provide dental services under the uniform benefits package. A certified health plan may subcontract with such a company to provide any dental services required under the uniform benefits package.

(2) An insurer, health care service contractor, or health maintenance organization described in subsection (1) of this section is deemed certified and registered as a certified health plan under RCW 43.72.090 and 48.43.010 for the delivery of coverage for dental services. The Washington health services commission and the commissioner shall adopt standards and procedures to permit, upon request, the prompt certification and registration of such a company. Such a company may offer coverage for dental services supplemental to the uniform benefits package, but the supplemental benefits are not subject to RCW 43.72.100, 43.72.160, and 43.72.170.

Sec. 7. RCW 70.47.060 and 1994 c 309 s 5 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. On and after July 1, 1995, the uniform benefits package adopted and from time to time revised (~~by the Washington health services commission~~) pursuant to RCW 43.72.130 shall be implemented by the administrator as the schedule of covered basic health care services. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other

amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee.

(3) To design and implement a structure of copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. On and after July 1, 1995, the administrator shall endeavor to make the copayments structure of the plan consistent with enrollee point of service cost-sharing levels adopted by the Washington health services commission, giving consideration to funding available to the plan.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate

minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator shall require that a business owner pay at least fifty percent of the nonsubsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care

systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

NEW SECTION. **Sec. 8.** Section 2 of this act shall expire June 30, 1998.

NEW SECTION. **Sec. 9.** RCW 43.72.180 and 1993 c 492 s 454 are each repealed.

NEW SECTION. **Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 2 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 41.05.022, 41.05.200, 43.72.010, 43.72.040, 43.72.130, 48.01.210, and 70.47.060; repealing RCW 43.72.180; providing an effective date; providing an expiration date; and declaring an emergency."

Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Casada; Crouse; Morris; Sherstad and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; and Conway.

Voting Yea: Representatives Backlund, Casada, Crouse, Dyer, Hymes, Morris, Sherstad, and Skinner.

Voting Nay: Representatives Cody, Conway and Dellwo.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1028.

MOTION

Representative Appelwick moved that the House re-refer House Bill No. 1028 to the Committee on Finance.

Representative Appelwick spoke in favor of the motion and Representative Dyer spoke against the motion.

Representative Appelwick again spoke in favor of the motion and Representative Dyer again spoke against it.

The motion to re-refer House Bill No. 1028 to the Committee on Finance failed.

House Bill No. 1028 was referred to the Rules Committee.

On motion of Representative Foreman, the House reverted to the fourth order of business.

MOTION

On motion of Representative Foreman, the rules were suspended and Engrossed Senate Concurrent Resolution No. 8403 was advanced to second reading and read the second time in full.

SECOND READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403, by Senators Snyder, Prince and Winsley

Recognizing the "Old Timers" reunion.

The resolution was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Engrossed Senate Concurrent Resolution No. 8403 was adopted.

MOTION

On motion of Representative Foreman, Senate Bill No. 5038 was advanced to the second reading calendar.

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

MOTION

On motion of Representative Foreman, House Bill No. 1417 was re-referred from the Committee on Law & Justice to the Committee on Children & Family Services.

The Speaker introduces Speaker Pro Tempore, John L. O'Brien, Emeritus, to preside over House Resolution No. 4609.

HOUSE RESOLUTION NO. 95-4609, by Representatives Chopp, Jacobsen, Thibaudeau, Cody, Dickerson, Regala, Sommers, Valle, Tokuda, Patterson, Poulsen, Ebersole, Mason, Rust, Cole, Veloria, Robertson and Costa

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The O'Dea High School Irish football team, from Seattle, won the 1994 Class AA State Football Championship; and

WHEREAS, The O'Dea Football coaches showed leadership and skill in focusing their team on accomplishing their goal of winning the State AA Football Championship; and

WHEREAS, Captains Brian Tell, Nick Stefonick, Andy Carroll, Mike Bailly, and Joe Forest contributed greatly to winning the Class AA Championship and finishing the season with a record of 13-0; and

WHEREAS, The Fighting Irish team wishes to acknowledge the dedication of senior manager Kevin O'Leary for his loyalty and contributions to the O'Dea football program;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and honor the O'Dea High School Irish football team and Coach Monte Kohler for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Coach Monte Kohler, to the members of the O'Dea Irish football team, and to the principal and faculty of O'Dea High School.

Representative Chopp moved adoption of the resolution.

Representatives Chopp, Mason, Thibaudeau, Ebersole, Jacobsen, Tokuda and Crouse spoke in favor of adoption of the resolution.

House Resolution No. 4609 was adopted.

The Speaker assumed the chair.

HOUSE RESOLUTION NO. 95-4614, by Representatives Sehlin, Beeksma, Hymes, Quall, Robertson and Costa

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Max McYoung has exhibited the highest level of excellence in his commitment and service to the citizens of Skagit County and the State of Washington; and

WHEREAS, Max McYoung shares his excellence and commitment to service with his spouse of thirty-one years, Mary McYoung; and

WHEREAS, Max McYoung's commitment and service to his fellow citizens has a long and extended history, demonstrated, in part, by his proud and valiant service of twenty-two years in the United States Navy; and

WHEREAS, Max McYoung's commitment and service to his fellow citizens is exemplified by his tireless and unselfish devotion to preserving the natural resources of Skagit County and the State of Washington, for the continued use and enjoyment by all citizens; and

WHEREAS, Max McYoung's contributions to preserving the bounty and beauty of our state resources have been extensive, with contributions spanning over three decades; and

WHEREAS, Max McYoung's lengthy, worthy, and noble efforts to preserve our natural resources have focused on the ecosystem of the Skagit River watershed for fish and wildlife habitat, with particular expertise and emphasis on salmon and steelhead trout; and

WHEREAS, Max McYoung has resolutely, adeptly, and expertly educated public officials, from all levels of government, federal, state, and local, in order that they better serve the citizens they represent, in the particular endowments and attributes of the natural resources in Skagit County; and

WHEREAS, Max McYoung's efforts have been well recognized by the community at large, with appearances on such television programs as "Northwest Focus," "Top Story," and the "Today Show;" and

WHEREAS, Max McYoung's determination, motivation, talents, and contributions have earned him well-deserved community recognition, including receiving the Outstanding River Advocate Award in 1991, the Jefferson Award in 1992, as well as the Giraffe Project Commendation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor Max McYoung for the dedicated service to his community and the State of Washington, for the outstanding example of diligence, commitment, and excellence that he has set for others, and that his future endeavors continue to inspire others to action and resolve; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Max McYoung.

Representative Sehlin moved adoption of the resolution.

Representatives Sehlin and Quall spoke in favor of adoption of the resolution.

House Resolution No. 4614 was adopted.

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

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SECOND READING

SENATE BILL NO. 5038, by Senator Quigley

Extending time periods for certain health care reform activities.

The bill was read the second time. Committee on Health Care recommendation: Do pass as amended. (For committee amendment see today's Journal.)

Representative Dyer moved that the committee amendment not be adopted.

Representative Dellwo spoke in favor of not adopting the committee amendment.

The committee amendment was not adopted.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Dellwo spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Ogden was excused.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5038.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5038 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson,

Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

Senate Bill No. 5038, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1010, by House Committee on Government Operations (originally sponsored by Representatives Reams, Horn, Lisk, Cairnes, Dyer, Van Luven, Ballasiotes, Buck, Casada, D. Schmidt, B. Thomas, Chandler, L. Thomas, Brumsickle, Sehlin, Sherstad, Carlson, Benton, Skinner, Kremen, Hargrove, Cooke, Delvin, Schoesler, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Elliot, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Chappell, Basich, Grant, Smith, Robertson, Foreman, Honeyford, Pelesky, Blanton, Koster, Lambert, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, Sheldon, Huff, Mielke, Talcott, Silver, McMahan, Stevens, Morris and Hymes)

Implementing regulatory reform.

Substitute House Bill No. 1010 was read the second time.

Representative Schoesler moved adoption of the following amendment by Representative Schoesler:

On page 3, after line 4, insert the following:

"NEW SECTION. Sec. 104. A new section is added to chapter 43.23 RCW to read as follows:

The director of agriculture may adopt, in accordance with chapter 34.05 RCW, rules or policy statements, other than emergency rules, only:

- (1) As specifically required by federal law, and only to the extent specifically required; or
- (2) As specifically authorized, and only to the extent specifically authorized, by the legislature."

Representatives Schoesler, Honeyford, Mulliken, Chandler and Dyer spoke in favor of adoption of the amendment.

Representatives Rust, Romero, Cole, Brown and Conway spoke against it.

Representative Schoesler again spoke in favor of adoption of the amendment.

The amendment was adopted.

Representative Reams moved adoption of the following amendment by Representative Reams:

On page 16, line 17, after "law" insert "as it existed on January 1, 1995,"

Representatives Reams and Rust spoke in favor of adoption of the amendment.

The amendment was adopted.

Representative Schoesler moved adoption of the following amendment by Representative Schoesler:

On page 18, line 28, after "services," insert "department of agriculture,"

Representatives Schoesler and Koster spoke in favor of adoption of the amendment and Representative Rust spoke against it.

The amendment was adopted.

Representative Reams moved adoption of the following amendment by Representative Reams:

On page 34, beginning on line 23, after "committee" strike all material through "authority" on line 24

Representatives Reams and Rust spoke in favor of adoption of the amendment.

The amendment was adopted.

Representative Schoesler moved adoption of the following amendment by Representative Schoesler:

On page 39, line 3, after "health," insert "agriculture,"

On page 39, line 9, after "health," insert "agriculture,"

Representative Schoesler spoke in favor of adoption of the amendment and Representative Rust spoke against it.

The amendment was adopted.

Representative Rust moved adoption of the following amendment by Representatives Rust and Mastin:

Strike everything after the enacting clause and insert the following:

"PART I - RULE-MAKING AUTHORITY

NEW SECTION. **Sec. 101.** The legislature finds that the volume and complexity of state agency rules has increased to the point that

new rule-making procedures are necessary. Significant rules should undergo a more in-depth analysis and differences from federal law should be justified. An expedited process for the repeal of unnecessary agency rules should be established. Pilot and negotiated rule-making procedures should be clarified. A standardized format for petitions to adopt, amend, or repeal a rule should be developed, as well as a process for the appeal of these agency decisions to the governor. The joint administrative rules review committee should be strengthened. Fees and expenses should be awarded to qualified parties successfully challenging a rule. To accomplish these goals, the legislature intends to modify the rule-making provisions of the administrative procedure act and the requirements of the regulatory fairness act.

NEW SECTION. **Sec. 102.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Before adopting a rule described in subsection (4) of this section, an agency shall:

(a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements and the specific objectives that the agency seeks to achieve;

(b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;

(c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;

(d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with the rule that will achieve the general goals and the specific objectives stated under (a) of this subsection;

(e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;

(f) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same circumstances and list, by citation, duplicative, inconsistent, or conflicting laws;

(g) Describe the process by which local governments will be notified of the subject of possible rule making and describe the process for coordinating the rule with local ordinances applicable to the same circumstances;

(h) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;

(i) Determine if the rule differs from any applicable federal regulation or statute and, if so, determine that the difference is justified by the following:

(i) State statutory authority that explicitly allows the agency to differ from federal standards; or

(ii) Substantial evidence that the difference is necessary to achieve the specific objectives of the authorizing state statute;

(j) Describe how the agency will monitor and evaluate on an ongoing basis whether the rule in fact achieves the general goals and specific objectives stated under (a) of this subsection, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes;

(k) Describe how the agency will implement and enforce the rule and encourage voluntary compliance with the rule; and

(l) Describe which resources the agency intends to use to implement the rule.

(2) Before adopting a rule, the agency shall place evidence in the rule-making file documenting agency compliance with the requirement of subsection (1) of this section. Agency determinations under subsection (1)(e) and (i) of this section shall each be supported by substantial evidence. Agency compliance with the requirements of subsection (1)(a) through (d), (f), (g), (h), (j), (k), and (l) of this section shall, as a whole, be supported by substantial evidence.

(3) Before adopting a rule described in subsection (5) of this section, an agency shall include in the rule-making file a written plan that describes:

(a) The methods the agency will use in making a reasonable attempt to notify those to whom the rule applies of the adoption of the rule and how they may get more information on how to comply with the rule; and

(b) How the agency will provide adequate sources of information and technical assistance to those to whom the rule applies to assist them in voluntarily complying with the rule.

(4) For rules implementing statutes enacted after the effective date of this section, except emergency rules adopted pursuant to RCW 34.05.350, an agency may not rely solely on the statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for its statutory authority to adopt the rule. An agency may use the statement of intent or purpose or the agency enabling provisions to interpret ambiguities in a statute's other provisions.

(5)(a) Subsections (1) through (3) of this section shall apply only to:

(i) Significant legislative rules of the departments of ecology, labor and industries, and revenue, and the employment security department, and to significant legislative rules of the department of fish and wildlife implementing chapter 75.20 RCW; and

(ii) Legislative rules of any agency, if such rules are designated as significant by the joint administrative rules review committee pursuant to (d) of this subsection.

(b) Notwithstanding (a) of this subsection, subsections (1) through (3) of this section shall not apply to:

(i) Emergency rules adopted pursuant to RCW 34.05.350;

(ii) Rules relating to internal governmental operations;

(iii) Rules adopting or incorporating by reference without material change federal statutes or rules, rules of other Washington state agencies, shoreline master programs, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, as long as the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(iv) Rules that simply correct typographical errors, make address or name changes, clarify language without changing intent, or conform language in the rule to mandated statutory changes or judicial decisions, as long as the need for conformance is specific; or

(v) Rules that set or adjust fees or rates pursuant to legislative standards.

(c) For purposes of this subsection:

(i) A "procedural rule" is a rule that establishes, alters, or revokes (A) any procedure, practice, or requirement relating to any agency hearings, or (B) any filing or related process requirement for making application to an agency for a license.

(ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers.

(iii) A "legislative rule" includes a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction, or (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license.

(iv) A legislative rule is "significant" if it (A) adopts a new policy or regulatory program, (B) establishes a new set of qualifications or standards for the issuance, suspension, or revocation of a license, (C) makes significant amendments to an existing policy or regulatory program or existing qualification or standard for the issuance, suspension, or revocation of a license that likely are to generate controversy, (D) is designated as such by the agency, or (E) is designated as such by the joint administrative rules review committee pursuant to (d) of this subsection.

(d) At the time of filing a notice of proposed rule making pursuant to RCW 34.05.320, an agency shall designate whether it considers the rule contemplated to be developed a significant legislative rule and shall so inform the joint administrative rules review committee of that designation by providing to that committee a copy of that notice. The joint administrative rules review committee by a majority vote within thirty days of receipt of the notice may designate the contemplated rule as significant and so inform the agency.

(e) An agency may voluntarily adopt a rule other than a significant legislative rule under the factors listed in subsection (1) of this section. Such a decision by the agency shall be included in the filing of the notice of proposed rule making made pursuant to RCW 34.05.320.

(6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after

consulting with state agencies, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document:

(a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted;

(b) The costs incurred by state agencies in complying with this section;

(c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;

(d) The extent to which this section has resulted in the increased inappropriate use by the agencies of policy statements and guidelines in place of rules;

(e) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;

(f) The extent to which this section has improved the acceptability of state rules to those regulated; and

(g) Any other information considered by the office of financial management to be useful in evaluating the effect of this section.

(7) This section expires June 30, 2000.

NEW SECTION. **Sec. 103.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Not later than June 30th of each year, each agency shall submit to the code reviser, according to procedures and time lines established by the code reviser, rules that it determines should be repealed by the expedited repeal procedures provided for in this section. An agency shall file a copy of a preproposal notice of intent, as provided in RCW 34.05.310(1), that identifies the rule as one that is proposed for expedited repeal.

(2) An agency may propose the expedited repeal of rules meeting one or more of the following criteria:

(a) The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;

(b) The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;

(c) The rule is no longer necessary because of changed circumstances; or

(d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

(3) The agency shall also send a copy of the preproposal notice of intent to any person who has requested notification of copies of proposals for the expedited repeal of rules or of agency rule making. The preproposal notice of intent shall include a statement that any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after the preproposal

notice of intent is published. The notice of intent shall also include an explanation of the reasons the agency believes the expedited repeal of the rule is appropriate.

(4) The code reviser shall publish all rules proposed for expedited repeal in a separate section of a regular edition of the Washington state register or in a special edition of the Washington state register. The publication shall be not later than July 31st, or in the first register published after that date.

(5) Any person may file a written objection to the expedited repeal of a rule. The notice shall be filed with the agency rules coordinator within thirty days after the notice of intent has been published in the Washington state register. The written objection need not state any reason for objecting to the expedited repeal of the rule.

(6) If no written objections to the expedited repeal of a rule are filed with the agency within thirty days after the preproposal notice of intent is published, the agency may enter an order repealing the rule without further notice or an opportunity for a public hearing. The order shall be published in the manner required by this chapter for any other order of the agency adopting, amending, or repealing a rule. If a written objection to the expedited repeal of the rule is filed with the agency within thirty days after the notice of intent has been published, the preproposal notice of intent published pursuant to this section shall be considered a preproposal notice of intent for the purposes of RCW 34.05.310(1) and the agency may initiate rule adoption proceedings in accordance with the provisions of this chapter.

Sec. 104. RCW 34.05.310 and 1994 c 249 s 1 are each amended to read as follows:

(1) Unless an agency makes a determination pursuant to subsection (3) of this section, to meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, ((agencies)) it shall solicit comments from the public on a subject of possible rule making before publication of a notice of proposed rule adoption under RCW 34.05.320. The agency shall prepare a statement of intent that:

(a) States the specific statutory authority for the new rule;

(b) Identifies the reasons the new rule is needed or the issue the agency is exploring to determine if a new rule is needed;

(c) Identifies the goals of the new rule;

(d) Describes the process by which the rule will be developed, including, but not limited to, negotiated rule making((~~τ~~)) or pilot rule making((~~τ~~ or agency study)); and

(e) Specifies the process by which interested parties can effectively participate in the formulation of the new rule.

The statement of intent shall be filed with the code reviser for publication in the state register and shall be ((~~sent~~)) provided to any party that has requested receipt of the agency's statements of intent.

(2) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of

notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

- (a) Negotiated rule making which ~~((includes:~~
 - ~~(i) Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;~~
 - ~~(ii) Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;~~
 - ~~(iii) Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;~~
 - ~~(iv) Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;~~
 - ~~(v) Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and~~
 - ~~(vi) Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and conforms to the legislative intent of the statute that the rule is intended to implement)) means a process by which representatives of an agency and of the interests who are affected by a subject of rule making seek to reach consensus on the terms of the proposed rule and on the process by which it is negotiated; and~~

(b) Pilot rule making which includes testing the ~~((draft of a proposed rule))~~ feasibility of complying with or administering new draft rules or draft revisions to adopted rules through the use of volunteer pilot ((study)) groups in various areas and circumstances, as provided in RCW 34.05.313.

~~(3)((a) An agency must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate.~~

~~(b) An agency must)) If the agency determines that an opportunity for interested parties to participate in the rule-making process before publication of the proposed rule is not necessary to achieve the objectives of subsection (1) of this section, not later than the date it publishes the proposed rule for comment pursuant to RCW 34.05.320 it shall include ((a written justification)) in the rule-making file ((if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided)) a written statement explaining the reasons for not providing such an opportunity and shall mail the statement to any person who has requested copies of the agency's statements of intent.~~

(4) The provisions of this section do not apply to:

- (a) The adoption of an emergency rule pursuant to RCW 34.05.350;
- (b) The adoption of a rule relating to internal governmental operations;

(c) The amendment of a rule that had adopted or incorporated by reference without material change federal statutes or rules, rules of

other Washington state agencies, laws or rules of local governments, or national consensus codes that generally establish industry standards, and that simply revise the version of such adopted or incorporated material; or

(d) The adoption of a rule that simply corrects typographical errors, makes address or name changes, clarifies language without changing intent, or conforms language in the rule to statutory changes or judicial decisions.

Sec. 105. RCW 34.05.313 and 1993 c 202 s 4 are each amended to read as follows:

~~((If,))~~ (1) During the development of a rule or after its adoption, an agency ~~((determines that implementation may produce unreasonable economic, procedural, or technical burdens, agencies are encouraged to))~~ may develop methods for measuring or testing the feasibility of ~~((compliance))~~ complying with or administering the rule~~((, including the use of voluntary pilot study groups))~~ and for identifying simple, efficient, and economical alternatives for achieving the goal of the rule. ~~((Measuring and testing methods should emphasize))~~ A pilot project shall include public notice, participation by ~~((persons who have a recognized interest in or are significantly affected by the adoption of the proposed rule))~~ volunteers who are or will be subject to the rule, a high level of involvement from agency management, ~~((consensus on issues and procedures among participants in the pilot group, assurance of fairness, and))~~ reasonable completion dates, and a process by which one or more parties may withdraw from the process or the process may be terminated ~~((if consensus cannot be reached on the rule))~~. Volunteers who agree to test a rule and attempt to meet the requirements of the draft rule, to report periodically to the proposing agency on the extent of their ability to meet the requirements of the draft rule, and to make recommendations for improving the draft rule shall not be obligated to comply fully with the rule being tested nor be subject to any enforcement action or other sanction for failing to comply with the requirements of the draft rule.

(2) An agency conducting a pilot rule project authorized under subsection (1) of this section may waive one or more provisions of agency rules otherwise applicable to participants in such a pilot project if the agency first determines that such a waiver is in the public interest and necessary to conduct the project. Such a waiver may be only for a stated period of time, not to exceed the duration of the project.

(3) The findings of the pilot project should be widely shared and, where appropriate, adopted as amendments to the rule.

(4) If an agency conducts a pilot rule project in lieu of meeting the requirements of the regulatory fairness act, chapter 19.85 RCW, the agency shall ensure the following conditions are met:

(a) If over ten small businesses are affected, there shall be at least ten small businesses in the test group and at least one-half of the volunteers participating in the pilot test group shall be small businesses.

(b)(i) If there are at least one hundred businesses affected, the participation by small businesses in the test group shall be as follows:

(A) Not less than twenty percent of the small businesses must employ twenty-six to fifty employees;

(B) Not less than twenty percent of the small businesses must employ eleven to twenty-six employees, and

(C) Not less than twenty percent of the small businesses must employ zero to ten employees.

(ii) If there do not exist a sufficient number of small businesses in each size category set forth in (b)(i) of this subsection willing to participate in the pilot project to meet the minimum requirements of that subsection, then the agency must comply with this section to the maximum extent practicable.

(c) The agency may not terminate the pilot project before the project has been completed.

(d) Before filing the notice of proposed rule making pursuant to RCW 34.05.320, the agency must prepare a report of the pilot rule project that includes:

(i) A description of the difficulties small businesses had in complying with the pilot rule;

(ii) A list of the recommended revisions to the rule to make compliance with the rule easier or to reduce the cost of compliance with the rule by the small businesses participating in the pilot rule project;

(iii) A written statement explaining the options it considered to resolve each of the difficulties described and a statement explaining its reasons for not including a recommendation by the pilot test group to revise the rule; and

(iv) If the agency was unable to meet the requirements set forth in (b)(i) of this subsection, a written explanation of why it was unable to do so and the steps the agency took to include small businesses in the pilot project.

Sec. 106. RCW 34.05.325 and 1994 c 249 s 7 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be

used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

(6) ~~((Before the adoption of a final rule))~~ (a) Except as otherwise provided in (c) of this subsection, at the time it files an adopted rule with the code reviser, or within thirty days thereafter, an agency shall prepare a ~~((written summary of))~~ concise explanatory statement of the rule:

(i) Identifying the agency's reasons for adopting the rule;

(ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and

(iii) Summarizing all comments received regarding the proposed rule, and ~~((a substantive response))~~ responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

(b) The agency shall provide the ~~((written summary and response))~~ concise explanatory statement to any person upon request or from whom the agency received comment.

(c) This subsection does not apply to rules described in RCW 34.05.310(4).

Sec. 107. RCW 34.05.330 and 1988 c 288 s 305 are each amended to read as follows:

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. ~~((Each agency may))~~ The office of financial management shall prescribe by rule the ~~((form))~~ format for such petitions and the procedure for their submission, consideration, and disposition and provide a standard form that may be used to petition any agency. Within sixty days after submission of a petition, the agency shall ~~((+1))~~ either (a) deny the petition in writing, stating (i) its reasons for the denial, specifically addressing the concerns raised by the petitioner, and, where

appropriate, (ii) the alternative means by which it will address the concerns raised by the petitioner, or ~~((+2+))~~ (b) initiate rule-making proceedings in accordance with this chapter.

(2) If an agency denies a petition to repeal or amend a rule submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the governor. The governor shall immediately file notice of the appeal with the code reviser for publication in the Washington state register. Within forty-five days after receiving the appeal, the governor either (a) shall deny the petition in writing, stating (i) his or her reasons for the denial, specifically addressing the concerns raised by the petitioner, and, (ii) where appropriate, the alternative means by which he or she will address the concerns raised by the petitioner; (b) for agencies listed in RCW 43.17.010, shall direct the agency to initiate rule-making proceedings in accordance with this chapter; (c) for agencies not listed in RCW 43.17.010, shall recommend that the agency initiate rule-making proceedings in accordance with this chapter; or (d) to the extent the agency itself would have authority, may rescind all or a severable portion of a rule of an agency named in RCW 43.17.010. In exercising his or her authority, the governor shall act by an executive order that is subject to the provisions of this chapter applicable to the adoption and effectiveness of a rule. The governor's response to the appeal shall be published in the Washington state register and copies shall be submitted to the chief clerk of the house of representatives and the secretary of the senate.

(3) In petitioning for repeal or amendment of a rule under this section, a person is encouraged to address, among other concerns:

(a) Whether the rule is authorized;

(b) Whether the rule is needed;

(c) Whether the rule conflicts with or duplicates other federal, state, or local laws;

(d) Whether alternatives to the rule exist that will serve the same purpose at less cost;

(e) Whether the rule applies differently to public and private entities;

(f) Whether the rule serves the purposes for which it was adopted;

(g) Whether the costs imposed by the rule are unreasonable; and

(h) Whether the rule is clearly and simply stated.

(4) The business assistance center and the office of financial management shall coordinate efforts among agencies to inform the public about the existence of this rules review process.

(5) The office of financial management shall initiate the rule making required by subsection (1) of this section by September 1, 1995.

Sec. 108. RCW 34.05.375 and 1988 c 288 s 314 are each amended to read as follows:

(1) No rule proposed after July 1, 1989, is valid unless it is adopted in substantial compliance with RCW 34.05.310 through 34.05.395. Inadvertent failure to mail notice of a proposed rule adoption to any person as required by RCW 34.05.320(3) does not

invalidate a rule. (~~No action based upon this section may be maintained to contest the validity of any rule unless it is commenced within two years after the effective date of the rule.~~)

(2)(a) Except as otherwise provided in (b) of this subsection, an action based upon this section to contest the validity of a rule shall be commenced within two years after the effective date of the rule.

(b) An action based upon a claim that an agency failed to comply with section 102 of this act shall be commenced within ninety days after the effective date of the rule being contested. Nothing in this subsection limits the authority of a court to review a rule under RCW 34.05.570(2).

NEW SECTION. Sec. 109. A new section is added to chapter 19.85 RCW to read as follows:

(1) Unless an agency receives a written objection to the expedited repeal of a rule, this chapter does not apply to a rule proposed for expedited repeal pursuant to section 103 of this act. If an agency receives a written objection to expedited repeal of the rule, this chapter applies to the rule-making proceeding.

(2) This chapter does not apply to the adoption of a rule described in RCW 34.05.310(4).

(3) An agency is not required to prepare a separate statement under this chapter if it prepared an analysis under section 102(1) of this act that makes the findings required and includes the mitigation required by this chapter and designates that part of the analysis that meets the requirements of this chapter.

Sec. 110. RCW 19.85.030 and 1994 c 249 s 11 are each amended to read as follows:

(1) In the adoption of any rule pursuant to RCW 34.05.320 that will impose more than minor costs on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:

(a) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:

(i) Establish differing compliance or reporting requirements or timetables for small businesses;

(ii) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;

(iii) Establish performance rather than design standards;

(iv) Exempt small businesses from any or all requirements of the rule;

(v) Reduce or modify fine schedules for noncompliance; and

(vi) Other mitigation techniques;

(b) Before filing notice of a proposed rule, shall either:

(i) Prepare a small business economic impact statement in accordance with RCW 19.85.040 and file notice of how the person can obtain the statement with the code reviser as part of the notice required under RCW 34.05.320; or

(ii) Complete the pilot rule process as defined by RCW 34.05.313 before filing the notice of a proposed rule.

(2) If requested to do so by a majority vote of the joint administrative rules review committee within thirty days after notice of the proposed rule is published in the state register, an agency shall prepare a small business economic impact statement on the proposed rule before adoption of the rule. Upon completion, an agency shall provide a copy of the small business economic impact statement to any person requesting it.

(3) An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.

(4) The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose more than minor costs on businesses in an industry and therefore require preparation of a small business economic impact statement. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.

Sec. 111. RCW 34.05.370 and 1994 c 249 s 2 are each amended to read as follows:

(1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection.

(2) The agency rule-making file shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

(e) The concise explanatory statement required by RCW 34.05.355;

(f) All petitions for exceptions to, amendment of, or repeal or suspension of, the rule;

(g) Citations to data, factual information, studies, or reports on which the agency relies in the adoption of the rule, indicating where such data, factual information, studies, or reports are available for review by the public;

(h) The written summary and response required by RCW 34.05.325(6); (~~and~~)

(i) Evidence that the rule complies with section 102 (1) and (2) of this act; and

(j) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. (~~Unless otherwise required by another provision of law,~~) The official agency rule-making file (~~(need not be)~~) is the exclusive basis for agency action on that rule.

Sec. 112. RCW 34.05.570 and 1989 c 175 s 27 are each amended to read as follows:

(1) Generally. Except to the extent that this chapter or another statute provides otherwise:

(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;

(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and

(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.

(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: ~~((it))~~ The rule violates constitutional provisions(~~(τ)~~); the rule exceeds the statutory authority of the agency(~~(τ)~~); the rule was adopted without compliance with statutory rule-making procedures(~~(, or could not conceivably have been the product of a rational decision maker)~~); the rule is not supported by substantial evidence as required under section 102 (1) or (2) of this act; or the rule is arbitrary and capricious.

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;

(b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;

(c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;

(d) The agency has erroneously interpreted or applied the law;

(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(f) The agency has not decided all issues requiring resolution by the agency;

(g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(i) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action.

NEW SECTION. Sec. 113. RCW 34.05.355 and 1994 c 249 s 8 & 1988 c 288 s 310 are each repealed. PART II - TECHNICAL ASSISTANCE

NEW SECTION. **Sec. 201.** The legislature finds that, due to the volume and complexity of laws and rules it is appropriate for regulatory agencies to adopt programs and policies encouraging voluntary compliance by those affected by specific rules. The legislature recognizes that a cooperative partnership between agencies and regulated parties that emphasizes education and assistance before the imposition of penalties will achieve greater compliance with laws and rules and that most individuals and businesses who are subject to regulation will attempt to comply with the law, particularly if they are given sufficient information. In this context, enforcement should assure that the majority of a regulated community that complies with the law are not placed at a competitive disadvantage and that a continuing failure to comply that is within the control of a party who has received technical assistance is considered by an agency when it determines the amount of any civil penalty that is issued.

NEW SECTION. **Sec. 202.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law or rules. The term does not include any criminal penalty, damage assessments, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(2) "Regulatory agency" means an agency as defined in RCW 34.05.010 that has the authority to issue civil penalties. The term does not include the state patrol or any institution of higher education as defined in RCW 28B.10.016.

(3) "Technical assistance" includes:

(a) Information on the laws, rules, and compliance methods and technologies applicable to the regulatory agency's programs;

(b) Information on methods to avoid compliance problems;

(c) Assistance in applying for permits; and

(d) Information on the mission, goals, and objectives of the program.

NEW SECTION. **Sec. 203.** All regulatory agencies shall develop programs to encourage voluntary compliance by providing technical assistance consistent with statutory requirements and the limits of the agency's budget. The programs shall include but are not limited to technical assistance visits.

NEW SECTION. **Sec. 204.** (1) For the purposes of this chapter, a technical assistance visit is a visit by a regulatory agency to a facility, business, or other location that:

(a) Has been requested or is voluntarily accepted; and

(b) Is declared by the regulatory agency at the beginning of the visit to be a technical assistance visit.

(2) A technical assistance visit also includes a consultative visit pursuant to RCW 49.17.250.

(3) During a technical assistance visit, or within a reasonable time thereafter, a regulatory agency shall inform the owner or

operator of the facility of any violations of law or agency rules identified by the agency and provide technical assistance concerning compliance.

NEW SECTION. **Sec. 205.** The owner and operator shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided for by law is imposed for those violations. A regulatory agency may revisit a facility, business, or other location after a technical assistance visit and a reasonable period of time has passed to correct violations identified by the agency in writing and issue civil penalties as provided for by law for any uncorrected violations.

NEW SECTION. **Sec. 206.** A regulatory agency that observes a violation during a technical assistance visit may issue a civil penalty as provided for by law if: (1) The individual or business has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) the issue involves sales taxes due to the state and the individual or business is not remitting previously collected sales taxes to the state; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

NEW SECTION. **Sec. 207.** (1) If in the course of any site inspection or visit that is not a technical assistance visit, the department of ecology becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in section 208 of this act, the department may issue a notice of correction to the responsible party that shall include:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the department or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

NEW SECTION. **Sec. 208.** The department of ecology may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

NEW SECTION. **Sec. 209.** The provisions of sections 207 and 208 of this act affecting civil penalties issued by the department of ecology shall not apply to civil penalties for negligent discharge of oil as authorized under RCW 90.56.330 or to civil penalties as authorized under RCW 90.03.600 for unlawful use of water in violation of RCW 90.03.250 or 90.44.050.

NEW SECTION. **Sec. 210.** (1) Following a consultative visit pursuant to RCW 49.17.250, the department of labor and industries shall issue a report to the employer that the employer shall make available to its employees. The report shall contain:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the department requires compliance to be achieved;

(d) Notice of means to contact technical assistance services provided by the department; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) Following a compliance inspection pursuant to RCW 49.17.120, the department of labor and industries shall issue a citation for violations of industrial safety and health standards. The citation shall not assess a penalty if the violations:

(a) Are determined not to be of a serious nature;

(b) Have not been previously cited;

(c) Are not willful; and

(d) Do not have a mandatory penalty under chapter 49.17 RCW.

NEW SECTION. **Sec. 211.** The date for compliance established by the department of ecology or the department of labor and industries pursuant to section 207 or 210 of this act respectively shall provide for a reasonable time to achieve compliance. Any person receiving a notice of correction pursuant to section 207 of this act or a report or citation pursuant to section 210 of this act may request an extension of time to achieve compliance for good cause from the

issuing department. Requests shall be submitted to the issuing department and responded to by the issuing department in writing in accordance with procedures specified by the issuing department in the notice, report, or citation.

NEW SECTION. **Sec. 212.** The departments of revenue and labor and industries and the employment security department shall undertake an educational program directed at those who have the most difficulty in determining their tax or premium liability. The departments may rely on information from internal data, trade associations, and businesses to determine which entities should be selected. The educational programs may include, but not be limited to, targeted informational fact sheets, self-audits, or workshops, and may be presented individually by the agency or in conjunction with other agencies.

NEW SECTION. **Sec. 213.** The department of revenue, the department of labor and industries in respect to its duties in Title 51 RCW, and the employment security department shall develop and administer a pilot voluntary audit program. Voluntary audits can be requested by businesses from any of these agencies according to guidelines established by each agency. No penalty assessments may be made against participants in such a program except when the agency determines that either a good faith effort has not been made by the taxpayer or premium payer to comply with the law or that the taxpayer has failed to remit previously collected sales taxes to the state. The persons conducting the voluntary audit shall provide the business undergoing the voluntary audit an audit report that describes errors or omissions found and future reporting instructions. This program does not relieve a business from past or future tax or premium obligations.

NEW SECTION. **Sec. 214.** The departments of revenue and labor and industries and the employment security department shall each review the penalties it issues related to taxes or premiums to determine if they are consistent and provide for waivers in appropriate circumstances. Each department shall report the results of its review to the legislature no later than December 1, 1995.

NEW SECTION. **Sec. 215.** Nothing in this chapter obligates a regulatory agency to conduct a technical assistance visit. The state and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from providing technical assistance, or if liability is asserted to arise from the failure of the state or officers or employees of the state to provide technical assistance. This chapter does not limit the authority of any regulatory agency to take any enforcement action, other than a civil penalty, authorized by law. This chapter shall not limit a regulatory agency's authority to issue a civil penalty as authorized by law based upon a person's failure to comply with specific terms and conditions of any permit or license issued by the agency to that person.

NEW SECTION. **Sec. 216.** Agency rules, guidelines, and procedures necessary to implement this act shall be established and implemented expeditiously and not later than July 1, 1996.

NEW SECTION. **Sec. 217.** If a regulatory agency determines any part of this chapter to be in conflict with federal law or program requirements, in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or in conflict with the requirements for eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this chapter shall be inoperative solely to the extent of the conflict. Any rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 218.** If notified by responsible federal officials of any conflict of this chapter with federal law or program requirements or with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the regulatory agency notified of the conflict shall actively seek to resolve the conflict. If the agency determines that the conflict cannot be resolved without loss of benefits or authority to the state, the agency shall notify the governor, the president of the senate, and the speaker of the house of representatives in writing within thirty days of making that determination.

NEW SECTION. **Sec. 219.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 220.** (1) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state regulatory agencies, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this chapter on the regulatory system in this state. The report shall document:

(a) Technical assistance, including but not limited to technical assistance visits, provided by state regulatory agencies consistent with this chapter;

(b) Any rules adopted, guidelines developed, or training conducted to implement this chapter;

(c) Any changes in the appropriation, allocation, or expenditure of regulatory agency resources to implement this chapter;

(d) Any legal action against state regulatory agencies for any alleged failure to comply with this chapter, the costs to the state of the action, and the result;

(e) The extent to which this chapter has resulted in either an increase or decrease in regulatory agency use of civil penalties;

(f) The extent to which this chapter has contributed to any change in voluntary compliance with state statutes or rules;

(g) The extent to which this chapter has improved the acceptability or effectiveness of state regulatory procedures; and

(h) Any other information considered by the office of financial management to be useful in evaluating the effect of this chapter.

(2) This section shall expire June 30, 2000.

Sec. 221. RCW 18.104.155 and 1993 c 387 s 21 are each amended to read as follows:

(1) Except as provided in sections 207 through 209 of this act, the department of ecology may assess a civil penalty for a violation of this chapter or rules or orders of the department adopted or issued pursuant to it.

(2) There shall be three categories of violations: Minor, serious, and major.

(a) A minor violation is a violation that does not seriously threaten public health, safety, and the environment. Minor violations include, but are not limited to:

(i) Failure to submit completed start cards and well reports within the required time;

(ii) Failure to submit variance requests before construction;

(iii) Failure to submit well construction fees;

(iv) Failure to place a well identification tag on a new well;

and

(v) Minor or reparable construction problems.

(b) A serious violation is a violation that poses a critical or serious threat to public health, safety, and the environment. Serious violations include, but are not limited to:

(i) Improper well construction;

(ii) Intentional and improper location or siting of a well;

(iii) Construction of a well without a required permit;

(iv) Violation of decommissioning requirements;

(v) Repeated minor violations; or

(vi) Construction of a well by a person whose license has expired or has been suspended for not more than ninety days.

(c) A major violation is the construction of a well by a person:

(i) Without a license; or

(ii) After the person's license has been suspended for more than ninety days or revoked.

(3)(a) The penalty for a minor violation shall be not less than one hundred dollars and not more than five hundred dollars. Before the imposition of a penalty for a minor violation, the department may issue an order of noncompliance to provide an opportunity for mitigation or compliance.

(b) The penalty for a serious violation shall be not less than five hundred dollars and not more than five thousand dollars.

(c) The penalty for a major violation shall be not less than five thousand dollars and not more than ten thousand dollars.

(4) In determining the appropriate penalty under subsection (3) of this section the department shall consider whether the person:

(a) Has demonstrated a general disregard for public health and safety through the number and magnitude of the violations;

(b) Has demonstrated a disregard for the well construction laws or rules in repeated or continuous violations; or

(c) Knew or reasonably should have known of circumstances that resulted in the violation.

(5) Penalties provided for in this section shall be imposed pursuant to RCW 43.21B.300. The department shall provide thirty days written notice of a violation as provided in RCW 43.21B.300(3).

(6) For informational purposes, a copy of the notice of violation, resulting from the improper construction of a well, that is sent to a water well contractor or water well construction operator, shall also be sent by the department to the well owner.

(7) Penalties collected by the department pursuant to this section shall be deposited in the reclamation account established by chapter 89.16 RCW. Subject to legislative appropriation, the penalties may be spent only for purposes related to the restoration and enhancement of ground water resources in the state.

Sec. 222. RCW 49.17.180 and 1991 c 108 s 1 are each amended to read as follows:

(1) Except as provided in section 210 of this act, any employer who willfully or repeatedly violates the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 may be assessed a civil penalty not to exceed seventy thousand dollars for each violation. A minimum penalty of five thousand dollars shall be assessed for a willful violation.

(2) Any employer who has received a citation for a serious violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 as determined in accordance with subsection (6) of this section, shall be assessed a civil penalty not to exceed seven thousand dollars for each such violation.

(3) Any employer who has received a citation for a violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090, where such violation is specifically determined not to be of a serious nature as provided in subsection (6) of this section, may be assessed a civil penalty not to exceed seven thousand dollars for each such violation, unless such violation is determined to be de minimis.

(4) Any employer who fails to correct a violation for which a citation has been issued under RCW 49.17.120 or 49.17.130 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board of industrial insurance appeals in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for

delay or avoidance of penalties, may be assessed a civil penalty of not more than seven thousand dollars for each day during which such failure or violation continues.

(5) Any employer who violates any of the posting requirements of this chapter, or any of the posting requirements of rules promulgated by the department pursuant to this chapter related to employee or employee representative's rights to notice, including but not limited to those employee rights to notice set forth in RCW 49.17.080, 49.17.090, 49.17.120, 49.17.130, 49.17.220(1) and 49.17.240(2), shall be assessed a penalty not to exceed seven thousand dollars for each such violation. Any employer who violates any of the posting requirements for the posting of informational, educational, or training materials under the authority of RCW 49.17.050(7), may be assessed a penalty not to exceed seven thousand dollars for each such violation.

(6) For the purposes of this section, a serious violation shall be deemed to exist in a work place if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such work place, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) The director, or his authorized representatives, shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the number of affected employees of the employer being charged, the gravity of the violation, the size of the employer's business, the good faith of the employer, and the history of previous violations.

(8) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established by RCW 51.44.033. Civil penalties may be recovered in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may utilize the procedures for collection of civil penalties as set forth in RCW 51.48.120 through 51.48.150.

Sec. 223. RCW 70.94.431 and 1991 c 199 s 311 are each amended to read as follows:

(1) Except as provided in sections 207 through 209 of this act, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW, chapter 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of

not more than ten thousand dollars for each day of continued noncompliance.

(2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 224. RCW 70.105.080 and 1987 c 109 s 12 are each amended to read as follows:

(1) Except as provided in sections 207 through 209 of this act, every person who fails to comply with any provision of this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than ten thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's

continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed pursuant to the procedures in RCW 43.21B.300.

Sec. 225. RCW 70.132.050 and 1982 c 113 s 5 are each amended to read as follows:

Except as provided in sections 207 through 209 of this act, any person who violates any provision of this chapter or any rule adopted under this chapter is subject to a civil penalty not exceeding five hundred dollars for each violation. Each day of a continuing violation is a separate violation.

Sec. 226. RCW 70.138.040 and 1987 c 528 s 4 are each amended to read as follows:

(1) Except as provided in sections 207 through 209 of this act, any person who violates any provision of a department regulation or regulatory order relating to the management of special incinerator ash shall incur in addition to any other penalty provided by law, a penalty in an amount up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense. ((If--In+)) In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in this chapter.

Sec. 227. RCW 86.16.081 and 1987 c 523 s 8 are each amended to read as follows:

(1) Except as provided in sections 207 through 209 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

Sec. 228. RCW 90.03.600 and 1987 c 109 s 157 are each amended to read as follows:

Except as provided in sections 207 through 209 of this act, the power is granted to the department of ecology to levy civil penalties of up to one hundred dollars per day for violation of any of the provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same.

Sec. 229. RCW 90.48.144 and 1992 c 73 s 27 are each amended to read as follows:

Except as provided in sections 207 through 209 of this act, every person who:

(1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or 90.48.260 through 90.48.262, or

(2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or 90.48.260 through 90.48.262, or

(3) Violates the provisions of RCW 90.48.080, or other sections of this chapter or chapter 90.56 RCW or rules or orders adopted or issued pursuant to either of those chapters, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the violation's impact on public health and/or the environment in addition to other relevant factors. The penalty herein provided for shall be imposed pursuant to the procedures set forth in RCW 43.21B.300.

Sec. 230. RCW 90.58.210 and 1986 c 292 s 4 are each amended to read as follows:

(1) Except as provided in sections 207 through 209 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government

legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board.

Sec. 231. RCW 90.58.560 and 1983 c 138 s 2 are each amended to read as follows:

(1) Except as provided in sections 207 through 209 of this act, a person who violates RCW 90.58.550, or any rule adopted thereunder, is subject to a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty provided for in this section.

(2) The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the director or the director's representative describing such violation with reasonable particularity. The director or the director's representative may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he or she deems proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he or she may deem proper.

(3) Any person incurring any penalty under this section may appeal the penalty to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or the director's representative setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of

evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

Sec. 232. RCW 90.76.080 and 1989 c 346 s 9 are each amended to read as follows:

(1) Except as provided in sections 207 through 209 of this act, a person who fails to notify the department pursuant to tank notification requirements or who submits false information is subject to a civil penalty not to exceed five thousand dollars per violation.

(2) Except as provided in sections 207 through 209 of this act, a person who violates this chapter is subject to a civil penalty not to exceed five thousand dollars for each tank per day of violation.

PART III - RULES REVIEW

NEW SECTION. **Sec. 301.** The joint administrative rules review committee shall not render a decision on a rule unless a quorum is present. A quorum shall consist of at least five members of the committee. Once a quorum is established, a majority of the quorum may render any decision except a suspension recommendation. A recommendation to suspend a rule under RCW 34.05.640 shall require a majority vote of the entire membership of the rules review committee.

NEW SECTION. **Sec. 302.** (1) Any person potentially impacted by a proposed rule or currently impacted by an existing rule may petition the rules review committee for a review of that rule. Within thirty days of the receipt of the petition, the rules review committee shall acknowledge receipt of the petition and describe the initial action taken. If the rules review committee rejects the petition, a written statement of the reasons for rejection shall be included.

(2) Within ninety days of receipt of the petition, the rules review committee shall make a final decision on the rule.

NEW SECTION. **Sec. 303.** Any individual employed or holding office in any department or agency of state government may submit rules warranting review to the rules review committee. Any such state employee is protected under chapter 42.40 RCW.

Sec. 304. RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

(2) An election by the rules review committee to recommend suspension of a rule, whether or not the suspension is approved by the governor, and if the suspension recommendation is not subsequently

withdrawn, establishes a presumption in any subsequent judicial review of the rule that the rule is invalid. The burden of demonstrating the rule's validity is then on the adopting agency.

NEW SECTION. Sec. 305. (1) The rules review committee may make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings.

(2) The committee may establish ad hoc advisory boards, including but not limited to, ad hoc economics or science advisory boards to assist the committee in its rules review functions.

(3) The committee may hire staff as needed to perform functions under this chapter.

NEW SECTION. Sec. 306. In the discharge of any duty imposed under this chapter, the rules review committee may examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency, and administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

NEW SECTION. Sec. 307. In case of the failure on the part of any person to comply with any subpoena issued in behalf of the rules review committee, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it is the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court.

Sec. 308. RCW 42.40.010 and 1982 c 208 s 1 are each amended to read as follows:

It is the policy of the legislature that employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions, and it is the intent of the legislature to protect the rights of state employees making these disclosures. It is also the policy of the legislature that employees should be encouraged to identify rules warranting review or provide information to the rules review committee, and it is the intent of the legislature to protect the rights of these employees.

Sec. 309. RCW 42.40.020 and 1992 c 118 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3)(a) "Improper governmental action" means any action by an employee:

(i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under chapter 41.06 (~~RCW 28B.16~~) RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 (~~RCW 28B.16~~) RCW, or other disciplinary action.

(5) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported alleged improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

Sec. 310. RCW 42.40.030 and 1989 c 284 s 2 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to: (a) Disclose to the auditor (or representative thereof) information concerning improper governmental action; or (b)

identify rules warranting review or provide information to the rules review committee.

(2) Nothing in this section authorizes an individual to disclose information otherwise prohibited by law.

PART IV - FEES AND EXPENSES

NEW SECTION. Sec. 401. A new section is added to chapter 4.84 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and sections 402 through 404 of this act.

(1) "Agency" means agency as defined by chapter 34.05 RCW.

(2) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness may be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost-of-living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(3) "Judicial review" means a judicial review as defined by chapter 34.05 RCW.

(4) "Qualified party" means (a) an individual whose net worth did not exceed one million dollars at the time the initial petition for judicial review was filed; or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization having not more than one million dollars in gross receipts, as reported to the department of revenue, in the calendar year prior to when the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. Sec. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association.

(5) "Rule" means a rule as defined by chapter 34.05 RCW.

NEW SECTION. Sec. 402. A new section is added to chapter 4.84 RCW to read as follows:

If upon judicial review a rule is declared invalid and the party that challenged the rule is a qualified party, the party shall be awarded fees and other expenses not to exceed twenty-five thousand dollars.

NEW SECTION. Sec. 403. A new section is added to chapter 4.84 RCW to read as follows:

Fees and other expenses awarded under section 402 of this act shall be paid by the agency that adopted the invalid rule from operating funds appropriated to the agency within sixty days. Agencies paying fees and other expenses pursuant to section 402 of this act shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to chapter 39.76 RCW and shall be deemed payable on the date the court announces the award.

NEW SECTION. **Sec. 404.** A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall report annually to the legislature on the amount of fees and other expenses awarded during the preceding fiscal year under section 402 of this act. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

PART V - MISCELLANEOUS

NEW SECTION. **Sec. 501.** Sections 201 through 213, 215, 217, 218, and 220 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 502.** Sections 301 through 303 and 305 through 307 of this act are each added to chapter 34.05 RCW.

NEW SECTION. **Sec. 503.** As used in this act, part headings do not constitute any part of the law."

On page 1, line 1 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 34.05.310, 34.05.313, 34.05.325, 34.05.330, 34.05.375, 19.85.030, 34.05.370, 34.05.570, 18.104.155, 49.17.180, 70.94.431, 70.105.080, 70.132.050, 70.138.040, 86.16.081, 90.03.600, 90.48.144, 90.58.210, 90.58.560, 90.76.080, 34.05.660, 42.40.010, 42.40.020, and 42.40.030; adding new sections to chapter 34.05 RCW; adding a new section to chapter 19.85 RCW; adding new sections to chapter 4.84 RCW; adding a new section to chapter 43.88 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 34.05.355; and prescribing penalties."

Representatives Rust, Mastin, Patterson, Sommers, R. Fisher and Costa spoke in favor of adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

Representatives Reams and Horn spoke against the adoption of the amendment.

Representative K. Schmidt demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the striking amendment to Substitute House Bill No. 1010 and amendment was not adopted by the following vote: Yeas - 36, Nays - 60, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Thomas, L., Tokuda, Valle, Veloria and Wolfe - 36.

Voting nay: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Skinner, Smith, Stevens, Talcott, Thomas, B., Thompson, Van Luven and Mr. Speaker - 60.

Excused: Representatives Ogden and Silver - 2.

STATEMENT FOR THE JOURNAL

The record should reflect I inadvertently voted "NAY" on amendment number 30 to Substitute House Bill No. 1010. I intended to vote "YEA".

BOB BASICH, 19th District

The bill was ordered engrossed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reams, D. Schmidt, Sheldon, Thompson, Elliot, L. Thomas, B. Thomas, Smith, Horn and Clements spoke in favor of passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was not sustained.

Representatives Rust, Kessler, Chopp, G. Fisher, Sommers, Mastin, Basich and Appelwick spoke against final passage.

Representative Clements demanded the previous question and the demand was sustained.

Representative Reams again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1010.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1010 and the bill passed the House by the following vote: Yeas - 64, Nays - 32, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 32.

Excused: Representatives Ogden and Silver - 2.

Engrossed Substitute House Bill No. 1010, having received the constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

February 1, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5038,
and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5038,

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m. Thursday, February 2, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-FOURTH DAY, FEBRUARY 1, 1995

JOURNAL OF THE HOUSE

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

TWENTY-FIFTH DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Thursday, February 2, 1995

The House was called to order at 9:55 a. m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

February 1, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5194,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1623 by Representatives Reams, Carlson, Morris, Brumsickle, Hargrove, Buck, Benton, Grant, Backlund, Thompson, Elliot and Huff

AN ACT Relating to enforcement of the state building code; amending RCW 19.27.015, 19.25.020, and 19.27.040; reenacting and amending RCW 19.27.060; and creating a new section.

Referred to Committee on Government Operations.

HB 1624 by Representatives Hymes, Carlson, Brumsickle, Hargrove, Morris, Casada, Buck, Radcliff, Benton, Grant, Reams and Thompson

AN ACT Relating to increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval; and amending RCW 58.17.140.

Referred to Committee on Government Operations.

HB 1625 by Representatives Reams, Brumsickle, Casada, Morris, Hargrove, Buck, Radcliff, Benton, Grant, Talcott, Hymes, Thompson, Elliot and Huff

AN ACT Relating to payment of impact fees; amending RCW 43.21C.060, 58.17.110, and 82.02.060; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations.

HB 1626 by Representatives Van Loven, Morris, Campbell, Hargrove and Dickerson

AN ACT Relating to tax exemptions for medicines prescribed by naturopaths; amending RCW 82.08.0283 and 82.12.0277; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1627 by Representatives Dyer, Backlund and Thibaudeau

AN ACT Relating to correcting obsolete terminology for the designation of osteopathic physician and surgeon; amending RCW 18.35.110, 18.57.001, 18.57.140, 18.71.030, 18.71.055, 18.71.205, 18.76.020, 18.76.060, 18.120.020, 43.43.830, 48.46.170, 49.78.020, 68.50.530, 69.41.010, 69.41.030, 69.50.101, 70.05.050, 70.08.030, 70.28.031, 70.38.115, 70.96A.020, and 70.124.020; reenacting and amending RCW 26.44.020 and 41.26.030; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1628 by Representatives Dellwo, Mielke and Appelwick

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

Referred to Committee on Law & Justice.

HB 1629 by Representatives Mielke, Cairnes, Chandler, Goldsmith, Hargrove and Backlund

AN ACT Relating to temporary total disability payments; and reenacting and amending RCW 51.32.090.

Referred to Committee on Commerce & Labor.

HB 1630 by Representatives Cairnes, Kremen, Ballasiotes, Cole, Conway, Cooke, Goldsmith, Quall, Cody, Elliot, Romero, Veloria and Thompson

AN ACT Relating to registration of contractors; amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.060, 18.27.090, 18.27.100, 18.27.104, 18.27.114, 18.27.117, 18.27.200, 18.27.230, 18.27.270, and 18.27.340; reenacting and amending RCW 51.12.020; adding a new section to chapter 18.27 RCW; repealing RCW 18.27.140; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1631 by Representatives Jacobsen, Carlson, Van Luven and Sheldon

AN ACT Relating to international education and cultural and trade exchanges; adding new sections to chapter 43.07 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

HB 1632 by Representatives Horn, Basich and Fuhrman

AN ACT Relating to exchanging tidelands, shorelands, and beds of navigable waters; and amending RCW 79.94.150.

Referred to Committee on Natural Resources.

HB 1633 by Representatives Beekma, Buck, Cairnes, Sheldon, L. Thomas, Stevens, Thompson, B. Thomas, Elliot, Fuhrman, Pennington, Basich, Regala, Hargrove and Huff

AN ACT Relating to limiting state employee compensation for testifying against the state; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Government Operations.

HB 1634 by Representatives Sheldon, Cairnes, Elliot, Fuhrman and Stevens

AN ACT Relating to metal detectors in state parks; adding a new section to chapter 43.51 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1635 by Representatives Cooke and Huff; by request of Department of Retirement Systems

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

Referred to Committee on Appropriations.

HB 1636 by Representatives Elliot, B. Thomas, Cairnes, Thompson, Fuhrman, Pennington, Stevens, Beekma, Schoesler, Hargrove and McMorris

AN ACT Relating to deductions paid into the resource management cost account; and amending RCW 79.64.040.

Referred to Committee on Natural Resources.

HB 1637 by Representatives Elliot, Thompson, Beekma, Smith, McMahan, Cairnes, Stevens, Basich, Campbell, Hargrove and Kremen

AN ACT Relating to discrimination by school district employees or school district employee organizations; adding a new section to chapter 28A.150 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Education.

HB 1638 by Representatives Mielke, Dellwo, Thompson, Campbell and Dyer

AN ACT Relating to fees for making small loans; amending RCW 31.45.010, 31.45.030, 31.45.040, 31.45.050, and 31.45.070; adding new sections to chapter 31.45 RCW; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1639 by Representatives B. Thomas, Van Luven, Morris, Horn, Campbell, Kremen and Sheldon

AN ACT Relating to a use tax exemption for vessel manufacturers and dealers; and adding new sections to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1640 by Representatives Koster, Scott, Jacobsen, Stevens, Costa, Sehlin, D. Schmidt, Elliot, Radcliff, Sherstad, Blanton, Thompson, Cole and Ogden

AN ACT Relating to the postsecondary education needs of the Snohomish, Island, and Skagit county area; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1641 by Representatives Lisk, Thompson, Romero, Stevens and McMorris

AN ACT Relating to inspections of conveyances; and amending RCW 70.87.120.

Referred to Committee on Commerce & Labor.

HB 1642 by Representatives B. Thomas, Mastin, Sheahan, Beeksma, Basich, Brumsickle, Reams, Horn, Clements, Sehlin and Thompson; by request of Department of Information Services and Office of Financial Management

AN ACT Relating to the powers and duties of the department of information services and the office of financial management to establish a state-owned nonprofit corporation; amending RCW 43.105.052, 41.05.011, and 39.34.020; reenacting and amending RCW 41.40.010 and 41.32.010; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.41 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1643 by Representatives Stevens, Cairnes, Koster, L. Thomas, Dyer, Cooke, B. Thomas, Thompson, D. Schmidt, Boldt, Lambert and Backlund

AN ACT Relating to new counties; amending RCW 36.09.010, 36.09.020, 36.09.035, 36.09.040, 36.09.050, and 84.09.030; adding new sections to chapter 36.09 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 36.57A RCW; creating new sections; and recodifying RCW 36.09.010, 36.09.020, 36.09.035, 36.09.040, and 36.09.050.

Referred to Committee on Government Operations.

HB 1644 by Representatives Stevens, Koster, Boldt, D. Schmidt, Pelesky, Lambert, B. Thomas and Thompson

AN ACT Relating to the basic education allocation calculation; amending RCW 28A.150.260, 28A.150.260, and 28A.225.010; adding a new section to chapter 28A.150 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Education.

HB 1645 by Representatives K. Schmidt, R. Fisher and Mitchell

AN ACT Relating to transportation planning; amending RCW 36.70A.040, 36.70A.070, 36.70A.200, 36.70A.210, 36.70A.280, 47.05.021, 47.05.030, 47.80.023, 47.80.030, and 82.02.090; adding a new section to chapter 47.06 RCW; and adding a new section to chapter 47.80 RCW.

Referred to Committee on Transportation.

HB 1646 by Representatives Benton, Wolfe and Dickerson; by request of Secretary of State

AN ACT Relating to the creation of a citizen suggestion program; amending RCW 41.60.015; adding a new chapter to Title 41 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1647 by Representatives Goldsmith, Romero and Lisk; by request of Employment Security Department

AN ACT Relating to the authority of the employment security department to share data; amending RCW 50.13.080; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1648 by Representatives Lisk, Romero, Goldsmith and Thompson; by request of Employment Security Department

AN ACT Relating to charges against industrial insurance awards; and amending RCW 51.32.040.

Referred to Committee on Commerce & Labor.

HB 1649 by Representatives Goldsmith, Romero, Lisk, Schoesler and Elliot; by request of Employment Security Department

AN ACT Relating to disqualification from unemployment compensation; and amending RCW 50.20.065 and 50.20.160.

Referred to Committee on Commerce & Labor.

HB 1650 by Representatives Lisk, Romero, Goldsmith and Thompson; by request of Employment Security Department

AN ACT Relating to unemployment insurance claimant profiling; amending RCW 50.20.010; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1651 by Representatives Lisk, Romero and Goldsmith; by request of Employment Security Department

AN ACT Relating to third party employers; adding a new section to chapter 50.04 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1652 by Representatives Goldsmith, Romero, Lisk and Elliot; by request of Employment Security Department

AN ACT Relating to recovery of unemployment insurance overpayments; amending RCW 50.20.190; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1653 by Representatives Backlund, Padden, Sherstad, Hickel, Mulliken, Koster, Goldsmith, Campbell, Hargrove, Radcliff, Thompson, Honeyford, Elliot, Huff, McMorris and Smith

AN ACT Relating to deadly weapons; amending RCW 13.40.193, 13.40.196, 13.40.070, 13.40.160, and 13.40.265; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1654 by Representatives Lambert, Stevens, Beekma, Elliot, Crouse, Carlson, Pelesky, Hargrove, Clements, Backlund, Thompson, Huff and Smith

AN ACT Relating to AIDS education; and amending RCW 28A.230.070.

Referred to Committee on Education.

HB 1655 by Representatives Cooke and Boldt; by request of Governor Lowry and Attorney General

AN ACT Relating to community public health and safety networks; and amending RCW 70.190.005, 70.190.010, 70.190.060, 70.190.070, 70.190.090, 70.190.100, 70.190.120, 70.190.130, and 69.50.520.

Referred to Committee on Children & Family Services.

HB 1656 by Representatives Cooke, Thibaudeau and Lambert; by request of Governor Lowry and Attorney General

AN ACT Relating to services to families; amending RCW 74.14C.005, 74.14C.010, 74.14C.020, 74.14C.030, 74.14C.040, 74.14C.050, 74.14C.060, 74.14C.070, 13.04.030, 13.50.010, 13.50.100, 74.15.020, 13.34.130, 13.34.145, 74.13.280, 13.04.033, 74.15.120, 13.34.030, 13.34.233, and 28A.225.330; reenacting and amending RCW 26.44.030; adding new sections to chapter 74.14C RCW; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.50 RCW; adding a new section to chapter 74.15 RCW; repealing RCW 74.14C.035; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 1657 by Representatives Cooke, Carrell and Thibaudeau; by request of Governor Lowry and Attorney General

AN ACT Relating to youth in crisis; amending RCW 13.32A.010, 13.32A.020, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.130, 13.32A.175, 13.32A.194, 70.96A.140, 70.96A.095, 71.34.050, 71.34.070, 71.34.030, 13.32A.090, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.196, 13.50.010, and 28A.225.100; adding new sections to chapter 13.32A RCW; creating new sections; repealing RCW 13.32A.100 and 13.32A.120; and prescribing penalties.

Referred to Committee on Children & Family Services.

ESB 5194 by Senators Fraser, Winsley, Kohl, Sheldon, Snyder, Franklin, Gaspard, Heavey, C. Anderson and Haugen; by request of Governor Lowry

Changing Puget Sound Water Quality Authority provisions.

Referred to Committee on Agriculture & Ecology.

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

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

REPORTS OF STANDING COMMITTEES

January 31, 1995

HB 1006 Prime Sponsor, Representative Carlson: Defining school bus driver. Reported by
Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Cole, Ranking Minority Member; Dickerson; G. Fisher and Veloria.

Voting Yea: Representatives Brumsickle, Clements, Elliot, Fuhrman, Johnson, McMahan, Pelesky, Quall, Radcliff, Smith, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Cole, Dickerson, G. Fisher, Hatfield, Poulsen and Veloria.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1008 Prime Sponsor, Representative Carlson: Providing wine and beer educator's licenses.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1041 Prime Sponsor, Representative Quall: Authorizing a trade association representing manufactured housing dealers to use a manufactured home as an office. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1056 Prime Sponsor, Representative Schoesler: Making appropriations for insect control. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Referred to Committee on Appropriations.

January 31, 1995

HB 1067 Prime Sponsor, Representative Schoesler: Reforming the property taxation of short-rotation hardwoods. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.
Excused: Representative G. Fisher.

Referred to Committee on Finance.

February 1, 1995

HB 1090 Prime Sponsor, Representative L. Thomas: Regulating miniature boilers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1091 Prime Sponsor, Representative Brumsickle: Changing education provisions. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1109 Prime Sponsor, Representative Ballasiotes: Requiring offenders to assist in paying for certain health care services. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, Sherstad, Schoesler and Tokuda.

Excused: Representative K. Schmidt.

Referred to the Committee on Appropriations.

February 1, 1995

HB 1123 Prime Sponsor, Representative Sheldon: Creating the office of Washington state trade representative. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hickel; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hickel, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Veloria and Van Luven.

Excused: Representative Mason.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1132 Prime Sponsor, Representative Beeksma: Exempting from use tax naval equipment transferred due to base closure. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Campbell; Hymes; Mason; Mulliken; Schoesler and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Schoesler, B. Thomas and Van Luven.
Excused: Representative Pennington.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1156 Prime Sponsor, Representative Dickerson: Requiring the SPI to provide support to individuals and organizations for the establishment of nonprofit education foundations. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative McMahan.

Voting Yea: Representative Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Voting Nay: Representative McMahan.

Referred to the Committee on Appropriations.

February 1, 1995

HB 1157 Prime Sponsor, Representative Van Luven: Modifying sales and use tax exemptions regarding motor vehicles and trailers used for transporting persons or property for hire. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hickel; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hickel, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Veloria and Van Luven.

Excused: Representatives Hatfield and Mason.

Referred to the Committee on Finance.

January 31, 1995

HB 1238 Prime Sponsor, Representative Honeyford: Appropriating funds for projects recommended by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Chopp, Assistant Ranking Minority Member; Costa; Hankins; McMorris; Mitchell; Pennington; Regala; Silver; L. Thomas and Valle.

Voting Yea: Representatives Chopp, Costa, Hankins, Honeyford, McMorris, Mitchell, Pennington, Regala, Sehlin, Silver, L. Thomas and Valle.

Excused: Representative Ogden.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1370 Prime Sponsor, Representative L. Thomas: Regulating the capital and surplus requirements of insurance companies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Benton; Costa; Dellwo; Dyer; Huff; Kessler; Mielke and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Campbell, Costa, Dellwo, Huff, Kessler, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1537 Prime Sponsor, Representative Honeyford: Modifying disposition of earnings of agricultural funds and accounts. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, and Schoesler.
Excused: Representatives R. Fisher and Rust.

Referred to the Committee on Finance.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, House Bill No. 1011 was re-referred from the Committee on Education to the Committee on Transportation.

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

MOTION

There being no objection, the House adjourned until 1:30 p.m., Friday, February 3, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-FIFTH DAY, FEBRUARY 2, 1995

JOURNAL OF THE HOUSE

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

TWENTY-SIXTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, February 3, 1995

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Angie Oline and Lisa Marie Urban. Prayer was offered by Reverend Ken Lester of The Evergreen Christian Center.

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

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

MESSAGE FROM THE SENATE

February 2, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8403,
HOUSE CONCURRENT RESOLUTION NO. 4403,
HOUSE CONCURRENT RESOLUTION NO. 4400,

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

INTRODUCTIONS AND FIRST READING

HB 1658 by Representatives Pennington, Hatfield, Morris, Basich, Boldt, Chandler and Benton

AN ACT Relating to the filling or altering of wetlands; and adding a new section to chapter 64.44 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1659 by Representatives Mielke, Quall, Crouse, Costa, Kremen and Cooke

AN ACT Relating to real estate brokerage relationships; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1660 by Representatives Lisk and Romero; by request of Governor Lowry

AN ACT Relating to department of labor and industries inspections and approvals; adding a new section to chapter 19.28 RCW; and adding a new section to chapter 43.22 RCW.

Referred to Committee on Commerce & Labor.

HB 1661 by Representatives Conway, L. Thomas, Ebersole, Goldsmith, Wolfe, D. Schmidt, Robertson, Hymes, Talcott and Scott

AN ACT Relating to metropolitan park districts; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Government Operations.

HB 1662 by Representatives B. Thomas, Foreman, Ebersole, Carrell, Dyer, Campbell, Conway, Pelesky, R. Fisher, Talcott, McMahan, Huff, Casada, Smith, Mielke, Schoesler, Van Luven, Beeksma, Johnson, D. Schmidt, Thompson, Brumsickle, Cooke, Horn and Kessler

AN ACT Relating to business and occupation tax of international investment management companies; amending RCW 82.04.2201 and 82.04.290; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1663 by Representatives Schoesler, Carlson, Brumsickle, Morris, Chopp, Tokuda, Dickerson, Campbell, Costa, Benton, Robertson, D. Schmidt, Thompson, Cooke, Mason and Dyer

AN ACT Relating to the application of use tax on donated property to nonprofit charitable organizations; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 1664 by Representatives Smith, Van Luven, Mason, Elliot, Stevens, Schoesler, D. Schmidt, Thompson, Blanton, Brumsickle and Cooke; by request of Secretary of State

AN ACT Relating to license information packets; and amending RCW 19.02.075.

Referred to Committee on Commerce & Labor.

HB 1665 by Representatives McMorris, Campbell, Honeyford, Koster, Johnson, Huff, Cairnes, Fuhrman, D. Schmidt, Padden and Thompson

AN ACT Relating to on-site sewage disposal systems; and amending RCW 90.48.110 and 90.48.120.

Referred to Committee on Agriculture & Ecology.

HB 1666 by Representatives Van Luven, Ebersole, Mielke, Carlson, Appelwick, Conway, Brumsickle, Carrell, Cooke, Campbell, Radcliff, Robertson, Romero, Mason, Chappell, Morris, R. Fisher, Poulsen, Thibaudeau, Mitchell, Dickerson, Sommers, D. Schmidt, Reams, Patterson, Brown, Veloria, Cody, Kremen, Wolfe, Valle, Basich, Scott, Grant, Dellwo, Chopp, Cole, Kessler, Rust, Tokuda, Hankins, Benton, Pennington, Boldt, Blanton, Hatfield and Mastin; by request of Governor Lowry

AN ACT Relating to personnel; amending RCW 41.06.030, 41.06.150, 41.06.022, 41.06.070, 41.06.110, 41.06.160, 41.06.167, 41.06.170, 41.06.186, 41.06.196, 41.06.270, 41.06.350, 41.06.400, 41.06.410, 41.06.450, 41.06.475, 41.06.490, 28B.12.060, 34.05.030, 34.12.020, 41.04.340, 41.50.804, 43.06.425, 43.33A.100, 43.131.090, 49.46.010, 28B.16.015, 41.06.340, 13.40.320, 39.29.006, 41.04.385, and 47.46.030; reenacting and amending RCW 41.06.150; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.06.163, 41.06.165, 41.06.140, 41.50.804, 41.06.520, 28B.16.015, 41.06.380, 41.06.382, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, and 41.64.910; and providing effective dates.

Referred to Committee on Commerce & Labor.

HB 1667 by Representatives Radcliff, Brumsickle, Hickel, Dickerson, Quall, Blanton, Thompson, Cole, Pelesky, Veloria, D. Schmidt, Mason, Conway, Skinner, Lambert, Elliot, Johnson and Schoesler

AN ACT Relating to educational, cultural, and business exchange programs; adding a new section to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1668 by Representatives Dellwo, Dyer and Mastin

AN ACT Relating to the certification of pastoral counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, and 18.19.070; adding new sections to chapter 18.19 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1669 by Representatives Beeksma, Sehlín, Quall, Hargrove, Hymes and Costa

AN ACT Relating to the use of hotel, motel, and related businesses tax receipts for tourist promotional structures; and amending RCW 67.28.210.

Referred to Committee on Finance.

HB 1670 by Representatives Appelwick, Costa and Scott

AN ACT Relating to courthouse facilitator fee surcharges; and amending RCW 26.12.240.

Referred to Committee on Law & Justice.

HB 1671 by Representatives Clements, Chandler, Grant and Mastin

AN ACT Relating to agricultural commodity commissions; amending RCW 15.65.400, 15.26.140, and 15.26.155; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1672 by Representatives Reams, Dellwo, Backlund, Huff, Campbell, Chappell, Ebersole, L. Thomas, Dyer, Wolfe, Kessler, Valle, B. Thomas, Patterson, Conway, Kremen, Cody, Horn, Mastin and Romero; by request of State Auditor

AN ACT Relating to performance audits of state government; amending RCW 43.88.160; and adding a new chapter to Title 43 RCW.

Referred to Committee on Government Operations.

HB 1673 by Representatives Dickerson, Mason, Morris, Chappell, Wolfe, Kessler, Hatfield, Conway, Benton, Kremen, Cody and Mastin

AN ACT Relating to property tax deferrals for senior citizens and persons retired by reason of physical disability; and amending RCW 84.38.030.

Referred to Committee on Finance.

HB 1674 by Representatives Koster, Cole, Fuhrman, Thompson, Romero and Stevens

AN ACT Relating to using state lottery moneys for compulsive gambling prevention and education; amending RCW 67.70.240; adding a new section to chapter 67.70 RCW; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 1675 by Representatives Koster, Campbell, Ballasiotes, Radcliff, Carrell, Stevens, Smith, McMorris, Pennington, Clements, Blanton, Sherstad, Benton, Boldt and Honeyford

AN ACT Relating to public assistance applicants; amending RCW 43.43.500; and adding a new section to chapter 74.08 RCW.

Referred to Committee on Children & Family Services.

HB 1676 by Representatives Koster, Campbell, Stevens, Pennington, Smith, Horn, Clements and McMorris

AN ACT Relating to travel allowance or reimbursement for school employees; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Education.

HB 1677 by Representatives Koster, Campbell, Radcliff, Sheldon, Brumsickle, Stevens, McMahan, Smith, Clements, McMorris, Sherstad and Robertson

AN ACT Relating to requiring school districts to obtain an appraisal before purchasing real property; and amending RCW 28A.335.090 and 28A.335.120.

Referred to Committee on Education.

HB 1678 by Representatives Koster, Stevens, Benton, Campbell, Goldsmith, McMahan and Elliot

AN ACT Relating to the use of public funds in education organizations; amending RCW 28A.345.020 and 28A.345.050; adding a new section to chapter 28A.320 RCW; and adding a new section to chapter 28A.345 RCW.

Referred to Committee on Education.

HB 1679 by Representatives Cole, Lisk, Horn, Cody, Romero, Ballasiotes, Conway, Jacobsen and Patterson

AN ACT Relating to professional licensing of private security and investigation; amending RCW 18.170.030, 18.170.060, 18.170.070, 18.170.090, 18.170.100, 18.170.110, 18.170.120, 18.170.130, 18.170.170, 18.170.180, 18.170.190, 18.170.230, 18.170.250, 18.165.010, 18.165.020, 18.165.030, 18.165.040, 18.165.050, 18.165.060, 18.165.070, 18.165.080, 18.165.090, 18.165.100, 18.165.110, 18.165.120, 18.165.130, 18.165.140, 18.165.150, 18.165.160, 18.165.170, 18.165.180, 18.165.190, 18.165.220, and 18.165.240; adding new sections to chapter 18.170 RCW; adding new sections to chapter 18.165 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1680 by Representatives Hickel, Appelwick and Padden; by request of Administrator for the Courts

AN ACT Relating to interest on court fines; and amending RCW 3.02.045, 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, 10.82.090, and 36.18.190.

Referred to Committee on Law & Justice.

HB 1681 by Representatives Campbell, Smith and Kremen

AN ACT Relating to sport shooting ranges; adding new sections to chapter 9.41 RCW; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1682 by Representatives Hymes, Morris, Sherstad, Stevens, Kremen, D. Schmidt, Thompson, Blanton, Cooke and Mastin

AN ACT Relating to the tax treatment of managed care entities; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1683 by Representatives Mielke, Campbell, Appelwick, Benton, Kremen, Fuhrman, Mulliken, G. Fisher, Basich, Brumsickle and Boldt

AN ACT Relating to taxation of insurance agents, brokers, and solicitors; amending RCW 82.04.260; reenacting and amending RCW 82.04.360; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1684 by Representatives Appelwick, Elliot and Mastin

AN ACT Relating to providing for drug-free workplaces; adding a new chapter to Title 49 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1685 by Representatives Rust, R. Fisher, Regala and Romero; by request of Governor Lowry

AN ACT Relating to watershed planning and management; amending RCW 90.44.050, 19.27.097, 58.17.110, 43.21A.064, 90.03.070, 43.20.230, 70.116.030, 70.116.050, 90.44.450, 90.03.340, 90.03.270, 90.03.280, 90.03.290, 90.03.380, 90.03.470, 89.30.001, and 90.40.090; amending 1994 c 239 s 3 (uncodified); adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70.116 RCW; adding a new section to chapter 70.119A RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 90.54 RCW; adding a new section to chapter 89.08 RCW; adding new sections to chapter 43.27A RCW; adding new sections to chapter 90.03 RCW; adding a new section to chapter 87.03 RCW; adding new sections to chapter 43.21B RCW; adding a new chapter to Title 90 RCW; creating new sections; repealing RCW 90.03.471, 90.38.005, 90.38.010, 90.38.020, 90.38.030, 90.38.040, 90.38.050, 90.38.900, 90.38.901, and 90.38.902; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1686 by Representatives Van Luven, Voloria, Cooke, Ebersole, Ballasiotes, Mason, Chandler, Tokuda, Conway, Thibaudeau, Chopp, Wolfe, Cole, Patterson, Delvin and Cody; by request of Human Rights Commission

AN ACT Relating to expanding the state law against discrimination; amending RCW 49.60.010 and 49.60.260; reenacting and amending RCW 49.60.040, 49.60.222, 49.60.225, and 49.60.240; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1687 by Representatives Lambert, Costa, Padden, Appelwick, Fuhrman, Grant, Sheahan, Tokuda, Chappell, Thibaudeau, Voloria, Morris, Hickel, Huff, Patterson and Mastin

AN ACT Relating to court-appointed special advocate programs; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Law & Justice.

HB 1688 by Representatives Chandler, Mulliken, Grant, G. Fisher, Van Luven, L. Thomas, Casada, Mielke, Kremen, Backlund, McMorris, Morris, Johnson, Quall, Campbell and Mastin

AN ACT Relating to property tax reform; amending RCW 84.55.010, 84.55.020, 84.40.0301, 84.40.045, 84.56.050, 84.52.054, 84.41.030, and 84.41.041; reenacting and amending RCW 84.56.020; adding a new section to chapter 84.41 RCW; creating new sections; repealing RCW 84.56.022; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1689 by Representatives Chandler, Grant, G. Fisher, Van Luven, L. Thomas, Boldt, Kremen, Backlund, Lambert, Johnson, McMorris, Morris, Quall, Campbell, Costa, Benton, Mulliken, Kessler and Mastin

AN ACT Relating to property tax deferral for distressed taxpayers; adding a new chapter to Title 84 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1690 by Representatives McMorris, Brumsickle, L. Thomas, Mulliken, Sherstad, Talcott, McMahan, Thompson, Elliot, Fuhrman, D. Schmidt, Clements and Benton

AN ACT Relating to mandates on school districts; amending RCW 28A.150.220, 28A.150.220, 28A.150.290, 28A.150.290, 28A.400.303, 28B.10.025, 43.17.205, 43.17.210, 43.19.455, 74.09.5243, 43.09.260, and 70.24.290; adding a new section to chapter 28A.150 RCW; creating a new section; repealing RCW 28A.150.300, 28A.335.210, and 28A.225.320; and providing a contingent effective date.

Referred to Committee on Education.

HB 1691 by Representatives Backlund, Dellwo, Hymes, Thibaudeau, Skinner, Dyer, Cody, Patterson, Kessler, Wolfe, Boldt, Costa, Brumsickle, Grant, R. Fisher, Appelwick, Sheahan, Morris, McMorris, Ballasiotes, Veloria, Schoesler, Mason, Quall, Honeyford, Chopp and Conway

AN ACT Relating to chemical dependency counselors; amending RCW 18.19.020, 18.19.030, and 18.19.070; adding a new section to chapter 18.19 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1692 by Representatives Padden, Costa, Scott and Appelwick

AN ACT Relating to the clarification of clerks' fees; amending RCW 5.28.010, 9.94A.142, 10.14.040, 10.82.070, 11.86.031, 12.40.105, 12.40.110, 13.64.020, 26.50.030, 34.05.514, 36.18.020, 36.18.022, 40.14.027, 49.60.227, 65.12.780, 70.02.070, and 90.03.180; and adding new sections to chapter 36.18 RCW.

Referred to Committee on Law & Justice.

HJM 4016 by Representatives Hankins, Honeyford, Delvin, Grant, Blanton, Ebersole, Lisk, Cairnes, Mastin, Sheahan, Chandler, Robertson, Schoesler and Mulliken

Requesting Hanford site lands for preservation by the state.

Referred to Committee on Natural Resources.

HJM 4017 by Representatives Thompson, Fuhrman, Stevens, G. Fisher, Elliot, Sheldon, Cairnes, B. Thomas, Beeksma, Schoesler and Horn

Requesting Congress to control or eradicate nonnative noxious weeds.

Referred to Committee on Agriculture & Ecology.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 1, 1995

HB 1057 Prime Sponsor, Representative Schoesler: Lowering the tax rate on canola. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Referred to the Committee on Finance.

February 1, 1995

HB 1111 Prime Sponsor, Representative Casada: Promoting competition for long distance telecommunications. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Campbell; Chandler; Huff; Mielke; Mitchell and Patterson.

MINORITY recommendation: Do not pass. Signed by Representative Hankins, Vice Chairman.

Voting Yea: Representatives Campbell, Casada, Chandler, Crouse, Huff, Kessler, Kremen, Mielke, Mitchell and Patterson.

Voting Nay: Representative Hankins.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1285 Prime Sponsor, Representative L. Thomas: Allowing persons that provide the insurance commissioner with surplus line insurance information to gain immunity from civil liability. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell; Benton; Costa; Dellwo; Dyer; Huff; Kessler; Mielke and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Campbell, Costa, Dellwo, Dyer, Huff, Kessler, Mielke, Pelesky, Smith, L. Thomas and Wolfe.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1337 Prime Sponsor, Representative Lisk: Deregulating debt adjusters. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Vice Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell; Benton; Costa; Dellwo; Dyer; Huff; Kessler; Mielke and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Huff, Kessler, Mielke, Pelesky, Smith, L. Thomas and Wolfe.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1348 Prime Sponsor, Representative L. Thomas: Regulating escrow agents. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell; Benton; Costa; Dellwo; Dyer; Huff; Kessler; Mielke and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Huff, Kessler, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1364 Prime Sponsor, Representative L. Thomas: Disclosing material transactions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell; Benton; Costa; Dellwo; Dyer; Huff; Kessler; Mielke and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Huff, Kessler, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

February 1, 1995

HB 1371 Prime Sponsor, Representative L. Thomas: Regulating investments by insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell; Benton; Costa; Dellwo; Dyer; Huff; Kessler; Mielke and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Huff, Kessler, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dyer.

Passed to Committee on Rules for second reading.

January 31, 1995

HB 1481 Prime Sponsor, Representative Cooke: Requiring AFDC contracts and making additional changes in public assistance laws. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell and Padden.

MINORITY recommendation: Do not pass. Signed by Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Buck, Carrell, Cooke, Lambert, Padden and Stevens.
Voting Nay: Representatives Brown, Patterson, Thibaudeau and Tokuda.

Referred to the Committee on Appropriations.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Foreman, House Bill No. 1108 was re-referred from the Committee on Government Operations to the Committee on Agriculture & Ecology and House Bill No. 1614 was re-referred from the Committee on Capital Budget to the Committee on Appropriations.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Foreman moved to suspend House Rule 30 and immediately considered House Resolution No. 4616.

Representative Foreman spoke in favor of the motion and it was carried.

HOUSE RESOLUTION NO. 95-4616, by Representative Foreman

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FIFTY-FOURTH LEGISLATURE 1995-1996

NEW SECTION. **Sec. I.** HR 95-4604 is amended to read as follows:

Standing Committees

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

1. Agriculture & Ecology 17
2. Appropriations 31
3. Capital Budget 13
4. Children & Family Services 11
5. Commerce & Labor 11

6. Corrections	11	
7. Education	19	
8. Energy & Utilities	11	
9. Finance	12	
10. Financial Institutions & Insurance	((43))	<u>15</u>
11. Government Operations	15	
12. Health Care	((44))	<u>13</u>
13. Higher Education	11	
14. Law & Justice	((45))	<u>17</u>
15. Natural Resources	15	
16. Rules	19	
17. Trade & Economic Development	13	
18. Transportation	27	

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

The resolution was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 2, after line 12, insert the following:

"Duties of Committees

Rule 24. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

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

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

(D) DUTIES OF STANDING COMMITTEES.

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

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

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

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

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

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

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

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

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

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

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

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

Representatives Appelwick, G. Fisher and Ebersole spoke in favor of adoption of the amendment.

Representatives Foreman, Padden and Dyer spoke against adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

Representative Appelwick again spoke in favor of adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 2, after line 12 to House Resolution No. 4616 and the amendment was not adopted the House by the following vote: Yeas - 35, Nays - 60, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mastin, Morris, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Loven and Mr. Speaker - 60.

Absent: Representative Mason - 1.

Excused: Representatives Ogden and Silver - 2.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

On page 2, after line 12, insert the following:

"NEW SECTION. **Sec. II.** HR 95-4604 is amended by adding new Rule 33 to read as follows:

BALANCED BUDGET

Rule 33. Any annual or biennial operating budget bill passed by the house of representatives must be balanced between projected revenues and expenditures. As used in this rule, projected revenues and expenditures include the fiscal impact of all bills previously passed by the house of representatives or necessary to implement the budget bill under consideration.

Twenty-four hours before third reading of any annual or biennial budget bill, the chief clerk shall distribute to the desks of the members a report demonstrating that the budget is balanced between projected revenues and expenditures."

Representatives Sommers, Brown, Appelwick and G. Fisher spoke in favor of adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

Representatives Foreman, Padden, Van Luven, K. Schmidt and Dyer spoke against the adoption of the amendment.

MOTION

On motion of Representative Brown, Representative Ogden was excused.

Representative Sommers again spoke in favor of adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 2, after line 12 to House Resolution No. 4616 and the amendment was not adopted the House by the following vote: Yeas - 36, Nays - 60, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 36.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Excused: Representatives Ogden and Silver - 2.

STATEMENT FOR THE JOURNAL

I intended to vote "YEA" on amendment number 35 to House Resolution No. 4616.

DAWN MASON, 37th District

House Resolution No. 4616 was adopted.

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

There being no objection, the House deferred consideration of House Bill No. 1022, House Bill No. 1023 and House Bill No. 1029.

SECOND READING

HOUSE BILL NO. 1016, by Representatives K. Schmidt and Kremen

Exempting state and county ferry fuel sales and use tax.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and R. Fisher spoke in favor of passage of the bill.

Representative K. Schmidt again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1016.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1016 and the bill passed the House by the following vote: Yeas - 78, Nays - 18, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Wolfe and Mr. Speaker - 78.

Voting nay: Representatives Appelwick, Brown, Chopp, Cole, Dellwo, Dickerson, Fisher, G., Jacobsen, Mason, Morris, Patterson, Poulsen, Rust, Sommers, Thibaudeau, Valle, Van Luven and Veloria - 18.

Excused: Representatives Ogden and Silver - 2.

House Bill No. 1016, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1017, by Representatives D. Schmidt, Horn, Robertson, Padden, Lisk, Scott, Dyer, Thompson, Goldsmith, K. Schmidt, Sehlin, Campbell, Sheldon and Talcott

Transferring emergency management functions from the department of community development to the military department.

The bill was read the second time. On motion of Representative Reams, Substitute House Bill No. 1017 was substituted for House Bill No. 1017 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1017 was passed to the Committee on Rules.

HOUSE BILL NO. 1047, by Representatives Sheahan, Sherstad, Benton, Dyer, Schoesler, Johnson, Thompson, Beeksma, Radcliff, Crouse, Carrell, Robertson, Blanton, Lambert, Fuhrman, L. Thomas, Huff, Mielke, McMahan and Casada

Clarifying the process for defendants to pay restitution to their victims.

The bill was read the second time. On motion of Representative Padden, Substitute House Bill No. 1047 was substituted for House Bill No. 1047 and the substitute bill was placed the second reading calendar.

Substitute House Bill No. 1047 was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1047.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1047 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

Substitute House Bill No. 1047, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1048, by Representatives Sheahan and Appelwick

Adopting the uniform unincorporated nonprofit association act.

The bill was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1048.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1048 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

House Bill No. 1048, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1049, by Representatives Padden and Schoesler

Removing a defense to the crime of criminal conspiracy.

The bill was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1049.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1049 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

House Bill No. 1049, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1051, by Representatives Padden and Costa

Authorizing certain court commissioners to impose sanctions for contempt of court.

The bill was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1051.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1051 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken,

Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

House Bill No. 1051, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1053, by Representatives Horn, Chandler and Sheldon

Changing the limitations on the use of wood stoves.

The bill was read the second time. On motion of Representative Chandler, Substitute House Bill No. 1053 was substituted for House Bill No. 1053 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1053 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Horn and Mastin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1053.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1053 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

Substitute House Bill No. 1053, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1055 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1063, by Representatives Padden and Mastin; by request of Law Revision Commission

Making technical corrections.

The bill was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1063.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1063 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

House Bill No. 1063, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1064, by Representatives Padden and Appelwick; by request of Law Revision Commission

Correcting unconstitutional provisions relating to resident employees on public works.

The bill was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1064.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1064 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

House Bill No. 1064, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1102, by Representatives Sheldon, Johnson, Basich, Hargrove, Hatfield, Koster, Quall, Goldsmith, Kessler, Kremen and Buck

Expanding the base of the tax exemption for food fish eggs and fry to shellfish.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheldon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1102.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1102 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Cole - 1.

Excused: Representatives Ogden and Silver - 2.

House Bill No. 1102, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1110 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1188, by Representatives L. Thomas, Dyer, Grant, Benton, Campbell, Costa, Pelesky, Huff and Mielke

Concerning the loan security ratio.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1188.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1188 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler,

Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

House Bill No. 1188, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1193, by Representatives Benton, Mitchell, K. Schmidt and R. Fisher; by request of Department of Transportation

Giving the department of transportation discretion in setting capital facility rental rates.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Benton spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1193.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1193 and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representative Delvin - 1.

Absent: Representative Ebersole - 1.

Excused: Representatives Ogden and Silver - 2.

House Bill No. 1193, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 1193, but I was not able to vote YEA before the machine was closed or locked.

JEROME DELVIN, 8th District

HOUSE BILL NO. 1195, by Representatives Buck, R. Fisher, K. Schmidt, Benton, Mitchell, Elliot, Stevens, Mulliken and Hickel; by request of Department of Transportation

Excluding site exploration as a substantial shoreline development.

The bill was read the second time. On motion of Representative K. Schmidt, Substitute House Bill No. 1195 was substituted for House Bill No. 1195 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1195 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1195.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1195 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ogden and Silver - 2.

Substitute House Bill No. 1195, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4003, by Representatives Chandler, Lisk, Kremen, Mulliken, Mastin, Honeyford, Chappell, Clements, Schoesler, Robertson, Delvin, Boldt, Foreman and Johnson

Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods.

The memorial was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of House Joint Memorial No. 4003.

ROLL CALL

The Clerk called the roll on final passage of House Joint Memorial No. 4003 and the memorial passed the House by the following vote: Yeas - 87, Nays - 8, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler,

Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 87.

Voting nay: Representatives Chopp, Cole, Dickerson, Mason, Romero, Rust, Thibaudeau and Valle - 8.

Absent: Representative Thomas, B. - 1.

Excused: Representatives Ogden and Silver - 2.

House Joint Memorial No. 4003, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4004, by Representatives Chandler, Lisk, Schoesler, Mulliken, Robertson, Honeyford, Mastin, Clements, Chappell, Delvin, McMorris, Koster, Boldt and Foreman

Petitioning Congress to introduce legislation on pesticide use for minor crops.

The memorial was read the second time. Committee on Agriculture & Ecology recommendation: Do pass as amended. (For committee amendment see Journal, 18th Day, January 26, 1995).

Representative Chandler moved adoption of the committee amendment and spoke in favor of it.

The committee amendment was adopted.

The memorial was ordered engrossed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of Engrossed House Joint Memorial No. 4004.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Joint Memorial No. 4004 and the memorial passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Thibaudeau and Tokuda - 2.

Absent: Representative Skinner - 1.

Excused: Representatives Ogden and Silver - 2.

Engrossed House Joint Memorial No. 4004, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote "YEA" on Engrossed House Joint Memorial No. 4004.

MARY SKINNER, 14th District

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

SPEAKER'S PRIVILEGE

The Speaker is pleased to announce the following changes to the Assignments to the House Standing Committees:

Representative Campbell is reassigned from the Committee on Finance to the Committee on Health Care.

Representative Sheldon is assigned to the Committee on Finance.

Representative Kessler is reassigned from the Committee on Higher Education to the Committee on Health Care.

Representative Basich is assigned to the Committee on Higher Education.

Representative Campbell is reassigned from the Committee on Energy & Utilities to the Committee on Law & Justice.

Representative Thibaudeau is assigned to the Committee on Law & Justice.

Representative Mastin is assigned to the Committee on Energy & Utilities.

Representative Grant is assigned to the Committee on Financial Institutions & Insurance.

Representative Ogden is assigned to the Committee on Financial Institutions & Insurance.

MOTION

On motion of Representative Foreman, the House adjourned until 1:30 p.m., Monday, February 6, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

TWENTY-SIXTH DAY, FEBRUARY 3, 1995

JOURNAL OF THE HOUSE

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

TWENTY-NINTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, February 6, 1995

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jackie Zehmer and Tracie Salsman. Prayer was offered by Reverend Peter Mans of The Olympia Christian Reform Center.

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

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

MESSAGES FROM THE SENATE

February 3, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5022,
SENATE BILL NO. 5029,
SENATE BILL NO. 5128,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

February 6, 1995

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1693 by Representatives R. Fisher and K. Schmidt

AN ACT Relating to connections to the state highway system; and adding a new section to chapter 47.50 RCW.

Referred to Committee on Transportation.

HB 1694 by Representatives R. Fisher, K. Schmidt, Romero, Patterson, Quall and Costa

AN ACT Relating to motor vehicle excise tax distributions to transportation accounts; amending RCW 82.44.150; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1695 by Representatives Pennington, G. Fisher, Thompson and Romero

AN ACT Relating to coastal crab fishing licenses; amending RCW 75.30.350, 75.30.360, 75.30.430, 75.30.050, 75.28.125, and 75.28.113; and repealing RCW 75.30.420 and 75.30.450.

Referred to Committee on Natural Resources.

HB 1696 by Representatives G. Fisher and Patterson

AN ACT Relating to city and town boundary changes; amending RCW 35.10.217; and adding a new section to chapter 36.93 RCW.

Referred to Committee on Government Operations.

HB 1697 by Representatives Robertson, Tokuda, Lambert, Delvin, D. Schmidt, Costa, Scott, Thibaudeau, L. Thomas and Cooke

AN ACT Relating to death investigations systems; amending RCW 46.61.5054, 43.103.030, 43.103.090, 66.08.180, 68.50.107, and 70.58.107; repealing 1994 c 275 s 44 (uncodified); and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1698 by Representatives Sheahan and Schoesler

AN ACT Relating to local transit taxes; and amending RCW 82.14.046.

Referred to Committee on Transportation.

HB 1699 by Representatives Sehlin and Chopp

AN ACT Relating to application of the real estate excise tax to sales to public entities; and amending RCW 82.45.010.

Referred to Committee on Finance.

HB 1700 by Representatives Sehlin, Chopp, Quall and B. Thomas

AN ACT Relating to current use taxation provisions; amending RCW 84.33.120, 84.33.140, 84.34.108, 64.04.130, 84.34.037, and 84.34.070; and declaring an emergency.

Referred to Committee on Finance.

HB 1701 by Representatives L. Thomas, Wolfe, Veloria and B. Thomas

AN ACT Relating to library facilities; adding a new section to chapter 36.32 RCW; adding a new chapter to Title 27 RCW; and repealing RCW 27.14.010, 27.14.015, 27.14.020, 27.14.030, 27.14.035, 27.14.040, and 27.14.050.

Referred to Committee on Government Operations.

HB 1702 by Representatives Horn, Romero, Cole, Carlson, Cody, Cooke, Rust, Poulsen, Veloria, Mitchell, Reams, Jacobsen, Fuhrman and Costa

AN ACT Relating to wheelchair warranties; and amending RCW 19.184.010, 19.184.020, and 19.184.030.

Referred to Committee on Commerce & Labor.

HB 1703 by Representatives Cooke, Appelwick and L. Thomas

AN ACT Relating to accepting payment by state agencies; amending RCW 66.16.040; and adding a new section to chapter 43.17 RCW.

Referred to Committee on Government Operations.

HB 1704 by Representatives Lisk, L. Thomas, Ballasiotes, Kremen, Chappell, Cooke, Goldsmith, Padden, Radcliff, Mulliken, Pennington, McMorris, Smith, Delvin, Hickel, Mastin, Sehlin, Beekma, Robertson, Cairnes, Koster, Brumsickle, D. Schmidt, Horn, Reams, Campbell, Chandler, Backlund, McMahan and Elliot

AN ACT Relating to sellers of travel; amending RCW 19.138.010, 19.138.021, 19.138.030, 19.138.040, 19.138.050, 19.138.140, 19.138.150, 19.138.160, 19.138.170, 19.138.180, 19.138.190, 19.138.200, 19.138.210, 19.138.220, 19.138.230, 19.138.240, 19.138.250, 19.138.270, 19.138.280, 19.138.300, and 19.138.310; repealing RCW 19.138.055, 19.138.100, 19.138.110, 19.138.120, 19.138.130, 19.138.1701, and 19.138.260; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1705 by Representatives Huff, Casada, Kremen, Patterson, Grant, Kessler, G. Fisher, Mielke, Crouse, Chandler, Hankins, Mitchell, Hatfield, Campbell, Smith, L. Thomas, Horn and Benton

AN ACT Relating to excluding utility line clearing from the definition of retail sale; amending RCW 82.04.050 and 82.04.290; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1706 by Representatives Koster, Chandler, Johnson, McMorris, Honeyford, Mastin, Boldt, Clements, Benton, McMahan, Smith, Kremen and Robertson

AN ACT Relating to the dairy inspection program assessment; amending RCW 15.36.551; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1707 by Representatives Hargrove, Sheahan and Pelesky

AN ACT Relating to classification of cities and towns; amending RCW 35.22.010, 35.33.020, 35.34.020, and 35.86.010; reenacting and amending RCW 35.23.051, 35.23.101, and 35A.06.020; and repealing RCW 35A.61.010.

Referred to Committee on Government Operations.

HB 1708 by Representatives Ballasiotes, Benton, Sherstad, Raddliff, Sheldon, Morris, Costa, Padden, Cody, Quall, Chappell, Chandler, Campbell, Smith, Kremen, Conway, Basich, Cooke, Thompson, McMahan, Schoesler and Elliot

AN ACT Relating to community corrections officers; and amending RCW 9.95.250.

Referred to Committee on Corrections.

HB 1709 by Representatives Carrell, Padden, Campbell, Backlund, Costa, Conway, Delvin, Robertson, Thompson, McMahan, Benton and Elliot

AN ACT Relating to earned early release; amending RCW 9.92.151, 9.94A.150, and 70.48.210; creating a new section; and prescribing penalties.

Referred to Committee on Corrections.

HB 1710 by Representatives Sheahan, Appelwick, Padden and McMahan

AN ACT Relating to dissolution of marriage; amending RCW 26.09.010, 26.09.030, and 26.12.170; reenacting and amending RCW 26.09.150; and adding a new section to chapter 26.04 RCW.

Referred to Committee on Law & Justice.

HB 1711 by Representatives Padden, Backlund and McMahan

AN ACT Relating to written marriage contracts; amending RCW 26.09.030; reenacting and amending RCW 26.09.020 and 26.09.150; and adding a new section to chapter 26.04 RCW.

Referred to Committee on Law & Justice.

HB 1712 by Representatives Lambert, Cooke, Padden, Crouse, Hargrove and Elliot

AN ACT Relating to pretrial release; and adding a new section to chapter 10.19 RCW.

Referred to Committee on Law & Justice.

HB 1713 by Representatives Ballasiotes, Costa, Dickerson, Kessler, Cody, Poulsen, Regala, Mastin and Chopp

AN ACT Relating to conducting emergency sexual assault examinations of child sexual assault victims without parental permission

Referred to Committee on Law & Justice.

HB 1714 by Representatives Thompson, Cairnes, Horn, Elliot, Goldsmith, Reams, Koster, Kessler, Kremen, Basich, Padden and McMahan

AN ACT Relating to sales and use tax deferral for construction of new or expanded business; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1715 by Representatives Thompson, Pelesky, Stevens, Koster, Campbell and Padden

AN ACT Relating to providing educational grants; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Education.

HB 1716 by Representatives Thompson, Casada, Stevens, Pelesky, Koster, McMahan and Padden

AN ACT Relating to tax credits and reimbursements for education; adding a new chapter to Title 84 RCW; adding a new chapter to Title 82 RCW; prescribing penalties; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 1717 by Representatives Carrell and Ebersole

AN ACT Relating to county law enforcement agencies; and adding a new section to chapter 41.14 RCW.

Referred to Committee on Government Operations.

HB 1718 by Representative Carlson

AN ACT Relating to education; and amending RCW 28A.150.410.

Referred to Committee on Education.

HB 1719 by Representatives Boldt, Koster, Cooke, Carlson, Stevens, Benton, Dyer, Padden and Thompson

AN ACT Relating to the office of inspector general within the department of social and health services; amending RCW 41.06.076; adding new sections to chapter 43.20A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1720 by Representatives Boldt, Carrell, Padden, Pennington, Van Luven, Koster, Chandler, Carlson, Schoesler, Buck, Campbell, Hargrove, Backlund, Cooke, Thompson and McMahan

AN ACT Relating to investigations of public assistance fraud; adding a new section to chapter 74.04 RCW; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Children & Family Services.

HB 1721 by Representatives Hymes, Sheldon, Hankins, Scott, Mitchell, Basich, Quall, Sehlin, Reams, Tokuda, Cooke, Morris, L. Thomas, Goldsmith and Schoesler

AN ACT Relating to products and services provided by community rehabilitation programs; amending RCW 43.19.520, 43.19.525, 43.19.530, 39.23.005, 39.23.010, and 39.23.020; reenacting and amending RCW 82.04.385; and creating a new section.

Referred to Committee on Government Operations.

HB 1722 by Representatives Padden, Appelwick and Mastin; by request of Utilities & Transportation Commission

AN ACT Relating to hearings conducted by the utilities and transportation commission; amending RCW 34.12.020 and 80.01.060; and repealing RCW 34.12.042.

Referred to Committee on Law & Justice.

HB 1723 by Representatives Reams, Rust, L. Thomas, Goldsmith, Patterson and Appelwick; by request of Governor Lowry

AN ACT Relating to fair campaign practices; amending RCW 42.17.020, 42.17.130, 42.17.190, 42.17.240, 42.17.241, 42.17.350, 42.17.405, 42.17.410, 42.17.660, 42.17.720, 42.17.740, 42.17.750, 42.17.770, 42.17.780, 42.17.790, 42.17.100, 42.17.125, 42.17.510, 42.17.090, 42.17.105, 42.17.640, 42.17.128, 42.17.510, 29.85.060, 43.290.020, 42.17.710, 42.17.395, 42.17.095, 42.17.160, 42.17.170, 42.17.132, 43.07.310, 29.80.010, 29.80.020, 29.81.010, 29.80.040, and 29.80.090; adding new sections to chapter 42.17 RCW; creating new sections; and repealing RCW 42.17.021, 42.17.2415, and 42.17.630.

Referred to Committee on Government Operations.

HB 1724 by Representatives Reams, Rust, L. Thomas, Goldsmith, Ogden, Patterson, Poulsen, Scott, Regala, Mastin, Valle and Chopp; by request of Governor Lowry

AN ACT Relating to implementing the recommendations of the governor's task force on regulatory reform on integrating growth management planning and environmental review; amending RCW 43.21C.075, 43.21C.031, 43.21C.110, 43.21C.080, 36.70A.140, 36.70A.300, 36.70A.330, 90.58.020, 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.120, 90.58.140, 90.58.180, 90.58.190, 34.05.461, 34.05.514, 36.70A.020, 36.70A.070, 36.70A.130, 36.70A.280, 36.70A.320, 82.02.090, 82.02.020, 82.46.010, 35.21.225, 35.43.042, 35.43.190, 35.92.010, 36.73.020, 36.94.220, 56.20.015, 57.08.010, 57.16.050, 36.70A.440, 36.70A.065, 58.17.070, 58.17.090, 58.17.092, 58.17.100, 58.17.330, 35.63.130, 35A.63.170, 36.70.970, 7.16.360, and 58.17.180; reenacting and amending RCW 36.70A.030, 36.70A.290, 36.88.010, and 56.08.010; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 35.43 RCW; adding new sections to chapter 36.32 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 64.40 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 4.84 RCW; adding new chapters to Title 36 RCW; adding a new chapter to Title 90 RCW; creating new sections; recodifying RCW 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090, 82.02.100, 36.70A.065, and 36.70A.440; repealing RCW 90.58.145, 90.62.010, 90.62.020, 90.62.030, 90.62.040, 90.62.050, 90.62.060, 90.62.070, 90.62.080, 90.62.090, 90.62.100, 90.62.110, 90.62.120, 90.62.130, 90.62.900, 90.62.901, 90.62.904, 90.62.905, 90.62.906, 90.62.907, and 90.62.908; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1725 by Representatives Brumsickle, Wolfe and Conway

AN ACT Relating to housing authorities; and amending RCW 35.82.040 and 35.82.130.

Referred to Committee on Government Operations.

HB 1726 by Representatives Brumsickle and Wolfe

AN ACT Relating to housing authorities; and amending RCW 35.82.070.

Referred to Committee on Government Operations.

HB 1727 by Representatives Beekma, Wolfe, L. Thomas, Dyer, Costa and Mielke; by request of Insurance Commissioner

AN ACT Relating to mandatory offering of personal injury protection insurance; creating a new section; and repealing RCW 48.22.005, 48.22.085, 48.22.090, 48.22.095, 48.22.100, and 48.22.105.

Referred to Committee on Financial Institutions & Insurance.

HB 1728 by Representatives Cooke, Chandler, Boldt, Dellwo, Chappell, Clements, Jacobsen, Robertson and Mastin

AN ACT Relating to linking growth management with water inventories; amending RCW 36.70A.010, 36.70A.020, 36.70A.040, 36.70A.070, 36.70A.110, and 36.70A.210; reenacting and amending RCW 36.70A.030; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 1729 by Representatives Horn, Chandler, Van Luven, Hargrove, Schoesler and Elliot

AN ACT Relating to the appropriation of water from lakes and reservoirs for single-family residential noncommercial garden and landscape irrigation; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 1730 by Representative Benton

AN ACT Relating to interest arbitration for law enforcement officers employed by cities, towns, or counties; amending RCW 41.56.465; reenacting and amending RCW 41.56.030; repealing RCW 41.56.460; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HJM 4018 by Representatives Casada, Chappell, Brumsickle, Kessler, Huff, Hankins, Kremen, Grant, L. Thomas and Mastin

Requesting a variance in order to preserve man-made wetlands.

Referred to Committee on Agriculture & Ecology.

SB 5022 by Senators Fairley and Winsley

Allowing United States military dependents' identification as identification cards for liquor purchases.

Referred to Committee on Commerce & Labor.

SB 5029 by Senators Hargrove, Fraser and Winsley; by request of Department of Social and Health Services

Modifying membership and duties of children's services advisory committee.

Referred to Committee on Children & Family Services.

SB 5128 by Senators Drew, Owen, Spanel and Snyder; by request of Department of Fish and Wildlife

Authorizing shellfish to be taken under a salmon charter license.
Referred to Committee on Natural Resources.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 3, 1995

HB 1062 Prime Sponsor, Representative Ballasiotes: Using juvenile serious violent offenses as criminal history for adult sentencing. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.
Excused: Representatives K. Schmidt and Schoesler.

Referred to Committee on Appropriations.

February 3, 1995

HB 1081 Prime Sponsor, Representative Radcliff: Specifying sentencing conditions for felons who commit additional felonies. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.
Excused: Representatives K. Schmidt and Schoesler.

Passed to Committee on Rules for second reading.

February 2, 1995

HB 1158 Prime Sponsor, Representative Morris: Modifying procedures regarding equivalent amounts transferred to tax districts for deferred taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Campbell; Hymes; Mason; Mulliken; Pennington; Schoesler and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, B. Thomas and Van Luven.

Excused: Representative Dickerson.

Passed to Committee on Rules for second reading.

February 2, 1995

HB 1165 Prime Sponsor, Representative Sherstad: Making technical corrections to excise and property tax statutes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Campbell; Hymes; Mason; Mulliken; Pennington; Schoesler and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, B. Thomas and Van Luven.

Excused: Representative Dickerson.

Passed to Committee on Rules for second reading.

February 3, 1995

HB 1226 Prime Sponsor, Representative Buck: Authorizing shellfish to be taken under a salmon charter license. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Excused: Representatives Cairnes and Romero.

Passed to Committee on Rules for second reading.

February 3, 1995

HB 1227 Prime Sponsor, Representative Buck: Authorizing retention of specified moneys recovered through forfeitures or court-ordered restitution. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.
Excused: Representatives Cairnes and Romero.

Referred to Committee on Appropriations.

February 3, 1995

HB 1228 Prime Sponsor, Representative L. Thomas: Authorizing the director of fish and wildlife to administer game fish catch record cards. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.
Excused: Representatives Cairnes and Romero.

Passed to Committee on Rules for second reading.

February 3, 1995

HB 1233 Prime Sponsor, Representative L. Thomas: Avoiding conflicts of interest on election canvassing boards. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

SECOND READING

HOUSE BILL NO. 1023, by Representatives B. Thomas, Foreman, Chandler, Lisk, Cooke, Carlson, Brumsickle, Silver, Ballasiotes, Dyer, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Tokuda, Costa, Horn, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Raddiff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven,

Pelesky, Blanton, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Morris, Hymes and Casada

Reducing business and occupation tax rates.

The bill was read the second time.

Representative Sheldon moved the adoption of the following amendment by Representative Sheldon and others:

On page 1, line 10, strike "1.75" and insert "1.5"

On page 2, line 10, strike "2.0" and insert "1.5"

On page 2, line 15, strike "1.6" and insert "1.5"

On page 2, line 22, strike "1.75" and insert "1.5"

Representatives Sheldon, Ebersole, Pennington, Morris, Appelwick and Kremen spoke in favor of adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

Representatives B. Thomas, Pennington, Dyer and Campbell spoke against the adoption of the amendment.

Representative Sheldon again spoke in favor of adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 1, line 10 to House Bill No. 1023 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hargrove, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 38.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

SPEAKER'S PRIVILEGE

I would also like to take a moment of Point of Personal Privilege and indicate to you, by doing so, that you are creating some exciting times for me. This is my 40th Wedding Anniversary and I've always told my wife that we will not work on the night of our Wedding Anniversary.

POINT OF PERSONAL PRIVILEGE

Representative Ebersole: Thank you Mr. Speaker. Let me from those of us on this side of the aisle, I think, speaking for all members, wish you another happy 40 years of marriage. We've greatly

enjoyed our association with you and Ruth. You're a wonderful couple and we wish you well. And we're sorry that this 5:00 session might delay your celebration by a few moments. But please accept our sincere appreciation.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

POINT OF PERSONAL PRIVILEGE

Representative Ogden: Thank you Mr. Speaker and friends. Thank you very much for your support. I'm sure that my quick recovery has been hastened by your cards, your letters, your calls, the flowers and plants. Thank you very much. I'm delighted to be back, and I will be doing my job now.

POINT OF PERSONAL PRIVILEGE

Representative Backlund: Thank you Mr. Speaker, ladies and gentlemen of the House, as a physician and a surgeon I would like to compliment the fair lady on her rapid recovery. So we welcome you back.

Representative Chappell moved adoption of the following amendment by Representative Chappell:

On page 2, after line 33, insert:

"NEW SECTION. Sec. 3. RCW 82.04.2201 and 1994 1st sp.s. c 10 § 1 & 1993 sp.s. c 25 § 204 are each repealed.

NEW SECTION. Sec. 4. The repeals in section 3 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections repealed or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections."

POINT OF ORDER

Representative B. Thomas: Thank you Mr. Speaker. I would request a ruling on the scope and object of amendment number 30 to House Bill No. 1023.

SPEAKER'S RULING

Representative B. Thomas: The title of House Bill No. 1023 is "An act relating to reducing business and occupation tax rates." The title is narrow in that it relates only to reducing business and occupation tax rates. The bill amends RCW 82.04.255 and RCW 82.04.290.

Amendment number 30 would add to House Bill No. 1023 a new section to repeal business & occupation surtaxes found in RCW 82.04.2201.

While eliminating surtaxes would reduce the taxes paid by employers it would not in any manner reduce employers business & occupation tax rates that are in statute.

The Speaker finds that amendment number 30 would expand the scope and object of the underlying House Bill No. 1023 and is therefore beyond the scope and object of the bill.

Representative B. Thomas, your point of order is well taken.

Representative Morris moved the adoption of the following amendment by Representative Morris:

On page 2, after line 33, insert the following:

"**Sec. 3.** RCW 82.04.2201 and 1994 sp.s. c 10 s 1 are each amended to read as follows:

There is levied and shall be collected for the period July 1, 1993, through June 30, 1997, from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.280 and 82.04.290(3), except RCW 82.04.250(1) and 82.04.260(15), an additional tax equal to ((4.5)) 0.0 percent multiplied by the tax payable under those sections.

To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth."

POINT OF ORDER

Representative B. Thomas: Thank you Mr. Speaker. I would request a ruling on the scope and object of amendment number 43 to House Bill No. 1023.

SPEAKER'S RULING

Representative B. Thomas: The title of House Bill No. 1023 is "An act relating to reducing business and occupation tax rates."

The title is narrow in that it relates only to reducing business and occupation Tax Rates. The bill amends RCW 82.04.255 and RCW 82.04.290.

Amendment number 43 would add to House Bill No. 1023 a section which would eliminate the business & occupation tax surcharges by amending RCW 82.04.2201.

While drafted in a different form, amendment number 43 would have the same effect on this bill that amendment number 30 would have had. Both amendments propose to eliminate the business & occupation tax surcharge, and neither amendment affects the business & occupation tax rates which are set forth in statute.

The Speaker finds that amendment number 43 would expand the scope and object of the underlying House Bill No. 1023 and is therefore beyond the scope and object of the bill.

Representative B. Thomas, your point of order is well taken.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher and Conway:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.4451 and 1994 sp.s. c 2 s 1 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. The maximum credit for a taxpayer for a reporting period is ((thirty-five)) one hundred fifty-five dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

(2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter.

(3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

POINT OF ORDER

Representative B. Thomas: Thank you Mr. Speaker. I would request a ruling on the scope and object of amendment number 41 to House Bill No. 1023.

SPEAKER'S RULING

Representative B. Thomas, the Speaker is prepared to rule on your point of order which challenges amendment number 41 to House Bill No. 1023 as being beyond the scope and object of the bill.

The title of House Bill No. 1023 is "An act relating to reducing business and occupation tax rates."

The title is narrow in that it relates only to reducing business and occupation Tax Rates. The bill amends RCW 82.04.255 and RCW 82.04.290.

Amendment number 41 would add to House Bill No. 1023 a section which would increase the credit allowed against business and occupation taxes by amending RCW 82.04.4451.

While increasing the credit against business & occupation taxes would reduce the taxes paid by employers it would not in any manner reduce business and occupation tax rates that are in statute.

The Speaker finds that amendment number 41 would expand the scope and object of the underlying House Bill No. 1023 and is therefore beyond the scope and object of the bill.

Representative B. Thomas, your point of order is well taken.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Appelwick spoke in favor of the motion.

Representatives B. Thomas, Morris, Boldt, Van Luven, Chappell, Beekma, Ebersole, Mielke, G. Fisher, Schoesler and Thompson spoke in favor of passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of House Bill No. 1023.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1023 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Valle - 1.

House Bill No. 1023, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m., Tuesday, February 7, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-NINTH DAY, FEBRUARY 6, 1995

JOURNAL OF THE HOUSE

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

THIRTIETH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 7, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

February 6, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5322,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1731 by Representatives Valle, Poulsen and Cole

AN ACT Relating to legislative educational expenditures; and amending RCW 43.135.010, 43.135.025, 43.135.035, and 43.135.045.

Referred to Committee on Appropriations.

HB 1732 by Representatives Dyer, Radcliff, Backlund and Goldsmith

AN ACT Relating to review of increases in volume-based taxes; amending RCW 66.24.290, 82.08.150, 82.24.020, and 82.24.020; adding a new section to chapter 82.02 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

HB 1733 by Representatives Boldt, Padden, B. Thomas, D. Schmidt, Cooke, Stevens, L. Thomas and Goldsmith

AN ACT Relating to tax exemptions for nonprofit camps and nonprofit conference centers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1734 by Representative Appelwick

AN ACT Relating to fees to support state blood and breath alcohol testing programs; amending RCW 46.61.5054; repealing 1994 c 275 s 44 (uncodified); and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1735 by Representatives Goldsmith, Kremen, Jacobsen, K. Schmidt and Quall

AN ACT Relating to weight limits for fire trucks; and amending RCW 46.44.091.

Referred to Committee on Transportation.

HB 1736 by Representatives Horn, Cairnes, Hickel, Mitchell, L. Thomas and Thompson

AN ACT Relating to commercial driving instructors; and amending RCW 46.82.320 and 46.82.330.

Referred to Committee on Transportation.

HB 1737 by Representatives Patterson, Cairnes, Mastin, Hatfield, Dickerson and Conway

AN ACT Relating to veterans' preferences; and amending RCW 41.04.005.

Referred to Committee on Government Operations.

HB 1738 by Representatives Pelesky, Cairnes, Stevens, L. Thomas, Beeksma, Silver, Thompson, Foreman, Radcliff, Fuhrman, Huff, Hargrove, Elliot, Mulliken and Goldsmith

AN ACT Relating to providing employees notice of rights regarding union security; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 53.18 RCW; and adding a new section to chapter 54.04 RCW.

Referred to Committee on Commerce & Labor.

HB 1739 by Representatives Hymes, L. Thomas, Mielke, Fuhrman, G. Fisher, Grant and Reams

AN ACT Relating to delegation to local municipal jurisdictions of hydraulic project approval authority; and amending RCW 75.20.100.

Referred to Committee on Government Operations.

HB 1740 by Representatives Mason, Robertson, Chopp, Dickerson, Costa and L. Thomas

AN ACT Relating to firearms in state capitol buildings; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1741 by Representatives Chandler and Mastin

AN ACT Relating to moneys for wine and wine grape research; and amending RCW 66.08.180, 66.08.190, and 28B.30.068.

Referred to Committee on Agriculture & Ecology.

HB 1742 by Representatives Mitchell, Casada and K. Schmidt

AN ACT Relating to transferring support responsibility for the energy facility site evaluation council to the department of community, trade, and economic development; amending RCW 43.21F.045; reenacting and amending RCW 80.50.030; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Energy & Utilities.

HB 1743 by Representatives Dyer, Cody, Thibaudeau, Campbell, Morris, Veloria, Dickerson, Costa and Chopp

AN ACT Relating to licensed dental hygienists; adding new sections to chapter 18.29 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1744 by Representatives Huff, Kessler, Casada and Campbell

AN ACT Relating to streamlined regulation of small telecommunications companies; amending RCW 80.36.135; adding a new section to chapter 80.04 RCW; adding a new section to chapter 80.08 RCW; adding a new section to chapter 80.12 RCW; and adding a new section to chapter 80.16 RCW.

Referred to Committee on Energy & Utilities.

HB 1745 by Representatives Stevens, Boldt, Cooke, Koster, McMahan, Lambert, Pelesky, D. Schmidt, Hargrove, Benton, Backlund and Carrell

AN ACT Relating to competency examinations for children's services caseworkers; amending RCW 74.14B.010; and adding a new section to chapter 74.14B RCW.

Referred to Committee on Children & Family Services.

HB 1746 by Representatives Sherstad, McMorris and Hymes

AN ACT Relating to overtime wage requirements for commissioned salespeople; and amending RCW 49.46.130.

Referred to Committee on Commerce & Labor.

HB 1747 by Representatives Hatfield, Basich, Morris, Pennington, Mastin and Grant

AN ACT Relating to standards for solid waste handling; and amending RCW 70.95.060.

Referred to Committee on Agriculture & Ecology.

HB 1748 by Representatives Huff, Hargrove, Sheldon, Delvin, McMahan, Basich and Beeksma

AN ACT Relating to a sliding scale cap on attorneys' contingent fees; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Law & Justice.

HB 1749 by Representatives Clements, Lisk, Blanton, Chandler, Lambert, Honeyford, Sheldon, Horn, Skinner, Hargrove, Fuhrman, Stevens, Radcliff, Huff, Schoesler and Backlund

AN ACT Relating to defining misconduct for unemployment insurance purposes; and amending RCW 50.04.293.

Referred to Committee on Commerce & Labor.

HB 1750 by Representatives Hickel, Appelwick, Padden, Robertson and Delvin

AN ACT Relating to administratively suspending, revoking, denying, or placing in a probationary status a person's license, permit, or privilege to drive; amending RCW 46.20.309, 46.20.308, and 46.20.355; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.61 RCW; recodifying RCW 46.20.309; repealing RCW 46.20.365; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

HB 1751 by Representatives Cody, Robertson, Conway, Radcliff, Voloria, Costa, Skinner, Chopp, Blanton, Clements, Dickerson, Benton and Poulsen

AN ACT Relating to assault; amending RCW 9A.36.031; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1752 by Representatives Van Luven, Sheldon, Ballasiotes, Hatfield, Sherstad, Radcliff, Jacobsen, Chandler, G. Fisher, Lambert, Dellwo, Mason and Chopp

AN ACT Relating to a manufacturing technology extension system; adding a new section to chapter 43.63A RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1753 by Representatives D. Schmidt, Rust, Reams, L. Thomas, McMorris, Cairnes, Sherstad, Mitchell, Schoesler, Cole, Johnson, Radcliff, Delvin and Dyer

AN ACT Relating to city and town annexations; amending RCW 35.13.125, 35.13.130, 35.13.150, 35.13.160, 35A.14.120, 35A.14.140, and 35A.14.150; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and repealing RCW 28A.335.110.

Referred to Committee on Government Operations.

HB 1754 by Representatives Brumsickle, Valle, Chandler, Benton, Conway, Dickerson, Wolfe, Cole and Chopp

AN ACT Relating to public school students learning a second language; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 1755 by Representatives Brumsickle, Valle, Conway and Cole

AN ACT Relating to the international exchange student and teacher program in public schools; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; and repealing RCW 28A.300.240.

Referred to Committee on Education.

HB 1756 by Representatives Veloria, Cooke, Cody, Lambert, Thibaudeau, Patterson and Costa

AN ACT Relating to dependent children; and amending RCW 13.34.110, 13.34.130, and 13.34.145.

Referred to Committee on Children & Family Services.

HB 1757 by Representatives Ebersole and Benton

AN ACT Relating to higher education; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28B RCW; creating new sections; repealing RCW 28B.20.100, 28B.20.105, 28B.20.110, 28B.20.130, 28B.30.100, 28B.30.120, 28B.30.125, 28B.30.130, 28B.30.135, 28B.30.150, 28B.35.100, 28B.35.105, 28B.35.110, 28B.35.120, 28B.40.100, 28B.40.105, 28B.40.110, and 28B.40.120; providing effective dates; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1758 by Representatives Backlund, Sherstad, Dyer, Morris and Cody

AN ACT Relating to repealing the health personnel resources plan, transferring data gathering to the health services commission; amending RCW 43.70.470; adding a new section to chapter 70.170 RCW; adding a new section to chapter 28B.80 RCW; creating new sections; repealing RCW 28B.125.005 and 28B.125.010; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1759 by Representatives Brumsickle, Veloria, Goldsmith and Cody; by request of Secretary of State

AN ACT Relating to accessibility of polling and registration places; amending RCW 29.57.010, 29.57.070, 29.57.090, 29.57.100, 29.57.130, 29.57.140, 29.57.150, and 29.57.160; and repealing RCW 29.57.030, 29.57.080, 29.57.110, and 29.57.120.

Referred to Committee on Government Operations.

HB 1760 by Representatives Brumsickle and B. Thomas

AN ACT Relating to clarifying the illegality of strikes by educational employees; and adding a new section to chapter 41.59 RCW.

Referred to Committee on Education.

SSB 5322 by Senators Gaspard, Roach, McDonald, Rinehart, Heavey, Johnson, Franklin, Loveland, West and Winsley

Providing a death benefit award.

Referred to Committee on Appropriations.

There being no objection, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Bill No. 1732.

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

REPORTS OF STANDING COMMITTEES

February 3, 1995

HB 1046 Prime Sponsor, Representative Dyer: Amending the health services act of 1993. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Casada; Crouse; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Conway and Morris.

Voting Yea: Representatives Backlund, Casada, Crouse, Dyer, Hymes, Sherstad and Skinner.
Voting Nay: Representatives Cody, Conway, Dellwo and Morris.

Passed to Committee on Rules for second reading.

February 3, 1995

HB 1107 Prime Sponsor, Representative Reams: Eliminating and consolidating boards and commissions. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Referred to Committee on Appropriations.

February 6, 1995

HB 1245 Prime Sponsor, Representative Sheldon: Delaying the termination date of the business assistance center. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member;

Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Veloria and Van Luven.
Excused: Representative Mason.

Referred to Committee on Appropriations.

February 6, 1995

HB 1248 Prime Sponsor, Representative Van Luven: Providing tax deferrals for a new thoroughbred race track facility. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Veloria and Van Luven.
Excused: Representative Mason.

Referred to Committee on Finance.

February 6, 1995

HB 1287 Prime Sponsor, Representative McMorris: Authorizing silvicultural burning to correct a forest health problem under certain circumstances. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.
Excused: Representative Boldt.

Referred to Committee on Appropriations.

February 3, 1995

HB 1318 Prime Sponsor, Representative Carlson: Revising provisions for the Washington scholars program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Benton; Blanton; Delvin; Goldsmith and Sheahan.

Voting Yea: Representatives Benton, Blanton, Carlson, Delvin, Goldsmith, Jacobsen, Mason, Mulliken and Sheahan.
Excused: Representatives Kessler and Mastin.

Referred to Committee on Appropriations.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1046.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, February 8, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

THIRTIETH DAY, FEBRUARY 7, 1995

JOURNAL OF THE HOUSE

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

THIRTY-FIRST DAY

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MORNING SESSION

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House Chamber, Olympia, Wednesday, February 8, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heather Davidson and Julia Shidler. Prayer was offered by Reverend Ross Rettig of The First Reformed Church in Oak Harbor.

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

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

INTRODUCTIONS AND FIRST READING

HB 1732 by Representatives Dyer, Radcliff, Backlund and Goldsmith

AN ACT Relating to review of increases in volume-based taxes; amending RCW 66.24.290, 82.08.150, 82.24.020; adding a new section to chapter 82.02 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.
Held on first reading from 2/7/95.

HB 1761 by Representatives Casada, Hankins, Patterson, Crouse, Huff, Carlson, Morris, Mielke, Mitchell and Kessler

AN ACT Relating to clarification of physical conditions for determining the output of major energy projects; and amending RCW 80.50.020 and 80.52.030.

Referred to Committee on Energy & Utilities.

HB 1762 by Representatives Brumsickle and Cole

AN ACT Relating to educational employee candidates' travel and subsistence expenses; and amending RCW 28A.320.050.

Referred to Committee on Education.

HB 1763 by Representatives Brumsickle and Basich

AN ACT Relating to school district public surveys; and amending RCW 28A.320.090.

Referred to Committee on Education.

HB 1764 by Representatives Brumsickle, Cole and Ogden

AN ACT Relating to school district budget development dates; amending RCW 28A.505.040 and 28A.505.050; and declaring an emergency.

Referred to Committee on Education.

HB 1765 by Representatives Brumsickle, Cole and Hankins

AN ACT Relating to school district enrollment reporting dates; amending RCW 28A.150.260 and 28A.150.260; and providing a contingent effective date.

Referred to Committee on Education.

HB 1766 by Representatives Lisk, Horn and Basich

AN ACT Relating to the exemption of certain public records concerning a public agency's strategy in collective bargaining or other similar negotiations or proceedings; and reenacting and amending RCW 42.17.310.

Referred to Committee on Government Operations.

HB 1767 by Representatives Quall, Carlson, Basich, Kremen, Mitchell, McMahan, Costa and Schoesler

AN ACT Relating to alternative dispute resolution for purchasers of manufactured homes; adding a new chapter to Title 59 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

HB 1768 by Representatives Dyer and Dellwo

AN ACT Relating to regulating speech-language and hearing professionals; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 1769 by Representatives Mielke, Morris, Campbell, Appelwick, Benton, Kremen, Fuhrman, Mulliken, G. Fisher, Basich, Brumsickle, Van Luven, Skinner, Grant, Boldt, Hymes, Carrell, Chandler, Beeksmas, L. Thomas, Foreman, McMahan, Schoesler, Blanton and Thompson

AN ACT Relating to taxation of insurance agents, brokers, and solicitors; amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1770 by Representatives Mastin and Grant

AN ACT Relating to enforcement of requirements for plumbing certificates of competency; and amending RCW 18.106.280.

Referred to Committee on Commerce & Labor.

HB 1771 by Representatives Hickel, Basich, Padden, Kremen, Chappell and Carrell

AN ACT Relating to dishonored checks; amending RCW 62A.3-515; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1772 by Representatives Chandler, Kremen, Mastin, McMorris, Robertson, Honeyford, Koster, Mulliken, Campbell and Basich

AN ACT Relating to water rights acquired by prescription or adverse use; amending RCW 90.14.220, 90.14.041, 90.14.071, 90.03.250, and 90.44.050; and adding a new section to chapter 90.14 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1773 by Representatives Delvin, Mastin, Chandler, Mulliken, Clements, Schoesler, Hankins, Sheahan, Grant, Robertson and Honeyford

AN ACT Relating to water marketing; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.08 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 87.03 RCW; adding a new section to chapter 89.30 RCW; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1774 by Representatives Chandler, Mastin, Basich and Honeyford

AN ACT Relating to the water-related actions of the department of ecology; amending RCW 43.21A.070, 34.05.425, 34.05.419, 34.05.461, 34.05.514, 34.05.530, 34.05.534, 34.12.040, 43.21B.110, 43.21B.130, 43.21B.240, 43.21B.300, 43.21B.310, 43.21B.320, 43.27A.190, 90.03.383, 90.14.130, 90.14.190, 90.14.200, and 90.66.080; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 1775 by Representatives Mulliken, Mastin, Schoesler, Chandler, McMorris, Robertson, Honeyford and Elliot

AN ACT Relating to water transfers and changes; amending RCW 90.03.380, 90.44.100, 90.03.290, 90.44.445, 34.05.425, 34.05.461, 34.05.530, 34.05.534, 34.12.040, 43.21B.130, 43.21B.110, 43.21B.240, 43.21B.310, 34.05.419, 34.05.514, and 43.21B.320; adding a new section to chapter 43.21B RCW; adding a new section to chapter 90.03 RCW; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1776 by Representatives Benton and L. Thomas; by request of State Treasurer

AN ACT Relating to payment agreements; amending RCW 39.96.010 and 39.96.070; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1777 by Representatives Radcliff, Carrell, D. Schmidt, Thompson, Goldsmith, Pelesky, McMahan, Johnson, Smith, Fuhrman, Campbell, Lambert, Casada, Lisk, Mulliken, McMorris, Hargrove, Brumsickle, Clements, Silver, Koster, Backlund, Boldt, Hymes, Mitchell, Skinner and Blanton

AN ACT Relating to the disclosure of proceeds from a school bond levy; and adding a new section to chapter 28A.530 RCW.

Referred to Committee on Education.

HB 1778 by Representatives Dellwo and Appelwick

AN ACT Relating to district and municipal court service fees; and amending RCW 3.62.060.

Referred to Committee on Law & Justice.

HB 1779 by Representatives Cairnes, Chandler, Hargrove, Horn and Dyer

AN ACT Relating to medical benefits for injured workers; and amending RCW 43.72.850 and 43.72.860.

Referred to Committee on Commerce & Labor.

HB 1780 by Representatives Lisk and Romero

AN ACT Relating to mailing notices by certified mail; and amending RCW 50.20.190.

Referred to Committee on Commerce & Labor.

HB 1781 by Representatives Lisk and Romero

AN ACT Relating to industrial insurance benefits for beneficiaries of injured workers; and amending RCW 51.32.020, 51.32.040, 51.32.050, and 51.32.067.

Referred to Committee on Commerce & Labor.

HB 1782 by Representatives Lisk, Romero, Dickerson, Hatfield and Basich

AN ACT Relating to requiring an annual report on workers' compensation fraud; and adding a new section to chapter 43.22 RCW.

Referred to Committee on Commerce & Labor.

HB 1783 by Representatives Lisk and Romero

AN ACT Relating to reporting of personal service contracts; and amending RCW 39.29.040.

Referred to Committee on Government Operations.

HB 1784 by Representatives Lisk and Romero

AN ACT Relating to refining industrial insurance actions; and amending RCW 51.12.120, 51.16.200, 51.48.120, 51.48.150, and 51.52.060.

Referred to Committee on Commerce & Labor.

HB 1785 by Representatives Casada, Huff, Kessler, Crouse, Skinner, Backlund and Hymes

AN ACT Relating to seller responsibility for unpaid charges for utility services to single-family dwellings; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 36.36 RCW; adding a new section to chapter 36.89 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 56.16 RCW; adding a new section to chapter 57.08 RCW; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Energy & Utilities.

HB 1786 by Representatives Sherstad, Dyer, G. Fisher, Mielke, Morris and Grant

AN ACT Relating to dental assistants; amending RCW 18.32.030, 18.32.0351, 18.32.0355, and 18.32.0357; and adding new sections to chapter 18.32 RCW.

Referred to Committee on Health Care.

HB 1787 by Representatives K. Schmidt, R. Fisher, Johnson, Elliot, Buck, Blanton, Robertson, D. Schmidt, Mitchell, Skinner, Tokuda, Benton, Romero, Brown, Hankins, Cairnes, Hatfield, Scott, Quall, Backlund, Ogden, McMahan, Horn, Koster, Schoesler and Mielke

AN ACT Relating to interest on accounts and funds; amending RCW 43.79A.040; reenacting and amending RCW 43.84.092; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1788 by Representatives K. Schmidt, Chandler, Mitchell and Robertson

AN ACT Relating to increasing flexibility in motor vehicle fund distributions to cities and counties; amending RCW 46.68.115; and adding a new section to chapter 46.68 RCW.

Referred to Committee on Transportation.

HB 1789 by Representatives Chandler, Mastin, Clements, Crouse, Hankins, Skinner, Horn, Schoesler, Grant and Honeyford

AN ACT Relating to water rights transfers and market transactions; amending RCW 90.03.380, 90.03.383, and 90.03.390; adding new sections to chapter 90.54 RCW; and adding a new section to chapter 90.14 RCW.

Referred to Committee on Agriculture & Ecology.

HB 1790 by Representatives Reams, R. Fisher, Sommers and Dyer

AN ACT Relating to the appointment of the director of a combined city and county health department; amending RCW 70.08.040; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1791 by Representatives Chandler, Mastin, McMorris, Sheldon, Delvin, Kremen, Clements, Chappell, Crouse, Scott, Costa, Horn, Robertson, Quall, Hankins, Skinner, Kessler, Schoesler, Grant, Sheahan, Brumsickle, Padden, Morris, Buck, Hatfield, Patterson, Cooke, Mulliken, Honeyford, Backlund and Basich

AN ACT Relating to water resource management; amending RCW 43.27A.020, 43.27A.090, 43.27A.130, 43.27A.190, 43.21A.020, 43.21A.067, 90.54.040, 90.03.380, 90.03.383, 90.03.390, 43.21B.110, 43.21B.300, 90.03.600, and 43.21B.310; adding a new section to chapter 43.99E RCW; adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to Title 35 RCW; adding a new section to Title 35A RCW; adding a new section to Title 36 RCW; adding new sections to chapter 90.54 RCW; adding a new section to chapter 90.14 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.21A.067; decodifying RCW 90.14.043; and repealing RCW 43.21A.064 and 90.54.030.

Referred to Committee on Agriculture & Ecology.

HB 1792 by Representatives Padden, Carrell, Beekma, McMahan, Costa, Stevens, Blanton and Thompson

AN ACT Relating to the release of offenders; and amending RCW 9.95.062 and 10.64.025.

Referred to Committee on Law & Justice.

HB 1793 by Representatives Delvin, Conway, Scott, R. Fisher, Chopp, Kremen, Campbell, Mason, Costa, Valle, Dickerson, Patterson, Cody, Poulsen, Ogden and Ebersole

AN ACT Relating to state patrol wage bargaining; amending RCW 41.56.020, 41.56.450, 41.56.465, and 41.56.475; amending 1993 c 398 s 5 (uncodified); reenacting and amending RCW 41.56.030 and 41.56.460; adding new sections to chapter 41.56 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1794 by Representatives Jacobsen and Carlson

AN ACT Relating to establishing a community college in the People's Republic of China; and creating a new section.

Referred to Committee on Higher Education.

HB 1795 by Representatives Jacobsen, Van Luven, Brown, Ogden, Dickerson, Chopp, Kessler, Mason, Costa, Wolfe and Basich

AN ACT Relating to world language instruction; adding a new section to chapter 28A.410 RCW; and creating new sections.

Referred to Committee on Education.

HB 1796 by Representatives Benton, Boldt, Ogden, Carlson, Morris and Elliot

AN ACT Relating to airport land use planning; adding a new chapter to Title 36 RCW; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1797 by Representatives Appelwick, Dickerson, Kessler, Costa, Patterson and Lambert

AN ACT Relating to domestic violence; and reenacting and amending RCW 26.50.010.

Referred to Committee on Law & Justice.

HB 1798 by Representatives Appelwick and Dickerson

AN ACT Relating to the regulation of mental health care providers; amending RCW 18.130.180, 18.130.020, and 18.130.160; adding new sections to chapter 7.70 RCW; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1799 by Representatives Romero, Jacobsen and Cole

AN ACT Relating to wildlife and fisheries habitat on state rangelands; adding a new section to chapter 89.08 RCW; adding a new section to chapter 79.01 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.51 RCW; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources.

HB 1800 by Representatives Romero, Mason, Basich, Veloria, Skinner, Cody, Dickerson, Hatfield, Tokuda, Jacobsen, Costa and Wolfe

AN ACT Relating to providing instruction in the language and cultures of other nations; adding new sections to chapter 28A.180 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1801 by Representatives Brown, Patterson, Thibaudeau, Tokuda, Wolfe, Chopp, Mason, Dickerson, Cole, Kessler, Ogden, Romero, Jacobsen, G. Fisher, Hatfield, Costa, Scott, Conway, Cody and Poulsen

AN ACT Relating to child care for school-age children; adding new sections to chapter 74.13 RCW; adding a new section to chapter 28A.335 RCW; and making appropriations.

Referred to Committee on Children & Family Services.

HB 1802 by Representatives Cooke, Lambert, Stevens, Thompson, Padden and Kessler

AN ACT Relating to adoption; and amending RCW 26.33.110, 26.33.310, and 26.33.260.

Referred to Committee on Children & Family Services.

HB 1803 by Representatives L. Thomas, Scott and Mulliken

AN ACT Relating to public hospital district elections; amending RCW 70.44.040, 70.44.042, and 70.44.053; and adding new sections to chapter 70.44 RCW.

Referred to Committee on Government Operations.

HJM 4019 by Representatives Benton, Cairnes, Carrell, Beekma, D. Schmidt, McMahan, Thompson and Buck

Declaring sovereignty over matters under the Tenth Amendment to the United States Constitution.

Referred to Committee on Government Operations.

MOTION

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

Representative Appelwick moved that House Bill No. 1732 be referred to the Committee on Health Care.

Representative Appelwick spoke in favor of the motion.

Representative Dyer spoke against the motion.

Representative Appelwick again spoke in favor of the motion.

The motion failed.

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

REPORTS OF STANDING COMMITTEES

February 7, 1995

HB 1044 Prime Sponsor, Representative Hickel: Providing of payment of attorneys' fees, costs, and expenses in actions against governmental units. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Robertson, Sheahan and Smith.

Voting Nay: Representatives Cody, Thibaudeau and Veloria.

Excused: Representative Morris.

Referred to Committee on Appropriations.

February 7, 1995

HB 1045 Prime Sponsor, Representative Hickel: Allowing the court to award attorney fees and other court costs to an individual or small business that successfully appeals a state agency directive in court. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan and Smith.

Voting Nay: Representatives Cody, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

February 3, 1995

HB 1046 Prime Sponsor, Representative Dyer: Amending the health services act of 1993. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Casada; Crouse; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Conway and Morris.

Voting Yea: Representatives Backlund, Casada, Crouse, Dyer, Hymes, Sherstad and Skinner.

Voting Nay: Representatives Cody, Conway, Dellwo and Morris.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1069 Prime Sponsor, Representative Delvin: Exempting retired law enforcement officers from restrictions on carrying firearms. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1104 Prime Sponsor, Representative McMorris: Removing requirements relating to carrying firearms unloaded and enclosed in an opaque case or wrapper. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Cody, Costa, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1151 Prime Sponsor, Representative Pennington: Modifying licensing requirements for the sale of ammunition. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Cody, Costa, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 6, 1995

HB 1220 Prime Sponsor, Representative Chandler: Providing a SEPA exemption for air operating permits. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.
Excused: Representative Boldt.

Passed to Committee on Rules for second reading.

February 6, 1995

HB 1221 Prime Sponsor, Representative Johnson: Regulating length of log trucks. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Excused: Representatives Brown, Chopp and Patterson.

Passed to Committee on Rules for second reading.

February 6, 1995

HB 1252 Prime Sponsor, Representative Van Luven: Excluding certain coin-operated laundry facilities from sales taxation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Veloria and Van Luven.
Excused: Representative Mason.

Referred to Committee on Finance.

February 6, 1995

HB 1253 Prime Sponsor, Representative Van Luven: Removing landscape maintenance and horticulture services from the role of businesses included under the business and occupation tax. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representative Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Veloria and Van Luven.
Voting Nay: Representative Valle.
Excused: Representative Mason.

Referred to Committee on Finance.

February 6, 1995

HB 1310 Prime Sponsor, Representative K. Schmidt: Strengthening the provisions of the pilotage act affecting marine safety and protection of the marine environment. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Blanton, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Johnson, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Skinner and Tokuda.
Excused: Representatives Backlund, Benton, Brown, Chopp, Horn, Koster, McMahan and Scott.

Passed to Committee on Rules for second reading.

February 6, 1995

HB 1311 Prime Sponsor, Representative K. Schmidt: Providing for enforcement and administration of the pilotage act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Blanton, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Skinner and Tokuda.

Excused: Representatives Benton, Brown, Chopp, Horn and Scott.

Passed to Committee on Rules for second reading.

February 6, 1995

HB 1407 Prime Sponsor, Representative K. Schmidt: Transferring functions of the Maritime Commission to a nonprofit corporation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Blanton, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Skinner and Tokuda.

Excused: Representatives Benton, Brown, Chopp, Horn and Scott.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1046.

Representative Appelwick moved that House Bill No. 1046 be referred to the Committee on Appropriations.

Representative Appelwick spoke in favor of the motion.

Representative Dyer spoke against the motion.

POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Ebersole.

Representative Ebersole: We heard a great deal of debate about cooked fiscal notes the other day and that you can't rely on fiscal notes. And I just heard you base your argument on the fiscal notes. Is this a fiscal note that we can trust, Representative Dyer.

Representative Dyer: Yes. It's one that goes down so those are easier to trust than those ones that go up.

Representative Ebersole: Oh I see, if they go down they are trust-worthy. If any government agency the State Patrol, Secretary of State, the Attorney General says something goes up we don't trust it. Is that the interpretation.

Representative Dyer: That may be yours, but it's not mine. At this point I trust the integrity of this fiscal note and cannot speak for the others.

The motion failed.

MOTION

On motion of Representative Foreman, the rules were suspended and House Bill No. 1046 be advanced to second reading and read the second time in full.

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

MOTION

On motion of Representative Foreman, House Bill No. 1709 was re-referred from the Committee on Corrections to the Committee on Law & Justice.

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

HOUSE RESOLUTION NO. 95-4617, by Representatives Benton, Hatfield, Lambert, Robertson, Chandler, Kremen, Pelesky, L. Thomas, Cooke, Talcott, Delvin, Mason, Foreman, Campbell, Hankins, Poulsen, Ogden, Conway, Cody and Blanton

WHEREAS, The children of our State are at risk due to the increasing violence committed by youth; and

WHEREAS, Gangs continue to try and take over neighborhoods using fear, intimidation, and force to attempt to wield influence over the lives of our youth; and

WHEREAS, The rising juvenile violence is a concern to us all, creating a greater need than ever for the influence of the skills and values taught in the programs of the Boy Scouts of America; and

WHEREAS, The Boy Scouts of America was formally incorporated February 8, 1910, with the intent of fostering good citizenship through activities that appeal to boys; and

WHEREAS, Scouting's ultimate goals were building character by using fun programs to promote the ability of youth to do things for themselves and others, to teach them patriotism, courage, self-reliance, and kindred virtues; and

WHEREAS, Scouting's original goals and the Oath and Law, adopted in May 1911, remain unchanged today and continue to provide an ethical code we would all do well to live by; and

WHEREAS, The Scout Law, possibly known by more Americans than any vow except for the Pledge of Allegiance, reinforces the influence of Scouting; A Scout is: Trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent; and

WHEREAS, The Scout motto of "Be Prepared" and the Scout slogan of "Do a good turn daily" both provide a positive message and mission; and

WHEREAS, Scouts of all ages have provided assistance in many local and national emergencies, participating in "Scouting for Food" and other productive programs; and

WHEREAS, The Boy Scouts of America policy states, in part, "Leaders must be a good role model because our children's values and lives will be influenced by those leaders"; and

WHEREAS, February 8, 1995, is the eighty-fifth birthday of the Boy Scouts of America; and

WHEREAS, As long as mothers and fathers cry for their children because they are afraid for their safety or because their child has died a violent and senseless death, there will be a need for the values and skills taught in the programs of the Boy Scouts of America; and

WHEREAS, Governor Lowry has proclaimed February 8, 1995, Boy Scouts of America Recognition Day in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and applaud the efforts of volunteer and professional Scouters for the service and great benefit they provide the youth of this state; and

BE IT FURTHER RESOLVED, That in recognition of the positive impact that the Boy Scouts of America have on the youth of this state, the members of this body declare February 8, 1995, to be Boy Scouts of America Day in the Washington State House of Representatives, and by so declaring, hereby recognize those Scouts who are present today on the legislative campus and those current and future Scouts who will continue to make our great state even greater.

Representative Benton moved adoption of the resolution.

Representatives Benton, Mastin, Lambert and Van Luven spoke in favor of adoption of the resolution.

House Resolution No. 4617 was adopted.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m., Thursday, February 9, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

THIRTY-FIRST DAY, FEBRUARY 8, 1995

JOURNAL OF THE HOUSE

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

THIRTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Thursday, February 9, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

February 8, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5032,
SENATE BILL NO. 5060,
SUBSTITUTE SENATE BILL NO. 5076,
SUBSTITUTE SENATE BILL NO. 5089,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1804 by Representatives Beeksma, L. Thomas and Koster

AN ACT Relating to underinsured motor vehicle insurance coverage; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions & Insurance.

HB 1805 by Representatives Fuhrman, Thompson, Stevens, Beeksma and Cairnes

AN ACT Relating to endangered or threatened species designations by the state fish and wildlife commission; amending RCW 77.12.020; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

HB 1806 by Representatives Elliot, Brumsickle, Johnson, Basich, Padden, Fuhrman, Cooke, Kremen and Thompson

AN ACT Relating to a program for educational advancement grants in designated urban areas; and adding new sections to chapter 74.13 RCW.

Referred to Committee on Education.

HB 1807 by Representatives Johnson, Quall, Fuhrman and Padden

AN ACT Relating to learning materials support; adding a new section to chapter 28A.195 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1808 by Representatives Boldt, Rust, Brown, Schoesler and Buck

AN ACT Relating to permitting of solid waste handling facilities; and amending RCW 70.95.030, 70.95.180, 70.95.185, 70.95.190, 70.95.200, 70.95.210, 70.95.218, and 70.95D.110.

Referred to Committee on Agriculture & Ecology.

HB 1809 by Representatives Dyer and Dickerson

AN ACT Relating to naturopath's authority to give direction to persons licensed under chapter 18.79 RCW; and amending RCW 18.79.260 and 18.79.270.

Referred to Committee on Health Care.

HB 1810 by Representatives Chandler, Honeyford, Thompson and L. Thomas

AN ACT Relating to the authority of the state for cleanup standards under the model toxics control act; and reenacting and amending RCW 70.105D.030.

Referred to Committee on Agriculture & Ecology.

HB 1811 by Representatives Ebersole, Sheldon, Conway and Dickerson

AN ACT Relating to providing a business and occupation tax credit to firms that maintain a work-based basic skills program to improve the skills of their existing work force; adding new sections to chapter 82.04 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 43.131 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1812 by Representatives Backlund, Hymes, Chappell, McMorris, Sherstad, McMahan, Carrell, Thompson, Beeksma and Johnson

AN ACT Relating to allowing students to incorporate religious and philosophical beliefs in school-related activities; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 1813 by Representatives Mulliken, Mason, Sheahan, Blanton, Carlson, Goldsmith, Jacobsen and Delvin

AN ACT Relating to financial disclosures by private degree-granting institutions; amending RCW 28B.85.020; and reenacting and amending RCW 42.17.310.

Referred to Committee on Higher Education.

HB 1814 by Representative Carlson

AN ACT Relating to the Washington award for vocational excellence; amending RCW 28C.04.520, 28C.04.525, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.545, and 28B.15.545; adding a new section to chapter 28C.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1815 by Representatives Delvin, Morris and Padden

AN ACT Relating to liability for cleanup and repair of damaged lodging or accommodation premises; and amending RCW 4.24.230.

Referred to Committee on Law & Justice.

HB 1816 by Representatives Brumsickle, Radcliff, Elliot, Dickerson and Johnson

AN ACT Relating to student records for students transferring between private and public schools; and amending RCW 28A.195.010 and 28A.225.330.

Referred to Committee on Education.

HJM 4020 by Representatives Campbell, Hatfield, Wolfe, B. Thomas, McMorris, Brumsickle, Morris, Radcliff, Elliot, Beeksma, Kessler, Carrell and L. Thomas

Encouraging schools to provide an elementary gun safety program.

Referred to Committee on Education.

SB 5032 by Senators Hargrove and Fraser; by request of Department of Social and Health Services

Modifying adoption support provisions.

Referred to Committee on Children & Family Services.

SB 5060 by Senators Haugen and Winsley

Regulating publication of legal notices by political subdivisions.

Referred to Committee on Government Operations.

SSB 5076 by Senate Committee on Natural Resources (originally sponsored by Senators Oke, Owen and Drew)

Developing wildlife habitat corridors.

Referred to Committee on Natural Resources.

SSB 5089 by Senate Committee on Energy, Telecommunications & Utilities (originally sponsored by Senators Loveland, Finkbeiner and Sutherland)

Requiring 911 compatibility of private telecommunications systems and private shared telecommunications services.

Referred to Committee on Energy & Utilities.

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

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

REPORTS OF STANDING COMMITTEES

February 7, 1995

HB 1021 Prime Sponsor, Representative Delvin: Granting to adult court jurisdiction over juveniles who use a firearm while committing a violent offense. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Koster; Radcliff and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole and Dickerson.

Voting Yea: Representatives Ballasiotes, Blanton, Koster, Radcliff, Sherstad and Schoesler.

Voting Nay: Representatives Cole, Dickerson, Quall and Tokuda.

Excused: Representative K. Schmidt.

Referred to Committee on Law & Justice.

February 8, 1995

HB 1058 Prime Sponsor, Representative Horn: Affecting the repeal of liquor vendors' appeals as authorized by RCW 41.06.150. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1059 Prime Sponsor, Representative Lisk: Improving the enforcement provisions of the Washington state liquor act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1115 Prime Sponsor, Representative Campbell: Limiting the authority of local governments to take actions that result in closure of private firearm range training and practice facilities. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Chappell; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Chappell, Cody, Costa, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1124 Prime Sponsor, Representative Hatfield: Creating the salmon enhancement account. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens and Thompson.

Excused: Representatives G. Fisher and B. Thomas.

Referred to Committee on Appropriations.

February 7, 1995

HB 1125 Prime Sponsor, Representative Kessler: Exempting federally licensed dams from state regulation. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Mastin, Mielke, Mitchell and Patterson.
Excused: Representative Kremen.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1133 Prime Sponsor, Representative Campbell: Revising provisions relating to firearm dealers' licenses. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan and Smith.
Voting Nay: Representatives Appelwick, Cody, Costa, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

February 7, 1995

HB 1153 Prime Sponsor, Representative Casada: Requiring 911 compatibility of private telecommunications systems and private shared telecommunications services. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Kremen, Mastin, Mielke, Mitchell and Patterson.

Referred to Committee on Appropriations.

February 7, 1995

HB 1187 Prime Sponsor, Representative Reams: Dividing the department of social and health services into five agencies. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.
Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Referred to Committee on Appropriations.

February 7, 1995

HB 1223 Prime Sponsor, Representative Brumsickle: Changing state board of education staff provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Dickerson, Elliot, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.
Excused: Representatives Clements, G. Fisher and Fuhrman.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1225 Prime Sponsor, Representative K. Schmidt: Regulating vehicle and fuel licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Excused: Representatives Patterson and Quall.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1241 Prime Sponsor, Representative Crouse: Providing waivers of electric and gas utility connection charges. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Kremen, Mitchell and Patterson.
Excused: Representatives Mastin and Mielke.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1247 Prime Sponsor, Representative L. Thomas: Promoting horse racing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson,

Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Excused: Representative Fuhrman.

Referred to Committee on Capital Budget.

February 7, 1995

HB 1249 Prime Sponsor, Representative Brumsickle: Extending the time for developing essential academic learning requirement Goal 2 assessments. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Quall; Radcliff; Smith; Talcott; B. Thomas and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman; Pelesky and Thompson.

Voting Yea: Representatives Brumsickle, Cole, Dickerson, Elliot, Hatfield, McMahan, Poulsen, Quall, Radcliff, Smith, Talcott and B. Thomas.

Voting Nay: Representatives Pelesky and Thompson.

Excused: Representatives Clements, G. Fisher, Fuhrman, Johnson and Veloria.

Referred to Committee on Appropriations.

February 7, 1995

HB 1273 Prime Sponsor, Representative Fuhrman: Refunding fuel taxes to Indian tribes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Excused: Representatives Patterson and Quall.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1279 Prime Sponsor, Representative Pennington: Providing a sales tax exemption for certain sales of magazines by subscription. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell,

Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1286 Prime Sponsor, Representative Buck: Regulating forest practices. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksma; Cairnes; Elliot; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; G. Fisher; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, Fuhrman, Pennington, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives G. Fisher, Jacobsen, Regala and Romero.

Referred to Committee on Appropriations.

February 7, 1995

HB 1313 Prime Sponsor, Representative Buck: Reviewing the management of certain state lands. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksma; Cairnes; Elliot; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; G. Fisher; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, Fuhrman, Pennington, Sheldon, Stevens and Thompson.

Voting Nay: Representatives G. Fisher, Jacobsen, Regala and Romero.

Excused: Representative B. Thomas.

Referred to Committee on Appropriations.

February 8, 1995

HB 1343 Prime Sponsor, Representative Casada: Removing the requirement that a schedule of port rates and charges be filed with the utilities and transportation commission. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Kremen, Mitchell and Patterson.

Excused: Representatives Mastin and Mielke.

Referred to Committee on Transportation.

February 8, 1995

HB 1373 Prime Sponsor, Representative L. Thomas: Amending licensing requirements of general agents. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1374 Prime Sponsor, Representative L. Thomas: Regulating unearned premium, loss, and loss expense reserves. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1501 Prime Sponsor, Representative L. Thomas: Correcting double amendments related to insurance examination expenses. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1705 Prime Sponsor, Representative Huff: Excluding utility line clearing from the definition of retail sale. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Mastin, Mielke, Mitchell and Patterson.
Excused: Representative Kremen.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1705 which will be held on the committee report.

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

MOTION

There being no objection, the House adjourned until 1:30 p.m., Friday, February 10, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

THIRTY-SECOND DAY, FEBRUARY 9, 1995

JOURNAL OF THE HOUSE

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

THIRTY-THIRD DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, February 10, 1995

The House was called to order at 1:30 p.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jacob Schanzenbach and Katherine Aardsma. Prayer was offered by Reverend Peter Mans of the Olympia Christian Reformed Church.

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

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

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

February 10, 1995

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1039,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1039,

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

February 10, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1039,

and the same is herewith transmitted.

Marty Brown, Secretary

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

SECOND READING

HOUSE BILL NO. 1046, By Representatives Dyer, Carlson, Kremen, Cooke, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, B. Thomas, Radcliff, Hickel, Chandler, Backlund, Mastin, Mitchell, Foreman, Sehlin, Ballasiotes, Clements, Campbell, Sheldon, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Lisk.
Health care reform improvement.

The bill was read the second time. On motion of Representative Dyer, Substitute House Bill No. 1046 was substituted for House Bill No. 1046 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1046 was read the second time.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 2, line 11, after "thousand" strike "subsidized enrollees" and insert "adult subsidized basic health plan enrollees and one hundred thirty thousand children covered through expanded medical assistance services"

Representative Dyer spoke in favor of adoption of the amendment and it was adopted.

Representative Conway moved adoption of the following amendment by Representative Conway and others:

On page 6, after line 24, insert:

"**Sec. 8.** RCW 70.47.020 is amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. On and after July 1, 1995, "managed health care system" means a certified health plan, as defined in RCW 43.72.010.

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed ~~((twice))~~ two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who the administrator determines shall not have, or shall not have voluntarily relinquished health insurance more comprehensive than that offered by the plan as of the effective date of enrollment, and who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, who the administrator determines shall not have, or shall not have voluntarily relinquished health insurance more comprehensive than that offered by the plan as of the effective date of enrollment, and who chooses to obtain basic health care coverage from a particular managed health care system, and who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(7) "Premium" means a periodic payment, based upon gross family income which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

(8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

Sec. 9. RCW 70.47.060 is amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care, which subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. On and after July 1, 1995, the uniform benefits package adopted and from time to time revised by the Washington health services commission pursuant to RCW 43.72.130 shall be implemented by the administrator as the schedule of covered basic health care services. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section

and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee.

(3) To design and implement a structure of copayments due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. On and after July 1, 1995, the administrator shall endeavor to make the copayments structure of the plan consistent with enrollee point of service cost-sharing levels adopted by the Washington health services commission, giving consideration to funding available to the plan.

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least semiannually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds ~~((twice))~~ two hundred fifty percent of the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds ~~((twice))~~ two hundred fifty percent of the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded ~~((twice))~~ two hundred fifty percent of the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area

served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator shall require that a business owner pay at least fifty percent of the nonsubsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color."

Representative Appelwick demanded an electronic roll call vote on all amendments to Substitute House Bill No. 1046, and the demand was sustained.

Representatives Conway, Dellwo, and Brown spoke in favor of adoption of the amendment.

Representatives Dyer, Smith, and Backlund spoke against the amendment.

Representative Conway again spoke in favor of adoption of the amendment and Representative Dyer again spoke against it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 6, after line 24 to Substitute House Bill No. 1046 and the amendment was not adopted by the following vote: Yeas - 36, Nays - 61, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 36.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden,

Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Excused: Representative Goldsmith - 1.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 6, beginning on line 32, strike
"(5) RCW 43.72.020 and 1994 c 154 s 311 & 1993 c 492 s 403;
(6) RCW 43.72.030 and 1993 c 492 s 405;
(7) RCW 43.72.040 and 1994 c 4 s 3, 1993 c 494 s 2, & 1993 c 492 s 406;"

Representatives Dellwo and Cody spoke in favor of adoption of the amendment.

Representative Dellwo again spoke in favor of adoption of the amendment.

Representatives Campbell, Hymes and Dyer spoke against the amendment.

Representative Dyer again spoke against the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 6, beginning on line 32 to Substitute House Bill No. 1046 and the amendment was not adopted by the following vote: Yeas - 34, Nays - 63, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 34.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 63.

Excused: Representative Goldsmith - 1.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 7, line 3, strike
"(13) RCW 43.72.100 and 1993 c 492 s 428;"

Representatives Dellwo, Veloria, Chopp, Tokuda and Mason spoke in favor of adoption of the amendment.

Representatives Dyer, Campbell and Backlund spoke against the amendment.

Representative Dyer again spoke against the amendment.

On motion of Representative Brown, Representative Ebersole was excused.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 7, line 3 to Substitute House Bill No. 1046 and the amendment was not adopted by the following vote: Yeas - 32, Nays - 64, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Morris, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Excused: Representatives Ebersole and Goldsmith - 2.

Representative Brown moved adoption of the following amendment by Representative Brown:

On page 7, line 17, strike "(27) RCW 43.72.240 and 1993 c 494 s 4 & 1993 c 492 s 466;"

Representatives Brown, Kessler and G. Fisher spoke in favor of adoption of the amendment.

Representatives Schoesler, Blanton, Radcliff, and Campbell spoke against the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment page 7, line 17 to Substitute House Bill No. 1046 and the amendment was not adopted by the following vote: Yeas - 33, Nays - 62, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 33.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Absent: Representative Chopp - 1.

Excused: Representatives Ebersole and Goldsmith - 2.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 7, beginning on line 18, strike
"(28) RCW 43.72.300 and 1993 c 492 s 447;
(29) RCW 43.72.310 and 1993 c 492 s 448;"

Representatives Dellwo and Mastin spoke in favor of adoption of the amendment.

Representative Dyer spoke against the amendment.

Representative Dellwo again spoke in favor of adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 7, beginning on line 18 to Substitute House Bill No. 1046 and the amendment was not adopted by the following vote: Yeas - 35, Nays - 61, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Excused: Representatives Ebersole and Goldsmith - 2.

Representative Patterson moved adoption of the following amendment by Representative Patterson:

On page 7, line 1, strike "RCW 43.72.080 and 1993 c 492 s 425;"

On page 8, line 5 strike "(54) RCW 48.43.160 and 1993 c 492 s 426;".
Representative Patterson spoke in favor of adoption of the amendment.

Representative Dyer spoke against the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 7, line 1 to Substitute House Bill No. 1046 and the amendment was not adopted by the following vote: Yeas - 36, Nays - 61, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 36.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Excused: Representative Goldsmith - 1.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 8, beginning on line 6, strike
"(55) RCW 48.43.170 and 1993 c 492 s 431;"

Representatives Dellwo, Morris and Conway spoke in favor of adoption of the amendment.

Representative Campbell spoke against adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 8, beginning line 6 to Substitute House Bill No. 1046 and the amendment was not adopted by the following vote: Yeas - 36, Nays - 61, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 36.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Excused: Representative Goldsmith - 1.

Representative Morris moved adoption of the following amendment by Representative Morris and others:

On page 8, after line 24, insert the following:

" **Sec. 9.** RCW 66.24.290 and 1994 sp.s. c 7 s 902 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his or her place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps provided under this section need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) An additional tax is imposed equal to seven percent multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(4)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through ~~(June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons)~~ December 31, 1995, and ninety-six cents per barrel thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (4) shall be deposited in the health services account under RCW 43.72.900.

(5) The tax imposed under this section shall not apply to "strong beer" as defined in this title."

POINT OF ORDER

Representative Dyer: Thank you Mr. Speaker, I would request a ruling on scope and object of amendment number 50 to Substitute House Bill No. 1046.

SPEAKER'S RULING

Representative Dyer: The title of Substitute House Bill No. 1046 is: "An act relating to health care reform improvement". The title is broad. The bill amends or repeals RCW section which are spread out over a dozen different chapters of law.

Amendment 50 would add to Substitute House Bill No. 1046 a section amending RCW 66.24.290 while RCW 66.24.290 IS NOT currently contained in the title of Substitute House Bill No. 1046, the Speaker will take note that RCW 66.24.290 specifically references chapter 43.72 RCW and that is a chapter named 35 times in the title of Substitute House Bill No. 1046.

The Speaker finds that amendment 50 is within the scope of the title of Substitute House Bill No. 1046. The Speaker finds that Substitute House Bill No. 1046 is a very broad bill relating to making major changes in the 1993 Health Care Act. The language in RCW 66.24.290 which amendment 050 seeks to strike, was added by the 1993 Act and was an important part of that act.

The Speaker finds that amendment 050 is within both the scope and object of Substitute House Bill No. 1046.

Representative Dyer, your point of order is not well taken.

Representative Morris spoke in favor of adoption of the amendment.

MOTIONS

On motion of Representative Foreman, the House deferred further consideration of Substitute House Bill No. 1046.

On motion of Representative Foreman, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READINGS

HB 1817 by Representatives Pennington, Crouse, Sherstad, Sheldon, Mielke, Dyer, Delvin, Radcliff, Casada, Stevens, Honeyford, Thompson, Koster, Benton, Carlson, Schoesler, Carrell, Campbell, Reams, Mitchell, Padden, Elliot, Robertson, K. Schmidt, Van Luven, D. Schmidt, L. Thomas, Smith, Lisk, Johnson, Ballasiotes, Chandler, Fuhrman, McMorris, Huff, Lambert, Sehlin, Foreman, Hargrove, Brumsickle, Hymes, Buck, Skinner, Blanton, B. Thomas and Hicel

AN ACT Relating to taxes for health care services; amending RCW 82.24.020, 82.08.150, and 66.24.290; providing an effective date; and declaring an emergency.

HB 1818 by Representatives R. Fisher, Robertson, Scott, Costa, Mason, Ogden, Wolfe, Conway and Cody; by request of Washington State Patrol

AN ACT Relating to criminal justice funding; amending RCW 82.14.310 and 82.14.320; and reenacting and amending RCW 82.44.110.

Referred to Committee on Appropriations.

HB 1819 by Representatives Schoesler, Chappell, Padden, Robertson, Boldt, Jacobsen, Carrell, Crouse, Conway, Sheahan, Carlson, Ballasiotes, Delvin, Kremen, Dyer, Honeyford, Casada, Basich, Thompson and Costa

AN ACT Relating to an assessment to fund youth anti-crime programs; and amending RCW 3.62.090.

Referred to Committee on Law & Justice.

HB 1820 by Representative K. Schmidt

AN ACT Relating to towing vehicles; amending RCW 46.55.090, 46.55.140, 46.20.435, and 46.61.625; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.55 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1821 by Representatives Kessler, Buck, Quall, Carlson, Casada and Basich

AN ACT Relating to unemployment compensation for persons with public employment contracts; and adding a new section to chapter 50.20 RCW.

Referred to Committee on Commerce & Labor.

HB 1822 by Representatives Goldsmith, Reams and Honeyford

AN ACT Relating to growth management hearings boards; amending RCW 36.70A.280 and 36.70A.300; and reenacting and amending RCW 36.70A.290.

Referred to Committee on Government Operations.

HB 1823 by Representatives Goldsmith, Reams, Honeyford, Koster, Stevens and Thompson

AN ACT Relating to powers of initiative and referendum regarding the growth management act; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Government Operations.

HB 1824 by Representatives Goldsmith, Reams, Honeyford, Koster and Thompson

AN ACT Relating to planning for growth; and amending RCW 36.70A.110.

Referred to Committee on Government Operations.

HB 1825 by Representatives Quall, Schoesler, Scott, Carrell, Patterson, Radcliff, Veloria, Basich, Regala and Thompson

AN ACT Relating to retirement in order to care for a disabled spouse; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 1826 by Representatives Horn, Romero and Hargrove

AN ACT Relating to gambling taxes; and amending RCW 9.46.110.

Referred to Committee on Finance.

HB 1827 by Representatives Dyer, Dellwo, Morris and Jacobsen; by request of Health Services Commission

AN ACT Relating to conflicts of interest among health care providers, facilities, and third-party payers; amending RCW 18.35.110, 18.46.050, 18.51.054, 18.51.060, 18.100.140, 18.130.180, 43.72.010, 48.05.140, 48.62.091, 70.41.130, 70.42.120, 70.42.130, 70.42.140, 70.42.150, 70.42.160, 70.127.170, 70.175.100, and 71.12.590; adding a new chapter to Title 19 RCW; creating new sections; repealing RCW 19.68.010, 19.68.020, 19.68.030, 19.68.040, and 51.48.280; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

HB 1828 by Representatives Dellwo, Morris and Jacobsen; by request of Health Services Commission

AN ACT Relating to uniform benefits package and supplemental benefits rate limitations; amending RCW 43.72.100 and 43.72.170; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1829 by Representatives Dellwo and Jacobsen; by request of Health Services Commission

AN ACT Relating to clarifying the requirements for calculating the growth rate of the maximum premium; and amending RCW 43.72.040.

Referred to Committee on Health Care.

HB 1830 by Representatives Dyer, Dellwo and Morris; by request of Health Services Commission

AN ACT Relating to clarifying the health service commission's definition of health care provider; and amending RCW 43.72.010.

Referred to Committee on Health Care.

HB 1831 by Representatives Dyer, Dellwo and Morris; by request of Health Services Commission

AN ACT Relating to supplemental benefits for health services; amending RCW 41.56.201, 43.72.010, 43.72.040, 43.72.090, 43.72.100, 43.72.120, 43.72.160, 43.72.170, 43.72.190, 43.72.810, 48.01.210, and 48.43.050; amending 1993 c 492 s 102 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1832 by Representative Dellwo; by request of Health Services Commission

AN ACT Relating to total quality management; amending RCW 43.72.070; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1833 by Representatives Dellwo and Jacobsen; by request of Health Services Commission

AN ACT Relating to health care entities reporting requirements; and adding a new section to chapter 70.170 RCW.

Referred to Committee on Health Care.

HB 1834 by Representatives Wolfe, L. Thomas, Kessler, Dickerson, Romero, Chopp, Quall, Smith, Kremen, Ebersole, Basich, Costa and Cody

AN ACT Relating to early retirement benefits; reenacting and amending RCW 43.01.170 and 28A.400.212; creating new sections; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1835 by Representatives Schoesler, Basich, Kremen, Mitchell and Beekma

AN ACT Relating to alterations to manufactured homes; and amending RCW 43.22.440.

Referred to Committee on Trade & Economic Development.

HB 1836 by Representatives Horn, Romero, Mitchell, Van Luven, Hickel, Dickerson, Reams, Regala, Cole, Veloria, Patterson, Blanton, R. Fisher, Wolfe and Schoesler

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

Referred to Committee on Transportation.

HB 1837 by Representatives Chandler and Dellwo

AN ACT Relating to water quality account distributions; amending RCW 70.146.020 and 70.146.075; reenacting and amending RCW 70.146.060; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1838 by Representatives Jacobsen, Cole, Dickerson, Conway, Cody, Hatfield and Quall

AN ACT Relating to the use of nonmajor league baseball replacement players; amending RCW 67.30.010; adding a new section to chapter 49.32 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1839 by Representatives Van Luven, Wolfe, Silver, Ogden, Patterson, Sheldon and Costa; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to mobile home relocation assistance; amending RCW 59.21.010, 59.21.030, 59.21.040, 59.21.050, and 59.21.070; reenacting and amending RCW 59.21.105 and 43.84.092; reenacting RCW 59.21.005; creating new sections; repealing RCW 59.21.020, 59.21.035, 59.21.080, 59.21.085, 59.21.095, 59.21.900, 59.21.901, 59.21.902, and 59.21.903; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1840 by Representatives Lisk and Romero

AN ACT Relating to the assignment of rights of lottery prize winners; amending RCW 67.70.100; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1841 by Representatives Kessler, Johnson, Hatfield, Buck, Kremen, Basich and Sheldon

AN ACT Relating to transfer fees for limited commercial fishery licenses; and amending RCW 75.28.011.

Referred to Committee on Natural Resources.

HB 1842 by Representatives Kessler, Ballasiotes, Dellwo, Cody, Chappell, Skinner, Backlund, Veloria, Hatfield, Sherstad, Cole, Dickerson, Costa, Wolfe and Conway

AN ACT Relating to the head injury trust fund; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1843 by Representatives Lisk, Cole, Hargrove, Romero, Horn and Conway

AN ACT Relating to the board of plumbers; amending RCW 18.106.110; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1844 by Representatives Lisk, Mastin, Cole, Horn and Conway

AN ACT Relating to enforcement of plumbers' certification; and amending RCW 18.106.170.

Referred to Committee on Commerce & Labor.

HB 1845 by Representatives D. Schmidt, Thompson, Fuhrman, L. Thomas, Blanton, Radcliff, Mason, Benton, Reams, Mitchell, McMorris, Backlund, Beekma, McMahan, Smith, Sherstad and Lambert

AN ACT Relating to making certain benefits provided by colleges to students optional; and amending RCW 28B.10.660.

Referred to Committee on Higher Education.

HB 1846 by Representatives Clements, Cole, Brumsickle, Elliot, Johnson, Dickerson, Quall, Smith, McMahan, Radcliff and Honeyford

AN ACT Relating to highly capable students; amending RCW 28A.185.020; and creating a new section.

Referred to Committee on Appropriations.

HB 1847 by Representatives Morris, Ebersole, Appelwick, Ogden, Sommers, Conway, Grant, Mastin, Scott, Chappell, Jacobsen, Brown, Wolfe, Poulsen, Dellwo, Regala, Rust, Hatfield, Tokuda, R. Fisher, Quall, Basich, Patterson, Thibaudeau, Dickerson, Costa, G. Fisher, Chopp, Kessler, Kremen and Sheldon

AN ACT Relating to the juvenile justice system; amending RCW 13.40.025, 13.40.027, 13.40.030, 13.40.080, 13.40.150, 13.40.160, 13.40.180, 13.40.185, 13.40.205, 13.40.210, 13.40.230, 13.40.320, 13.06.050, 13.04.030, 13.40.040, 13.40.050, 13.40.130, and 9A.04.050; reenacting and amending RCW 13.40.020; adding a new section to chapter 13.40 RCW; creating new sections; repealing RCW 13.40.0354, 13.40.0357, and 13.40.193; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1848 by Representatives Morris, Ebersole, Ogden, Appelwick, Sommers, Conway, Grant, Mastin, Scott, Veloria, Chappell, Brown, Poulsen, Jacobsen, Wolfe, Mason, Dellwo, Valle, Regala, Rust, Cody, Hatfield, Dickerson, Patterson, G. Fisher, Sheldon, Costa, Chopp, Kessler, Kremen, Quall, Cole and Basich

AN ACT Relating to increasing juvenile detention facilities; creating a new section; and making an appropriation.

Referred to Committee on Capital Budget.

HB 1849 by Representatives Cole, Dickerson and Veloria

AN ACT Relating to school district director districts; and amending RCW 28A.315.520 and 42.12.010.

Referred to Committee on Education.

HB 1850 by Representatives McMahan, Robertson, Delvin, Chappell, Cody, Sheahan, Talcott, Koster, Huff, D. Schmidt, Backlund, Pelesky, Mulliken, Schoesler, Smith, Fuhrman, Clements, L. Thomas, Kremen and Sheldon

AN ACT Relating to the law enforcement officers' bill of rights; and adding a new chapter to Title 44 RCW.

Referred to Committee on Law & Justice.

HB 1851 by Representatives Pennington, Morris, Crouse, Sherstad, Dyer, Radcliff, Honeyford, Mielke, Kremen, Carlson, Sheldon, Campbell, Reams, Mitchell, Horn, Koster, Padden, Elliot, Robertson, Van Luven, D. Schmidt, Schoesler, L. Thomas, Smith, Lisk, Chandler, Fuhrman, McMorris, Benton, Sehlin, Foreman, Hargrove, Brumsickle, Hymes, Buck, Skinner, Blanton, Thompson, B. Thomas and Hicel

AN ACT Relating to deleting taxes allocable to the health services account; amending RCW 66.24.290; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1852 by Representatives Backlund, Morris, Dyer, Skinner, Poulsen and Thompson

AN ACT Relating to midwifery; amending RCW 18.50.010, 18.50.040, 18.50.105, and 18.50.108; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

HJM 4021 by Representatives Elliot, Cairnes, Sheahan, Thompson, Pelesky, Fuhrman, Radcliff, Brumsickle, Dickerson, Johnson, Quall, Smith, Sheldon, McMahan, Clements, Chandler, D. Schmidt, K. Schmidt, Hankins, Robertson, Reams, Crouse, Kremen, Mastin, Benton, Foreman, Honeyford, Basich, Mulliken, Carrell and Campbell

Requesting that Congress negotiate with Mexico in order to deport Mexican national criminal offenders incarcerated in the United States.

Referred to Committee on Law & Justice.

HJM 4022 by Representatives Fuhrman, Cairnes, Thompson, Boldt, Skinner, Pennington, Koster, Mielke, McMorris, D. Schmidt, Sheahan, Goldsmith, Crouse, Padden, Stevens, Backlund, Carrell, Sherstad, Pelesky, Buck, Blanton, Delvin, Johnson, Smith, Campbell, Elliot, Reams, Casada, Brumsickle, Hargrove, McMahan, Hymes, Mulliken, Chandler, Benton, Schoesler, Talcott and Sheldon

Petitioning Congress to limit involvement in world bodies.

Referred to Committee on Government Operations.

MOTION

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

Representative Foreman moved that the rules be suspended and House Bill No. 1817 be advanced to the second reading calendar and considered immediately.

Representative Mielke demanded an electronic roll call vote on the motion and the demand was sustained.

Representative Foreman spoke in favor of the motion.

Representative Appelwick asks Representative Foreman to yield to a question, and the request is denied.

Representative Appelwick asks Representative Dyer to yield to a question, and the request is denied.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Appelwick spoke against the motion.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules on House Bill No. 1817 and the motion was not adopted by the following vote: Yeas - 61, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 36.

Excused: Representative Goldsmith - 1.

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

REPORTS OF STANDING COMMITTEES

February 8, 1995

HB 1080 Prime Sponsor, Representative Pennington: Establishing an exemption to the outdoor burning permit program for certain nonurban areas. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Poulsen and Robertson.

MINORITY recommendation: Without recommendation. Signed by Representatives R. Fisher; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen and Robertson.

Voting Nay: Representatives R. Fisher, Regala and Rust.

Excused: Representative Schoesler.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1163 Prime Sponsor, Representative Kremen: Providing a tax exemption for property used by nonprofit organizations for camping and recreational purposes. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; Jacobsen; Romero; Sheldon; Stevens and Thompson.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon and Stevens.

Excused: Representatives G. Fisher, B. Thomas and Thompson.

Referred to Committee on Finance.

February 8, 1995

HB 1178 Prime Sponsor, Representative McMorris: Exempting persons under age twenty-one employed on the family farm from industrial insurance coverage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Horn, Lisk, Romero and Thompson.

Voting Nay: Representative Hargrove.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1192 Prime Sponsor, Representative Robertson: Revising vehicle load fees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott and Tokuda.
Excused: Representatives Elliot, Patterson and Skinner.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1349 Prime Sponsor, Representative Lisk: Affecting noncharging of benefits to employers' unemployment insurance experience rating accounts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1351 Prime Sponsor, Representative Lisk: Determining unemployment insurance contribution rates for successor employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1381 Prime Sponsor, Representative Dyer: Sharing leave and personal holiday time. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.
Excused: Representative Hargrove.

Referred to Committee on Appropriations.

February 9, 1995

HB 1498 Prime Sponsor, Representative L. Thomas: Extending the expiration date for the pollution liability insurance program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Grant, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representatives Dyer and Mielke.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1512 Prime Sponsor, Representative Romero: Expanding the adopt-a-highway program. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Excused: Representatives Patterson and Quall.

Passed to Committee on Rules for second reading.

February 8, 1995

HB 1548 Prime Sponsor, Representative L. Thomas: Auditing the state investment board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Passed to Committee on Rules for second reading.

February 7, 1995

HB 1705 Prime Sponsor, Representative Huff: Excluding utility line clearing from the definition of retail sale. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins,

Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Mastin, Mielke, Mitchell and Patterson.

Excused: Representative Kremen.

Referred to the Committee on Finance.

February 8, 1995

HJM 4008 Prime Sponsor, Representative Basich: Requesting modification of the federal Marine Mammal Protection Act. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; Jacobsen; Sheldon; Stevens and Thompson.

MINORITY recommendation: Do not pass. Signed by Representative Romero.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, Fuhrman, Jacobsen, Pennington, Regala, Sheldon, Stevens and Thompson.

Voting Nay: Representative Romero.

Excused: Representatives G. Fisher and L. Thomas.

Passed to Committee on Rules for second reading.

February 8, 1995

HJM 4010 Prime Sponsor, Representative Lisk: Requesting that unemployment benefits be removed from the IRS definition of taxable income. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Representative Foreman, the bills and memorials listed on today's committee reports under the fifth order of business were referred to the committees so designated.

On motion of Representative Foreman, the House advanced to the sixth order of business.

The House resumed consideration of amendment number 50 to Substitute House Bill No. 1046.

Representatives Appelwick, Romero, Morris, Kremen, Brown, Quall, Mastin, and Sheldon spoke in favor of adoption of the amendment.

Representatives Mielke, Padden, Carlson, Dyer and Elliot spoke against the adoption of the amendment.

POINT OF ORDER

Representative Morris: Thank you Mr. Speaker. I would ask the Speaker to admonish the gentleman who chairs the Health Care Committee from trying to impugn my integrity and my motives in suggesting to me this is a game. I want the taxes off beer and I have not enjoyed resounding support from my own caucus. But I am not going to have my motives in this regard questioned.

Speaker: All members should refrain from questioning motives.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 8, line 24 to Substitute House Bill No. 1046 and the amendment was not adopted by the following vote: Yeas - 25, Nays - 72, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Costa, Fisher, G., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon and Wolfe - 25.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehnin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Mr. Speaker - 72.

Excused: Representative Goldsmith - 1.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 1, strike everything after the enacting clause and insert

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.47 RCW to read as follows:
BASIC HEALTH PLAN--EXPANDED ENROLLMENT. (1) The legislature finds that the basic health plan has been an effective program in providing health coverage for uninsured residents. Further, since 1993, substantial amounts of public funds have been allocated for subsidized basic health plan enrollment.

(2) It is the intent of the legislature that the basic health plan enrollment be expanded expeditiously, consistent with funds available in the health services account, with the goal of one hundred thirty thousand subsidized enrollees by June 30, 1997, with the priority of providing needed health services to children in conjunction with other public programs.

(3) Effective January 1, 1996, basic health plan enrollees whose income is less than one hundred twenty-five percent of the federal poverty level shall pay no premium share.

(4) No later than July 1, 1996, the administrator shall implement procedures whereby hospitals licensed under chapters 70.41 and 71.12 RCW, rural health care facilities regulated under chapter 70.175 RCW, and community and migrant health centers funded under RCW 41.05.220, may, at no remuneration, expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

(5) No later than July 1, 1996, the administrator shall implement procedures whereby health insurance agents and brokers, licensed under chapter 48.17 RCW, may, at no remuneration, expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of

social and health services. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

NEW SECTION. Sec. 2. HEALTH CARE SAVINGS ACCOUNTS. (1) This chapter shall be known as the health care savings account act.

(2) The legislature recognizes that the costs of health care are increasing rapidly and most individuals are removed from participating in the purchase of their health care.

As a result, it becomes critical to encourage and support solutions to alleviate the demand for diminishing state resources. In response to these increasing costs in health care spending, the legislature intends to clarify that health care savings accounts may be offered as health benefit options to all residents as incentives to reduce unnecessary health services utilization, administration, and paperwork, and to encourage individuals to be in charge of and participate directly in their use of service and health care spending. To alleviate the possible impoverishment of residents requiring long-term care, health care savings accounts may promote savings for long-term care and provide incentives for individuals to protect themselves from financial hardship due to a long-term health care need.

(3) Health care savings accounts are authorized in Washington state as options to employers and residents.

NEW SECTION. Sec. 3. HEALTH CARE SAVINGS ACCOUNTS--REQUEST FOR TAX EXEMPTION. The governor and responsible agencies shall:

(1) Request that the United States congress amend the internal revenue code to treat premiums and contributions to health benefits plans, such as health care savings account programs, basic health plans, conventional and standard health plans offered through a health carrier, by employers, self-employed persons, and individuals, as fully excluded employer expenses and deductible from individual adjusted gross income for federal tax purposes.

(2) Request that the United States congress amend the internal revenue code to exempt from federal income tax interest that accrues in health care savings accounts until such money is withdrawn for expenditures other than eligible health expenses as defined in law.

(3) If all federal statute or regulatory waivers necessary to fully implement this chapter have not been obtained by the effective date of this section, this act shall remain in effect.

NEW SECTION. Sec. 4. INSURANCE REFORM--DEFINITIONS. Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, fraternal benefit societies regulated under chapter 48.36A RCW, a health care service contractor as defined in RCW 48.44.010 or a health maintenance organization as defined in RCW 48.46.020.

(2) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(3) "Health plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care service except the following:

- (a) Long-term care insurance governed by chapter 48.84 RCW;
- (b) Medicare supplemental health insurance governed by chapter 48.66 RCW;
- (c) Limited health care service offered by limited health care service contractors in accordance with RCW 48.44.035;
- (d) Disability income;
- (e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;
- (f) Workers' compensation coverage; and
- (g) Accident only coverage.

(4) "Covered person" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(5) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

NEW SECTION. Sec. 5. INSURANCE REFORM--PORTABILITY. (1) Every health carrier shall waive any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan if such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least three months under the immediately preceding health plan, the carrier may not impose a waiting

period for coverage of preexisting conditions. If the person was continuously covered for less than three months under the immediately preceding health plan, the carrier must credit any waiting period under the immediately preceding health plan toward the new health plan. For the purposes of this subsection, a health plan includes an employer provided self-funded health plan.

(2) Nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history. A waiting period may be applied for use of a particular benefit imposed equally upon all covered persons without regard to health condition.

NEW SECTION. Sec. 6. INSURANCE REFORM--PREEXISTING CONDITIONS. (1) No carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment within three months before the effective date of coverage.

(2) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. These provisions apply only to individuals who are Washington residents as defined in law.

NEW SECTION. Sec. 7. INSURANCE REFORM--GUARANTEED ISSUE. (1) Except as provided in subsection (4) of this section, all health plans shall contain or incorporate by endorsement, a guarantee of the continuity of coverage of the plan.

(2) For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. In the case of group plans, the carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

- (a) Nonpayment of premium;
- (b) Violation of published policies of the carrier approved by the insurance commissioner;
- (c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;
- (d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;
- (e) Covered persons committing fraudulent acts as to the carrier;
- (f) Covered persons who materially breach the health plan; or
- (g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

NEW SECTION. Sec. 8. CODIFICATION DIRECTION. Sections 2 and 3 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 9. CODIFICATION DIRECTION. Sections 4 through 7 of this act are each added to chapter 48.43 RCW.

NEW SECTION. Sec. 10. CAPTIONS NOT LAW. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 11. EFFECTIVE DATE. This act shall take effect January 1, 1996.

NEW SECTION. Sec. 12. SAVINGS CLAUSE. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

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

NEW SECTION. **Sec. 14. ACT TITLE.** This act shall be known as the health reform simplification act.

NEW SECTION. **Sec. 15. REFERENDUM.** This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. **Sec. 16. REPEALERS.** The following acts or parts of acts are each repealed:

- (1) RCW 43.72.210 and 1993 c 492 s 463;
- (2) RCW 43.72.220 and 1993 c 494 s 3 & 1993 c 492 s 464;
- (3) RCW 48.20.540 and 1993 c 492 s 283;
- (4) RCW 48.21.340 and 1993 c 492 s 284;
- (5) RCW 48.44.480 and 1993 c 492 s 285; and
- (6) RCW 48.46.550 and 1993 c 492 s 286."

Representatives Dellwo, Dickerson and Conway spoke in favor of adoption of the amendment.

Representative Dyer spoke against adoption of the amendment.

Representative Dyer again spoke against adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 1 to Substitute House Bill No. 1046 and the amendment was not adopted by the following vote: Yeas - 29, Nays - 68, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Morris, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 29.

Voting nay: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 68.

Excused: Representative Goldsmith - 1.

The bill was ordered engrossed.

STATEMENT FOR THE JOURNAL

Representative Veloria intended to vote YEA on amendment number 51 to Engrossed Substitute House Bill No. 1046.

VELMA VELORIA, 11th District

Engrossed Substitute House Bill No. 1046 was passed to the Committee on Rules.

MOTION

On motion of Representative Foreman, the House advanced to the eighth order of business.

On motion of Representative Foreman, House Bill No. 1543 was re-referred from the Committee on Government Operations to the Committee on Education; House Bill No. 1247 was re-referred from the Committee on Capital Budget to the Rules Committee; House Bill No. 1248 was re-referred from the Committee on Finance to the Rules Committee and House Bill No. 1421 was re-referred from the Committee on Trade & Economic Development to the Committee on Finance.

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

POINT OF PERSONAL PRIVILEGE

Representative Mielke: Thank you Mr. Speaker. Occasionally we all get caught up in these debates and I think everyone in this Chamber is very committed to improving this state. And sometimes we get so caught up that we forget the special times in our life and we'd like to certainly acknowledge that this is a special time for one of the members in this Chamber, Phil Dyer's 42nd birthday is today. And rather celebrating that with his loved one, he's here with us. And so we'd certainly like to wish him a happy birthday. We'd also like to invite everyone here in the Chamber, his friends around, to join us for cake in the caucus once we adjourn.

MOTION

On motion of Representative Appelwick, the rules were suspended, and House Bill No. 1817 was advanced to second reading and read the second time in full.

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

SECOND READING

HOUSE BILL NO. 1817, by Representatives Pennington, Crouse, Sherstad, Sheldon, Mielke, Dyer, Delvin, Radcliff, Casada, Stevens, Honeyford, Thompson, Koster, Benton, Carlson, Schoesler, Carrell, Campbell, Reams, Mitchell, Padden, Elliot, Robertson, K. Schmidt, Van Luven, D. Schmidt, L. Thomas, Smith, Lisk, Johnson, Ballasiotes, Chandler, Fuhrman, McMorris, Huff, Lambert, Sehlin, Foreman, Hargrove, Brumsickle, Hymes, Buck, Skinner, Blanton, B. Thomas and Hickel

Deleting 1995 tax increases allocable to the health services account.

The bill was read the second time.

With the consent of the House, the House deferred further consideration of House Bill No. 1817.

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

MOTION

On motion of Representative Foreman, the House adjourned until 1:30 p.m., Friday, February 11, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

THIRTY-THIRD DAY, FEBRUARY 10, 1995

JOURNAL OF THE HOUSE

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

THIRTY-SIXTH DAY

—————
AFTERNOON SESSION

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House Chamber, Olympia, Monday, February 13, 1995

The House was called to order at 1:30 p.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rick Gorka and Sarah Alexander. Prayer was offered by Reverend William Riker of St. Benedicts Episcopal Church, Lacey.

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

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

MESSAGE FROM THE SENATE

February 10, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5325,

and the same is herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1853 by Representatives Smith, Padden, Campbell, Koster, Johnson, Blanton, Silver, Benton and Thompson

AN ACT Relating to juveniles; amending RCW 13.40.0357, 13.40.040, 13.40.050, 13.40.125, 13.40.160, and 13.40.200; reenacting and amending RCW 13.40.020; adding a new section to chapter 13.40 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1854 by Representatives Brumsickle, Carlson, Cole, Dickerson, Radcliff, Benton, Poulsen, Hatfield, Cody, Chopp, Mulliken, Conway, Regala, Basich, Veloria, Jacobsen, Tokuda, G. Fisher, Scott, Patterson, Romero, Rust and Ogden; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction

AN ACT Relating to school district and library district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, and 39.36.020; repealing RCW 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

HB 1855 by Representatives Grant, Mielke, Morris, Mastin, Radcliff, Casada, Kessler, Kremen and Basich

AN ACT Relating to regulatory impact notes; amending RCW 43.41.110; and adding a new chapter to Title 43 RCW.

Referred to Committee on Government Operations.

HB 1856 by Representatives Blanton, Costa, Dickerson, D. Schmidt, Thompson, Radcliff, Sherstad, Beeksma and Romero

AN ACT Relating to clarifying the liability of lenders under the model toxics control act; and amending RCW 70.105D.020.

Referred to Committee on Financial Institutions & Insurance.

HB 1857 by Representatives Pelesky, Carrell, L. Thomas, Hargrove and B. Thomas

AN ACT Relating to title insurers; and amending RCW 48.29.010.

Referred to Committee on Financial Institutions & Insurance.

HB 1858 by Representatives Ballasiotes, Costa, Robertson, Cody, Morris, Regala, Chopp, Ogden, Mitchell, Tokuda, Appelwick, Honeyford, Radcliff, Blanton, Dickerson, Campbell, Conway, Kessler and Ebersole

AN ACT Relating to the office of crime victims advocacy; and adding a new section to chapter 43.280 RCW.

Referred to Committee on Government Operations.

HB 1859 by Representatives Beeksma, Smith, Benton, Huff, Pelesky, L. Thomas and Van Luven

AN ACT Relating to authorizing interstate bank branching; amending RCW 30.04.075 and 30.40.020; adding a new section to chapter 30.04 RCW; adding a new chapter to Title 30 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1860 by Representatives L. Thomas, Goldsmith and Robertson

AN ACT Relating to real estate appraisers; amending RCW 18.140.005, 18.140.010, 18.140.020, 18.140.030, 18.140.060, 18.140.090, 18.140.110, 18.140.120, 18.140.140, 18.140.150, 18.140.160, 18.140.170, and 18.140.180; adding a new section to chapter 50.04

RCW; adding new sections to chapter 18.140 RCW; adding a new chapter to Title 60 RCW; repealing RCW 18.140.085; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1861 by Representatives Scott, Appelwick and Delvin

AN ACT Relating to privileged communications; and amending RCW 5.60.060.

Referred to Committee on Law & Justice.

HB 1862 by Representatives Reams, K. Schmidt, Horn, Hankins and Blanton

AN ACT Relating to home-matching; amending RCW 43.63A.670 and 43.63A.680; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 1863 by Representatives Conway, Jacobsen, Brown, Carlson, Cole, Quall, Thibaudeau, Morris, Cody, Brumsickle, Delvin, Chopp, Basich and Scott

AN ACT Relating to labor relations in institutions of higher education; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1864 by Representatives Hankins, Grant, Delvin, Mastin, Robertson, Brumsickle, Blanton, Stevens, Honeyford, Casada, Silver and Benton

AN ACT Relating to cities or counties approving new housing authority facilities; and adding a new section to chapter 35.82 RCW.

Referred to Committee on Government Operations.

HB 1865 by Representatives Mitchell and Tokuda

AN ACT Relating to guardianship; and amending RCW 11.88.030, 11.88.040, 11.88.045, 11.88.090, 11.88.095, 11.92.050, 11.92.053, 11.92.180, and 11.94.010.

Referred to Committee on Law & Justice.

HB 1866 by Representatives Elliot, K. Schmidt and Benton

AN ACT Relating to aeronautics; amending RCW 47.68.340; adding a new section to chapter 47.68 RCW; and repealing RCW 47.68.370.

Referred to Committee on Transportation.

HB 1867 by Representatives Wolfe, Romero, Goldsmith, Ogden, Kessler, Costa, Dellwo, Smith, L. Thomas and Cody

AN ACT Relating to the deaf and hard of hearing; and adding a new section to chapter 28A.155 RCW.

Referred to Committee on Education.

HB 1868 by Representatives Casada, Skinner and Silver

AN ACT Relating to preservation of medical records; and amending RCW 70.41.190.

Referred to Committee on Health Care.

HB 1869 by Representatives Lisk, Cairnes, Horn, Hargrove, L. Thomas and Thompson

AN ACT Relating to establishing eligibility for unemployment compensation through work referral; and amending RCW 50.20.010.

Referred to Committee on Commerce & Labor.

HB 1870 by Representatives Mulliken, Scott, L. Thomas, Wolfe, Van Luven, Goldsmith, D. Schmidt, Reams, Thompson and Mason

AN ACT Relating to electrical inspections; and amending RCW 19.28.070, 19.28.350, and 19.28.620.

Referred to Committee on Commerce & Labor.

HB 1871 by Representatives Sheahan and Schoesler

AN ACT Relating to tax equalization for transit systems imposing a utility tax; and amending RCW 82.14.046.

Referred to Committee on Transportation.

HB 1872 by Representatives Crouse, Dyer, Dellwo, Wolfe, Morris, Sherstad, Conway, Cody and Padden

AN ACT Relating to the authority of the board of physical therapy over supportive personnel; and reenacting and amending RCW 18.74.023.

Referred to Committee on Health Care.

HB 1873 by Representatives Padden, Costa and Hickel; by request of Attorney General

AN ACT Relating to consumer leases; amending RCW 63.10.020, 63.10.040, and 63.10.050; adding new sections to chapter 63.10 RCW; and providing an effective date.

Referred to Committee on Law & Justice.

HB 1874 by Representatives Cooke, Tokuda and Chopp; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to creating an exemption from the real estate excise tax for affordable housing; amending RCW 82.46.010; and creating a new section.

Referred to Committee on Finance.

HB 1875 by Representatives Cooke, Tokuda, Chopp and Regala; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to affordable housing eligibility criteria; and amending RCW 43.185A.010.

Referred to Committee on Trade & Economic Development.

HB 1876 by Representatives Dyer and Dellwo

AN ACT Relating to the modification of provisions governing certified health plans providing dental benefits only; adding a new section to chapter 48.01 RCW; repealing RCW 48.01.210 and 43.72.110; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1877 by Representatives McMahan, Brumsickle, Benton, Sheahan, Koster, Elliot, Pelesky, Johnson, Stevens, Casada, Silver and Thompson

AN ACT Relating to providing additional educational opportunities for students; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 1878 by Representatives McMahan, Reams, Sheahan, Koster, Benton, Mielke, Blanton, Pelesky, Johnson, Stevens, Casada, Silver and Thompson

AN ACT Relating to encouraging sales of public real property; adding a new section to chapter 79.08 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.34 RCW; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Government Operations.

HB 1879 by Representative Boldt

AN ACT Relating to costs of juvenile offenders; and amending RCW 13.40.220.

Referred to Committee on Corrections.

HB 1880 by Representatives Boldt, Benton, Schoesler, L. Thomas, Carrell, Johnson, Radcliff, Blanton, McMahan, Campbell, Smith, Honeyford, Silver and Thompson

AN ACT Relating to welfare fraud; amending RCW 74.08.290; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1881 by Representatives Benton, Kremen, Schoesler, Carlson, Boldt, Pelesky, McMorris, Lisk, Kessler, L. Thomas, Carrell, Blanton, McMahan, Campbell, Smith, K. Schmidt, Dyer, Basich and Mason

AN ACT Relating to personal service contracts; amending RCW 42.52.030; and adding a new section to chapter 39.29 RCW.

Referred to Committee on Government Operations.

HB 1882 by Representatives Stevens and Boldt

AN ACT Relating to an inspector general; and adding a new chapter to Title 43 RCW.

Referred to Committee on Government Operations.

HB 1883 by Representatives Stevens, Backlund, Carrell, Campbell, Benton, Boldt and Thompson

AN ACT Relating to child abuse; adding a new section to chapter 26.44 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 1884 by Representatives Stevens and Thompson

AN ACT Relating to child abuse; and creating new sections.

Referred to Committee on Children & Family Services.

HB 1885 by Representatives Mason, Benton, Mulliken, Dickerson, Morris, Boldt, Smith, D. Schmidt, Chopp, Ogden, Wolfe, Campbell, Conway, Tokuda, Poulsen, Regala, Hatfield, Costa, Veloria, Van Luven, Delvin, Appelwick and Kessler

AN ACT Relating to sales and use tax exemptions for diapers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1886 by Representatives Mason, Kessler, Campbell, Benton, Morris, Dickerson, Boldt, D. Schmidt, Chopp, Wolfe, Ogden, Conway, Tokuda, Regala, Hatfield, Costa, Veloria, Appelwick, Delvin, Cooke, Romero and Elliot

AN ACT Relating to tax exemptions for feminine hygiene and health products; amending RCW 82.08.0281 and 82.12.0275; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1887 by Representatives Lambert, Carrell, Smith and Thompson

AN ACT Relating to waiving state-provided health care benefit plan coverage; amending RCW 41.05.065; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care.

HB 1888 by Representatives Dyer, Ebersole and Kremen

AN ACT Relating to hospital assessments for data collection; and amending RCW 70.170.080.

Referred to Committee on Health Care.

HB 1889 by Representatives L. Thomas, Backlund, Huff and Chappell; by request of State Auditor

AN ACT Relating to the internal organization and administration of the office of the state auditor; amending RCW 43.09.010, 43.09.170, 43.09.180, 43.09.200, 43.09.205, 43.09.220, 43.09.230, 43.09.240, 43.09.260, 43.09.265, 43.09.270, 43.09.280, 43.09.2801, 43.09.282, 43.09.290, 43.09.310, 43.09.330, 43.09.340, 43.09.410, 43.09.412, 43.09.414, 43.09.416, 43.09.418, 3.30.070, 3.62.020, 14.08.090, 35.02.132, 35.07.230, 35.21.270, 35.23.121, 35.23.535, 35.27.510, 35.33.031, 35.33.041, 35.33.075, 35.33.111, 35.34.050, 35.34.060, 35.34.120, 35.34.130, 35.34.190, 35.76.020, 35.76.030, 35.76.050, 35A.33.030,

35A.33.040, 35A.33.075, 35A.33.110, 35A.34.050, 35A.34.060, 35A.34.120, 35A.34.130, 35A.34.190, 35A.37.010, 36.22.140, 36.40.030, 36.40.040, 36.40.080, 36.40.220, 36.47.060, 36.68.530, 36.69.160, 36.80.080, 36.82.200, 40.14.070, 42.24.080, 42.24.090, 53.06.060, 56.08.110, 57.08.110, and 70.12.070; adding new sections to chapter 43.09 RCW; and repealing RCW 43.09.030, 43.09.040, 43.09.190, 43.09.250, and 43.09.300.

Referred to Committee on Government Operations.

HJR 4211 by Representatives Brumsickle, Carlson, Cole, Dickerson, Radcliff, Benton, Poulsen, Hatfield, Chopp, Mulliken, Valle, Conway, Regala, Basich, Veloria, Jacobsen, Ogden and Patterson; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction

Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

Referred to Committee on Education.

SSB 5325 by Senate Committee on Higher Education (originally sponsored by Senators Rinehart, Bauer, Prince, Pelz, Sheldon, Kohl, Drew and Wood)

Changing higher education fiscal provisions.

Referred to Committee on Higher Education.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 9, 1995

HB 1060 Prime Sponsor, Representative Lisk: Improving the licensing sections of the Washington state liquor act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Goldsmith.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Lisk, Romero and Thompson.

Excused: Representative Horn.

Referred to Committee on Appropriations.

February 9, 1995

HB 1065 Prime Sponsor, Representative Chandler: Providing that safety and health standards for agriculture shall be those in effect on January 1, 1993. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris,

Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Robertson and Schoesler.

Voting Nay: Representatives R. Fisher, Poulsen, Regala and Rust.

Referred to Committee on Commerce & Labor.

February 10, 1995

HB 1099 Prime Sponsor, Representative Scott: Requiring HIV testing for persons arrested for being involved with prostitution. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Lambert; McMahan; Morris; Robertson; Sheahan and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Chappell; Cody; Smith and Thibaudeau.

Voting Yea: Representatives Campbell, Carrell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson and Sheahan.

Voting Nay: Representatives Appelwick, Chappell, Cody, Costa, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1117 Prime Sponsor, Representative Lambert: Providing a deterrence for crimes committed at county or local penal institutions. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1152 Prime Sponsor, Representative Pennington: Changing fees regarding concealed pistol licenses. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Cody, Costa, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

February 10, 1995

HB 1189 Prime Sponsor, Representative Robertson: Revising provisions relating to dissemination of criminal history information by the Washington state patrol. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

February 10, 1995

HB 1229 Prime Sponsor, Representative Sheahan: Modifying options for payment of retirement allowances. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1278 Prime Sponsor, Representative Lambert: Allowing courts to set restitution amounts at a later hearing. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1282 Prime Sponsor, Representative Fuhrman: Authorizing landowners to kill coyotes and Columbian ground squirrels. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Pennington, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives Jacobsen, Regala and Romero.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1302 Prime Sponsor, Representative Delvin: Revising provisions relating to food stamp crimes. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 9, 1995

HB 1323 Prime Sponsor, Representative Cairnes: Exempting new construction from seller's disclosure requirements. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 10, after "purchaser" insert "and occupant"

Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel and Sherstad.

MINORITY recommendation: Do not pass. Signed by Representatives Veloria, Assistant Ranking Minority Member; Mason and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Radcliff, D. Schmidt, Sherstad and Van Luven.

Voting Nay: Representatives Mason, Valle and Veloria.

Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1361 Prime Sponsor, Representative Robertson: Authorizing arrest warrants to be served by facsimile transmission. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1362 Prime Sponsor, Representative Robertson: Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 9, 1995

HB 1376 Prime Sponsor, Representative Lisk: Amending the requirements for filing a claim for occupational disease. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman and Goldsmith.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Lisk and Thompson.
Voting Nay: Representatives Cody, Cole, Conway and Romero.
Excused: Representative Horn.

Passed to Committee on Rules for second reading.

February 9, 1995

HB 1378 Prime Sponsor, Representative Lisk: Limiting compensation for occupational disease not fully caused by covered occupational exposure. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman and Goldsmith.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Lisk and Thompson.
Voting Nay: Representatives Cody, Cole, Conway and Romero.
Excused: Representative Horn.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1412 Prime Sponsor, Representative Padden: Prescribing the penalty for misdemeanor violations for marihuana possession. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 9, 1995

HB 1415 Prime Sponsor, Representative Hargrove: Revising provisions relating to sureties for industrial insurance self-insurers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Goldsmith.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Lisk, Romero and Thompson.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

February 9, 1995

HB 1451 Prime Sponsor, Representative Mielke: Expanding employer workers' compensation group self-insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman and Goldsmith.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1452 Prime Sponsor, Representative Mitchell: Allowing voters to protect a portion of metropolitan park district property taxes from prorating. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.
Excused: Representative Goldsmith.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1495 Prime Sponsor, Representative Basich: Expanding timber excise tax small harvester option.
Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Referred to Committee on Finance.

February 10, 1995

HB 1497 Prime Sponsor, Representative B. Thomas: Facilitating electronic access to public records.
Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Scott, Assistant Ranking Minority Member; Chopp and R. Fisher.

Voting Yea: Representatives Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Sommers, L. Thomas, Van Luven and Wolfe.

Voting Nay: Representatives Chopp, R. Fisher and Scott.
Excused: Representative Goldsmith.

Referred to Committee on Appropriations.

February 9, 1995

HB 1525 Prime Sponsor, Representative L. Thomas: Lowering the number of items provided by banks for customers' examination of negotiable instruments. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Campbell, Dellwo, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Voting Nay: Representative Costa.
Excused: Representatives Dyer and Mielke.

Passed to Committee on Rules for second reading.

February 9, 1995

HB 1573 Prime Sponsor, Representative L. Thomas: Providing for heating oil liability protection.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Grant, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Mielke.

Referred to Committee on Finance.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

HOUSE RESOLUTION NO. 95-4615, by Representatives Backlund, Beeksma, Delvin, Schoesler, McMorris, Lambert, Skinner, D. Schmidt, Cooke, Talcott, Sherstad, Hymes, Carrell, Huff, Kremen, Dyer, Hargrove, Sheahan, Clements, Blanton, Hickel, Hankins, Casada, Benton, Poulsen, Pelesky, Robertson and Mason

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Abraham Lincoln, the sixteenth President of the United States of America, exhibited the highest level of excellence in service and sacrifice to his country; and

WHEREAS, Abraham Lincoln demonstrated unimpeachable moral character in all matters, large or small, public or personal, thereby earning himself the nickname "Honest Abe"; and

WHEREAS, Abraham Lincoln was a gentleman from humble beginnings, being raised in a log cabin, who cleared land and split rails as a young man, and although he later attained great stature in public life, he never lost touch, empathy, or the values he shared with the common person; and

WHEREAS, Abraham Lincoln exemplified the greatest tenacity, perseverance, and acumen in scholastic and professional endeavors, illustrated by the fact that he educated himself in the profession of law and following an apprenticeship earned a well-deserved reputation as a skilled, talented, and respected member of the bar; and

WHEREAS, Abraham Lincoln continues to be known and admired for his eloquent and accomplished oratory of viewpoints which were always rooted in the truest principles of liberty and justice, and which are perhaps best illustrated in his debate opposing slavery with Judge Stephen A. Douglas, and by the delivery of what has become known as the Gettysburg Address, which honored the magnitude of the cost of liberty; and

WHEREAS, Abraham Lincoln believed the republican form of government established by the Founding Fathers was the best means of ensuring freedom from despotic government and he became the father of the Republican Party dedicated to maintaining the truest principles of constitutional representation under the rule of law; and

WHEREAS, Abraham Lincoln unselfishly gave of himself throughout his long and distinguished commitment to public service to his fellow citizens which included judicial service in the Eighth Circuit, as a member of the Illinois State Legislature, as a member of the United States Congress, and as the President of the United States of America; and

WHEREAS, Abraham Lincoln courageously issued the famous Emancipation Proclamation Act of 1862, adopted by Congress later that same year, which valued the citizenship and respected the freedom of all persons regardless of race or color; and

WHEREAS, Abraham Lincoln, while President of the United States, did valiantly and nobly issue yearly Proclamations of National Prayer Day, duly adopted by Congress, that recognized the pursuits of Nations and Governments, as well as those of men, are dependent upon the solemn guidance and reverent will of God; and

WHEREAS, Abraham Lincoln, within one month of being inaugurated as President, faced the mighty challenge of a Civil War, which tore at the fabric of the union, pitting brother against brother, family against family, with a love of liberty and a firm assurance in the divine providence as his guide and support for the nation; and

WHEREAS, Abraham Lincoln steadfastly directed the campaign to victory in the Civil War, held malice toward none and a charity of spirit toward all, believed with conviction and firmness in the right and just, helped bind this great nation together and heal its wounds, and gave to us a just and lasting peace; and

WHEREAS, Abraham Lincoln suffered an untimely death, just five days after bringing the Civil War to an end in April 1865, at the hands of an assassin who tragically ended the life of a man who gave of himself to his country unselfishly, charitably, graciously, and patriotically for all causes that were just, noble, and honorable and that sought liberty and freedom for all; and

WHEREAS, Abraham Lincoln's own words are inscribed into the walls of the Lincoln Memorial in Washington D.C.: "That this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the sixteenth President of these United States, for his faith, character, ideals, and contributions which continue to poignantly and presently inspire the best within the hearts of men and women everywhere, and which will continue to do so for generations to come.

Representative Backlund moved adoption of the resolution.

Representative Backlund spoke in favor of the resolution.

House Resolution No. 4615 was adopted.

The Speaker assumed the chair.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046, by House Committee on Health Care (originally sponsored by Representatives Dyer, Carlson, Kremen, Cooke, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, B. Thomas, Radcliff, Hickel, Chandler, Backlund, Mastin, Mitchell, Foreman, Sehlin, Ballasiotes, Clements, Campbell, Sheldon, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Lisk)

Amending the health services act of 1993.

The bill was read the third time.

Representatives Dyer, Schoesler, Backlund, Beeksma, Robertson, Campbell, Carrell, Smith, Hymes, Mielke, Benton and Padden spoke in favor of passage of the bill.

Representatives Dellwo, Ebersole, Sommers, Conway, Thibaudeau, Dickerson, Appelwick, Chopp, Veloria and Mason spoke against passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was sustained.

Representative Dyer again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1046.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1046 and the bill passed the House by the following vote: Yeas - 71, Nays - 27, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 71.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Engrossed Substitute House Bill No. 1046, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

MOTION

There being no objection, the House adjourned until 9:55 a.m., Tuesday, February 14, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

THIRTY-SIXTH DAY, FEBRUARY 13, 1995

JOURNAL OF THE HOUSE

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

THIRTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 14, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding). The prayer was offered by Reverend Joe Fuiten, Cedar Park Assembly of God Church.

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

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

MESSAGE FROM THE SENATE

February 13, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5013,
SENATE BILL NO. 5030,
SENATE BILL NO. 5041,
SENATE BILL NO. 5054,
SENATE BILL NO. 5083,
SENATE BILL NO. 5091,
SENATE BILL NO. 5266,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1890 by Representatives Padden, Morris, Campbell, Casada, Stevens, Johnson, Benton and Smith

AN ACT Relating to property owners' damages for governmental actions; amending RCW 64.40.010 and 64.40.020; and repealing RCW 64.40.030.

Referred to Committee on Law & Justice.

HB 1891 by Representatives Smith, Wolfe and L. Thomas

AN ACT Relating to state-chartered financial institutions parity with federally chartered financial institutions; amending RCW 30.04.111 and 30.08.180; and reenacting and amending RCW 30.08.190.

Referred to Committee on Financial Institutions & Insurance.

HB 1892 by Representatives Appelwick and Lambert

AN ACT Relating to calculation of statutory time periods; and amending RCW 1.12.040.

Referred to Committee on Law & Justice.

HB 1893 by Representatives Ballasiotes and Blanton

AN ACT Relating to records of the department of corrections; amending RCW 72.09.050; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Corrections.

HB 1894 by Representatives Reams, D. Schmidt, Sheldon and Scott

AN ACT Relating to fire protection district finance officers; and amending RCW 52.16.010.

Referred to Committee on Government Operations.

HB 1895 by Representatives L. Thomas, Huff and Pelesky

AN ACT Relating to dishonored checks; adding a new section to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1896 by Representatives Pelesky and Casada

AN ACT Relating to community councils in unincorporated areas; and amending RCW 36.105.010, 36.105.020, and 36.105.030.

Referred to Committee on Government Operations.

HB 1897 by Representatives Hargrove, Cairnes, Thompson, Goldsmith, McMahan, Pelesky, Smith, McMorris, Brumsickle, Koster, D. Schmidt, Fuhrman and Casada

AN ACT Relating to standard plans for school building construction; amending RCW 28A.525.178; and adding a new section to chapter 28A.305 RCW.

Referred to Committee on Education.

HB 1898 by Representatives Hargrove, Cairnes, L. Thomas, Mulliken, Hymes, Thompson, Goldsmith, D. Schmidt, Crouse, Casada, Honeyford, Lambert, Benton, Koster, Stevens, Silver,

McMahan, Radcliff, Blanton, Sherstad, Boldt, Johnson, Carrell, Pelesky, Elliot, Huff, McMorris, Cooke, Fuhrman, Chandler, B. Thomas and Backlund

AN ACT Relating to allowing employers to purchase industrial insurance from private industry insurance carriers; adding a new section to chapter 51.04 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1899 by Representative Talcott; by request of Secretary of State

AN ACT Relating to elections; amending RCW 29.15.020, 29.80.010, 29.80.020, 29.80.030, 29.80.040, and 29.80.080; adding a new section to chapter 29.80 RCW; and repealing RCW 29.80.050 and 29.80.060.

Referred to Committee on Government Operations.

HB 1900 by Representatives Chopp, Dickerson, Thibaudeau, Sommers, Tokuda, Wolfe, Cody, Mason, Veloria, Ballasiotes, Appelwick, Jacobsen, Dellwo, Brown, Costa, R. Fisher, Regala, Rust and Ogden

AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.224, and 48.30.300; and reenacting and amending RCW 49.60.030, 49.60.040, 49.60.120, 49.60.222, 49.60.223, and 49.60.225.

Referred to Committee on Law & Justice.

HB 1901 by Representatives Chopp, Dickerson, Thibaudeau, Tokuda, Wolfe, Cody, Veloria, Mason, Appelwick, Jacobsen, R. Fisher, Regala and Costa

AN ACT Relating to expanding the jurisdiction of the human rights commission regarding gender identity; amending RCW 49.60.010, 49.60.020, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.224, and 48.30.300; and reenacting and amending RCW 49.60.030, 49.60.040, 49.60.120, 49.60.222, 49.60.223, and 49.60.225.

Referred to Committee on Law & Justice.

HB 1902 by Representatives Van Luven, Thibaudeau and Chopp

AN ACT Relating to public-private transportation initiatives; and repealing RCW 47.46.010, 47.46.020, 47.46.030, 47.46.040, 47.46.050, and 47.46.900.

Referred to Committee on Government Operations.

HB 1903 by Representatives Clements, Casada and Chandler

AN ACT Relating to rule making by administrative agencies; amending RCW 34.05.360, 34.05.345, 34.05.350, 18.104.040, 19.27.097, 43.21A.080, 43.21C.110, 43.27A.090, 43.37.030, 43.83B.420, 43.200.070, 43.200.080, 70.93.040, 70.93.090, 70.94.410, 70.94.457, 70.94.470, 70.94.477, 70.94.715, 70.95.260, 70.95D.080, 70.105.140, 70.107.060, 70.120.120, 76.09.040, 86.16.061, 90.14.230, 90.22.020, 90.48.220, 90.48.230, 90.54.050, 90.56.050, 90.58.200, 90.62.110, 90.70.080, 15.04.020, 15.13.260, 15.13.280, 15.13.460, 15.14.020, 15.17.030, 15.17.120, 15.17.920, 15.36.012, 15.36.021, 15.49.005, 15.49.081, 15.49.310, 15.49.930, 15.53.9012, 15.54.800, 15.58.040,

15.60.025, 15.76.180, 15.80.410, 15.83.100, 15.85.040, 15.86.060, 16.49.680, 16.49A.640, 16.49A.650, 16.57.080, 16.57.090, 16.57.140, 16.57.220, 16.57.400, 16.57.410, 16.58.030, 16.58.050, 16.58.130, 16.65.020, 16.65.030, 16.65.090, 16.68.170, 16.74.590, 17.10.074, 17.10.260, 17.21.040, 17.24.021, 20.01.020, 22.09.011, 22.09.020, 22.09.040, 22.09.045, 69.04.398, 69.04.761, 69.07.070, 69.25.030, 69.25.040, 7.68.030, 7.68.080, 18.27.125, 18.106.140, 19.28.210, 19.28.600, 19.30.130, 39.12.070, 43.22.432, 49.04.010, 49.12.091, 49.17.040, 49.22.030, 49.24.370, 49.26.130, 49.30.040, 49.38.070, 49.46.120, 49.48.070, 49.66.080, 49.70.165, 49.70.200, 49.70.210, 51.04.020, 51.08.142, 51.12.120, 51.16.060, 51.24.120, 51.16.210, 51.32.055, 51.32.095, 51.32.220, 51.32.240, 51.36.080, 51.44.150, 67.42.050, 70.74.390, 70.87.034, and 88.04.330; reenacting and amending RCW 70.105D.030 and 16.57.220; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.95C RCW; adding a new section to chapter 70.95E RCW; adding a new section to chapter 70.95F RCW; adding a new section to chapter 70.95I RCW; adding a new section to chapter 70.95J RCW; adding a new section to chapter 89.16 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.42 RCW; adding a new section to chapter 90.54 RCW; adding a new section to chapter 90.76 RCW; adding a new section to chapter 15.08 RCW; adding a new section to chapter 15.60 RCW; adding a new section to chapter 16.36 RCW; adding a new section to chapter 19.94 RCW; adding a new section to chapter 19.112 RCW; adding a new section to chapter 34.05 RCW; creating new sections; providing an effective date; and providing an expiration date.

HB 1904 by Representative Clements

AN ACT Relating to forfeiture after default on a contract; and amending RCW 61.30.090.

Referred to Committee on Law & Justice.

HB 1905 by Representatives Lambert, Sherstad, Pelesky, Casada and Johnson

AN ACT Relating to increasing the blood supply through directed donations; adding new sections to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1906 by Representatives Lambert and Cooke

AN ACT Relating to child care licensing; and amending RCW 74.15.020.

Referred to Committee on Children & Family Services.

HB 1907 by Representative Appelwick

AN ACT Relating to restrictions in residential time; and amending RCW 26.09.191 and 26.10.160.

Referred to Committee on Law & Justice.

HB 1908 by Representatives Dyer, Cooke, Ballasiotes, Stevens, Elliot, Talcott, Cairnes, Lambert, Pelesky, Hymes, Robertson, Mielke, Carrell, Backlund and L. Thomas

AN ACT Relating to long-term care; amending RCW 74.39.005, 74.39.040, 74.39A.010, 70.128.007, 70.128.010, 43.190.020, 43.190.060, 74.08.545, 74.08.550,

74.08.570, 18.51.091, 18.51.140, 18.51.300, 11.40.010, 11.42.020, 11.62.010, 11.28.120, 18.39.250, 18.39.255, 68.46.050, 70.129.040, 43.20B.080, 74.46.105, 74.46.115, 74.46.640, and 74.46.690; adding new sections to chapter 74.39A RCW; adding new sections to chapter 70.41 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 74.46 RCW; creating a new section; recodifying RCW 74.08.530, 74.08.560, 74.08.570, 74.08.545, and 74.08.550; repealing RCW 74.08.541; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1909 by Representatives Carlson, Jacobsen, Goldsmith, Mulliken, Mason, Mastin, Delvin and Blanton

AN ACT Relating to higher education fiscal matters; amending RCW 28B.15.005, 28B.15.025, 28B.15.065, 28B.15.041, 28B.15.066, 28B.15.740, 28B.50.095, and 28B.80.360; reenacting and amending RCW 28B.15.031 and 28B.15.820; adding new sections to chapter 28B.15 RCW; creating new sections; repealing RCW 28B.15.067, 28B.15.076, 28B.15.202, 28B.15.402, and 28B.15.502; providing effective dates; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1910 by Representatives Goldsmith, Cairnes, Hargrove and Lisk

AN ACT Relating to determination of benefits for permanent partial disability by industrial insurance self-insurers; and amending RCW 51.32.055, 51.14.120, and 51.14.130.

Referred to Committee on Commerce & Labor.

HB 1911 by Representatives Lisk, Goldsmith, Hargrove and Cairnes

AN ACT Relating to expanding authority for retrospective rating plans; and adding a new section to chapter 51.16 RCW.

Referred to Committee on Commerce & Labor.

HB 1912 by Representative Dyer

AN ACT Relating to delegating nursing care in schools; amending RCW 18.79.260; and adding new sections to chapter 28A.210 RCW.

Referred to Committee on Education.

HB 1913 by Representatives Van Luven, Sheldon and Smith

AN ACT Relating to taxation of equipment and services used by film and video production companies; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1914 by Representative Stevens

AN ACT Relating to child abuse and neglect; and amending RCW 26.44.140.

Referred to Committee on Children & Family Services.

HB 1915 by Representatives Hargrove, Horn, Mielke, Goldsmith, Cairnes and Patterson

AN ACT Relating to extending self-insurer workers' compensation coverage to contractors and subcontractors of self-insured employers; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Commerce & Labor.

HB 1916 by Representative Cooke

AN ACT Relating to child care regulation; and creating new sections.

Referred to Committee on Children & Family Services.

HJM 4023 by Representatives Van Luven, Ebersole, Foreman, G. Fisher, Chandler, McMorris and Schoesler

Requesting recognition for the vital commercial and cultural relationship between the United States and Taiwan, the Republic of China.

Referred to Committee on Trade & Economic Development.

HJM 4024 by Representatives Delvin, Chandler, Mastin, Blanton, Mielke, Schoesler, Honeyford, Hankins, Sheahan, Crouse, Clements, Grant, Foreman and Padden

Requesting the incorporation of salmon restoration demonstration projects.

Referred to Committee on Natural Resources.

HJM 4025 by Representatives Kremen, Goldsmith and Hymes

Concerning the United States border crossing fee.

Referred to Committee on Trade & Economic Development.

SSB 5013 by Senate Committee on Natural Resources (originally sponsored by Senator Snyder)

Excluding all species of tuna, mackerel, and jack from the definitions of food fish and enhanced food fish.

Referred to Committee on Natural Resources.

SB 5030 by Senators Hargrove, Fraser, Winsley and Schow; by request of Department of Corrections

Revising procedures for offenders who violate conditions or requirements of sentences.

Referred to Committee on Corrections.

SB 5041 by Senators Winsley, Haugen and McCaslin

Authorizing temporary vacancies in local elective offices to be filled.

Referred to Committee on Government Operations.

SB 5054 by Senators Winsley and Haugen

Repealing a travel expenses accounting procedure.

Referred to Committee on Government Operations.

SB 5083 by Senators Oke, Bauer, Franklin, Haugen and C. Anderson; by request of Department of Veterans Affairs

Changing the composition of the veterans affairs advisory committee.

Referred to Committee on Government Operations.

SB 5091 by Senators Haugen, Winsley and Pelz

Raising the dollar limit for the public utility district alternative bid procedure.

Referred to Committee on Government Operations.

SB 5266 by Senators Pelz, Newhouse, Heavey, Wood and West; by request of Department of Licensing

Revising provisions regulating court reporting.

Referred to Committee on Commerce & Labor.

There being no objection, the bills and memorials listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Bill No. 1903 which will be held on the first reading calendar.

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

REPORTS OF STANDING COMMITTEES

February 10, 1995

HB 1004 Prime Sponsor, Representative Carlson: Allowing institutions of higher education to contract for services. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Basich; Benton; Blanton; Delvin and Mastin.

MINORITY recommendation: Do not pass. Signed by Representatives Mason, Assistant Ranking Minority Member; and Sheahan.

Voting Yea: Representatives Basich, Benton, Blanton, Carlson, Delvin, Jacobsen, Mastin and Mulliken.

Voting Nay: Representatives Mason and Sheahan.

Excused: Representative Goldsmith.

Referred to Committee on Appropriations.

February 10, 1995

HB 1144 Prime Sponsor, Representative Dyer: Amending the veterinary practice act to include implanting of electronic identification devices. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice

Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1205 Prime Sponsor, Representative Dyer: Modifying physician self-referral provisions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1321 Prime Sponsor, Representative Mulliken: Correcting citations to the tuition recovery trust fund. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Basich; Benton; Blanton; Delvin; Mastin and Sheahan.

Voting Yea: Representatives Basich, Benton, Blanton, Carlson, Delvin, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Excused: Representative Goldsmith.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1325 Prime Sponsor, Representative Sheahan: Changing tuition provisions for students in programs leading to the degree of doctor of pharmacy. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Blanton; Delvin; Mastin and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representatives Carlson, Chairman; and Benton.

Voting Yea: Representatives Basich, Blanton, Delvin, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Voting Nay: Representatives Carlson and Benton.

Excused: Representative Goldsmith.

Referred to Committee on Appropriations.

February 10, 1995

HB 1326 Prime Sponsor, Representative Mulliken: Prohibiting the resale and distribution of goods or services obtained by students free or under special terms of a contract. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Basich; Benton; Blanton; Delvin; Mastin and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representative Mason, Assistant Ranking Minority Member.

Voting Yea: Representatives Basich, Benton, Blanton, Carlson, Delvin, Jacobsen, Mastin, Mulliken and Sheahan.

Voting Nay: Representatives Mason.

Excused: Representative Goldsmith.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1328 Prime Sponsor, Representative Dyer: Revising the uniform disciplinary act. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

February 10, 1995

HB 1341 Prime Sponsor, Representative Fuhrman: Changing watercraft excise tax provisions. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Referred to Committee on Appropriations.

February 10, 1995

HB 1398 Prime Sponsor, Representative Dyer: Regulating acupuncture licensing. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

February 13, 1995

HB 1480 Prime Sponsor, Representative Brumsickle: Requiring that utility service charges of tenants be collected from the tenant. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Backlund; Ballasiotes; Hickel; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Veloria, Assistant Ranking Minority Member; Hatfield; Mason and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hickel, Radcliff, D. Schmidt, Sherstad, Skinner and Van Luven.

Voting Nay: Representatives Hatfield, Mason, Valle and Veloria.

Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

February 13, 1995

HB 1603 Prime Sponsor, Representative L. Thomas: Disclosing deposit account information. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Campbell; Costa; Dellwo; Huff; Kessler; Mielke and Pelesky.

Voting Yea: Representatives Beeksma, Campbell, Costa, Dellwo, Grant, Huff, Kessler, Mielke, Pelesky, Smith, L. Thomas and Wolfe.

Excused: Representatives Benton, Dyer and Ogden.

Passed to Committee on Rules for second reading.

February 13, 1995

HB 1607 Prime Sponsor, Representative Van Luven: Creating opportunities for international education. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sherstad, Skinner, Valle, Veloria and Van Luven.

Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

February 13, 1995

HB 1631 Prime Sponsor, Representative Jacobsen: Promoting international education and cultural and trade exchanges. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sherstad, Skinner, Valle, Veloria and Van Luven.
Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

February 13, 1995

HB 1667 Prime Sponsor, Representative Radcliff: Promoting sister relationships with other countries.
Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sherstad, Skinner, Valle, Veloria and Van Luven.
Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1607 and House Bill No. 1631 which will be held on the committee report calendar.

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

There being no objection, House Bill No. 1133 was re-referred from the Committee on Appropriations to the Committee on Finance and House Bill No. 1152 was re-referred from the Committee on Appropriations to the Committee on Finance.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, February 15, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

THIRTY-SEVENTH DAY, FEBRUARY 14, 1995

JOURNAL OF THE HOUSE

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THIRTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 15, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kristi Seefeldt and Kirsten Lestelle. Prayer was offered by Reverend William Riker of St. Benedicts Episcopal Church, Lacey.

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

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

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington 98504

Mr. Speaker:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signature on Initiative to the Legislature 164, a copy of which was preliminarily certified to you on January 10, 1995, and we have determined that the initiative contains the signatures of at least 181,667 legal voters of the State of Washington. Therefore, we hereby certify that Initiative to the Legislature 164 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington, this 13th day of February, 1995.

(Seal)

Ralph Munro, Secretary of State

INITIATIVE MEASURE NO. 164

AN ACT Relating to regulation of private property; adding a new chapter to Title 64 RCW

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

NEW SECTION. Sec. 1. This act is intended to provide remedies to property owners in addition to any constitutional rights under the state and/or federal constitutions and is not intended to restrict or replace any constitutional rights.

NEW SECTION. Sec. 2. This act shall be known as the private property regulatory fairness act.

NEW SECTION. Sec. 3. A regulation of private property or restraint of land use by a governmental entity is prohibited unless a statement containing a full analysis of the total economic impact in private property of such regulation or restraint is prepared by the entity and made available to the public at least thirty days prior to adoption of the regulation or imposition of the restraint. Such statement shall identify the manner in which the proposed action will substantially advance the purpose of protecting public health and safety against identified public health or safety risks created by the use of private property, and analyze the economic impact of all reasonable alternatives to the regulation or restraint. Should the governmental entity choose to adopt a proposed regulation or restraint on the use private property, the governmental entity shall adopt the regulation or restraint that has the least possible impact on private property and still accomplishes the necessary public purpose.

NEW SECTION. Sec. 4. (1) A portion or parcel of private property shall be considered to have been taken for general public use when:

(a) a governmental entity regulates or imposes a restraint of land use on such portion or parcel of property for public benefit including wetlands, fish or wildlife habitat, buffer zone, or other public benefit designations; and

(b) no public nuisance will be created absent the regulation; and

(2) When private property is taken for general public use, the regulating agency or jurisdiction shall pay full compensation of reduction in value to the owner, or the use of the land by the owner may not be restricted because of the regulation or restraint. The jurisdiction may not require waiving this compensation as a condition of approval of use or another permit, nor as a condition for subdivision of land.

(3) Compensation must be paid to the owner of a private property within three months of the adoption of a regulation or restraint which results in a taking for general public use.

(4) A governmental entity may not deflate the value of property by suggesting or threatening a designation to avoid full compensation to the owner.

(5) A governmental entity that places restriction on the use of public or private property which deprive a landowner of access to his or her property must also provide alternative access to the property at the governmental entity's expense, or purchase the inaccessible property.

(6) The assessor shall adjust property valuation for tax purposes and notify the owner of the new tax valuation, which must be reflected and identified in the next tax assessment notice.

(7) The state is responsible for the compensation liability of other governmental entities for any action which restricts the use of property when such action is mandated by state law or any state agency.

(8) Claims for compensation as a result of a taking of private property under this act must be brought within the time period specified in RCW 4.16.020.

NEW SECTION. Sec. 6. No governmental entity may require any private property owner to provide or pay for any studies, maps, plans, or reports used in decisions to consider restricting the use of private property for public use.

NEW SECTION. Sec. 7. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Full compensation" means the reduction in the fair market value of the portion or parcel of property taken for general public use which is attributable to the regulation or restraint. Such reduction shall be measured as of the date of adoption of the regulation or imposition of restraint on the use of private property.

(2) "Governmental entity" means Washington state, state agencies, agencies and commissions funded fully or partially by the state, counties, cities, and other political subdivisions.

(3) "Private property: means-

(a) land;

(b) any interest in land or improvements thereon;

(c) any proprietary water right;

(d) Any crops, forest products, or resources capable of being harvested or extracted that is owned by a non-governmental entity and is protected by either the Fifth or Fourteenth Amendments to the U.S. Constitution or the Washington State Constitution.

(4) "Restraint of land use" means any action, requirement, or restriction by a governmental entity, other than actions to prevent or abate public nuisances, that limits the use or development or private property.

NEW SECTION. Sec. 8 This act may be enforced in Superior Court against any governmental entity which fails to comply with the provisions of this act by any owner of property subject to the jurisdiction of such entity. Any prevailing plaintiff is entitled to recover the costs of litigation, including reasonable attorney's fees.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 64 RCW.

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

INTRODUCTIONS AND FIRST READING

HB 1903 by Representatives Clements, Casada and Chandler

"AN ACT Relating to rule making by administrative agencies; amending RCW 34.05.360, 34.05.345, 34.05.350, 18.104.040, 19.27.097, 43.21A.080, 43.21C.110, 43.27A.090, 43.37.030, 43.83B.420, 43.200.070, 43.200.080, 70.93.040, 70.93.090, 70.94.410, 70.94.457, 70.94.470, 70.94.477, 70.94.715, 70.95.260, 70.95D.080, 70.105.140, 70.107.060, 70.120.120, 76.09.040, 86.16.061, 90.14.230, 90.22.020, 90.48.220, 90.48.230, 90.54.050, 90.56.050, 90.58.200, 90.62.110, 90.70.080, 15.04.020, 15.13.260, 15.13.280, 15.13.460, 15.14.020, 15.17.030, 15.17.120, 15.17.920, 15.36.012, 15.36.021, 15.49.005, 15.49.081, 15.49.310, 15.49.930, 15.53.9012, 15.54.800, 15.58.040, 15.60.025, 15.76.180, 15.80.410, 15.83.100, 15.85.040, 15.86.060, 16.49.680, 16.49A.640, 16.49A.650, 16.57.080, 16.57.090, 16.57.140, 16.57.220, 16.57.400, 16.57.410, 16.58.030, 16.58.050, 16.58.130, 16.65.020, 16.65.030, 16.65.090, 16.68.170, 16.74.590, 17.10.074, 17.10.260, 17.21.040, 17.24.021, 20.01.020, 22.09.011, 22.09.020, 22.09.040, 22.09.045, 69.04.398, 69.04.761, 69.07.070, 69.25.030, 69.25.040, 7.68.030, 7.68.080, 18.27.125, 18.106.140, 19.28.210, 19.28.600, 19.30.130, 39.12.070, 43.22.432, 49.04.010, 49.12.091, 49.17.040, 49.22.030, 49.24.370, 49.26.130, 49.30.040, 49.38.070, 49.46.120, 49.48.070, 49.66.080, 49.70.165, 49.70.200, 49.70.210, 51.04.020, 51.08.142, 51.12.120, 51.16.060, 51.24.120, 51.16.210, 51.32.055, 51.32.095, 51.32.220, 51.32.240, 51.36.080, 51.44.150, 67.42.050, 70.74.390, 70.87.034, and 88.04.330; reenacting and amending RCW 70.105D.030 and 16.57.220; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 70.94 RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.95C RCW; adding a new section to chapter 70.95E RCW; adding a new section to chapter 70.95F RCW; adding a new section to chapter 70.95I RCW; adding a new section to chapter 70.95J RCW; adding a new section to chapter 89.16 RCW; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.42 RCW; adding a new section to chapter 90.54 RCW; adding a new section to chapter 90.76 RCW; adding a new section to chapter 15.08 RCW; adding a new section to chapter 15.60 RCW; adding a new section to chapter 16.36 RCW; adding a new section to chapter 19.94 RCW; adding a new section to chapter 19.112 RCW;

adding a new section to chapter 34.05 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.
Held on first from 2/14/95.

HB 1917 by Representatives Pennington, Fuhrman, Thompson, Goldsmith, McMorris and Kremen

AN ACT Relating to emergency response services; amending RCW 76.04.145; adding new sections to chapter 76.04 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1918 by Representatives Veloria, Costa, Quall, Cody, Regala, Dickerson, Cole, Basich and Mason

AN ACT Relating to the use of prison labor in political campaigns; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Corrections.

HB 1919 by Representatives Cody, Veloria, Campbell, Hatfield, Smith, Conway, Costa, Delvin, Morris, Chappell, Kremen, Dickerson, Regala, Basich and Mason

AN ACT Relating to sales and use tax exemption for trigger locks or gun safes; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1920 by Representatives Cairnes and Hargrove

AN ACT Relating to allowing reduction in disability compensation because of payments payable under employer-provided retirement plans; amending RCW 51.32.225; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1921 by Representatives Benton, Elliot, Chopp, Thompson, Carlson, D. Schmidt, Ogden and Mason

AN ACT Relating to existing general aviation airport land use encroachment planning; adding a new chapter to Title 36 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 1922 by Representatives K. Schmidt and R. Fisher

AN ACT Relating to vessels providing excursion services; adding new sections to chapter 81.84 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 1923 by Representatives Dickerson, Chopp, Regala, Cole, Hatfield, Sommers and Mason

AN ACT Relating to expenditures for correctional needs; amending RCW 43.135.025, 43.135.035, and 43.135.045; and creating a new section.

Referred to Committee on Appropriations.

HB 1924 by Representatives Koster, Goldsmith, Cairnes, Stevens, Clements, McMahan, Benton, D. Schmidt, Elliot, Smith, Campbell, Radcliff, Thompson and Hargrove

AN ACT Relating to notifying property owners of property taxes due on their property; and amending RCW 84.56.050.

Referred to Committee on Government Operations.

HB 1925 by Representatives Cairnes, Hargrove, Lisk, Thompson, Goldsmith, Hymes, Honeyford, D. Schmidt, Koster, Elliot, Chappell, Blanton, Hickel, Hankins, Radcliff, Pelesky, McMahan, Padden, Sheldon, K. Schmidt, Reams, Basich, Mulliken, Carrell, Huff, L. Thomas, Johnson, Silver, McMorris, Clements, Skinner, Backlund, Campbell, Benton, Carlson, Smith, Van Luven, Schoesler and Stevens

AN ACT Relating to growth management; amending RCW 36.70A.010, 36.70A.020, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, 36.70A.160, 36.70A.210, 36.70A.370, and 76.09.050; reenacting and amending RCW 36.70A.030; adding new sections to chapter 36.70A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1926 by Representatives Benton, Ebersole, Koster, Goldsmith, Delvin, Blanton, Boldt, Fuhrman and Hargrove

AN ACT Relating to higher education; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28B RCW; creating new sections; repealing RCW 28B.20.100, 28B.20.105, 28B.20.110, 28B.20.130, 28B.30.100, 28B.30.120, 28B.30.125, 28B.30.130, 28B.30.135, 28B.30.150, 28B.35.100, 28B.35.105, 28B.35.110, 28B.35.120, 28B.40.100, 28B.40.105, 28B.40.110, 28B.40.120, 28B.80.110, 28B.80.150, 28B.80.160, 28B.80.170, 28B.80.180, 28B.80.200, 28B.80.210, 28B.80.230, 28B.80.240, 28B.80.245, 28B.80.246, 28B.80.255, 28B.80.256, 28B.80.265, 28B.80.280, 28B.80.290, 28B.80.300, 28B.80.310, 28B.80.320, 28B.80.330, 28B.80.340, 28B.80.350, 28B.80.360, 28B.80.370, 28B.80.380, 28B.80.390, 28B.80.400, 28B.80.410, 28B.80.420, 28B.80.430, 28B.80.440, 28B.80.450, 28B.80.500, 28B.80.510, 28B.80.520, 28B.80.550, 28B.80.555, 28B.80.570, 28B.80.575, 28B.80.580, 28B.80.585, 28B.80.600, 28B.80.610, 28B.80.612, 28B.80.614, 28B.80.616, 28B.80.800, 28B.80.801, 28B.80.802, 28B.80.803, 28B.80.910, 28B.80.911, 28B.80.912, 28C.18.005, 28C.18.010, 28C.18.020, 28C.18.030, 28C.18.040, 28C.18.050, and 28C.18.060; providing effective dates; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1927 by Representatives Costa, Radcliff, Jacobsen, Scott, Blanton, Cole, Dickerson and Cairnes

AN ACT Relating to electing precinct committee officers; and amending RCW 29.42.050 and 29.36.030.

Referred to Committee on Government Operations.

HB 1928 by Representatives Morris, Blanton, Hatfield, Fuhrman and Mastin

AN ACT Relating to the development of inherited property; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations.

HB 1929 by Representatives Brumsickle and Morris

AN ACT Relating to jail industries; and amending RCW 36.110.020, 36.110.120, and 36.110.130.

Referred to Committee on Corrections.

HB 1930 by Representatives Hymes, Skinner, Radcliff, Cody, Kessler, Regala, Lambert, Mitchell, Mason, Ballasiotes, Kremen, Dyer, Hatfield, Costa, Mielke and Hargrove

AN ACT Relating to women's health; and adding new sections to chapter 48.43 RCW.

Referred to Committee on Health Care.

HB 1931 by Representatives Conway, Cody, Cole, Romero, Veloria, Chopp, Dickerson, Costa and Mason

AN ACT Relating to apprenticeship for electricians; amending RCW 19.28.510, 19.28.530, and 19.28.620; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1932 by Representatives Mielke, Patterson, Casada and Appelwick

AN ACT Relating to the delivery of telecommunications services; amending RCW 80.54.010; adding a new section to chapter 54.04 RCW; and creating a new section.

Referred to Committee on Energy & Utilities.

HB 1933 by Representative K. Schmidt

AN ACT Relating to distribution of the motor vehicle fund to cities and towns; and reenacting and amending RCW 46.68.110.

Referred to Committee on Transportation.

HB 1934 by Representatives Mielke, Silver, Sommers, L. Thomas, Hankins, Blanton and Honeyford

AN ACT Relating to the Washington state patrol retirement system; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Appropriations.

HB 1935 by Representatives Reams, L. Thomas, Jacobsen, Goldsmith, Appelwick, Blanton, Skinner, Thibaudeau, Chopp, Dyer, Thompson and Basich

AN ACT Relating to higher education; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

HB 1936 by Representatives Hymes, Brumsickle, L. Thomas, Clements, Schoesler, Dyer, Cooke, Lisk, Sherstad, Mielke, Lambert, Backlund, McMorris, Thompson and Hargrove

AN ACT Relating to privatizing medical assistance; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 1937 by Representatives Cole, Cody, Veloria and Conway

AN ACT Relating to the board of pharmacy; and adding new sections to chapter 18.64 RCW.

Referred to Committee on Health Care.

HB 1938 by Representatives L. Thomas, Mielke, Horn and Reams

AN ACT Relating to administration of the responsibilities of self-insurers; and amending RCW 51.14.020.

Referred to Committee on Financial Institutions & Insurance.

HB 1939 by Representatives Fuhrman, Beeksma, Chappell, Smith, Campbell, Kremen, Cairnes, Buck, Thompson and Hargrove

AN ACT Relating to shellfish resources; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1940 by Representatives Lisk and Honeyford

AN ACT Relating to selling of wine with a club's private label to members for consumption off the club premises; and amending RCW 66.24.370 and 66.24.450.

Referred to Committee on Commerce & Labor.

HB 1941 by Representatives Johnson, Brumsickle, Talcott and Thompson

AN ACT Relating to the improvement of reading literacy; amending RCW 28A.300.138 and 28A.165.040; adding a new section to chapter 28A.630 RCW; and creating a new section.

Referred to Committee on Education.

HB 1942 by Representatives Robertson, Delvin, Smith, Brown, Ballasiotes, McMahan, Sheldon, L. Thomas, Padden, Mulliken, Mielke, Chappell, Campbell, Benton, Honeyford, Thompson, Schoesler and Mitchell

AN ACT Relating to driving while under the influence of intoxicating liquor or any drug; amending RCW 46.20.308, 46.20.355, 46.61.502, 46.61.504, 46.61.5058, 46.61.524, 3.62.090, 10.05.060, 35.21.165, 36.32.127, 46.04.480, 46.20.311, 46.20.391, 46.61.5054, 46.61.5056, and 46.61.5151; reenacting and amending RCW 9.94A.320, 9.94A.360, and 46.63.020; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; repealing RCW 46.20.309, 46.20.365, 46.61.5051, 46.61.5052, 46.61.5053, and 46.61.5057; repealing 1994 c 275 s 44 (uncodified); prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1943 by Representatives Campbell, Smith and Pelesky

AN ACT Relating to voters' pamphlets; and amending RCW 29.81A.010 and 29.81A.020.

Referred to Committee on Government Operations.

HB 1944 by Representatives Campbell, Smith, Kessler, Pelesky, Costa and Hargrove

AN ACT Relating to the date of primary elections; and amending RCW 29.13.070.

Referred to Committee on Government Operations.

HB 1945 by Representatives Dyer and Dellwo

AN ACT Relating to patient care; amending RCW 48.43.170 and 43.72.310; adding a new section to chapter 43.72 RCW; adding a new section to chapter 70.43 RCW; adding new chapters to Title 70 RCW; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1946 by Representatives Veloria and Cody

AN ACT Relating to making an appropriation for the construction of a new library at Green River Community College; creating a new section; and making an appropriation.

Referred to Committee on Capital Budget.

HB 1947 by Representatives Benton, Pennington, Kremen and Boldt

AN ACT Relating to marking the drivers' licenses of drunk drivers; amending RCW 46.20.161; adding a new section to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Transportation.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 14, 1995

SHB 1021 Prime Sponsor, Committee on Corrections: Granting to adult court jurisdiction over juveniles who use a firearm while committing a violent offense. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill by Committee on Corrections be substituted therefor and the substitute bill as amended by Committee on Law & Justice do pass with the following amendment:

On page 2, beginning on line 26, after "firearm" strike "and discharged, aimed, or displayed the firearm"

On page 4, beginning on line 13, after "firearm" strike "and the offender discharged, aimed, or displayed the firearm"

Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Carrell, Chappell, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Cody, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

February 14, 1995

HB 1342 Prime Sponsor, Representative Fuhrman: Creating the parks renewal and stewardship account. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Excused: Representative G. Fisher.

Referred to Committee on Appropriations.

February 14, 1995

HB 1484 Prime Sponsor, Representative Pennington: Revising provisions relating to the landowner contingency forest fire suppression account. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens and Thompson.

Excused: Representatives G. Fisher and B. Thomas.

Referred to Committee on Finance.

February 14, 1995

HB 1538 Prime Sponsor, Representative Mastin: Allowing claims for damage by wild animals or wild birds to wild shrubs or range land vegetation. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksma; Cairnes; Elliot; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, Fuhrman, Pennington, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives Jacobsen, Regala and Romero.

Excused: Representative G. Fisher.

Referred to Committee on Appropriations.

February 13, 1995

HB 1607 Prime Sponsor, Representative Van Luven: Creating opportunities for international education. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sherstad, Skinner, Valle, Veloria and Van Luven.

Excused: Representative Sheldon.

Passed to Committee on Rules for second reading.

February 13, 1995

HB 1631 Prime Sponsor, Representative Jacobsen: Promoting international education and cultural and trade exchanges. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sherstad, Skinner, Valle, Veloria and Van Luven.

Excused: Representative Sheldon.

Referred to Committee on Appropriations.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4610, by Representatives Romero, Wolfe, Chappell, Campbell, Johnson, Brumsickle, Padden, Sheldon, Carlson, Dyer, Blanton, Hankins, Regala and Robertson

WHEREAS, Saint Martin's College, the oldest institution of higher education in the Olympia area, will celebrate one century of educational excellence on September 11, 1995; and

WHEREAS, Saint Martin's College and Abbey have been centers of spiritual and academic development in the state of Washington since they first opened their doors in a city called Woodland, later to become Lacey, Washington; and

WHEREAS, In 1895, the founding year of the school, *The Olympian* newspaper envisioned the vast local significance Saint Martin's College would have on its community when it proclaimed, "It is hardly possible to realize the great benefits which will accrue to the Olympia area by having such an institution. . ."; and

WHEREAS, Olympia Mayor John Byrne and local business owners also recognized the significant local contribution of Saint Martin's by forming an organization in 1891 to help purchase the present site of Saint Martin's College and Abbey in Lacey, Washington; and

WHEREAS, Local legend says the first student, Angus McDonald of Shelton, arrived at Saint Martin's College by canoe on September 11, 1895; and

WHEREAS, The entire student body consisted of only one student for the first few months of the college's existence, and he was extended a full academic schedule consisting of writing, diction, and study hall based upon the strong belief by the founding monks "that one person's education is an important contribution to mankind"; and

WHEREAS, The institution first was established by Benedictine monks as a boys' grammar school in 1895; Saint Martin's began offering college-level classes at the turn of the century, and was deemed a four-year, accredited, baccalaureate-granting institution in 1940; and

WHEREAS, In 1965, Saint Martin's opened its doors to women, offering them the opportunity to receive the same high quality education that until then only males were permitted to attain; and

WHEREAS, Saint Martin's College furthered its strong educational commitment by continuing to offer high school academics as well as a college-level curriculum until 1974; and

WHEREAS, Father Sebastian Ruth founded the first Olympia-area radio station, called KGY, in a log cabin on the campus of Saint Martin's in the 1920's, then used the station to broadcast the first live local radio coverage of the World Series and help the Elks club of Olympia raise charitable funds for the needy in the community; and

WHEREAS, Saint Martin's is one of only twelve Benedictine institutions of higher learning in the United States, and the only one west of the Rocky Mountains; and

WHEREAS, In one century of service, the college has grown to serve hundreds of students on its main campus in Lacey, and also extends educational opportunities to hundreds more students at two additional campuses on the McChord Air Force Base and the Fort Lewis Army Post in Tacoma, Washington; and

WHEREAS, Saint Martin's commitment to using computers in education has ranked the college's student computer center, with Harvard and Columbia, as one of the top three in the nation by *Computers in Education* magazine; and

WHEREAS, Saint Martin's also was heralded by *Electronic Learning* magazine for having the largest educational software collection on the west coast of the United States; and

WHEREAS, The alumni of Saint Martin's College fill a variety of leadership roles in civic, corporate, governmental, and charitable organizations throughout the state of Washington and the United States, and in twenty-eight nations around the world; and

WHEREAS, The community of Saint Martin's is in the midst of a year-long centennial observance, that will include the one hundredth commencement class ceremony scheduled for May 12, 1995, and a Centennial Homecoming Week set to begin February 4, 1995, and to conclude February 12, 1995;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the one hundredth anniversary of the founding of Saint Martin's College and Abbey on September 11, 1995, and the celebratory events of the year as the college enters its second century of service to the State of Washington and reaffirming its dedication to educational excellence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the President of Saint Martin's College and Abbey in Lacey, Washington.

Representative Romero moved adoption of the resolution.

Representatives Romero, Basich, Carlson, Wolfe, Brumsickle and Dellwo spoke in favor of adoption of the resolution.

House Resolution No. 4610 was adopted.

HOUSE RESOLUTION NO. 95-4622, by Representatives Sommers, Foreman, Ebersole, Carlson, Jacobsen, Thibaudeau, Van Luven, Sheehan, Rust, Chopp, Ogden, Benton, Dyer, Blanton, Cole and Robertson

WHEREAS, Bill and Ruth Gerberding moved to Washington State in 1979 and have represented the University of Washington for the last sixteen years; and

WHEREAS, Dr. William P. Gerberding will resign his presidency at the University of Washington at the end of the 1994-95 academic year, June 30, 1995; and

WHEREAS, Dr. Gerberding will have been the longest-serving president in the history of the University of Washington; and

WHEREAS, The University of Washington has continued to be one of the finest institutions of higher learning in the nation under Dr. Gerberding's guidance; and

WHEREAS, Dr. Gerberding has been an education leader in Washington State, the Northwest region, and the nation; and

WHEREAS, Dr. Gerberding has brought his wisdom, humor, drive, intelligence, and vision to a most demanding job; and

WHEREAS, Under the direction and guidance of Dr. Gerberding, the University of Washington successfully initiated the Campaign for Washington which inspired contributions from more than 70,000 individuals and several corporations and foundations totaling two hundred eighty-four million dollars in gifts and pledges from 1987 to 1992; and

WHEREAS, Dr. Gerberding has focused on undergraduate education as one of the University's top priorities with the appointment of a dean for Undergraduate Education and new programs such as the Entry-Level Initiative, freshman interest groups, and faculty seminars; and

WHEREAS, Dr. Gerberding was instrumental in the creation of a task force to examine the undergraduate experience, graduate education, and academic reorganization; and

WHEREAS, Dr. Gerberding has led the University to its number-one ranking for all public universities in federal research funding; and

WHEREAS, Dr. Gerberding has successfully led the way for the opening of two branch campuses in Bothell and Tacoma, bringing education opportunities to the broader communities of Washington State; and

WHEREAS, The University has grown under the watchful eye of Dr. Gerberding, adding the Kenneth S. Allen Library, a new Physics/Astronomy building, a new Chemistry building, and additions to the Magnuson Health Sciences Center; and

WHEREAS, Dr. Gerberding has created a successful work environment based upon a great respect for University faculty, which now includes four Nobel Prize recipients and thirty-four members of the National Academy of Sciences; and

WHEREAS, Dr. Gerberding has never wavered in his commitment to maintaining a diverse student body and faculty that represents the many cultural and ethnic populations in Washington State; and

WHEREAS, Ruth Gerberding has tirelessly supported the University of Washington and the greater community with her involvement in and her support of the Seattle Symphony, Cathedral Associates, Market Place North Homeowners Association, Hillside Guild, Meany Hall Advisory Committee, and the Seattle/Perugia Sister City Organization; and

WHEREAS, Ruth Gerberding gives of her time and expertise to serve on the boards of the Seattle Chamber Music Festival, The Market Foundation, The Washington State Committee of the National Museum of Women in the Arts, and The Achievement Rewards for College Scientists; and

WHEREAS, Ruth Gerberding has made innumerable contributions to the University, including her volunteer work for the University Hospital and the greater community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Bill and Ruth Gerberding for the dedicated service and commitment they have shown in their work and the innumerable contributions they have made to the University of Washington and the greater community of the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Bill and Ruth Gerberding.

Representative Sommers moved adoption of the resolution.

Representatives Sommers, Chopp, Reams, Carlson, Ebersole, Thibaudeau and Jacobsen spoke in favor of adoption of the resolution.

House Resolution No. 4622 was adopted.

The Speaker (Representative Horn presiding) introduced Doctor Gerberding of the University of Washington.

Doctor Gerberding of the University of Washington briefly addressed the House of Representatives.

HOUSE RESOLUTION NO. 95-4621, by Representatives Lambert, Thompson, Elliot, Pennington, Smith, Buck, Clements, Hargrove, Huff, Pelesky, Wolfe, Cooke, Campbell and Blanton

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor those who support the success of legislative endeavors; and

WHEREAS, The 14th day of February marks the anniversary of the passing from this life of Saint Valentine, a holy priest of Rome, Italy, in the year of our Lord 270; and

WHEREAS, The memory of Saint Valentine is commemorated on the 14th day of February, of each and every year of our Lord, and has come to be known and observed as Saint Valentine's Day; and

WHEREAS, Saint Valentine's Day evokes in each person the ideals, values, and aspirations of true and faithful love, enduring and selfless sacrifice, and the timeless commitment for another; and

WHEREAS, Saint Valentine's Day evokes in each person, the quintessential virtues best epitomized by chivalry and courtliness, gallantry, and graciousness; and

WHEREAS, Saint Valentine's Day implores each person to act in the finest essence of romantic courtship and grace; and

WHEREAS, Phenomenal untold and countless demands, both professional and personal, are visited upon the elected representatives of the state of Washington through their civic duty, statecraft, governance, representation, and selfless service to the citizens of this great state of Washington; and

WHEREAS, The abiding and continuing success of each state representative is bolstered and made possible by their families, and especially the spouses, through their love, loyalty, faithfulness, steadfast devotion, compassionate understanding, unyielding support, and partnership, in the noble and honorable endeavors and arduous and exacting efforts of each representative;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor, commend, and recognize the families, especially the spouses, of each state representative of the state of Washington for their contribution to the honorable and noble efforts of the legislature of the state of Washington as set forth herein on this day of commemoration of Saint Valentine.

Representative Lambert moved adoption of the resolution.

Representative Lambert spoke in favor of adoption of the resolution.

House Resolution No. 4621 was adopted.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Representative Foreman, House Bill No. 1912 was re-referred from the Committee on Education to the Committee on Health Care; House Bill No. 1697 was re-referred from the Committee on Law Justice to the Committee on Government Operations; House Bill No. 1882 was re-referred from the Committee on Government Operations to the Committee on Children & Family Services; House Bill No. 1187 was re-referred from the Committee on Appropriations to the Rules

Committee and House Bill No. 1573 was re-referred from the Committee on Finance to the Rules Committee.

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

THIRD READING

HOUSE INITIATIVE NO. 164, by Representative People of the State of Washington

Private property regulation.

The Initiative was read the third time.

Representatives Reams, D. Schmidt, Elliot, Hargrove, Van Luven, Wolfe, Schoesler, Foreman, Sheldon, Campbell and Johnson spoke in favor of passage of the Initiative.

Representatives Appelwick, Rust, Jacobsen, Regala, Patterson, Brown, Ogden, Sommers, Costa and G. Fisher spoke against the passage of the Initiative.

Representative Reams again spoke in favor of passage of the Initiative.

POINT OF INQUIRY

Representative Padden yielded to a question by Representative Foreman.

Representative Foreman: Representative Padden, does Initiative 164 impose any liability on State or Local Government retroactively; that is, will Government be required to pay for land restrictions which have already been imposed.

Representative Padden: No. Laws are presumed not to be retroactive, unless the Legislature clearly expresses a contrary intent for the new law to apply retroactively. There is nothing in the wording of this initiative which shows an intent to place liability on Government for regulations or restrictions on land which have already been imposed. The measure only applies to prospective imposition of restrictions on land use. Government will have the opportunity under Section 3 to avoid paying compensation for any future actions by choosing the least intrusive restrictions on the use of private property.

Representative Foreman: Is it the intent of this measure to require payment of compensation when Government prohibits or regulates offensive or unreasonable uses of property, such as adult bookstores in residential neighborhoods or the filling of wetlands which would cause flooding of neighboring property?

Representative Padden: No. Section 4(1)(b) and section 7(4) insulates the Government from responsibility for paying compensation when the Government restriction of property is designed to prevent a potential public nuisance or lessen an existing public nuisance. Existing law in RCW 7.48.120 defines nuisance as the: Doing of an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency or in any way renders other persons insecure in their life, or in the use of property.

The following section, RCW 7.48.130, explains that a public nuisance is one which affects a group or community of people or a neighborhood. Common law has also applied the public nuisance concept to a variety of harmful or unreasonable uses of property.

Regulations which are designed to prevent someone from using their land in a way which "annoys or injures" someone else is expressly exempt from the compensation requirements under this measure.

POINT OF ORDER

Representative Ebersole: Thank you Mr. Speaker. This is highly unusual if the majority party would like to offer an alternative to the Initiative, we would like to see it, but we would not like it to be done by oral colloquy on the floor of the House. To see a written alternative to the Initiative if there not satisfied with the one before us.

Speaker: Representative Foreman, please continue.

Representative Foreman: Does the Initiative unconstitutionally restrict local Government in the exercise of their police powers to protect the public health and safety?

Representative Padden: No. Article XI, section 11 of the Washington Constitution gives the local Government the authority to make health and safety regulations that " are not in conflict with general laws." Initiative 164 will be a general law which the constitution recognizes as a valid limitation on the regulatory authority of local Government.

POINT OF ORDER

Representative Ebersole: Thank you Mr. Speaker. Mr. Speaker, with all do respect I would acknowledge the chairman of the Judiciary committee's ability to interpret the Legislative intent of a measure that was drafted by the Legislature. He is interpreting the intent of the backers of the Initiative and the citizens who signed the Initiative. He has no knowledge of the intent of the Initiative.

Speaker: Representative Foreman, please continue.

Representative Foreman: Is the intent of Section 6's prohibition on requiring property owners to provide or pay for studies, maps, plans or reports mean that local Government can no longer require site plans or blue prints when one applies for a building permit?

Representative Padden: No. The intent of Section 6 in prohibiting Government from requiring private property owners to pay for such studies, maps, plans or reports only applies to situations where the Government is considering whether to restrict the use of private property for public use, such as when adopting a new regulation. In other words, when considering a new regulation on property usage, Government cannot force private property owners to provide the ammunition which will be used against them.

When one applies for a building permit, that is not the time at which the Government is considering whether to restrict property use. The Government is merely ensuring that the proposed use complies with all existing applicable zoning laws and building codes. This initiative is not intended to take away the authority of local Government to require blue prints or site plans when one applies of a building permit under existing regulations.

Representative Foreman: Is the intent of the measure only to provide additional remedies for Government actions which constitute takings of private property under the State and Federal Constitutions?

Representative Padden: No. The initiative provides several remedies in section 4 for property owners in which may be in addition to remedies provided by the takings clause of the constitution, such as the requirement that Government not regulate property so as to deprive one of access, the requirement that Government reduce property taxes when regulation has devalued property, and the requirement for repayment of attorneys' fees when a property owner prevails after having to go to court to enforce their rights.

However, the initiative is clearly intended to do more than add remedies for unconstitutional takings. It is intended to settle as a statutory matter an issue which is unsettled in constitutional law. Under this measure, the devaluation of property where Government regulation applies to only a part of a parcel of property is a taking requiring compensation under this measure. The courts have been inconsistent as to whether the constitution requires compensation when regulation restricts the use of only a part of a parcel of property.

Representative Foreman: What kinds of property interests are intended to be protected by this measure?

Representative Padden: Section 7(3) defines the kinds of property protected under this measure as anything protected under the State and Federal constitutions, and specifically lists any interest in land or improvements, proprietary water rights, and crops, forest lands, and resources. Since the Federal constitution protects only property interests recognized under State law, this measure does the same.

Representative Foreman: Is this measure intended to apply to normal zoning changes, such as the reduction of density, otherwise known as downzoning, or changes from one type of use to another?

Representative Padden: Normal downzoning constitutes a restraint on land use. Therefore, downzoning would be covered by section 3 which requires Government to conduct an analysis of economic impacts, to consider alternatives and to choose the alternative which has the least possible impact on private property.

However, typical zoning changes are not intended to be covered by the section that requires payment of compensation for reduction in value. Section(2) requires compensation when property is taken for public use. Property is taken for public use under Section 4(1) when property is designated for public benefit, such as for wetlands, wildlife habitat or buffers. Most zoning does not designate property for public use, but merely regulates the intensity and/or type of private use of the property. Exceptions which would require compensation include zoning that designates property for public uses, such as for parks or open space.

POINT OF INQUIRY

Representative Appelwick yielded to a question by Representative Dellwo.

Representative Dellwo: Representative Appelwick. Having sat through the hearings on this piece of Legislation, heard the testimony and done some research on your own and having heard the questions from the gentleman from the 12th District to the gentleman to the 4th District, do you concur in the conclusions that they have arrived at.

Representative Appelwick: I do not believe the answers to the questions stated represent the actual intent to the measure, but represent the opinions of the Speakers in a effort to redraft the bill and bootleg it into conformity with what they wish it to say. I believe instead that the court must be bound by the literal message and that the fact that this is an Initiative. The Legislature is not at the same liberty to interpret the intent as may be done with other colloquies, that this was an unprecedented attempt without putting an alterative on the ballot to, in essence, to create an alternative.

MOTION

On motion of Representative Talcott, Representative K. Schmidt was excused.

The Speaker stated the question before the House to be final passage of Initiative No. 164.

ROLL CALL

The Clerk called the roll on the final passage of Initiative No. 164 and the initiative passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad,

Silver, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representatives Schmidt, K. and Skinner - 2.

Initiative No. 164, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m., Thursday, February 16, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

THIRTY-EIGHTH DAY, FEBRUARY 15, 1995

JOURNAL OF THE HOUSE

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

THIRTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, February 16, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

February 15, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5046,
SENATE BILL NO. 5075,
SENATE BILL NO. 5173,
ENGROSSED SENATE BILL NO. 5243,
SENATE BILL NO. 5287,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1948 by Representative Rust

AN ACT Relating to water supply regulation; amending RCW 43.21A.064 and 90.03.070; adding new sections to chapter 43.27A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1949 by Representatives Chappell, Chandler, Pennington, McMorris, Kessler, Morris, Schoesler, Cairnes, Robertson, Boldt, Benton, Clements, Mastin, Lambert, Huff, Hatfield and Backlund

AN ACT Relating to tax rate modifications for vaccinations and antibiotics; amending RCW 82.04.050; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1950 by Representatives Dyer, Dellwo, L. Thomas and Thompson

AN ACT Relating to rule making by a health profession board or commission; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care.

HB 1951 by Representatives Ballasiotes, Ogden, Cody, Radcliff, Thibaudeau, Ebersole and Mason

AN ACT Relating to convention and trade centers; amending RCW 67.40.020, 67.40.030, 67.40.040, 67.40.045, and 67.40.090; adding new sections to chapters 67.40 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1952 by Representative B. Thomas

AN ACT Relating to election of a party's legislative district chair; and amending RCW 29.42.070.

Referred to Committee on Government Operations.

HB 1953 by Representatives Veloria, Cody, Robertson, Mason, Conway, Valle, Cole, Morris, Dickerson, Costa, Chopp, Thibaudeau, Radcliff, Elliot, G. Fisher, Van Luven, Cairnes and Hatfield

AN ACT Relating to assistance for aerospace workers; amending RCW 43.63A.600 and 43.21J.010; adding a new section to chapter 50.12 RCW; adding a new section to chapter 43.20A RCW; and making appropriations.

Referred to Committee on Trade & Economic Development.

SB 5046 by Senator Haugen

Revising filing requirements for interlocal agreements.

Referred to Committee on Government Operations.

SB 5075 by Senators Owen, Sheldon and Oke

Appropriating funds for emergency construction of Crown Hill elementary school.

Referred to Committee on Capital Budget.

SB 5173 by Senators Pelz and Newhouse; by request of Liquor Control Board

Improving the licensing sections of the Washington state liquor act.

Referred to Committee on Commerce & Labor.

ESB 5243 by Senator Oke

Revising provision authorizing a special permit for miniature boilers.

Referred to Committee on Commerce & Labor.

SB 5287 by Senators Wood, Sheldon, Bauer, Kohl, Rasmussen and Hochstatter; by request of Higher Education Coordinating Board

Providing school loan forgiveness in exchange for service within Washington state.

Referred to Committee on Higher Education.

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

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

REPORTS OF STANDING COMMITTEES

February 14, 1995

HB 1142 Prime Sponsor, Representative Lambert: Prohibiting testing students regarding personal beliefs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Dickerson; G. Fisher; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Cole, Ranking Minority Member; Hatfield and Veloria.

Voting Yea: Representatives Brumsickle, Clements, Dickerson, Elliot, Hatfield, Johnson, McMahan, Pelesky, Quall, Radcliff, Smith, Talcott and B. Thomas.

Voting Nay: Representatives Cole, G. Fisher, Hatfield and Veloria.

Excused: Representatives Fuhrman, Poulsen and Thompson.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1162 Prime Sponsor, Representative Schoesler: Changing collection of hazardous waste fees. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Excused: Representative Kremen.

Referred to Committee on Appropriations.

February 14, 1995

HB 1224 Prime Sponsor, Representative Brumsickle: Authorizing waivers for educational restructuring. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Pelesky, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representatives Fuhrman and Poulsen.

Passed to Committee on Rules for second reading.

February 14, 1995

HB 1230 Prime Sponsor, Representative Brumsickle: Changing teacher preparation provisions. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Pelesky, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representatives Fuhrman, Poulsen and Quall.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1272 Prime Sponsor, Representative Chandler: Recovering gasoline vapors. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Regala; Robertson and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representatives R. Fisher; Poulsen and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Mastin, McMorris, Regala, Robertson, and Schoesler.

Voting Nay: Representatives R. Fisher and Poulsen.

Excused: Representative Kremen.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1275 Prime Sponsor, Representative McMorris: Extending existing employer workers' compensation group self-insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Horn, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1350 Prime Sponsor, Representative Lisk: Authorizing voluntary contributions for unemployment insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 14, 1995

HB 1360 Prime Sponsor, Representative Dyer: Addressing discriminatory practices against osteopathic physicians and surgeons. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Crouse; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad, and Skinner.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1447 Prime Sponsor, Representative Lisk: Changing certain local government gambling taxes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Cairnes; Cody; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Conway, Assistant Ranking Minority Member; and Cole.

Voting Yea: Representatives Cairnes, Cody, Fuhrman, Goldsmith, Hargrove, Horn, Lisk and Romero.

Voting Nay: Representatives Cole and Conway.

Excused: Representative Thompson.

Passed to Committee on Rules for second reading.

February 14, 1995

HB 1514 Prime Sponsor, Representative Hymes: Directing the department of revenue to prepare legislation to reorganize Titles 82 and 84 RCW. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Sheldon, Schoesler, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1524 Prime Sponsor, Representative Chandler: Changing weights and measures regulations. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Robertson and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representatives R. Fisher; Kremen; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Koster, Mastin, McMorris, Robertson, and Schoesler.

Voting Nay: Representatives R. Fisher, Kremen, Poulsen, Regala and Rust.

Excused: Representative Johnson.

Referred to Committee on Appropriations.

February 15, 1995

HB 1534 Prime Sponsor, Representative Cairnes: Changing the registration requirements relating to professional land surveyors and engineers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1562 Prime Sponsor, Representative Huff: Modifying the requirements for fund raising events. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Cole and Fuhrman.

Voting Yea: Representatives Cairnes, Cody, Conway, Goldsmith, Hargrove, Horn, Lisk and Thompson.

Voting Nay: Representatives Cairnes, Cole and Fuhrman.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1742 Prime Sponsor, Representative Mitchell: Providing that the department of community, trade, and economic development provide support for the energy facility site evaluation council. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Kremen, Mitchell and Patterson.

Excused: Representatives Mastin and Mielke.

Referred to Committee on Appropriations.

February 14, 1995

HB 1909 Prime Sponsor, Representative Carlson: Changing higher education tuition and financial aid. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Blanton; Delvin; Goldsmith; Mastin and Sheahan.

MINORITY recommendation: Without recommendation. Signed by Representative Benton.

Voting Yea: Representatives Blanton, Carlson, Delvin, Goldsmith, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Voting Nay: Representative Benton.

Excused: Representative Basich.

Referred to Committee on Appropriations.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, House Bill No. 1902 was re-referred from the Committee on Government Operations to the Committee on Transportation; House Bill No. 1887 was re-referred from the Committee on Health Care to the Committee on Financial Institutions & Insurance and House

Bill No. 1313 was re-referred from the Committee on Appropriations to the Committee on Capital Budget.

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

MOTION

There being no objection, the House adjourned until 1:30 p.m., Friday, February 17, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

THIRTY-NINTH DAY, FEBRUARY 16, 1995

JOURNAL OF THE HOUSE

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

FORTIETH DAY

—————
AFTERNOON SESSION
—————

House Chamber, Olympia, Friday, February 17, 1995

The House was called to order at 1:30 p.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Danica Kaldor and Joni Derifield. Prayer was offered by Reverend William Riker of St. Benedicts Episcopal Church, Lacey.

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

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

MESSAGE FROM THE SENATE

February 15, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8405,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1954 by Representatives Huff and L. Thomas

AN ACT Relating to imposition of the business and occupation tax on tenant screening services; and amending RCW 82.04.050 and 82.04.055.

Referred to Committee on Financial Institutions & Insurance.

HB 1955 by Representatives Elliot, Regala and Fuhrman; by request of Governor Lowry

AN ACT Relating to the negotiation of cooperative agreements concerning the sales of cigarettes between the governor of the state of Washington and federally recognized Indian tribes within the borders of the state of Washington; adding a new section to chapter 43.06 RCW; adding a new section to chapter 82.01 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.24 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 1956 by Representatives Hargrove, Campbell, Koster, Mulliken, Fuhrman, Pelesky, Thompson, Casada, Benton, Smith, Van Luven, Goldsmith, McMahan and Elliot

AN ACT Relating to special elections; and amending RCW 29.13.010 and 29.13.020.

Referred to Committee on Government Operations.

HB 1957 by Representatives B. Thomas, Carrell, Mulliken, Campbell, Foreman, Van Luven, Benton, L. Thomas, Crouse, Backlund, Elliot, McMahan, Smith, Stevens and Schoesler

AN ACT Relating to reducing the state property tax levy for 1996 and thereafter; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1958 by Representatives Fuhrman and McMahan

AN ACT Relating to acquisition of land by the United States; and amending RCW 37.04.010 and 37.04.030.

Referred to Committee on Natural Resources.

HB 1959 by Representatives Mielke, Quall, Carlson, Brumsickle, Benton, Sheahan, Grant, Ebersole, Delvin, Kessler, Sommers, Ogden, Mulliken, L. Thomas, Conway, Kremen, Sheldon, Chopp, Patterson, Morris, Hatfield, Romero, Rust, Cody, Wolfe, Mastin, Cole, Dellwo, Mason and Valle; by request of State Board for Community and Technical Colleges

AN ACT Relating to faculty salary increments for community and technical colleges; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1960 by Representatives Horn, Ballasiotes, Clements, Van Luven, Carrell, Benton, Sheldon, Kremen, Elliot, McMahan, Stevens, Campbell and Schoesler

AN ACT Relating to limiting regular property taxes; and amending RCW 84.55.010.

Referred to Committee on Finance.

HB 1961 by Representative Dyer

AN ACT Relating to third party administrators; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1962 by Representatives Dyer, Carlson and Kremen

AN ACT Relating to adult family homes; amending RCW 70.128.005, 70.128.007, 70.128.010, 70.128.057, 70.128.060, 70.128.070, 70.128.120, 70.128.040, 70.128.080, 70.128.090, 70.128.170, 70.128.130, 70.128.140, 70.128.150, 70.128.160, and 70.128.175; reenacting and amending RCW 18.130.040; adding new sections to chapter 70.128 RCW; adding a new chapter to Title 18 RCW; and repealing RCW 70.128.180.

Referred to Committee on Health Care.

HB 1963 by Representatives Hymes, Mielke, Dyer, Veloria, Dellwo, Backlund and Cody

AN ACT Relating to clinical laboratory science practitioners; adding a new chapter to Title 18 RCW; creating a new section; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care.

HB 1964 by Representatives K. Schmidt, R. Fisher, Robertson, Cairnes, Ogden, Hankins, Elliot, Johnson, Chandler, Scott, Tokuda, Quall, Backlund, Chopp, Horn, Koster, McMahan, Mitchell, Skinner, Benton, D. Schmidt and Stevens

AN ACT Relating to access to accident reports; amending RCW 46.52.030; and providing an effective date.

Referred to Committee on Transportation.

HB 1965 by Representatives Ogden and Carlson

AN ACT Relating to public utility district commissioners; amending RCW 54.08.010, 54.08.060, 54.12.010, 54.40.040, and 54.40.060; adding new section to chapter 54.12 RCW; adding a new section to chapter 54.40 RCW; and repealing RCW 54.40.010, 54.40.030, and 54.40.050.

Referred to Committee on Government Operations.

HB 1966 by Representatives Morris, G. Fisher, Pennington, Kessler, Hatfield, Benton, Kremen, Tokuda, Sheldon, Chopp, Patterson, Regala, Scott, Costa, Dickerson, Chappell, Thibaudeau, Romero, Rust, Appelwick, Poulsen, Cody, Wolfe, Conway, Mastin, Ebersole, Cole, Dellwo, Mason, Valle and Ogden

AN ACT Relating to property tax relief; amending RCW 84.52.067; adding new sections to chapter 84.36 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 1967 by Representatives Romero, Robertson, R. Fisher, K. Schmidt, Tokuda, Chopp, Patterson, Regala, Hatfield, Wolfe, Cole, Dellwo, Valle and Ogden

AN ACT Relating to licensing and registration crimes; amending RCW 46.16.010, 46.16.160, 47.68.255, 88.02.118, and 82.32.330; adding a new section to chapter 46.68 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1968 by Representatives McMorris, Mastin, Koster, Chandler, Sheahan and R. Fisher

AN ACT Relating to regional transportation planning organizations; and amending RCW 47.80.020.

Referred to Committee on Transportation.

HB 1969 by Representatives Reams, L. Thomas, McMorris, Sherstad, Dyer, Goldsmith, McMahan and Stevens

AN ACT Relating to competitive strategies in the delivery of government services; amending RCW 41.06.380, 41.06.070, and 41.06.382; adding a new section to chapter 28A.400 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1970 by Representatives Huff, Hargrove, Casada, Benton, Lambert, Beeksma, Pennington, Fuhrman, Mulliken, L. Thomas, Carrell, McMahan, Smith and Stevens

AN ACT Relating to diversity training for state employees; adding a new section to chapter 41.06 RCW; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Government Operations.

SCR 8405 by Senators Gaspard, McDonald, Owen and Prince

Amending the cutoff date for bills from the Senate Transportation Committee.

MOTIONS

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

On motion of Representative Foreman, the rules were suspended, and Senate Concurrent Resolution No. 8405 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8405, by Senators Gaspard, McDonald, Owen and Prince

Amending the cutoff date for bills from the Senate Transportation Committee.

The resolution was read the second time.

Representative Foreman moved the following amendment by Representative Foreman:

On page 1, after line 1, strike the resolution and insert,
"For purposes of the joint legislative cutoffs, (HCR 4400), the Senate Transportation Committee shall have the same cutoffs as does the Senate Ways and Means Committee."

Representatives Foreman and Appelwick spoke in favor of adoption of the amendment and it was adopted.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

The Speaker (Representative Horn presiding) stated the question before the House to be final adoption of Senate Concurrent Resolution No. 8405, as amended by the House.

Senate Concurrent Resolution No. 8405, as amended by the House was adopted.

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

REPORTS OF STANDING COMMITTEES

February 15, 1995

HB 1088 Prime Sponsor, Representative Hatfield: Clarifying the definition of "sex offense". Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, cole, Dickerson, Koster, Quall, Radcliff, Schoesler, Sherstad and Tokuda.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1100 Prime Sponsor, Representative Scott: Notifying parents of their children's driver's license suspensions. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

February 16, 1995

HB 1136 Prime Sponsor, Representative Ballasiotes: Requiring twenty-five percent of inmate welfare accounts to be used for victims' compensation. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, Schoesler, Sherstad and Tokuda.

Excused: Representative K. Schmidt.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1140 Prime Sponsor, Representative Ballasiotes: Revising procedures for using criminal history in sentencing of offenders. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, Schoesler, Sherstad and Tokuda.

Excused: Representative K. Schmidt.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1203 Prime Sponsor, Representative Chappell: Prohibiting impaired persons from purchasing liquor. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1256 Prime Sponsor, Representative Schoesler: Preempting the field of landlord-tenant regulation. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Chappell; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Chappell, Cody, Costa, Thibaudeau, and Veloria.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1270 Prime Sponsor, Representative Morris: Excusing small tree harvesters from the commercial driver's license requirements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Buck; Cairnes; Chandler; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt and Scott.

Voting Yea: Representatives Benton, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Ogden, Quall, Robertson, D. Schmidt, K. Schmidt and Scott.

Excused: Representatives Blanton, Brown, Chopp, Patterson, Romero and Tokuda.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1276 Prime Sponsor, Representative Ballasiotes: Specifying who may be an execution witness.
Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, Schoesler, Sherstad and Tokuda.

Excused: Representative K. Schmidt.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1387 Prime Sponsor, Representative Delvin: Revoking the license of a massage practitioner who has been convicted of prostitution. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Chappell, Carrell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1401 Prime Sponsor, Representative Brumsickle: Allowing disclosure of juvenile records to affected school districts. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative McMahan.

Voting Yea: Representatives Brumsickle, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, Pelesky, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representative McMahan.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1424 Prime Sponsor, Representative Padden: Concerning the use of court seals. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Chappell, Carrell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1433 Prime Sponsor, Representative Conway: Penalizing defacement of a state monument. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Chappell, Carrell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1434 Prime Sponsor, Representative Hankins: Increasing the limit for public utility districts to use alternative bid procedures. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Reams, D. Schmidt, Sommers, L. Thomas, Van Luven and Wolfe.

Voting Nay: Representative Mulliken.

Excused: Representative Chopp.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1445 Prime Sponsor, Representative Silver: Streamlining hospital regulation and inspection. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Excused: Representative Casada.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1450 Prime Sponsor, Representative Appelwick: Including certain judgments to be summarized.
Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Chappell, Carrell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1456 Prime Sponsor, Representative Dyer: Allowing persons at least sixteen years of age to make anatomical gifts if a parent or guardian signs the document of gift. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Sherstad and Skinner.

Excused: Representatives Casada and Morris.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1457 Prime Sponsor, Representative Veloria: Renaming the commission on Asian Pacific American affairs. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives R. Fisher, Goldsmith, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas and Van Luven.

Voting Nay: Representative Hargrove.

Excused: Representatives Chopp and Wolfe.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1468 Prime Sponsor, Representative Hymes: Modifying advisory council on historic preservation representation. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas and Van Luven.
Excused: Representatives Chopp and Wolfe.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1471 Prime Sponsor, Representative Padden: Regulating homeowners' associations. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative McMahan.

Voting Yea: Representatives Appelwick, Campbell, Chappell, Carrell, Cody, Costa, Delvin, Hickel, Lambert, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.
Excused: Representative McMahan.

Referred to Committee on Appropriations.

February 15, 1995

HB 1522 Prime Sponsor, Representative Padden: Changing adoption provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Chappell, Carrell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1567 Prime Sponsor, Representative R. Fisher: Affecting the transportation authority of first class cities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Buck; Cairnes; Chandler; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt and Scott.

Voting Yea: Representatives Backlund, Benton, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Quall, Robertson, D. Schmidt, K. Schmidt, Scott and Skinner.

Excused: Representatives Blanton, Brown, Chopp, Patterson, Romero and Tokuda.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1627 Prime Sponsor, Representative Dyer: Modernizing osteopathic physician and surgeon terminology. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Sherstad and Skinner.

Excused: Representative Casada and Morris.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1744 Prime Sponsor, Representative Huff: Regulating small telecommunications companies. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Kremen, Mitchell and Patterson.

Excused: Representatives Mastin and Mielke.

Passed to Committee on Rules for second reading.

February 15, 1995

HB 1873 Prime Sponsor, Representative Padden: Regulating consumer leases. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 15, 1995

HJM 4001 Prime Sponsor, Representative Campbell: Petitioning the federal government to cease and desist mandates that are beyond the scope of its powers. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Hargrove, Honeyford, Hymes, Goldsmith, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives R. Fisher, Rust, Scott and Sommers.

Excused: Representatives Chopp and Wolfe.

Passed to Committee on Rules for second reading.

February 15, 1995

HJR 4203 Prime Sponsor, Representative Padden: Amending the state Constitution to protect rights of parents to upbringing and educate children. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Chappell; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Chappell, Cody, Costa, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills, memorial and resolution listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the sixth order of business, Suspension Calendar.

SECOND READING

HOUSE BILL NO. 1019, by Representative Padden

Transferring certain interests in individual retirement accounts.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Padden spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Talcott, Representative Chandler was excused.

On motion of Representative Buck, Representative Fuhrman was excused.

On motion of Representative Brown, Representative Quall was excused.

The Speaker stated the question before the House to be final passage of House Bill No. 1019.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1019, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Chandler, Fuhrman, Quall, Robertson and Van Luven - 5.

House Bill No. 1019, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1041, by Representatives Quall, Schoesler, Robertson and Sheldon

Authorizing a trade association representing manufactured housing dealers to use a manufactured home as an office.

The bill was read the second time.

Representative Lisk moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1041.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1041, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Chandler, Fuhrman, Quall, Robertson and Van Luven - 5.

House Bill No. 1041, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Foreman, the rules were suspended and House Bill No. 1068 was placed on the second reading calendar from the suspension calendar for the purpose of an amendment. The motion was carried.

HOUSE BILL NO. 1068, by Representatives Brumsickle, Chappell and Radcliff

Preserving port district debt limits.

The bill was read the second time.

Representative Casada moved adoption of the following amendment by Representative Casada:

On page 1, line 13, strike "during 1991"

On page 2, after line 10, insert the following;

"(c) A port district that had less than eight hundred million dollars in value of taxable property during 1991, but which now has more than eight hundred million dollars in value of taxable property, may incur indebtedness as provided in section (1)(b) of this section if a ballot proposition authorizing this higher amount of indebtedness is approved by at least a simple majority vote of voters of the district voting on the proposition."

Representative Casada spoke in favor of adoption of the amendment.

Representatives Brumsickle and Cole spoke against adoption of the amendment.

The amendment was not adopted.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1068.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1068, and the bill passed the House by the following vote: Yeas - 88, Nays - 5, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Casada, Hargrove, McMahan, Padden and Stevens - 5.

Excused: Representatives Chandler, Fuhrman, Quall, Robertson and Van Luven - 5.

House Bill No. 1068, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the Suspension Calendar. The motion was carried.

HOUSE BILL NO. 1086, by Representatives Hickel and Appelwick; by request of Law Revision Commission

Revising provisions relating to personal property liens and security interests.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1086.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1086, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Chandler, Fuhrman, Quall, Robertson and Van Luven - 5.

House Bill No. 1086, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1087, by Representatives Hickel and Appelwick; by request of Law Revision Commission

Correcting an unconstitutional provision concerning jurisdiction for violations dealing with motor vehicles.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1087.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1087, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell,

Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Chandler, Fuhrman, Quall, Robertson and Van Luven - 5.

House Bill No. 1087, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1096, by Representatives Padden, Appelwick and Hickel

Modifying the limited liability company act.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1096.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1096, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Chandler, Fuhrman, Quall, Robertson and Van Luven - 5.

House Bill No. 1096, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1097, by Representatives Sheahan, Appelwick and Padden

Waiving penalties for certain estate tax returns.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1097.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1097, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Chandler, Fuhrman, Quall, Robertson and Van Luven - 5.

Substitute House Bill No. 1097, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1176, by Representatives Delvin, Hickel, Sheahan, Appelwick, Dellwo, Hankins, Mastin, Honeyford and Padden

Authorizing Benton county to have one additional district court judge.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1176.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1176, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

House Bill No. 1176, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1180, by Representatives Van Luven, D. Schmidt, Hargrove, Honeyford and Thompson

Limiting administrative law judge service by former agency employees.

The bill was read the second time.

Representative Reams moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1180.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1180, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

House Bill No. 1180, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1182, by Representatives Hickel and Appelwick

Modifying the uniform commercial code.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1182.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1182, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

Substitute House Bill No. 1182, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1183, by Representatives Appelwick and Hickel

Updating uniform commercial code provisions on investment securities.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Appelwick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1183.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1183, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

Substitute House Bill No. 1183, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1185, by Representatives Hickel and Costa

Revising regulations for the investment of trust funds.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1185.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1185, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler,

Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

Substitute House Bill No. 1185, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1186, by Representatives Appelwick and Padden

Concerning social security benefits.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Appelwick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1186.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1186, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

House Bill No. 1186, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1190, by Representatives K. Schmidt, R. Fisher, Mitchell and Koster; by request of Department of Transportation

Transferring the aeronautics account and the aircraft search and rescue, safety, and education account to the transportation fund.

The bill was read the second time.

Representative K. Schmidt moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House No. 1190.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1190, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

House Bill No. 1190, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1237, by Representatives Padden, Foreman, Honeyford, Chandler, Mielke, Johnson, Blanton, Goldsmith, Clements, Hickel, Dyer, Backlund, Schoesler, McMahan, Boldt, Sheahan, Koster, Sherstad and Smith

Specifying responsibility for payment of costs incurred on appeal by indigent persons.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Padden spoke in favor of passage of the bill

Representative Thibaudeau spoke against passage of the bill.

The Speaker stated the question to be final passage of Substitute House Bill No. 1237.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1237, and the bill passed the House by the following vote: Yeas - 82, Nays - 12, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Veloria and Mr. Speaker - 82.

Voting nay: Representatives Brown, Chopp, Cole, Dellwo, Fisher, R., Mason, Ogden, Romero, Rust, Thibaudeau, Valle and Wolfe - 12.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

Substitute House Bill No. 1237, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1285, by Representatives L. Thomas, Dellwo, Mielke, Benton, Huff, Wolfe, Campbell, Costa, Pelesky, Dyer, Kessler, Smith and Beeksma

Allowing persons that provide the insurance commissioner with surplus line insurance information to gain immunity from civil liability.

The bill was read the second time.

Representative L. Thomas moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1285.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1285, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

House Bill No. 1285, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1337, by Representatives Lisk, Cole, Conway, Fuhrman, Sheahan, Romero, Jacobsen and Wolfe; by request of Department of Licensing

Deregulating debt adjusters.

The bill was read the second time.

Representative L. Thomas moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1337.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1337, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove,

Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

Substitute House Bill No. 1337, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1371, by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen; by request of Insurance Commissioner

Regulating investments by insurers.

The bill was read the second time.

Representative L. Thomas moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1371.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1371, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

House Bill No. 1371, having received the constitutional majority, was declared passed.

There being no objection, the House considered House Bill No. 1029 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1029, by Representatives Dyer, Carlson, Benton, Cooke, Horn, Schoesler, Johnson, Thompson, B. Thomas, Radcliff, Hickel, Chandler, Mastin, Mitchell, Grant, Foreman, Sehlín, Sheldon, Huff, Mielke, Talcott and Hymes

Modifying adoption of the uniform benefits package.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dyer spoke in favor of passage of the bill.

Representative Dellwo spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1029.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1029, and the bill passed the House by the following vote: Yeas - 66, Nays - 28, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 66.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 28.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

House Bill No. 1029, having received the constitutional majority, was declared passed.

There being no objection, the House considered House Bill No. 1055 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1055, by Representatives Padden, Fuhrman and Sheldon

Exempting docks of less than seven hundred square feet from the definition of substantial development under the Shorelines Management Act.

The bill was read the second time.

Representative Chappell moved the following amendment by Representative Chappell and others:

On page 5, beginning on line 22, after "residences" strike all material through "feet" on line 25 and insert "(7)". This exemption applies if either: (A) The dock is no more than seven hundred square feet in horizontal surface area, including the ramp, and no section of the dock is wider than ten feet; or (B) The dock is located in a county composed entirely of islands, the cost of ((which)) the dock does not exceed two thousand five hundred dollars, and an ordinance has been adopted by a city, town, or county authorizing the conditions in (B) for this exemption. The city, town, or county may adopt such an ordinance at its option. If a city, town, or county adopts an ordinance authorizing an exemption for a dock that meets the conditions of (B) of this subsection, the exemption for docks that meet the conditions set forth in (A) of this subsection does not apply within that jurisdiction"

Representative Chappell spoke in favor of adoption of the amendment and Representative Padden spoke against it. The amendment was not adopted.

Representative Hymes moved adoption of the following amendment by Representative Hymes:

On page 5, beginning on line 22, after "residences" strike all material through "feet" on line 25 and insert "(7)". This exemption applies if either: (A) The dock is no more than seven hundred square feet in horizontal surface area, including the ramp, and no section of the dock is wider than ten feet; or

(B) The dock is located in a county composed entirely of islands with a population no greater than twenty-five thousand, the cost of ((which)) the dock does not exceed two thousand five hundred dollars, and an ordinance has been adopted by a city, town, or county authorizing the conditions in this subsection (3)(e)(vii)(B) for this exemption. The city, town or county may adopt such an ordinance at its option. If a city, town, or county adopts an ordinance authorizing an exemption for a dock that meets the conditions of subsection (3)(e)(vii)(B), the exemption for docks that meet the conditions set forth in (3)(e)(vii)(A) of this section does not apply within that jurisdiction"

Representative Hymes spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Padden, Chandler and Mastin spoke in favor of passage of the bill.

Representative Rust spoke against the passage of the bill.

The Speaker stated the question to be final passage of Engrossed House Bill No. 1055.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1055, and the bill passed the House by the following vote: Yeas - 77, Nays - 17, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Conway, Cooke, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Raddiff, Reams, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 77.

Voting nay: Representatives Chappell, Chopp, Cole, Costa, Dellwo, Fisher, R., Jacobsen, Mason, Patterson, Regala, Romero, Rust, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 17.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

Engrossed House Bill No. 1055, having received the constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1017, by House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Horn, Robertson, Padden, Lisk, Scott, Dyer, Thompson, Goldsmith, K. Schmidt, Sehlin, Campbell, Sheldon and Talcott)

Transferring emergency management functions from the department of community development to the military department.

Substitute House Bill No. 1017 was read the third time.

Representatives D. Schmidt and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1017.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1017, and the bill passed the House by the following vote: Yeas - 70, Nays - 24, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Hymes, Jacobsen, Kessler, Lambert, Lisk, Mielke, Mitchell, Mulliken, Ogden, Padden, Patterson, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Voloria, Wolfe and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Benton, Boldt, Brown, Chappell, Cole, Costa, Fisher, G., Goldsmith, Hargrove, Huff, Johnson, Koster, Kremen, Mason, Mastin, McMahan, McMorris, Morris, Pelesky, Pennington, Sherstad, Stevens and Thibaudeau - 24.

Excused: Representatives Fuhrman, Quall, Robertson and Van Luven - 4.

Substitute House Bill No. 1017, having received the constitutional majority, was declared passed.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4624, by Representatives Brumsickle, Basich, Morris, Chappell, Hatfield, Romero, Wolfe, Sheldon, Johnson and Pennington

WHEREAS, The legislature finds that as interests in the Chehalis River Basin have diversified, the Chehalis River and its tributaries have sustained increasing pressure to satisfy demands for irrigation, hydroelectricity, and instream flow needs for fisheries and recreation; and

WHEREAS, Since approval of the "Chehalis River Basin Action Plan" in 1992, recommendations in the plan have not yet been fully addressed by the federal, state, and local agencies with management or regulatory jurisdiction in the basin; and

WHEREAS, In view of the high resource values at stake in the Chehalis River Basin, an innovative process is needed to provide for implementation of the plan and for sound watershed management;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize and commend the mission statement of the Chehalis Watershed Council: The Chehalis Watershed Council is a grassroots, community forum, which uses a nonadversarial, consensus-based approach to problem solving and conflict resolution among stakeholders, scientists, and agencies with varied perspectives; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage state agencies to participate in the Chehalis Watershed Council, to focus on watershed issues and to facilitate long-term solutions.

Representative Brumsickle moved adoption of the resolution.

Representative Brumsickle spoke in favor of adoption of the resolution.

House Resolution No. 4624 was adopted.

HOUSE RESOLUTION NO. 95-4625, by Representatives Kremen, Goldsmith and Hatfield

WHEREAS, The commercial crab fishery industry is an important industry in this state; and

WHEREAS, The closure of the crab fishery season will adversely affect the common good of the citizens of this state; and

WHEREAS, Judge Rafeedie's December 20, 1994, ruling does not require the state to terminate the non-Indian crab season; and

WHEREAS, While the state's effort to act in good faith with the tribal governments is laudable, it is not necessary to place the full impact of this spirit of cooperation solely on the inner Puget Sound crab fishers; and

WHEREAS, The state created a crab season that runs from October through April, and sold licenses based on this time period; and

WHEREAS, The state is considering appealing Judge Rafeedie's decision; and

WHEREAS, Too short of notice was given to the crab fishers to provide for adequate time to halt their operations in a safe fashion and to make alternative financial arrangements;

NOW, THEREFORE, The Washington State House of Representatives believes that the commercial crab season should be immediately restored to the previously agreed upon dates.

Representative Kremen moved adoption of the resolution.

Representatives Kremen, Goldsmith and Hargrove spoke in favor of adoption of the resolution.

House Resolution No. 4625 was adopted.

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

MOTION

On motion of Representative Foreman, the House adjourned until 1:30 p.m., Monday, February 20, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

FORTIETH DAY, FEBRUARY 17, 1995

JOURNAL OF THE HOUSE

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

FORTY-THIRD DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, February 20, 1995

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Natalie Pasquah and Priscilla Yin. Prayer was offered by Reverend Joseph Kalama, Red Road Ministry.

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

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

MESSAGES FROM THE SENATE

February 17, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5021,
SUBSTITUTE SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5170,
SENATE BILL NO. 5176,
SENATE BILL NO. 5239,

and the same are herewith transmitted.

Marty Brown, Secretary

February 20, 1995

Mr. Speaker:

The Senate concurred in the House amendments to SENATE CONCURRENT RESOLUTION NO. 8405 and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 1971 by Representatives Quall, Carlson, Basich, Schoesler, Jacobsen, Goldsmith, Mitchell, Ogden and Huff

AN ACT Relating to manufactured housing in single-family residence zones; amending RCW 35.63.110, 35A.63.100, and 36.70.750; adding a new section to chapter 36.70A RCW; creating new sections; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1972 by Representatives Ebersole, Conway, Brumsickle and Basich

AN ACT Relating to sick leave cash out; and amending RCW 28A.310.490, 28A.400.210, and 41.04.340.

Referred to Committee on Appropriations.

HB 1973 by Representatives Silver and Brumsickle

AN ACT Relating to wolf-dog hybrids; amending RCW 16.08.070, 16.08.080, and 16.08.100; adding a new section to chapter 16.08 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1974 by Representatives Elliot, Sherstad and Thompson

AN ACT Relating to plumbers installing fire sprinkler systems; and amending RCW 18.160.020.

Referred to Committee on Commerce & Labor.

HB 1975 by Representatives Patterson, G. Fisher, Mastin, Poulsen and Valle

AN ACT Relating to areas impacted by aircraft noise; amending RCW 53.54.020 and 53.54.030; adding new sections to chapter 53.54 RCW; and declaring an emergency.

Referred to Committee on Government Operations.

HB 1976 by Representatives B. Thomas, Jacobsen, Van Luven, Reams, Appelwick, Veloria, Cody, Horn and Tokuda

AN ACT Relating to financing of public domed, multipurpose stadium facilities; amending RCW 67.28.210; adding a new section to chapter 36.38 RCW; adding new sections to chapter 67.28 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 1977 by Representatives Mielke, Casada, Grant, Appelwick, Basich, Smith and L. Thomas

AN ACT Relating to theft of telecommunication and cable services; amending RCW 9A.56.010, 9A.56.220, 9A.56.230, 9A.56.250, and 9A.82.010; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Energy & Utilities.

HB 1978 by Representatives Goldsmith, Kremen, Fuhrman, Schoesler, Pelesky, Thompson, Casada and Silver

AN ACT Relating to industrial insurance coverage for student volunteers; amending RCW 51.12.170; and declaring an emergency.

Referred to Committee on Education.

HB 1979 by Representatives Robertson, L. Thomas and R. Fisher

AN ACT Relating to county road improvement districts; and reenacting and amending RCW 36.88.010.

Referred to Committee on Government Operations.

HB 1980 by Representatives Robertson, Wolfe, Brumsickle, Goldsmith, Chappell, Romero and Campbell

AN ACT Relating to membership in the law enforcement officers' and fire fighters' retirement system for law enforcement officers employed by the state liquor control board or the state parks and recreation commission; amending RCW 41.54.010; reenacting and amending RCW 41.26.030 and 41.54.040; adding a new section to chapter 41.40 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1981 by Representatives G. Fisher, Mitchell, Patterson, Poulsen and Valle

AN ACT Relating to the reduction of property taxes by requiring voter approval before a port district may impose property taxes; and amending RCW 53.36.020 and 53.36.100.

Referred to Committee on Government Operations.

HB 1982 by Representatives Chopp, Sommers, Dickerson, Tokuda, Mason, Thibaudeau, Costa, Jacobsen, Brown and Rust

AN ACT Relating to state preemption of firearms regulation; and amending RCW 9.41.290.

Referred to Committee on Law & Justice.

HB 1983 by Representatives Chopp, Sommers, Tokuda, Thibaudeau, Mason, Rust, Jacobsen, Dickerson, Valle and Costa

AN ACT Relating to assault weapons; amending RCW 9.41.220; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1984 by Representatives Brumsickle, R. Fisher, Brown, Quall, Costa, Morris, Poulsen, Mason, Thibaudeau, Ogden, Chopp, G. Fisher, Rust, Jacobsen, Basich and Kessler

AN ACT Relating to bicycle safety education; amending RCW 28A.220.050, 46.20.095, 46.82.430, 46.83.040, and 82.08.020; adding a new chapter to Title 77 RCW; and creating a new section.

Referred to Committee on Education.

HB 1985 by Representative Brumsickle

AN ACT Relating to public retirement portability benefits; and amending RCW 41.54.070.

Referred to Committee on Appropriations.

HB 1986 by Representatives Reams, K. Schmidt, L. Thomas, Chandler, Sehlin, Buck, Hargrove, Beeksma, Goldsmith, Foreman, McMorris, Mulliken, Johnson, Thompson, Huff and Casada

AN ACT Relating to growth management; amending RCW 36.70A.040, 36.70A.065, 36.70A.070, 36.70A.110, 36.70A.210, 36.70A.250, 36.70A.260, 36.70A.280, 36.70A.310, 36.70A.320, 36.70A.350, and 43.62.035; reenacting and amending RCW 36.70A.030; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Government Operations.

HB 1987 by Representatives Robertson, Chappell and L. Thomas

AN ACT Relating to reimbursements for costs due to criminal behavior associated with state institutions; and adding a new section to chapter 72.72 RCW.

Referred to Committee on Appropriations.

HB 1988 by Representatives Veloria, Mason, Cody, Valle, Dickerson, Chopp and Tokuda

AN ACT Relating to establishment of a community and school collaboration program; adding new sections to chapter 28A.630 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 1989 by Representatives Lisk, Ebersole and Patterson

AN ACT Relating to employment in the construction industry; amending RCW 51.24.035, 51.16.140, and 51.32.073; adding a new section to chapter 49.17 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1990 by Representatives Robertson, Chappell and Delvin

AN ACT Relating to minimum retirement benefits; and amending RCW 43.43.277.

Referred to Committee on Appropriations.

SSB 5021 by Senate Committee on Ecology & Parks (originally sponsored by Senators Snyder, Owen and Rasmussen)

Modifying regulation of limited outdoor burning.

Referred to Committee on Agriculture & Ecology.

SSB 5127 by Senate Committee on Government Operations (originally sponsored by Senators West, Haugen, Morton, Prince, Moyer and McCaslin)

Changing provisions regarding public facilities districts.

Referred to Committee on Government Operations.

SSB 5170 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Long, Fairley, Drew, Haugen, Bauer, Fraser, Pelz, Kohl, Oke and Gaspard)

Allowing disclosure of juvenile records to affected school districts.

Referred to Committee on Education.

SB 5176 by Senators Pelz and Deccio; by request of Liquor Control Board

Improving the enforcement provisions of the Washington state liquor act.

Referred to Committee on Commerce & Labor.

SB 5239 by Senators Oke and Owen

Requiring any person convicted of communication with a minor to register as a sex offender.

Referred to Committee on Corrections.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

HB 1037 Prime Sponsor, Representative B. Thomas: Authorizing the use of school facilities for neighborhood activities and services. Reported by Committee on Education
February 16, 1995

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting Yea: Representatives Brumsickle, Clements, Cole, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, McMahan, Pelesky, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Referred to Committee on Appropriations.

February 16, 1995

HB 1057 Prime Sponsor, Representative Schoesler: Lowering the tax rate on canola. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Hymes, Mason, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Excused: Representative Dickerson.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1067 Prime Sponsor, Representative Schoesler: Reforming the property taxation of short-rotation hardwoods. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Hymes, Mason, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Excused: Representative Dickerson.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1078 Prime Sponsor, Representative Ogden: Changing provisions relating to instruction in Braille. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting Yea: Representatives Brumsickle, Clements, Cole, Dickerson, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Quall, Radcliff, Smith, Talcott, B. Thomas and Veloria.

Voting Nay: Representatives Fuhrman and Pelesky.

Referred to Committee on Appropriations.

February 16, 1995

HB 1103 Prime Sponsor, Representative Sheldon: Appropriating funds for emergency construction of Crown Hill elementary school. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Hankins; McMorris; Mitchell; Pennington; Regala; L. Thomas and Valle.

Voting Yea: Representatives Chopp, Costa, Hankins, Honeyford, McMorris, Mitchell, Ogden, Pennington, Regala, Sehlin, L. Thomas and Valle.
Excused: Representative Silver.

Referred to Committee on Appropriations.

February 17, 1995

HB 1113 Prime Sponsor, Representative Campbell: Revising time limits for filing initiatives petitions.
Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1213 Prime Sponsor, Representative Brumsickle: Revising provisions relating to liability in training of emergency service medical personnel. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Referred to Committee on Law & Justice.

February 16, 1995

HB 1246 Prime Sponsor, Representative Kremen: Regulating private school buses. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; Ogden; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representative McMahan.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Johnson, Koster, Mitchell, Ogden, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Voting Nay: Representative McMahan.

Excused: Representatives Horn and Patterson.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1304 Prime Sponsor, Representative Buck: Redefining the program to aid rural natural resources impact areas. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle and Van Luven.

Referred to Committee on Appropriations.

February 16, 1995

HB 1331 Prime Sponsor, Representative Dyer: Changing certain health professional examination procedures. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Excused: Representative Casada.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1345 Prime Sponsor, Representative Mason: Establishing the doctoral fellowship for faculty diversity program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Delvin; Mastin and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representatives Benton and Goldsmith.

Voting Yea: Representatives Basich, Carlson, Delvin, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Voting Nay: Representatives Benton and Goldsmith.

Excused: Representative Blanton.

Referred to Committee on Appropriations.

February 16, 1995

HB 1389 Prime Sponsor, Representative Dyer: Concerning the supervision of apprentice opticians. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Sherstad and Skinner.

Excused: Representatives Casada and Morris.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1404 Prime Sponsor, Representative Fuhrman: Revising shellfish sanitation requirements to enhance the safety of recreationally and commercially harvested seafood. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1437 Prime Sponsor, Representative Foreman: Revising lease rates for amateur radio electronic repeater sites. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Referred to Committee on Appropriations.

February 17, 1995

HB 1476 Prime Sponsor, Representative Dyer: Modifying federal financial participation related to health insurer's and children's health care. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1518 Prime Sponsor, Representative Thompson: Authorizing clock hours for teachers participating in internships. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; McMahan; Pelesky; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Clements, Cole, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, McMahan, Poulsen, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representative Quall.

Referred to Committee on Appropriations.

February 17, 1995

HB 1553 Prime Sponsor, Representative L. Thomas: Concerning the proper form of certain ballot titles. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Excused: Representative Hargrove.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1558 Prime Sponsor, Representative Carlson: Changing retention of leave provisions for employees of community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Benton; Blanton; Delvin; Mastin and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representative Goldsmith.

Voting Yea: Representatives Basich, Benton, Blanton, Carlson, Delvin, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Excused: Representative Goldsmith.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1571 Prime Sponsor, Representative Veloria: Funding the minority and women business development office. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Skinner and Valle.

MINORITY recommendation: Do not pass. Signed by Representative Sherstad.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Skinner, Valle, Van Luven and Veloria.
Voting Nay: Representative Sherstad.

Referred to Committee on Appropriations.

February 17, 1995

HB 1574 Prime Sponsor, Representative Elliot: Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1584 Prime Sponsor, Representative Veloria: Renaming as "youthbuilt," the youthbuilt program, and providing a tax incentive for business participation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Van Luven and Veloria.

Referred to Committee on Appropriations.

February 17, 1995

HB 1619 Prime Sponsor, Representative Appelwick: Revising child support provision for day care expenses. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Padden, Sheahan, Smith, Thibaudeau and Veloria.
Voting Nay: Representative Morris.

Excused: Representative Robertson.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1709 Prime Sponsor, Representative Carrell: Limiting certain offenses to no more than fifteen percent good time credits. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Padden, Sheahan, Smith, Thibaudeau and Veloria.
Excused: Representatives Morris and Robertson.

Referred to Committee on Corrections.

February 17, 1995

HB 1710 Prime Sponsor, Representative Sheahan: Changing provisions relating to dissolution of marriage. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Padden, Sheahan, Smith, Thibaudeau and Veloria.
Excused: Representatives Morris and Robertson.

Passed to Committee on Rules for second reading.

February 17, 1995

HJM 4013 Prime Sponsor, Representative Thompson: Removing the spotted owl from endangered or threatened species lists. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksma; Cairnes; Elliot; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; G. Fisher; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, Fuhrman, Pennington, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives G. Fisher, Jacobsen, Regala and Romero.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills and memorial listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

SPEAKER' S PRIVILEGE

The Speaker introduced former members of the House of Representatives.

The Clerk called the roll on former members, Speaker's and Chief Clerks, Assistant Chief Clerks of the House of Representatives.

Former Members: James Anderson, Paul Barden, Scott Bar, Harold Clayton, Bob Eberle, Jim Fox, Pete Francis, Dan Grimm, H. B. "Jerry" Hanna, Mick Hansen, George S. Hurley, Bill Kiskaddon, Curt Ludwig, Gene Lux, Augie Mardesich, Gary Matthews, Pat McMullen, Don Moos, Gary Nelson, Jim Salatino, Dick Smythe, Sid Snider, Jerry Vrooman, Gordon Walgren, John Whetzel, John Wynne, Hal Zimmerman, Audrey Gruger, Earl Tilly, Art Broback and Art Wang.

Former Speaker's: Wayne Ellers, Charlie Hodde and Don Eldridge.

Former Chief Clerk: Dean Foster.

Former Assistant Chief Clerk: Don Wilson.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4626, by Representatives Mason, Carlson, Valle, Dickerson, Conway, Elliot, Jacobsen, Hatfield, Ebersole, Dyer, Ogden, Cody, D. Schmidt, Veloria, Poulsen, Smith, Chopp and Costa

WHEREAS, The House of Representatives traditionally recognizes February as the celebration of the many contributions to America by African-Americans; and

WHEREAS, The American slave trade began on the Continent of Africa approximately 1490, and during the next 373 years more than 100 million Africans were objects of commerce and the foundation of America's present economic standing in the world; and

WHEREAS, During the period of the American slave trade, 15 million slaves died and remain buried in the middle passage between the shores of Africa and America; and

WHEREAS, More than 300,000 black men, women, and children fought, nursed, and assisted both the Union and Confederate armies during the Civil War; and the Emancipation Proclamation was signed by President Abraham Lincoln declaring January 1, 1863, as the date ending human bondage and the practice of labor without compensation in America; and

WHEREAS, Secular and religious education was of paramount importance to freed black Americans, and the first school for African-Americans was established in Hampton, Virginia in 1865. Today, 104 traditionally black colleges and universities that were established in the years following slavery still exist; and

WHEREAS, During Reconstruction, many African-Americans became prominent elected officials. Hiram Revels, a Republican from Mississippi, was the first black person to serve in the United States Senate in 1870; and South Carolina sent an all black delegation to Congress; and

WHEREAS, George Washington Bush was the first black to serve in the Washington Territorial Legislature, and Representatives Charles Stokes and Marjorie Pitter King were the first black man and woman to serve in the legislature following the proclamation of Washington statehood; and Charles Z. Smith was the first black, and only person of color, to serve on the Washington State Supreme Court; and

WHEREAS, In the 40 years following slavery, southern states eliminated black competition at the ballot box by instituting grandfather clauses permitting citizens to vote only if their grandfather had exercised that right; and

WHEREAS, Booker T. Washington, founder of Tuskegee College, was the first African-American to connect academic education with industrial training. He left a legacy of a changed educational policy for all Americans; and

WHEREAS, The desire to succeed and contribute to America caused African-Americans to defy racial hostility, lynching, Jim Crow laws, and economic injustices; and

WHEREAS, This willingness to succeed and the love for their country has left a positive impact on American culture and society in areas of education, medicine, industry, the military, religion, social science, philosophy, agriculture, engineering, and the arts; and

WHEREAS, Just a few of the major contributions made by African-American scientists include: Dr. Charles Drew developed the first blood bank; Dr. Elmer Imes, a physicist, expanded the quantum theory to include the rotation status of the molecule; Dr. Percy Julian was the first to find uses for the soybean and applications for cortisone; and Archie Alexander engineered and built the bridge spanning the Potomac River; and

WHEREAS, The civil rights movement grew from the Montgomery, Alabama bus boycott, inspired by Rosa Parks, and led by the Reverend Dr. Martin Luther King, Jr. The 1963 March on Washington brought together participants from all walks of American life to share in the spirit of equality; and

WHEREAS, There have been major contributions made to Washington State history by African-American citizens, including: Edwin T. Pratt, civil rights leader; Mona Lake Jones, poet; Sam Smith, political strategist; Jacob Lawrence and James Washington, artists; Esther Mumford, historian; and Quincy Jones, Ernestine Anderson, and Jimi Hendrix, musicians;

NOW, THEREFORE BE IT RESOLVED, That the House of Representatives of the state of Washington recognize the importance of the contributions made by African-Americans, and acknowledge that February is African-American History Month; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Chair of the Washington State Commission on African-American Affairs, to Judge Charles Stokes, the first African-American member of the Washington State House of Representatives, and to Justice Charles Z. Smith of the Washington State Supreme Court.

Representative Mason moved adoption of the resolution.

Representatives Mason, Carlson, Tokuda, Veloria and Conway spoke in favor of adoption of the resolution.

House Resolution No. 4626 was adopted.

HOUSE RESOLUTION NO. 95-4628, by Representatives Mielke, Carlson, Robertson, Poulsen, Campbell, Smith, Silver, Casada, D. Schmidt and Dyer

WHEREAS, February marks the observance of Black History Month and provides an opportunity to commemorate the early black pioneers who came to Washington state seeking a better life and an improved standard of living for themselves and their families, and who made valuable contributions to the growth and vitality of this great state; and

WHEREAS, George Bush, an early black pioneer, came to the Washington Territory in the early 1830's, thrived as a hunter, trapper, and later as a prosperous farmer, helped settle and tame the Thurston County area for later pioneers, and exemplified the valuable contributions and the spirit of rugged, determined individualism that helped make the state of Washington great; and

WHEREAS, George Washington, an early black pioneer, came to the Washington Territory in the 1850's, steadfastly guided by his acknowledged reliance on God, staked a claim on the confluence of the Chehalis and Skookumchuck rivers, encouraged the settlement of the area later to become known as Centralia, later started several successful businesses in the area, and exemplified the potency of entrepreneurial effort that helped make the state of Washington great; and

WHEREAS, James Sheppardson, an early black pioneer, came to the Washington Territory in the 1880's, one year before statehood, became active in the Republican party, and later became a lobbyist at the state capitol. Upon being recruited by the Northern Pacific Railway Company, he implemented the philosophy of hard work, dedication, and perseverance as the key to achievement and

was instrumental in maintaining the success of that early frontier business venture. James Sheppardson exemplified the unwavering personal motivation that helped make the state of Washington great; and

WHEREAS, John Gayton, an early black pioneer, arrived in Washington in the 1880's, the year the Washington Territory proudly and boldly took its place alongside other sister states in the union as the great state of Washington, became the first black federal bailiff for the United States District Court, and established the East Madison Young Men's Christian Association as well as the first black Methodist Church. He credited the value of family as being of primary importance, and exemplified the personal values that helped make the state of Washington great; and

WHEREAS, William Bush, the son of the early black pioneer George Bush, served as the first elected black representative in the first Legislature of this state in 1889, and exemplified the personal commitment to civic responsibilities that helped make the state of Washington great; and

WHEREAS, Horace Cayton, an early black pioneer, became, in the late 1880's, Seattle's first black journalist, established the Seattle Republican, Seattle's first black newspaper devoted to political news, and exemplified the learned endeavors that helped make the state of Washington great;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington hereby commemorate Black History Month and recognize the legacy of hard work and accomplishment that early black pioneers left and the heritage of pride and personal sacrifice that contributed to the growth and vitality of this great state and that remains a beacon of inspiration to others of all colors and races today.

Representative Mielke moved adoption of the resolution and spoke in favor of it.

House Resolution No. 4628 was adopted.

HOUSE RESOLUTION NO. 95-4627, by Representatives Valle, Hickel, Mason, Van Luven, Hatfield, Radcliff, Veloria, Sherstad, Sheldon, D. Schmidt, Skinner, Ballasiotes, Backlund, Sommers, Cooke, Tokuda, Regala, Chappell, Basich, Conway, Chopp, Cole, Scott, Costa, R. Fisher, Morris, Ebersole, Dyer, Lambert, Carlson, Cody, Robertson, Ogden, Poulsen and Smith

WHEREAS, Rosa Lee Parks, a hard working, law abiding African-American woman, one day became tired of having to give up her seat and move to the back of the bus simply because of her color; and

WHEREAS, Rosa Parks demonstrated extraordinary courage in refusing to give up her seat for a caucasian passenger on December 1, 1955, in Montgomery, Alabama; and

WHEREAS, Rosa Parks took a stand against segregation and provided the spark needed to light the fires of the civil rights movement across the United States; and

WHEREAS, As a seamstress who also served from 1943 to 1956 as secretary of the Montgomery branch of the National Association for the Advancement of Colored People, Rosa Parks holds out to all people a shining example of what one person can do to improve the lives of others and even the life of the nation; and

WHEREAS, The Montgomery bus boycott, launched after Rosa Parks' arrest and led by Dr. Martin Luther King, Jr., was a critical step in the awakening of the conscience of the nation and created an important opportunity for the emergence of Dr. King as one of the great moral leaders of the ages; and

WHEREAS, Rosa Parks served for many years as an aide to Michigan Congressman John Conyers, Jr.; and

WHEREAS, In 1987 Rosa Parks founded an institute dedicated to providing leadership and career training for young African-Americans; and

WHEREAS, Rosa Parks has served the cause of justice and equality in countless ways both large and small, and once said she wanted to be remembered "as a person who wanted to be free and wanted others to be free";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of the state of Washington, honor Rosa Lee Parks for her exemplary efforts in pursuit of this country's highest ideals, and recognize her outstanding achievements on behalf of all Americans; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Rosa Lee Parks and to the King Center in Atlanta, Georgia.

Representative Valle moved adoption of the resolution.

Representatives Valle and Chopp spoke in favor of the resolution.

House Resolution No. 4627 was adopted.

MOTION

On motion of Representative Foreman, House Bill No. 1100 was re-referred from the Committee on Appropriations to the Rules Committee and House Bill No. 1471 was re-referred from the Committee on Appropriations to the Rules Committee.

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

There being no objection, the House immediately considered House Bill No. 1110 on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1110, by Representatives Buck, Fuhrman, Pennington, Silver, Johnson, Brumsickle, Stevens, Hargrove and Benton

Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval.

The bill was read the second time. On motion of Representative Fuhrman, Substitute House Bill No. 1110 was substituted for House Bill No. 1110 and the substitute bill was advanced to the second reading calendar.

Substitute House Bill No. 1110 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck, Sheldon, Basich and Thompson spoke in favor of passage of the bill.

Representatives Jacobsen, Romero, Regala spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1110.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1110, and the bill passed the House by the following vote: Yeas - 68, Nays - 27, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representatives Beeksma, Benton and Hickel - 3.

Substitute House Bill No. 1110, having received the constitutional majority, was declared passed.

MOTION

Representative Appelwick moved that the House immediately consider House Bill No. 1022 on the second reading calendar.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Appelwick spoke in favor of the motion to immediately consider House Bill No. 1022 on the second reading calendar.

Representative Foreman spoke against the motion.

Representative Morris demanded an electronic roll call vote on the motion to suspend the rules on House Bill No. 1022 and the demand was sustained.

The Speaker stated the question before the House to be the motion to immediately consider House Bill No. 1022 on the second reading calendar.

ROLL CALL

The Clerk called the roll on the motion to immediately consider House Bill No. 1022, on the second reading calendar and the motion failed the House by the following vote: Yeas - 36, Nays - 58, Absent - 1, Excused - 3.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Tokuda, Valle, Veloria and Wolfe - 36.

Voting nay: Representatives Backlund, Ballasiotes, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Absent: Representative Kremen - 1.

Excused: Representatives Beeksma, Benton and Hickel - 3.

There being no objection, the House considered House Bill No. 1081 on the second reading calendar.

HOUSE BILL NO. 1081, by Representatives Radcliff, Blanton, Costa, Koster, Ballasiotes, Cole, Dickerson, Basich and Mitchell; by request of Department of Corrections

Specifying sentencing conditions for felons who commit additional felonies.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Radcliff spoke in favor of passage of the bill

The Speaker stated the question before the House to be final passage of House Bill No. 1081.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1081, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheehan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Absent: Representative Kremen - 1.

Excused: Representatives Beeksma, Benton and Hickel - 3.

House Bill No. 1081, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m., Tuesday, February 21, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FORTY-THIRD DAY, FEBRUARY 20, 1995

JOURNAL OF THE HOUSE

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

FORTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 21, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

INTRODUCTIONS AND FIRST READING

HB 1991 by Representatives Silver, Ogden, Sommers, Valle, Chandler, Stevens and Fuhrman; by request of Legislative Budget Committee

AN ACT Relating to reimbursement of the legislative budget committee for program and fiscal reviews; and adding a new section to chapter 43.131 RCW.

Referred to Committee on Appropriations.

HB 1992 by Representatives Ogden, Silver, Valle, Stevens, Sommers, Chandler and Fuhrman; by request of Legislative Budget Committee

AN ACT Relating to changing the name of the legislative budget committee to the joint committee on performance audits; and amending RCW 28A.630.830, 28B.20.382, 39.19.060, 39.29.016, 39.29.018, 39.29.025, 39.29.055, 41.06.070, 42.48.060, 43.09.310, 43.21J.800, 43.72.830, 43.79.270, 43.79.280, 43.88.020, 43.88.160, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.250.080, 44.28.010, 44.28.050, 44.28.060, 44.28.085, 44.28.086, 44.28.087, 44.28.140, 44.28.180, 44.40.025, 67.70.310, 79.01.006, and 88.46.920.

Referred to Committee on Appropriations.

HB 1993 by Representatives Ballasiotes, Costa and Blanton

AN ACT Relating to forensic investigations; amending RCW 43.43.670, 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.070, 43.103.090, 43.79.445, 68.50.107, 82.14.310, and 82.14.320; and reenacting and amending RCW 82.44.110.

Referred to Committee on Law & Justice.

HB 1994 by Representatives Tokuda, Ballasiotes, Dickerson, Mason and Cooke

AN ACT Relating to adopting recommended prosecuting standards for juvenile charging and plea dispositions; adding a new section to chapter 13.40 RCW; and prescribing penalties.

Referred to Committee on Corrections.

HB 1995 by Representatives Mielke, Morris and Dyer

AN ACT Relating to provision of a tax exemption and offset for premiums and prepayments for policies under the health insurance coverage access act; amending RCW 48.14.022; and declaring an emergency.

Referred to Committee on Health Care.

HB 1996 by Representative Veloria

AN ACT Relating to the medical quality assurance commission; and amending RCW 18.71.015.

Referred to Committee on Health Care.

HB 1997 by Representatives Cooke, Valle, Cody and Thibaudeau

AN ACT Relating to psychiatric outpatient commitment; reenacting and amending RCW 71.05.020; and adding new sections to chapter 71.05 RCW.

Referred to Committee on Children & Family Services.

HB 1998 by Representatives Sherstad, Tokuda, Goldsmith, Blanton, Koster, Ballasiotes, Hymes and Costa

AN ACT Relating to counseling for juvenile offenders and their parents; and amending RCW 13.04.030 and 13.40.080.

Referred to Committee on Corrections.

HB 1999 by Representatives Smith, Campbell, Sheahan, Stevens, Koster, Lambert, Goldsmith, Hickel, Delvin, Johnson, Hargrove, Clements, McMahan, Benton, Radcliff, Padden, Pelesky, B. Thomas, D. Schmidt, Sherstad, Thompson and Beeksma

AN ACT Relating to prohibiting discriminatory or preferential treatment based on race, sex, color, ethnicity, or national origin; adding new sections to chapter 49.60 RCW; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 2000 by Representatives D. Schmidt, Appelwick, Jacobsen, Buck, Reams and Carrell

AN ACT Relating to financing of public stadiums used by professional sports teams; adding a new section to chapter 36.38 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 2001 by Representatives D. Schmidt, Scott and Thompson

AN ACT Relating to community councils; amending RCW 36.105.010, 36.105.020, 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070, 36.105.080, 36.105.090, and 36.105.100; adding a new section to chapter 36.105 RCW; and creating a new section.

Referred to Committee on Government Operations.

HB 2002 by Representatives D. Schmidt, Koster and Thompson

AN ACT Relating to city and town annexations under the petition/ election method of annexation; amending RCW 66.08.210, 82.14.210, and 82.08.170; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Government Operations.

HB 2003 by Representative D. Schmidt

AN ACT Relating to international tourism; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 2004 by Representatives Thompson, Fuhrman, Goldsmith, Buck, Elliot, Cairnes and Sheldon

AN ACT Relating to necessary emergency measures for the Loomis state forest; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2005 by Representatives Dyer and Dellwo

AN ACT Relating to the modification of provisions governing certified health plans providing vision benefits only; adding a new section to chapter 48.01 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2006 by Representatives Valle, Thompson, Regala, D. Schmidt and Blanton

AN ACT Relating to international trade education; adding a new chapter to Title 28B RCW; and making an appropriation.

Referred to Committee on Higher Education.

HB 2007 by Representative Elliot

AN ACT Relating to setting forth in the budget documents a proposal for cutting expenditures by thirty percent in following fiscal periods; and reenacting and amending RCW 43.88.030.

Referred to Committee on Appropriations.

HB 2008 by Representative Casada

AN ACT Relating to changing the nature of liens on a single-family dwelling for utility and other service from in rem to in personam if the dwelling is sold; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 36.36 RCW; adding a new section to chapter 36.89 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 56.16 RCW; adding a new section to chapter 57.08 RCW; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Energy & Utilities.

HB 2009 by Representatives Casada, Huff, Campbell, Clements, Goldsmith, Elliot, Pelesky, Backlund, Reams, Smith, Delvin, Blanton and Beeksma

AN ACT Relating to the energy office; amending RCW 43.140.040, 43.140.050, 39.35.030, 39.35.050, 39.35.060, 39.35C.010, 39.35C.020, 39.35C.030, 39.35C.040, 39.35C.050, 39.35C.060, 39.35C.090, 39.35C.100, 39.35C.110, 39.35C.120, 39.35C.130, 43.41.175, 43.99I.050, 70.94.544, 70.94.960, 70.120.210, 70.120.220, 19.27.190, 19.27A.020, 19.27A.055, 28A.515.320, 43.06.115, 43.19.675, 43.19.680, 43.31.621, 47.06.110, 82.35.020, 82.35.080, and 90.03.247; reenacting and amending RCW 42.17.2401; adding new sections to chapter 43.330 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 38.52 RCW; creating new sections; repealing RCW 43.21F.010, 43.21F.015, 43.21F.025, 43.21F.035, 43.21F.045, 43.21F.055, 43.21F.060, 43.21F.065, 43.21F.090, 70.94.537, 70.94.541, 41.06.081, 39.35C.070, and 39.35C.080; providing an effective date; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 2010 by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton

AN ACT Relating to corrections; amending RCW 72.09.135, 4.24.130, 72.10.020, 72.09.111, 9.94A.137, 72.09.070, 72.10.005, and 72.10.030; adding new sections to chapter 74.12 RCW; adding new sections to chapter 72.09 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Corrections.

HB 2011 by Representative L. Thomas

AN ACT Relating to residential habilitation centers; and adding a new section to chapter 71A.20 RCW.

Referred to Committee on Children & Family Services.

HB 2012 by Representatives Romero, Wolfe and Costa

AN ACT Relating to mobile home parks; adding a new section to chapter 36.70A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 2013 by Representative Benton

AN ACT Relating to emergency management; amending RCW 38.52.005, 38.52.090, 38.52.420, 38.54.010, 38.54.020, 46.16.340, and 88.46.100; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations.

HB 2014 by Representative Benton

AN ACT Relating to environmental appeals; and amending RCW 43.21B.170, 43.21B.180, 36.70A.300, 75.20.140, 76.09.230, and 90.58.180.

Referred to Committee on Government Operations.

HJM 4026 by Representatives Hankins, Delvin, Lisk, Mastin, Grant and Honeyford

Concerning federal funds for the cleanup of the Hanford waste disposal site.

Referred to Committee on Agriculture & Ecology.

HJM 4027 by Representative Casada

Requesting that Congress transfer jurisdiction to regulate one-way video and audio communications to the states.

Referred to Committee on Energy & Utilities.

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

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

REPORTS OF STANDING COMMITTEES

February 16, 1995

HB 1027 Prime Sponsor, Representative Brumsickle: Redirecting school administrative resources to the classroom. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Hargrove, Hickel, Huff, Jacobsen, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Dellwo, Foreman, Grant, Lambert and Lisk.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1036 Prime Sponsor, Representative Backlund: Requiring a performance audit of the office of the superintendent of public instruction. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman;

Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Lisk; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Hargrove, Hickel, Huff, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver, Sommers and Talcott.

Voting Nay: Representatives Basich, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Dellwo, Foreman, Grant and Lambert.

Passed to Committee on Rules for second reading.

February 16, 1995

HB 1093 Prime Sponsor, Representative K. Schmidt: Revising bidding procedures for public agencies. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Johnson, Koster, McMahan, Mitchell, Ogden, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Excused: Representatives Backlund, Horn and Patterson.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1299 Prime Sponsor, Representative Brumsickle: Changing provisions relating to student improvement grants. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; Pelesky; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and McMahan.

Voting Yea: Representatives Brumsickle, Clements, Cole, Dickerson, Elliot, G. Fisher, Hatfield, Johnson, Pelesky, Poulsen, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Voting Nay: Representatives Fuhrman and McMahan.

Excused: Representative Quall.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1336 Prime Sponsor, Representative Jacobsen: Requiring institutions of higher education to report on precollege class enrollments. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Benton; Blanton; Delvin; Goldsmith; Mastin and Sheahan.

Voting Yea: Representatives Basich, Benton, Blanton, Carlson, Delvin, Goldsmith, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1400 Prime Sponsor, Representative Silver: Prohibiting the use of state funds or student operating fees for most remedial or precollege classes at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Benton; Blanton; Delvin; Goldsmith and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich and Mastin.

Voting Yea: Representatives Benton, Blanton, Carlson, Delvin, Goldsmith, Mulliken and Sheahan.

Voting Nay: Representatives Basich, Jacobsen, Mason and Mastin.

Referred to Committee on Appropriations.

February 16, 1995

HB 1427 Prime Sponsor, Representative Dyer: Modifying provisions for emergency medical service professionals. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

February 20, 1995

HB 1446 Prime Sponsor, Representative Lisk: Requiring alcohol servers to have alcohol servers permits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Vice Chairman; and Fuhrman.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway Goldsmith, Horn, Lisk, Romero and Thompson.

Voting Nay: Representatives Fuhrman and Hargrove.

Passed to Committee on Rules for second reading.

February 17, 1995

HB 1632 Prime Sponsor, Representative Horn: Exchanging certain public lands. Reported by
Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

February 20, 1995

HB 1702 Prime Sponsor, Representative Horn: Regulating wheelchair warranties. Reported by
Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 10:00 a. m., Wednesday, February 22, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FORTY-FOURTH DAY, FEBRUARY 21, 1995

JOURNAL OF THE HOUSE

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FORTY-FIFTH DAY

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MORNING SESSION

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House Chamber, Olympia, Wednesday, February 22, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Troy Ledgerwood and Tony Schmidt. Prayer was offered by Reverend Joseph Kalama, Red Road Ministry.

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

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

MESSAGE FROM THE SENATE

February 21, 1995

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8405,

and the same is herewith transmitted.

Mary Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8405,

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

INTRODUCTIONS AND FIRST READING

HB 2015 by Representatives McMorris, Sheldon and Fuhrman

AN ACT Relating to exemptions from hazardous waste management requirements; and amending RCW 70.105.035.

Referred to Committee on Natural Resources.

HB 2016 by Representatives Mulliken, Carlson, Jacobsen, Blanton, Silver and Conway

AN ACT Relating to higher education authorizing contracts with independent colleges and universities for instructional programmatic services; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 2017 by Representatives Reams, Radcliff, D. Schmidt, Van Luvan, Benton, Sherstad and Carrell

AN ACT Relating to the preferential use of highways; and amending RCW 46.61.165 and 34.05.010.

Referred to Committee on Transportation.

HB 2018 by Representative Sheldon

AN ACT Relating to improving the management of shellfish protection districts; amending RCW 90.72.030, 90.72.040, and 90.72.070; adding new sections to chapter 90.72 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2019 by Representatives Campbell, Benton, D. Schmidt, Smith, Pelesky, McMahan, McMorris, Koster, Stevens and Blanton

AN ACT Relating to enhancing public safety through coordination of agencies; adding a new chapter to Title 10 RCW; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 2020 by Representative Dyer

AN ACT Relating to taxes on insurance premiums and prepayments; amending RCW 48.14.0201 and 48.14.022; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2021 by Representatives Buck, McMorris, Carrell, Fuhrman, Pennington, Campbell, Goldsmith, Hargrove, K. Schmidt and Schoesler

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

Referred to Committee on Natural Resources.

HB 2022 by Representative Fuhrman

AN ACT Relating to the fees, fees in lieu of assessment work or labor requirements, affidavits, or oaths that are necessary to secure mining claims; and amending RCW 78.08.060 and 78.08.081.

Referred to Committee on Natural Resources.

HB 2023 by Representatives Costa, Veloria, Radcliff, R. Fisher, Tokuda, Hatfield, Romero, Thibaudeau, Scott and Wolfe

AN ACT Relating to family day-care providers; amending RCW 36.70A

Referred to Committee on Government Operations.

HB 2024 by Representatives Costa, Mason, Scott, Tokuda, Veloria, Cody, Dickerson, R. Fisher, Romero and Wolfe

AN ACT Relating to interest on deposits held by landlords of mobile home parks; amending RCW 59.20.170; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Trade & Economic Development.

HB 2025 by Representatives Costa, Scott, Radcliff, Veloria, Cody, Dickerson, R. Fisher, Tokuda and Kremen

AN ACT Relating to motor vehicle warranties; and amending RCW 19.118.021 and 19.118.100.

Referred to Committee on Law & Justice.

HB 2026 by Representative Campbell

AN ACT Relating to defining the responsibilities and liabilities of skating center operators and persons who use skating centers; and adding a new chapter to Title 70 RCW.

Referred to Committee on Law & Justice.

HB 2027 by Representatives Pennington and Sherstad

AN ACT Relating to credit vouchers for retail sales taxes; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 2028 by Representatives Mulliken, Morris, McMorris, Van Luven, Boldt, Chandler, Pennington, Schoesler, Carrell, Benton and Blanton

AN ACT Relating to providing business and occupation tax exemptions for sale of motor vehicles; adding new sections to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2029 by Representatives Romero, Valle, Thibaudeau, Chappell and Carrell

AN ACT Relating to study of a two-tiered property tax system; and creating a new section.

Referred to Committee on Finance.

HB 2030 by Representative Fuhrman

AN ACT Relating to restructuring the board of natural resources.

Referred to Committee on Natural Resources.

HB 2031 by Representative K. Schmidt

AN ACT Relating to storm water facility charges for highway rights of way; and repealing RCW 90.03.525.

Referred to Committee on Transportation.

HB 2032 by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Brown, Backlund, Romero, Johnson, D. Schmidt, Elliot, Benton and Blanton

AN ACT Relating to the sales tax on highway and ferry construction contracts; adding new sections to chapter 82.32 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2033 by Representatives D. Schmidt and Scott

AN ACT Relating to an exemption to the Washington clean air act for fire training; and amending RCW 70.94.650 and 70.94.775.

Referred to Committee on Government Operations.

HB 2034 by Representatives Silver, Quall, Sommers and Basich; by request of State Board for Community and Technical Colleges

AN ACT Relating to community and technical college tuition refunds or fee cancellations; amending RCW 28B.15.600; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 2035 by Representatives Hankins, Delvin and Blanton

AN ACT Relating to water recreation facilities; and amending RCW 70.90.120.

Referred to Committee on Health Care.

HJM 4028 by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Hankins, Ogden, Johnson, D. Schmidt and Blanton

Urging passage of legislation authorizing the National Highway System.

Referred to Committee on Transportation.

HJM 4029 by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Hankins, D. Schmidt, Robertson, Brown, Ogden, Johnson, Elliot, Radcliff, Backlund, Benton, Sherstad and Blanton

Urging Congress to use transportation funds for transportation purposes.

Referred to Committee on Transportation.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 21, 1995

HB 1054 Prime Sponsor, Representative Padden: Restricting offender privileges. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Koster; Radcliff and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives Tokuda, Assistant Ranking Minority Member; Cole and Dickerson.

Voting Yea: Representatives Ballasiotes, Blanton, Koster, Radcliff, Quall, Schoesler and Sherstad.

Voting Nay: Representatives Cole, Dickerson and Tokuda.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1065 Prime Sponsor, Representative Chandler: Providing that safety and health standards for agriculture shall be those in effect on January 1, 1993. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman and Goldsmith.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Lisk and Tokuda.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1280 Prime Sponsor, Representative Sherstad: Revising procedures for offenders who violate conditions or requirements of sentences. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, Schoesler, Sherstad and Tokuda.

Excused: Representative K. Schmidt.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1358 Prime Sponsor, Representative Costa: Revising parole procedures for juveniles. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Dickerson; Radcliff and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives Sherstad, Vice Chairman; Cole and Koster.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Radcliff, Quall, Schoesler and Tokuda.

Voting Nay: Representative Sherstad.

Excused: Representative K. Schmidt.

Referred to Committee on Appropriations.

February 21, 1995

HB 1375 Prime Sponsor, Representative Lisk: Canceling industrial insurance benefits during confinement in an institution. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Goldsmith.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Lisk, Romero and Thompson.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

February 20, 1995

HB 1481 Prime Sponsor, Representative Cooke: Requiring AFDC contracts and making additional changes in public assistance laws. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Hargrove; Lambert; McMorris; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Hargrove, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, G. Fisher, Grant, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau Valle and Wolfe.

Excused: Representatives Beeksma, Dellwo and Hickel.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1550 Prime Sponsor, Representative Smith: Allowing warrantless arrest for criminal trespass.
Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1618 Prime Sponsor, Representative Appelwick: Removing ordinary health care expense from the child support economic table. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Cody, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1692 Prime Sponsor, Representative Padden: Clarifying clerks' fees. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1711 Prime Sponsor, Representative Padden: Providing for written marriage contracts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Lambert; McMahan; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Chappell; Cody; Morris; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Delvin, Hickel, Lambert, McMahan, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Chappell, Cody, Costa, Morris, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1712 Prime Sponsor, Representative Lambert: Prescribing procedures for pretrial release.
Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1792 Prime Sponsor, Representative Padden: Prescribing procedures for release of offenders.
Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1893 Prime Sponsor, Representative Ballasiotes: Authorizing the secretary of corrections to delegate authority to certify records and documents. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall Radcliff, Schoesler, Sherstad and Tokuda.

Excused: Representative K. Schmidt.

Passed to Committee on Rules for second reading.

February 21, 1995

SSB 5089 Prime Sponsor, Committee on Energy, Telecommunications & Utilities: Requiring 911 compatibility of private telecommunications systems and private shared telecommunications services. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that citizens of the state increasingly rely on the dependability of enhanced 911, a system that allows the person answering an emergency call to immediately determine the location of the emergency without the need of the caller to speak. The legislature further finds that in some cases, calls made from telephones connected to private telephone systems may not be precisely located by the answerer, eliminating some of the benefit of enhanced 911, and that this condition could additionally imperil citizens calling from these locations in an emergency. The legislature also finds that until national standards have been developed to address this condition, information-forwarding requirements should be mandated for only those settings with the most risk, including schools, residences, and some business settings.

Sec. 2. RCW 80.04.010 and 1991 c 100 s 1 are each amended to read as follows:

As used in this title, unless specifically defined otherwise or unless the context indicates otherwise:

"Automatic location identification" means a system by which information about a caller's location, including the seven-digit number or ten-digit number used to place a 911 call or a different seven-digit number or ten-digit number to which a return call can be made from the public switched network, is forwarded to a public safety answering point for display.

"Automatic number identification" means a system that allows for the automatic display of the seven-digit or ten-digit number used to place a 911 call.

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Competitive telecommunications company" means a telecommunications company which has been classified as such by the commission pursuant to RCW 80.36.320.

"Competitive telecommunications service" means a service which has been classified as such by the commission pursuant to RCW 80.36.330.

"Corporation" includes a corporation, company, association or joint stock association.

"Person" includes an individual, a firm or partnership.

"Gas plant" includes all real estate, fixtures and personal property, owned, leased, controlled, used or to be used for or in connection with the transmission, distribution, sale or furnishing of natural gas, or the manufacture, transmission, distribution, sale or furnishing of other type gas, for light, heat or power.

"Gas company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

"Electric plant" includes all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat, or power for hire; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

"Electrical company" includes any corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad company generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others), and every city or town owning, operating or managing any electric plant for hire within this state. "Electrical company" does not include a company or person employing a cogeneration facility solely for the generation of electricity for its own use or the use of its tenants or for sale to an electrical company, state or local public agency, municipal corporation, or quasi municipal corporation engaged in the sale or distribution of electrical energy, but not for sale to others, unless such company or person is otherwise an electrical company.

"LATA" means a local access transport area as defined by the commission in conformance with applicable federal law.

"Private telecommunications system" means a telecommunications system controlled by a person or entity for the sole and exclusive use of such person, entity, or affiliate thereof, including the provision of private shared telecommunications services by such person or entity. "Private telecommunications system" does not include a system offered for hire, sale, or resale to the general public.

"Private shared telecommunications services" includes the provision of telecommunications and information management services and equipment within a user group located in discrete private premises in building complexes, campuses, or high-rise buildings, by a commercial shared services provider or by a user association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to the facilities of a local exchange and to interexchange telecommunications companies.

"Private switch automatic location identification service" means a service that enables automatic location identification to be provided to a public safety answering point for 911 calls originating from station lines served by a private switch system.

"Radio communications service company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide radio communications service, radio paging, or cellular communications service for hire, sale, or resale.

"Telecommunications company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, operating or managing any facilities used to provide telecommunications for hire, sale, or resale to the general public within this state.

"Noncompetitive telecommunications service" means any service which has not been classified as competitive by the commission.

"Facilities" means lines, conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by any telecommunications company to facilitate the provision of telecommunications service.

"Telecommunications" is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols.

"Water system" includes all real estate, easements, fixtures, personal property, dams, dikes, head gates, weirs, canals, reservoirs, flumes or other structures or appliances operated, owned, used or to be used for or in connection with or to facilitate the supply, storage, distribution, sale, furnishing, diversion, carriage, apportionment or measurement of water for power, irrigation, reclamation, manufacturing, municipal, domestic or other beneficial uses for hire.

"Water company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, controlling, operating, or managing any water system for hire within this state: PROVIDED, That for purposes of commission jurisdiction it shall not include any water system serving less than one hundred customers where the average annual gross revenue per customer does not exceed three hundred dollars per year, which revenue figure may be increased annually by the commission by rule adopted pursuant to chapter 34.05 RCW to reflect the rate of inflation as determined by the implicit price deflator of the United States department of commerce: AND PROVIDED FURTHER, That such measurement of customers or revenues shall include all portions of water companies having common ownership or control, regardless of location or corporate designation. "Control" as used herein shall be defined by the commission by rule and shall not include management by a satellite agency as defined in chapter 70.116 RCW if the satellite agency is not an owner of the water company. "Water company" also includes, for auditing purposes only, nonmunicipal water systems which are referred to the commission pursuant to an administrative order from the department, or the city or county as provided in RCW 80.04.110. However, water companies exempt from commission regulation shall be subject to the provisions of chapter 19.86 RCW. A water company cannot be removed from regulation except with the approval of the commission. Water companies subject to regulation may petition the commission for removal from regulation if the number of customers falls below one hundred or the average annual revenue per

customer falls below three hundred dollars. The commission is authorized to maintain continued regulation if it finds that the public interest so requires.

"Cogeneration facility" means any machinery, equipment, structure, process, or property, or any part thereof, installed or acquired for the primary purpose of the sequential generation of electrical or mechanical power and useful heat from the same primary energy source or fuel.

"Public service company" includes every gas company, electrical company, telecommunications company, and water company. Ownership or operation of a cogeneration facility does not, by itself, make a company or person a public service company.

"Local exchange company" means a telecommunications company providing local exchange telecommunications service.

"Department" means the department of health.

The term "service" is used in this title in its broadest and most inclusive sense.

NEW SECTION. Sec. 3. A new section is added to chapter 80.36 RCW to read as follows:

By January 1, 1997, or one year after enhanced 911 service becomes available or a private switch automatic location identification service approved by the Washington utilities and transportation commission is available from the serving local exchange telecommunications company, whichever is later, any private shared telecommunications services provider that provides service to residential customers shall assure that the telecommunications system is connected to the public switched network such that calls to 911 result in automatic location identification for each residential unit in a format that is compatible with the existing or planned county enhanced 911 system.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.150 RCW to read as follows:

By January 1, 1997, or one year after enhanced 911 service becomes available or a private switch automatic location identification service approved by the Washington utilities and transportation commission is available from the serving local exchange telecommunications company, whichever is later, all common and public schools located in counties that provide enhanced 911 service shall provide persons using school facilities direct access to telephones that are connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing and planned county enhanced 911 system during all times that the facility is in use. Any school district acquiring a private telecommunications system that allows connection to the public switched network after January 1, 1997, shall assure that the telecommunications system is connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing or planned county enhanced 911 system.

NEW SECTION. Sec. 5. A new section is added to chapter 80.36 RCW to read as follows:

By January 1, 1997, or one year after enhanced 911 service becomes available or a private switch automatic location identification service approved by the Washington utilities and transportation commission is available from the serving local exchange telecommunications company, whichever is later, any commercial shared services provider of private shared telecommunications services for hire or resale to the general public to multiple unaffiliated business users from a single system shall assure that such a system is connected to the public switched network such that calls to 911 result in automatic location identification for each telephone in a format that is compatible with the existing or planned county enhanced 911 system. This section shall apply only to providers of service to businesses containing a physical area exceeding twenty-five thousand square feet, or businesses on more than one floor of a building, or businesses in multiple buildings.

NEW SECTION. Sec. 6. A new section is added to chapter 35.21 RCW to read as follows:

No city or town may enact or enforce an ordinance or regulation mandating automatic number identification or automatic location identification for a private telecommunications system or for a provider of private shared telecommunications services.

NEW SECTION. Sec. 7. A new section is added to chapter 35A.21 RCW to read as follows:

No code city may enact or enforce an ordinance or regulation mandating automatic number identification or automatic location identification for a private telecommunications system or for a provider of private shared telecommunications services.

NEW SECTION. Sec. 8. A new section is added to chapter 36.32 RCW to read as follows:
No county may enact or enforce an ordinance or regulation mandating automatic number identification or automatic location identification for a private telecommunications system or for a provider of private shared telecommunications services.

NEW SECTION. Sec. 9. A new section is added to chapter 38.52 RCW to read as follows:
The state enhanced 911 coordination office may develop and implement public education materials regarding the capability of specific equipment used as part of a private telecommunications system or in the provision of private shared telecommunications services to forward automatic location identification and automatic number identification.

NEW SECTION. Sec. 10. A new section is added to chapter 38.52 RCW to read as follows:
The state enhanced 911 coordination office and the enhanced 911 advisory committee may participate in efforts to set uniform national standards for automatic number identification and automatic location identification data transmission for private telecommunications systems and private shared telecommunications services. The enhanced 911 advisory committee shall report to the legislature by January 1, 1997, the progress of such standards development and shall make recommendations on steps to be taken if such standards have not been adopted.

Sec. 11. RCW 43.63A.320 and 1993 c 280 s 69 are each amended to read as follows:
Except for matters relating to the statutory duties of the director of community, trade, and economic development which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

- (1) Adopt a state fire protection master plan;
- (2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;
- (3) Establish and promote state arson control programs and ensure development of local arson control programs;
- (4) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials;
- (5) Recommend to the director of community, trade, and economic development rules on minimum information requirements of automatic location identification for the purposes of enhanced 911 emergency service;
- (6) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;
- ~~((6))~~ (7) Promote mutual aid and disaster planning for fire services in this state;
- ~~((7))~~ (8) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;
- ~~((8))~~ (9) Submit annually a report to the governor containing a statement of its official acts pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested;
- ~~((9))~~ (10) Adopt a state fire training and education master plan;
- ~~((10))~~ (11) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;
- ~~((11))~~ (12) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;
- ~~((12))~~ (13) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;
- ~~((13))~~ (14) Assure the administration of any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of Congress insofar as the provisions thereof may apply;

~~((14))~~(15) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Section 11 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 3 of the title, after "services;" strike the remainder of the title and insert "amending RCW 80.04.010 and 43.63A.320; adding new sections to chapter 80.36 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; adding new sections to chapter 38.52 RCW; creating a new section; providing an effective date; and declaring an emergency."

Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Crouse, Chandler, Hankins, Huff, Kessler, Kremen, Mastin, Mielke and Patterson.

Excused: Representative Mitchell.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

On motion of Representative Foreman, House Bill No. 2006 was re-referred from the Committee on Higher Education to the Committee on Trade & Economic Development and Senate Bill No. 5075 was re-referred from the Committee on Capital Budget to the Committee on Appropriations.

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

SECOND READING

HOUSE BILL NO. 1091, by Representatives Brumsickle, B. Thomas and Cole; by request of Joint Select Committee on Education Restructuring

Changing education provisions.

The bill was read the second time. On motion of Representative Brumsickle, Substitute House Bill No. 1091 was substituted for House Bill No. 1091 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1091 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Elliot spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Dyer was excused.

The Speaker stated the question before the House to final passage of Substitute House Bill No. 1091.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1091, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Absent: Representative Cody and Ebersole - 2.

Excused: Representatives Dellwo, Dyer and Fisher, G. - 3.

Substitute House Bill No. 1091, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1123, by Representatives Sheldon, Van Luven, Horn, Campbell, Foreman, Mason, Hatfield, Ballasiotes, Kremen, Conway, K. Schmidt, D. Schmidt, Grant, Sheahan, Chopp, Schoesler, Morris, Koster, Thibaudeau, Talcott, Valle, Wolfe, L. Thomas, Casada, Boldt, Sherstad, Huff and Mitchell

Creating the office of Washington state trade representative.

The bill was read the second time. On motion of Representative Van Luven, Substitute House Bill No. 1123 was substituted for House Bill No. 1123 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1123 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill placed on final passage.

MOTION

On motion of Representative Brown, Representatives Dellwo and G. Fisher were excused.

Representatives Sheldon, Van Luven and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1123.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1123, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe, Mr. Speaker - 94.

Absent: Representative Rust - 1.

Excused: Representatives Dellwo and Dyer, Fisher, G. - 3.

Substitute House Bill No. 1123, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1125, by Representatives Kessler, Casada, Chandler, Kremen, Patterson, Mastin, Morris, Quall, Foreman, L. Thomas, Brumsickle, Buck, Huff and Schoesler

Exempting federally licensed dams from state regulation.

The bill was read the second time. On motion of Representative Casada, Substitute House Bill No. 1125 was substituted for House Bill No. 1125 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1125 was read the second time.

Representative Kessler moved adoption of the following amendment by Representative Kessler:

On page 4, after line 24, strike all of section 7

On page 1, line 2 of the title, after "86.16.025" strike "90.03.350, and 90.03.370" and insert "and 90.03.350"

Representatives Kessler and Casada spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Casada and Kremen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1125.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1125, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Cole, Jacobsen, Mason, Rust, Thibaudeau and Valle - 6.

Excused: Representative Dellwo - 1.

Engrossed Substitute House Bill No. 1125, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House continued with the sixth order of business.

HOUSE BILL NO. 1132, by Representatives Beeksma, Sehlin, B. Thomas, Sheldon, Foreman, L. Thomas, Costa, Huff and Mason; by request of Governor Lowry

Exempting from use tax naval equipment transferred due to base closure.

The bill was read the second time.

Representative Schoesler moved adoption of the following amendment by Representative Schoesler:

On page 1, line 8, strike "naval" and insert "military"

On page 1, line 9, strike "naval" and insert "military"

Representatives Schoesler and Brown spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Beeksma, Sheahan, Morris and D. Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1132.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1132, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria and Wolfe - 96.

Absent: Representative Mr. Speaker - 1.

Excused: Representative Dellwo - 1.

Engrossed House Bill No. 1132, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1006, by Representatives Carlson and Brumsickle

Defining school bus driver.

The bill was read the second time. On motion of Representative Brumsickle, Substitute House Bill No. 1006 was substituted for House Bill No. 1006 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1006 was read the second time.

With the consent of the House, amendment number 48 to Substitute House Bill No. 1006 was withdrawn.

Representative Hatfield moved adoption of the following amendment by Representative Hatfield:

On page 2, line 11, after "activities." insert the following:

"Such policy shall require:

- (1) A criminal background check under RCW 28A.400.303; and
- (2) A driver's license check that assures: (a) the applicant has not had a driving license privilege suspended or revoked within the preceding three years. A certified copy of the suspension or revocation order issued by the department of licensing shall serve as conclusive evidence of the suspension or revocation; and (b) the applicant has not been involved in any crime within the preceding three years involving driving with a suspended or revoked driver's license, hit and run driving, driving while intoxicated, being in physical control of a motor vehicle while intoxicated, reckless driving, negligent driving of a serious nature, vehicular assault, or vehicular homicide."

Representatives Hatfield, Poulsen, Cole, Appelwick, Robertson and Mason spoke in favor of adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

Representative Campbell ask Representative Poulsen to yield to a question and the request was denied.

Representatives Carlson, Campbell and Brumsickle spoke against adoption of the amendment.

Representative Poulsen again spoke in favor of adoption of the amendment and Representative Carlson again spoke against adoption of the amendment.

On motion of Representative Talcott, Representative Ballard was excused.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 2, line 11, to Substitute House Bill No. 1006 was adopted by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Wolfe - 93.

Voting nay: Representatives Cooke, McMahan and Talcott - 3.

Excused: Representatives Dellwo and Mr. Speaker - 2.

STATEMENT FOR THE JOURNAL

I intended to vote "YEA" on amendment number 63 to Substitute House Bill No. 1006.

LOIS MCMAHAN, 26th District

The bill was ordered engrossed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson, Smith and Carrell spoke in favor of passage of the bill.

Representative Cole spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1006.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1006, and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Van Luven - 73.

Voting nay: Representatives Appelwick, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Hatfield, Kessler, Mason, Morris, Ogden, Patterson, Regala, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 23.

Excused: Representatives Dellwo and Mr. Speaker - 2.

Engrossed Substitute House Bill No. 1006, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at recess until 6:30 p.m.

EVENING SESSION

The Speaker called the House to order at 6:30 p.m.

The Clerk called the roll and a quorum was present.

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

RESOLUTION

HOUSE RESOLUTION NO. 95-4620, by Representatives Backlund, Koster, Sherstad, Crouse, Horn, B. Thomas, Honeyford, D. Schmidt, Beeksma, Robertson, Talcott, Buck, Cairnes, L. Thomas, Schoesler and Mulliken

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, George Washington, the first President of the United States of America, demonstrated the epitome of excellence in serving the country he loved so well; and

WHEREAS, George Washington was a son of one of the original American colonies, being raised in Westmoreland County, Virginia; and

WHEREAS, George Washington's extraordinary success in life was built upon the foundation of values imparted to him in his youth by his mother, Mary Ball Washington, who educated and tutored him at home until he successfully moved on to the venerable institution of William and Mary College, Williamsburg, Virginia, of which he later became its first Chancellor; and

WHEREAS, George Washington earned and properly merits the highest honor, respect, devotion, and homage from his countrymen for his unwavering commitment, virtuous sacrifice, and wise, principled leadership in the proud and noble struggle for liberty for the American colonies; and

WHEREAS, George Washington's reverent and faithful guidance as Commander-in-Chief of the Continental Army during the Revolutionary War gave confidence and spirit to the soldiers and countrymen who suffered uncommon hardships, and demonstrated that the dispensations and blessings of providence are always a constant companion of the honorable and noble patriot laboring for justice, freedom, and truth; and

WHEREAS, George Washington bravely met and overcame arduous challenges and perils in the heroic struggle of the American patriots, perhaps best symbolized by the cruel and unrelenting hardships the Continental Army experienced under his command during the winter of 1777 at Valley Forge, where overwhelming British forces and inconceivable weather and supply conditions were conquered with patience, bearing, fortitude, and an unwavering faith in God Almighty; and

WHEREAS, George Washington, victorious in the Revolutionary War, tempered by piety, and inspired by the giving of thanks for the favors and blessings of providence, ushered in the independent and sovereign young republic; and

WHEREAS, George Washington, following victory for the American States, continued his distinguished service to his countrymen and was unanimously chosen to preside at the Constitutional Convention, in Philadelphia, Pennsylvania in 1787, wherein the esteemed charter of the greatest nation ever on this earth was eminently commissioned as the Constitution of the United States of America and later ratified by the people of the several states to form a union which would work to establish justice, ensure domestic tranquility, provide for the common defense, and secure the blessings of liberty for posterity; and

WHEREAS, George Washington, on April 30, 1789, placed his palm upon an open Bible and solemnly, humbly, and resolutely took the oath of office as the first President of the United States of America amid the thunderous ovation of the people, the pealing of church bells, and roaring artillery salutes and forthwith led the young Republic to a prominent place among the nations of this earth; and

WHEREAS, This great state of Washington, established in 1889, bears and honors the name of George Washington and the vignette of his likeness prominently and nobly displayed on the state seal;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor George Washington, the first President of the United States, and Father of this great

nation, for his innumerable and indomitable accomplishments and contributions for the eternal cause of liberty and justice for all.

Representative Backlund moved adoption of the resolution.

Representative Backlund spoke in favor of adoption of the resolution.

House Resolution No. 4620 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1088, by Representatives Hatfield, Ballasiotes, Kessler, Poulsen, Sheldon, Schoesler, Brumsickle, Blanton, Campbell, Pennington, Costa, Sherstad and Benton

Clarifying the definition of "sex offense".

The bill was read the second time.

Representative Ballasiotes moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Ballasiotes and Hatfield spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1088.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1088, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 5, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 92.

Absent: Representatives Kessler, Morris, Ogden, Rust and Valle - 5.

Excused: Representative Dellwo - 1.

House Bill No. 1088, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1117, by Representatives Lambert, Costa, Blanton, Silver, Ballasiotes, Backlund, Robertson, Boldt, Buck, Thompson, Hargrove and Huff

Providing a deterrence for crimes committed at county or local penal institutions.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Lambert and Costa spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1117.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1117, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Ogden - 1.

Excused: Representative Dellwo - 1.

House Bill No. 1117, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1144, by Representatives Dyer, Backlund, Morris, Johnson, Campbell, Cooke, Skinner, Chandler, Casada, Schoesler, Boldt, Mulliken, Huff, Mitchell, Thompson, Foreman, Robertson, Buck, Clements, Smith, Delvin, Carrell, Mielke and Sheahan

Amending the veterinary practice act to include implanting of electronic identification devices.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Dyer and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1144.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1144, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1144, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1192, by Representatives Robertson, R. Fisher and K. Schmidt; by request of Department of Transportation

Revising vehicle load fees.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Robertson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1192.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1192, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Veloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Fuhrman - 1.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1192, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1205, by Representative Dyer; by request of Department of Social and Health Services

Modifying physician self-referral provisions.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1205.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1205, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler,

Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1205, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1229, by Representatives Sheahan and Appelwick

Modifying options for payment of retirement allowances.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1229.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1229, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1229, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1270, by Representatives Morris, Benton, Sheldon, Pennington, Basich, Chappell, Kessler, Schoesler, Boldt, Hatfield, Stevens and Johnson

Excusing small tree harvesters from the commercial driver's license requirements.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1270.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1270, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1270, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1276, by Representatives Ballasiotes, Costa, Mastin, Scott and Morris

Specifying who may be an execution witness.

The bill was read the second time.

Representative Ballasiotes moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Costa spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1276.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1276, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1276, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1278, by Representatives Lambert, Mason, Costa, Delvin and Huff

Allowing courts to set restitution amounts at a later hearing.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Lambert spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1278.

ROLL CALL

The Clerk called the roll on the final passage Substitute House Bill No. 1278, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1278, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1302, by Representatives Delvin, Costa, Appelwick, Hickel, Robertson, Sheahan, Padden, L. Thomas and Mastin

Revising provisions relating to food stamp crimes.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1302.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1302, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen,

Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

House Bill No. 1302, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1321, by Representatives Mulliken, Mason, Goldsmith and Carlson; by request of Higher Education Coordinating Board

Correcting citations to the tuition recovery trust fund.

The bill was read the second time.

Representative Carlson moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Mulliken, McMorris, Mason and Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1321.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1321, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Silver - 1.

Excused: Representative Dellwo - 1.

House Bill No. 1321, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1328, by Representatives Dyer, Dellwo and Backlund; by request of Department of Health

Revising the uniform disciplinary act.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1328.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1328, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlins, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1328, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1360, by Representatives Dyer, Dellwo, Backlund and Cody

Addressing discriminatory practices against osteopathic physicians and surgeons.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1360.

ROLL CALL

The Clerk called the on the final passage of House Bill No. 1360, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlins, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

House Bill No. 1360, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1361, by Representatives Robertson, Costa, Cody, Delvin, Chappell, Hickel, Smith, McMahan and Honeyford

Authorizing arrest warrants to be served by facsimile transmission.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Robertson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1361.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1361, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

House Bill No. 1361, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1362, by Representatives Robertson, L. Thomas and Sheldon

Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Robertson and Sheldon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1362.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1362, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

House Bill No. 1362, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1387, by Representatives Delvin, Dellwo, Carrell, Cody, Morris, Padden, Hickel, Sommers, Conway, Brown, Mason, B. Thomas, Dickerson, Boldt, Campbell, Carlson, Patterson, Kessler, Mielke, Mulliken, Honeyford, Hargrove, L. Thomas, Kremen, Scott and Huff

Revoking the license of a massage practitioner who has been convicted of prostitution.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1387.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1387, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1387, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1398, by Representatives Dyer, Dellwo, Backlund, Quall, Conway, Cody, Morris and Casada

Regulating acupuncture licensing.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1398.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1398, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler,

Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1398, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1412, by Representative Padden

Prescribing the penalty for misdemeanor violations for marihuana possession.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1412.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1412, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representatives Mason and Thibaudeau - 2.

Excused: Representative Dellwo - 1.

House Bill No. 1412, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1415, by Representatives Hargrove, Lisk, Chandler, Cole, Fuhrman, Goldsmith, Romero, Conway, Horn, Ogden and Thompson

Revising provisions relating to sureties for industrial insurance self-insurers.

The bill was read the second time.

Representative Lisk moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Hargrove, Romero and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1415.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1415, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

House Bill No. 1415, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1424, by Representative Padden

Concerning the use of court seals.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1424.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1424, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1

House Bill No. 1424, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1433, by Representatives Conway, Basich, Boldt, Romero, Poulsen, Huff, McMahan, Regala, Pelesky, L. Thomas, Thompson, Costa, Dickerson, Sherstad, Hatfield, Ebersole, Schoesler, Chopp and Carrell

Penalizing defacement of a state monument.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1433.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1433, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1

House Bill No. 1433, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1450, by Representatives Appelwick and Padden

Including certain judgments to be summarized.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Appelwick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1450.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1450, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

House Bill No. 1450, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the regular second reading calendar.

There being no objection, the rules were suspended and House Bill No. 1452 was returned to the regular second reading calendar for the purpose of an amendment.

HOUSE BILL NO. 1452, by Representatives Mitchell, Regala, Reams, R. Fisher, Hickel, Ebersole, Carrell, Brumsickle, Huff and Conway

Allowing voters to protect a portion of metropolitan park district property taxes from prorationing.

The bill was read the second time.

On motion of Representative Reams, Substitute House Bill No. 1452 was substituted for House Bill No. 1452 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1452 was read the second time.

Representative Mitchell moved adoption of the following amendment by Representative Mitchell:

On page 3, line 26, beginning with "the portions" strike all the matter through "act," on line 28

Representative Mitchell spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Regala spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1452.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1452, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

Engrossed Substitute House Bill No. 1452, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the suspension calendar.

HOUSE BILL NO. 1457, by Representatives Veloria, Tokuda, Brumsickle, Regala, Conway and Huff; by request of Commission on Asian American Affairs

Renaming the commission on Asian Pacific American affairs.

The bill was read the second time.

Representative Goldsmith moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Veloria spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1457.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1457, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1

House Bill No. 1457, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1468, by Representatives Hymes, Reams and Chopp; by request of Department of Community, Trade, and Economic Development

Modifying advisory council on historic preservation representation.

The bill was read the second time.

Representative Goldsmith moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Hymes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1468.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1468, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove,

Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Dellwo - 1.

House Bill No. 1468, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1498, by Representatives L. Thomas, Wolfe, Dyer, Dellwo, Huff, Tokuda, Basich, Kessler, Blanton, Beeksma, Mielke, Hatfield and Hymes

Extending the expiration date for the pollution liability insurance program.

The bill was read the second time.

Representative L. Thomas moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1498.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1498, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1498, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1514, by Representatives Hymes, Dickerson, Costa, D. Schmidt, Hargrove, Romero, Poulsen, B. Thomas, Regala, R. Fisher, Benton, Wolfe, Ogden and Conway

Directing the department of revenue to prepare legislation to reorganize Titles 82 and 84 RCW.

The bill was read the second time.

Representative L. Thomas moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Hymes, Appelwick and Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1514.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1514, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1514, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1522, by Representatives Padden, Cooke, Goldsmith, Hickel, Lambert, Boldt, Sherstad, Thompson, Johnson, Fuhrman, Mulliken, McMahan, Koster, Hargrove, Pelesky, Sheahan, Backlund, McMorris, Huff, Talcott, Carrell, Casada, Honeyford, Clements, B. Thomas, Crouse, Campbell and D. Schmidt

Changing adoption provisions.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1522.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1522, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1522, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1525, by Representatives L. Thomas, Beeksma, Benton, Smith and McMahan

Lowering the number of items provided by banks for customers' examination of negotiable instruments.

The bill was read the second time.

Representative L. Thomas moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives L. Thomas, Benton, Wolfe and Beeksma spoke in favor of passage of the bill.

Representatives Van Luven, Appelwick, Cooke, Clements, Costa and Pelesky spoke against passage of the bill.

Representative Cooke asked Representative L. Thomas to yield to a question and the request was denied.

Representative Van Luven again spoke against passage of the bill and Representative L. Thomas again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1525.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1525, and the bill failed to pass the House by the following vote: Yeas - 47, Nays - 50, Absent - 1, Excused - 0.

Voting yea: Representatives Backlund, Basich, Beeksma, Benton, Blanton, Brumsickle, Buck, Campbell, Carlson, Cody, Dellwo, Delvin, Foreman, Goldsmith, Grant, Hankins, Hatfield, Horn, Huff, Kessler, Kremen, Lisk, McMahan, Mielke, Mulliken, Ogden, Pelesky, Quall, Radcliff, Reams, Regala, Robertson, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Wolfe and Mr. Speaker - 47.

Voting nay: Representatives Appelwick, Ballasiotes, Boldt, Brown, Cairnes, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Hargrove, Hickel, Honeyford, Hymes, Jacobsen, Johnson, Koster, Lambert, Mason, Mastin, McMorris, Mitchell, Morris, Padden, Patterson, Pennington, Poulsen, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Silver, Tokuda, Valle, Van Luven and Veloria - 50.

Absent: Representative Scott - 1.

House Bill No. 1525, not having received the constitutional majority, was declared failed.

HOUSE BILL NO. 1567, by Representatives R. Fisher, Regala, Chappell and Brumsickle

Affecting the transportation authority of first class cities.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives R. Fisher and K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1567.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1567, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1567, having received the constitutional majority, was declared passed.

NOTICE OF RECONSIDERATION

Representative Morris, having voted on the prevailing side gave notice of her intent to reconsider the vote by which House Bill No. 1525 failed to pass the House on the next working day.

There being no objection, House Bill No. 1573 and House Bill No. 1603 were referred to the Committee on Rules.

HOUSE BILL NO. 1607, by Representatives Van Luven, Carlson, Sheldon, Wolfe and B. Thomas

Creating opportunities for international education.

The bill was read the second time.

Representative Van Luven moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representatives Van Luven and Buck spoke in favor of passage of the bill.

Representatives Ebersole, B. Thomas, Brown, Beeksma, Smith, Chandler and L. Thomas spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1607.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1607, and the bill failed to pass the House by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Blanton, Brown, Carlson, Clements, Cody, Cole, Conway, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Grant, Hankins, Hatfield, Hickel, Horn, Jacobsen, Kessler, Koster, Kremen, Ogden, Patterson, Pelesky, Radcliff, Reams, Romero, Rust, Schmidt, D., Schoesler, Scott, Sheahan, Sherstad, Skinner, Sommers, Thibaudeau, Thomas, L., Tokuda, Valle, Van Luven, Voloria and Wolfe - 45.

Voting nay: Representatives Backlund, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Cooke, Crouse, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hargrove, Honeyford, Huff, Hymes, Johnson, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pennington, Poulsen, Quall, Regala, Robertson, Schmidt, K., Sehlin, Sheldon, Silver, Smith, Stevens, Talcott, Thomas, B., Thompson and Mr. Speaker - 53.

House Bill No. 1607, not having received the constitutional majority, was declared failed.

NOTICE OF RECONSIDERATION

Representative G. Fisher, having voted on the prevailing side gave notice of his intent to reconsider the vote which House Bill No. 1607 failed to pass the House on the next working day.

HOUSE BILL NO. 1627, by Representatives Dyer, Backlund and Thibaudeau

Modernizing osteopathic physician and surgeon terminology.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1627.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1627, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1627, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1667, by Representatives Radcliff, Brumsickle, Hickel, Dickerson, Quall, Blanton, Thompson, Cole, Pelesky, Veloria, D. Schmidt, Mason, Conway, Skinner, Lambert, Elliot, Johnson and Schoesler

Promoting sister relationships with other countries.

The bill was read the second time.

Representative Padden moved that the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Radcliff spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1667.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1667, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1667, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1744, by Representatives Huff, Kessler, Casada and Campbell

Regulating small telecommunications companies.

The bill was read the second time.

Representative Casada moved that the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representative Huff spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1744.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1744, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1744, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills on the regular second reading calendar in the following order: House Bill No. 1069, House Bill No. 1173, House Bill No. 1220, House Bill No. 1221 and House Bill No. 1238.

HOUSE BILL NO. 1069, by Representatives Delvin, Wolfe, Mielke, Ebersole, Ballasiotes, Sheldon, Mastin, Carlson, McMorris, Carrell, Robertson, Hickel, Sheahan, Reams, Benton, Padden, Boldt, Hargrove, Chandler, McMahan, Cairnes, Clements, Chappell, Buck, Campbell, L. Thomas, Johnson, Backlund, Cooke, Conway, Kessler, Costa, Mulliken, Kremen, Dickerson, Quall, Basich, Fuhrman, Morris, Huff, Mitchell, Honeyford, Pennington, Elliot, Schoesler, D. Schmidt, Dyer and Appelwick

Exempting retired law enforcement officers from restrictions on carrying firearms.

The bill was read the second time. With the consent of the House, Substitute House Bill No. 1069 was substituted for House Bill No. 1069 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1069 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1069.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1069, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Cole, Costa, Rust, Scott and Tokuda - 5.

Substitute House Bill No. 1069, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1173, by Representatives Cooke and Brown; by request of Department of Social and Health Services

Modifying adoption support provisions.

The bill was read the second time.

Representative Cooke moved adoption of the following amendment by Representative Lambert:

On page 1, strike all of line 6, and insert in lieu thereof

"At least (~~annually~~)once every five years, the secretary shall review the"

Representatives Lambert and Thibaudeau spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cooke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1173.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1173, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 98.

Engrossed House Bill No. 1173, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1220, by Representatives Chandler, Mastin, Horn, Johnson, Kremen, Boldt, Sheahan and Huff

Providing a SEPA exemption for air operating permits.

The bill was read the second time.

On motion of Representative Chandler, Substitute House Bill No. 1220 was substituted for House Bill No. 1220 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1220 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1220.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1220, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1220, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1221, by Representatives Johnson, Buck, Cairnes, Hatfield, Chappell and Sheldon

Regulating length of log trucks.

The bill was read the second time.

On motion of Representative K. Schmidt, Substitute House Bill No. 1221 was substituted for House Bill No. 1221 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1221 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson, R. Fisher, Chandler and K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1221.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1221, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1221, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1238, by Representatives Honeyford, Ogden, Carlson and Sherstad; by request of Department of Community, Trade, and Economic Development and Public Works Board

Appropriating funds for projects recommended by the public works board.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Honeyford and Ogden spoke in favor of passage of the bill.

Representative Reams spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1238.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1238, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1238, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: House Bill No. 1241, House Bill No. 1273, House Bill No. 1310, House Bill No. 1311, House Bill No. 1348 and House Bill No. 1090.

HOUSE BILL NO. 1241, by Representatives Crouse, Casada, Dellwo, Chappell, Schoesler, Honeyford, Hymes, Sherstad, Backlund, Mastin, Benton, Campbell and Kremen

Providing waivers of electric and gas utility connection charges.

The bill was read the second time.

On motion of Representative Casada, Substitute House Bill No. 1241 was substituted for House Bill No. 1241 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1241 was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse and Casada spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1241.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1241, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad,

Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1241, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1273, by Representatives Fuhrman, Blanton, Elliot and McMorris

Refunding fuel taxes to Indian tribes.

The bill was read the second time.

On motion of Representative K. Schmidt, Substitute House Bill No. 1273 was substituted for House Bill No. 1273 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1273 was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fuhrman and R. Fisher spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1273.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1273, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1273, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1310, by Representatives K. Schmidt, R. Fisher and Buck; by request of Board of Pilotage Commissioners

Strengthening the provisions of the pilotage act affecting marine safety and protection of the marine environment.

The bill was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1310.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1310, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1310, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1311, by Representatives K. Schmidt, R. Fisher and Blanton; by request of Board of Pilotage Commissioners

Providing for enforcement and administration of the pilotage act.

The bill was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1311.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1311, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1311, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1348, by Representatives L. Thomas, Cole, Fuhrman and Wolfe; by request of Department of Licensing

Regulating escrow agents.

The bill was read the second time.

On motion of Representative L. Thomas, Substitute House Bill No. 1348 was substituted for House Bill No. 1348 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1348 was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1348.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1348, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1348, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1090, by Representative L. Thomas

Regulating miniature boilers.

The bill was read the second time.

On motion of Representative Lisk, Substitute House Bill No. 1090 was substituted for House Bill No. 1090 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1090 was read the second time.

On motion of Representative Padden, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1090.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1090, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler,

Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1090, having received the constitutional majority, was declared passed.

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

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

HB 2036 by Representative L. Thomas

AN ACT Relating to credit involuntary unemployment insurance; and amending RCW 48.17.060 and 48.17.190.

Referred to Committee on Financial Institutions & Insurance.

HB 2037 by Representatives Mielke, Ebersole, Goldsmith and L. Thomas; by request of Public Disclosure Commission

AN ACT Relating to public disclosure; amending RCW 42.17.020, 42.17.080, 42.17.090, 42.17.105, 42.17.155, 42.17.240, 42.17.370, 42.17.420, 42.17.510, 42.17.640, 42.17.750, 42.17.790, and 42.52.180; reenacting and amending RCW 42.17.2401; repealing RCW 42.17.021 and 42.17.630; and providing an effective date.

Referred to Committee on Government Operations.

HB 2038 by Representatives Brumsickle, Cody and Costa

AN ACT Relating to school nurses; adding a new section to chapter 28A.210 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 2039 by Representatives Kremen and Chandler

AN ACT Relating to certain applications for water rights or water transfers; and amending RCW 90.14.041.

Referred to Committee on Agriculture & Ecology.

HB 2040 by Representatives Hymes and Quall

AN ACT Relating to authorized uses for the proceeds of the special excise tax on lodging imposed by counties and cities; and amending RCW 67.28.270.

Referred to Committee on Finance.

HB 2041 by Representatives Sommers and Chopp

AN ACT Relating to the study of a pooled revenue distribution system for managing state lands; and creating new sections.

Referred to Committee on Capital Budget.

HB 2042 by Representatives Lisk, Horn, Sheldon, Mielke and L. Thomas

AN ACT Relating to exemptions from overtime compensation requirements; amending RCW 49.46.130; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2043 by Representatives Ballasiotes, Costa, Ebersole, Appelwick, Romero, Hatfield, Cody, Dickerson, Ogden, Chopp and Conway; by request of Governor Lowry

AN ACT Relating to making domestic violence an aggravating circumstance for purposes of sentencing decisions; and amending RCW 9.94A.390.

Referred to Committee on Corrections.

HB 2044 by Representatives Sehlin, Grant and Benton

AN ACT Relating to electrical inspection regulatory reform; amending RCW 19.28.010, 19.28.015, 19.28.070, 19.28.120, 19.28.190, 19.28.210, and 19.28.360; adding a new section to chapter 19.28 RCW; and creating a new section.

Referred to Committee on Government Operations.

HB 2045 by Representatives Mitchell and Hickel

AN ACT Relating to mandatory arbitration for educational employees; amending RCW 41.59.010 and 41.59.120; and adding new sections to chapter 41.59 RCW.

Referred to Committee on Commerce & Labor.

HB 2046 by Representative Dyer

AN ACT Relating to motor vehicle excise tax distributions to local health districts and departments; reenacting and amending RCW 82.44.110; adding a new section to chapter 82.14 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2047 by Representatives Robertson and Schoesler

AN ACT Relating to independent contractors or outside agents who sell or arrange for travel services; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Commerce & Labor.

MOTION

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

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 21, 1995

HB 1209 Prime Sponsor, Representative K. Schmidt: Regulating commercial vehicle safety. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Excused: Representative Johnson.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1243 Prime Sponsor, Representative Brumsickle: Establishing the Washington state horse park. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Referred to Committee on Capital Budget.

February 21, 1995

HB 1289 Prime Sponsor, Representative Ballasiotes: Specifying the duties of an operator of a vessel involved in an accident. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1354 Prime Sponsor, Representative Fuhrman: Allowing only Washington residents to purchase hound permits. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington,

Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1417 Prime Sponsor, Representative Carrell: Changing provisions relating to juveniles. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell; Padden and Patterson.

MINORITY recommendation: Do not pass. Signed by Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; and Tokuda.

Voting Yea: Representatives Boldt, Buck, Carrell, Cooke, Lambert, Padden, Patterson and Stevens. Voting Nay: Representatives Brown, Thibaudeau and Tokuda.

Referred to Committee on Appropriations.

February 21, 1995

HB 1532 Prime Sponsor, Representative Dyer: Modifying certification of mental health counselors. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Assistant Ranking Minority Member; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Cody, Conway, Crouse, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Excused: Representatives Campbell, Casada and Dellwo.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1539 Prime Sponsor, Representative Buck: Establishing a single-application process for watershed restoration projects. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Referred to Committee on Appropriations.

February 22, 1995

HB 1551 Prime Sponsor, Representative Hatfield: Attempting to limit the growth and spread of the noxious weed spartina. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Referred to Committee on Appropriations.

February 21, 1995

HB 1636 Prime Sponsor, Representative Elliot: Reducing amounts deducted from various public land transactions for trust land management costs. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Pennington, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives Jacobsen, Regala and Romero.

Referred to Committee on Capital Budget.

February 22, 1995

HB 1671 Prime Sponsor, Representative Clements: Revising commodity commission assessment authority. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Poulsen; Robertson and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representatives Mastin, Ranking Minority Member; R. Fisher; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, McMorris, Poulsen, Robertson and Schoesler.

Voting Nay: Representatives R. Fisher, Mastin, Regala and Rust.

Referred to Committee on Finance.

February 22, 1995

HB 1679 Prime Sponsor, Representative Cole: Revising regulation of security guards and private investigators. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody; Cole and Goldsmith.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Vice Chairman; Cairnes and Fuhrman.

Voting Yea: Representatives Cody, Cole, Conway, Goldsmith, Lisk, Romero and Thompson.
Voting Nay: Representatives Cairnes, Fuhrman and Hargrove.
Excused: Representative Horn.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1706 Prime Sponsor, Representative Koster: Extending the dairy inspection program assessment.
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson and Rust.
Excused: Representative Schoesler.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1729 Prime Sponsor, Representative Horn: Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Rust and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representative Robertson.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson and Rust.
Excused: Representative Schoesler.

Referred to Committee on Appropriations.

February 21, 1995

HB 1750 Prime Sponsor, Representative Hickel: Authorizing additional administrative penalties relating to the driving privilege. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority

Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1752 Prime Sponsor, Representative Van Luven: Creating a manufacturing technology extension system. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Van Luven and Veloria.

Referred to Committee on Appropriations.

February 22, 1995

HB 1776 Prime Sponsor, Representative Benton: Extending authority to enter into payment agreements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1794 Prime Sponsor, Representative Jacobsen: Developing a proposal to establish a community college in the People's Republic of China. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Benton; Blanton; Delvin; Goldsmith; Mastin and Sheahan.

Voting Yea: Representatives Basich, Benton, Blanton, Carlson, Delvin, Goldsmith, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Referred to Committee on Appropriations.

February 22, 1995

HB 1857 Prime Sponsor, Representative Pelesky: Defining terms that relate to title insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1876 Prime Sponsor, Representative Dyer: Modifying provision of dental services by certified health plans. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Assistant Ranking Minority Member; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Cody, Conway, Crouse, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.
Excused: Representatives Campbell, Costa and Dellwo.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1922 Prime Sponsor, Representative K. Schmidt: Regulating excursion vessels. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Chandler; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 2005 Prime Sponsor, Representative Dyer: Modifying certified health plan provision of vision benefits. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Assistant Ranking Minority Member; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Cody, Conway, Crouse, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.
Excused: Representatives Campbell, Casada and Dellwo.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Padden, the bills listed on today's supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Padden, the House adjourned until 9:55 a. m., Thursday, February 23, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FORTY-FIFTH DAY, FEBRUARY 22, 1995

JOURNAL OF THE HOUSE

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

FORTY-SIXTH DAY

—————
MORNING SESSION

—————
House Chamber, Olympia, Thursday, February 23, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

February 22, 1995

Me. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5002,
ENGROSSED SENATE BILL NO. 5011,
SUBSTITUTE SENATE BILL NO. 5066,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5101,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5139,
SUBSTITUTE SENATE BILL NO. 5183,
SENATE BILL NO. 5272,
SENATE BILL NO. 5291,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

SSB 5002 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Haugen, Winsley, McCaslin, Wojahn, C. Anderson, Rasmussen, Moyer, Prentice, Rinehart, Long, Quigley, McAuliffe and Kohl)

Making the assault of a nurse a felony.

Referred to Committee on Law & Justice.

ESB 5011 by Senator Owen

Concerning specialized forest product permits.

Referred to Committee on Natural Resources.

SSB 5066 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Newhouse, Loveland, Rasmussen and Hochstatter)

Reforming the property taxation of short-rotation hardwoods.

Referred to Committee on Natural Resources.

ESSB 5101 by Senate Committee on Natural Resources (originally sponsored by Senators Drew, Oke, Haugen and Winsley; by request of Department of Fish and Wildlife)

Authorizing the director of fish and wildlife to administer game fish catch record cards.

Referred to Committee on Natural Resources.

ESSB 5122 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Hale, Long and Loveland)

Changing the number of district court judges in Benton and Douglas counties.

Referred to Committee on Law & Justice.

ESSB 5139 by Senate Committee on Law & Justice (originally sponsored by Senators Kohl, Smith, Long, Prentice, Winsley, Heavey, Prince, Franklin, Schow, West, Oke and Rasmussen)

Authorizing law enforcement officers to impound the vehicles of persons who are patronizing prostitutes.

Referred to Committee on Law & Justice.

SSB 5183 by Senate Committee on Government Operations (originally sponsored by Senators Hale, Haugen, Winsley and Deccio)

Regarding county auditors.

Referred to Committee on Government Operations.

SB 5272 by Senators Spanel, Swecker, Fraser, C. Anderson, McAuliffe and Winsley; by request of Office of Marine Safety

Providing regulatory reform to reduce the risk of oil spills.

Referred to Committee on Government Operations.

SB 5291 by Senators Sheldon and Hochstatter

Removing the requirement that a schedule of port rates and charges be filed with the utilities and transportation commission.

Referred to Committee on Transportation.

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

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

MOTION

There being no objection, the House adjourned until 1:00 p.m., Friday, February 24, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FORTY-SIXTH DAY, FEBRUARY 23, 1995

JOURNAL OF THE HOUSE

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

FORTY-SEVENTH DAY

—————
AFTERNOON SESSION
—————

House Chamber, Olympia, Friday, February 24, 1995

The House was called to order at 1:00 p.m. by the Speaker (Representative Horn presiding).

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

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

INTRODUCTIONS AND FIRST READING

HB 2048 by Representatives Hargrove, Cairnes, Goldsmith, Chandler and Horn

AN ACT Relating to apprenticeship training; amending RCW 49.04.040; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2049 by Representatives Sheahan, Padden, Appelwick and Dellwo; by request of Administrator for the Courts

AN ACT Relating to superior courts; amending RCW 2.08.061; and creating a new section.

Referred to Committee on Law & Justice.

HB 2050 by Representatives Scott and Costa

AN ACT Relating to the sale of malt liquor in kegs; and amending RCW 66.24.400, 66.28.200, and 66.28.220.

Referred to Committee on Commerce & Labor.

HB 2051 by Representatives L. Thomas, Rust, R. Fisher, Valle, Patterson, Romero, Ogden, Dellwo, Cole, Morris and Chopp

AN ACT Relating to the civil rights act of 1995; and adding a new chapter to Title 7 RCW.

Referred to Committee on Law & Justice.

HB 2052 by Representatives Benton, L. Thomas, Crouse, Boldt, Morris, McMahan and Honeyford

AN ACT Relating to authorizing the department of licensing to contract with county auditors and subagents for renewal of drivers' licenses; and amending RCW 46.01.130, 46.01.140, and 46.01.310.

Referred to Committee on Transportation.

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

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

REPORTS OF STANDING COMMITTEES

February 21, 1995

HB 1024 Prime Sponsor, Representative Van Luven: Providing tax exemptions for manufacturing and processing. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Trade & Economic Development. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member and Mason.

Voting Yea: Representatives Boldt, Carrell, Hymes, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1121 Prime Sponsor, Representative Backlund: Requiring a performance audit for state agencies. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Scott, Assistant Ranking Minority Member; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Rust, Ranking Minority Member; Chopp and R. Fisher.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Voting Nay: Representatives Chopp, R. Fisher and Rust.

Referred to Committee on Appropriations.

February 21, 1995

HB 1129 Prime Sponsor, Representative Schoesler: Modifying tax exemptions for nonprofit organizations. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1155 Prime Sponsor, Representative Carrell: Compensating sellers for collecting sales tax.
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1157 Prime Sponsor, Representative Van Luven: Modifying sales and use tax exemptions regarding motor vehicles and trailers used for transporting persons or property for hire. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1244 Prime Sponsor, Representative Brumsickle: Requiring a one-year expulsion from school for students carrying a firearm on school premises. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; G. Fisher; Fuhrman; Hatfield; McMahan; Quall; Smith; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson; Pelesky; Radcliff and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, McMahan, Poulsen, Quall, Smith, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Dickerson, Pelesky, Radcliff and Veloria.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1251 Prime Sponsor, Representative Backlund: Limiting standing to appeal actions under SEPA to those who are directly impacted. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1288 Prime Sponsor, Representative Ballasiotes: Prohibiting felons in prison from applying for a name change. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1322 Prime Sponsor, Representative Van Luven: Affecting the property taxation of senior citizens and persons retired because of physical disabilities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member; and Mason.

Voting Yea: Representatives Boldt, Carrell, Hymes, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Referred to Committee on Finance.

February 22, 1995

HB 1383 Prime Sponsor, Representative Reams: Clarifying annexation authority by municipal corporations providing sewer or water service of unincorporated territory. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1436 Prime Sponsor, Representative Dyer: Supplementing emergency services resulting from the impact of tourism in small communities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1460 Prime Sponsor, Representative Honeyford: Increasing categorical exemptions from SEPA. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1485 Prime Sponsor, Representative Morris: Exempting from sales and use tax sales to volunteer fire departments. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler and Sheldon.

MINORITY recommendation: Do not pass. Signed by Representative Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon and B. Thomas.

Voting Nay: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1491 Prime Sponsor, Representative Ballasiotes: Restricting work release eligibility. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1523 Prime Sponsor, Representative Boldt: Requiring parental notice of abortion. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Chappell; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Chappell, Cody, Costa, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1545 Prime Sponsor, Representative Mulliken: Providing a business and occupation tax exemption for sale of out-of-state motor vehicles. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1547 Prime Sponsor, Representative L. Thomas: Pertaining to longshore and harbor workers' compensation. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith,

Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1549 Prime Sponsor, Representative Ballasiotes: Creating a sentencing alternative for drug offenders. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Referred to Committee on Appropriations.

February 21, 1995

HB 1560 Prime Sponsor, Representative K. Schmidt: Penalizing fuel tax evasion. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1617 Prime Sponsor, Representative McMorris: Establishing a moratorium on the acquisition of habitat conservation and outdoor recreation lands. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Beeksma; Cairnes; Elliot; Stevens and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; G. Fisher; Jacobsen; Romero; Sheldon and B. Thomas.

Voting Yea: Representatives Beeksma, Buck, Cairnes, Elliot, Fuhrman, Pennington, Stevens and Thompson.

Voting Nay: Representatives Basich, G. Fisher, Jacobsen, Regala, Romero, Sheldon and B. Thomas.

Referred to Committee on Capital Budget.

February 22, 1995

HB 1624 Prime Sponsor, Representative Hymes: Increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.
Excused: Representative Chopp.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1646 Prime Sponsor, Representative Benton: Creating the citizen suggestion program. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Scott, Assistant Ranking Minority Member; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Rust, Ranking Minority Member; Chopp; R. Fisher; Hargrove and Sommers.

Voting Yea: Representatives Goldsmith, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Voting Nay: Representatives Chopp, R. Fisher, Hargrove, Rust and Sommers.

Referred to Committee on Appropriations.

February 23, 1995

HB 1654 Prime Sponsor, Representative Lambert: Revising advisement regulations for AIDS education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott and Thompson.
Excused: Representatives G. Fisher, Fuhrman, B. Thomas and Veloria.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1662 Prime Sponsor, Representative B. Thomas: Modifying the business and occupation tax on international investment management companies. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; and Mason.

Voting Yea: Representatives Boldt, Carrell, Hymes, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson, Mason and Morris.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1694 Prime Sponsor, Representative R. Fisher: Distributing motor vehicle excise taxes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1707 Prime Sponsor, Representative Hargrove: Correcting references to classification of cities and towns. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1709 Prime Sponsor, Representative Carrell: Limiting certain offenses to no more than fifteen percent good time credits. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives Tokuda, Assistant Ranking Minority Member; and Cole.

Voting Yea: Representatives Ballasiotes, Blanton, Dickerson, Koster, Quall, Raddliff, K. Schmidt, Sherstad and Schoesler.

Voting Nay: Representatives Cole and Tokuda.

Referred to Committee on Appropriations.

February 22, 1995

HB 1739 Prime Sponsor, Representative Hymes: Delegating to local municipal jurisdictions of hydraulic project approval authority. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Scott, Assistant Ranking Minority Member; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, Scott, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1741 Prime Sponsor, Representative Chandler: Providing moneys for wine and wine grape research. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Referred to Committee on Appropriations.

February 23, 1995

HB 1764 Prime Sponsor, Representative Brumsickle: Allowing the superintendent of public instruction to delay the time at which school district budgets are made public if the state's operating budget is not finally approved before June 1st. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Raddliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Referred to Committee on Appropriations.

February 23, 1995

HB 1777 Prime Sponsor, Representative Radcliff: Requiring specificity in school board resolutions for ballot propositions authorizing indebtedness. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Johnson, Vice Chairman; Clements; G. Fisher; Pelesky; Quall; Radcliff; Smith; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Elliot, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Dickerson; Fuhrman; Hatfield; McMahan; Talcott and B. Thomas.

Voting Yea: Representatives Brumsickle, Clements, G. Fisher, Johnson, Pelesky, Poulsen, Quall, Radcliff, Smith, Thompson and Veloria.

Voting Nay: Representatives Cole, Dickerson, Elliot, Fuhrman, Hatfield, McMahan, Talcott and B. Thomas.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1787 Prime Sponsor, Representative K. Schmidt: Restoring certain provisions deleted in 1993. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Blanton, Brown, Buck, Cairnes, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Excused: Representatives Benton and Chandler.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1813 Prime Sponsor, Representative Mulliken: Exempting financial disclosures by degree-granting private vocational schools from public disclosure laws. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Blanton; Delvin; Goldsmith; Mastin and Sheahan.

Voting Yea: Representatives Basich, Blanton, Carlson, Delvin, Goldsmith, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Excused: Representative Benton.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1866 Prime Sponsor, Representative Elliot: Revising certain aeronautics statutes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Excused: Representative Buck.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1871 Prime Sponsor, Representative Sheahan: Providing equalization for transit systems imposing an utility tax. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Passed to Committee on Rules for second reading.

February 22, 1995

HJM 4009 Prime Sponsor, Representative Mastin: Asking Congress to consider various options regarding alien offenders. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

JOINT SESSION

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

The Speaker (Representative Horn presiding) instructed the Sergeants at Arms of the House and Senate to escort President of the Senate, Joel Pritchard to his seat on the rostrum and President Pro Tempore, Lorraine Wojahn; Vice President Pro Tempore, Rosa Franklin; Majority Leader, Marc Gaspard; and Minority Leader, Dan McDonald to seats on the floor.

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

The Speaker (Representative Horn presiding) presented the gavel to President Pritchard.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Representatives Carlson and Romero, Senators Snyder and Prince to escort Governor Mike Lowry from his office to the House Chambers.

The flag was escorted to the rostrum by the All Service Color Guard.

The Clerk of the Senate called the roll of the Senate.

The Clerk of the House called the roll of the House.

The Sergeant at Arms announced the arrival of Governor Mike Lowry.

The President of the Senate instructed the special committee to escort Governor Mike Lowry to the rostrum.

The President of the Senate introduces on the rostrum former Speaker's: John L. O'Brien, Charlie Hodde and Tom Swazey.

President: Honored members of the Legislature, Ladies and Gentlemen: The purpose of this Joint Session is to conduct Memorial Services in memory of the departed former members of the Legislature. The President at this time would like to respectfully present the Honorable Horn, Speaker Pro Tempore of the House of Representatives.

The President of the Senate presented the gavel to Speaker Pro Tempore Jim Horn.

MEMORIAL PROGRAM

Presiding: President of the Senate Joel Pritchard
Chair: Speaker Pro Tempore, Jim Horn

INVOCATION

by

Father Michael J. Ryan, St. Michaels

For All the Saints/Praise Ye The Lord
Kantorei - Bellevue Christian School
Joel Ulrick, Director

How Great Thou Art

Kathy Ward/Amy Wilson Accompanist

MEMORIAL TRIBUTE

by

Speaker Pro Tempore Jim Horn
Representative Georgette Valle

Speaker Pro Tempore Jim Horn: We are assembled today to pay tribute to the lives and services of the distinguished former Governor and distinguished former members of the Senate and House of Representatives of the State of Washington who have passed from among us.

On behalf of the people of our State, the Fifty-Fourth Legislative session of the State of Washington conveys its respects to those deceased Legislators who once sat in these hallowed Chambers of the House and Senate, like we are doing today, answered roll calls on sometimes critical and perplexing bills, attended committee meetings, and above all else served to the best of their abilities in order to make our state a better and more enjoyable place to live. While they have passed to the great beyond, their achievements, records and valued services have been recorded in the Journals of the Senate and House and are now and forever more a permanent part of the history of the State of Washington.

We expressed our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these Legislators, who served beyond their call of duty and responsibilities and truly loved the State of Washington. They have indeed left a legacy of dedicated services that will remain forever etched in our hearts, our memories and our Legislative records.

CANDLE SERVICE

IN MEMORIUM

In tribute to the memories of our distinguished former Governor and members of the Senate and House of Representatives who have passed from among us, the Fifty-Fourth Legislative Session of the State of Washington conveys its respects on behalf of the people our State. May the memory of their dedicated service remain in our hearts.

In Memory of: Tribute by:

Robert G. Earley Representative Debbie Regala
William H. "Skeeter" Ellis Representative Mike Padden
Harry S. Elway, Jr. Senator Sid Snyder
A. H. Fairchild Representative Brian Hatfield
William Howard Finch Representative Larry Sheehan
Lady Willie Forbus Representative Dave Schmidt
R. Mort Frayn Representative Pat Thibaudeau
Thomas C. Hall Representative Bill Brumsickle
Herbert M. Hamblen Representative Larry Crouse
Elmer C. Huntley Senator Eugene Prince
George C. Kinnear Representative Helen Sommers
June Leonard Senator Margarita Prentice
Leo A. McGavick Representative Lois McMahan
Jim Matson Senator Irv Newhouse
Frances Haddon Morgan Senator Betti Sheldon
John Pearsall Representative Bob Basich
Charles A. Riemcke Representative Mary Skinner
J. V. "Jack" Rogers Representative Dale Foreman
Jack D. Schwartz Senator Jeanne Kohl
Mrs. Thomas A. Swayze Representative Tom G. Huff
F. Pat Wanamaker Representative Barney Beeksma
Arnold S. Wang Representative Karen Schmidt

Governor Dixy Lee Ray Governor Mike Lowry

Memorial Prayer Rabbi James L. Mirel
of Temple B'nai Torah of Mercer Island

Amazing Grace Ralph Munro, Piper
Herb Jones, Kathy Ward, Singers
John Grace, Accompanist

Benediction Reverend Jack Olive
of Mercer Island United Methodist Church

God Bless America Herb Jones, Singer

Echo Taps 1st Corps Army Band - Fort Lewis
Navy Band - Seattle

Speaker Pro Tempore Jim Horn presented the gavel to the President of the Senate, Joel Pritchard.

President Pritchard: Thank you, Speaker Pro Tempore Horn, Representative Valle and other members of our Memorial Committee, Senators Deccio, Franklin, Prince and Snyder; and Representatives Veloria and Skinner. Our warmest gratitude to those of you who have participated in the program today.

The President hopes that the loved ones of the dearly departed gained considerable solace and comfort from this very impressive and sincere ceremony.

The President of the Senate instructed the committee to escort Governor Mike Lowry from the House Chambers.

The Color Guard retired the Colors.

MOTION

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

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

The Speaker (Representative Horn presiding): Thank you Governor Pritchard, we appreciate the excellent job you have done in presiding over this fine joint session on behalf of the House of Representatives we extend to you our deep appreciation.

The Speaker (Representative Horn presiding) instructed the Sergeant at Arms of the House and Senate to escort the President of the Senate, Joel Pritchard; President Pro Tempore, Lorraine Wojahn; Vice President Pro Tempore, Rosa Franklin; Majority Leader, Marc Gaspard; Minority Leader, Dan McDonald and members of the Washington State Senate from the House Chamber.

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

MOTION

On motion of Representative Foreman, the House adjourned until 1:30 p.m., Monday, February 27, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FORTY-SEVENTH DAY, FEBRUARY 24, 1995

JOURNAL OF THE HOUSE

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

FIFTIETH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, February 27, 1995

The House was called to order at 1:30 p.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages James Amandus and Kristin Bogart. Prayer was offered by Pastor Vernal Wilkinson, Edgewood Community Church of Puyallup.

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

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

MESSAGE FROM THE SENATE

February 24, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5169,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2053 by Representatives Romero and Cole

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

Referred to Committee on Natural Resources.

HB 2054 by Representatives Brumsickle, Kessler and Kremen

AN ACT Relating to volunteer fire fighters' relief and pension principal and administrative funds; amending RCW 41.24.030; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2055 by Representatives L. Thomas and Robertson

AN ACT Relating to judgments on retirement accounts; reenacting and amending RCW 41.32.052; and creating a new section.

Referred to Committee on Appropriations.

HJM 4030 by Representatives Hankins, Honeyford, Delvin, Grant and Kessler

Concerning federal funds for the cleanup of the Hanford waste disposal site.

Referred to Committee on Agriculture & Ecology.

ESSB 5169 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Cantu, Pelz, Hochstatter, Drew, A. Anderson, Rasmussen and Kohl; by request of Joint Select Committee on Education Restructuring)

Changing education provisions.

Referred to Committee on Education.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

February 23, 1995

HB 1082 Prime Sponsor, Representative Cooke: Calculating excess compensation for retirement purposes. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives G. Fisher and Grant.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1084 Prime Sponsor, Representative Sehlin: Providing death benefits under LEOFF. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1131 Prime Sponsor, Representative Silver: Changing provisions relating to economic assumptions for actuarial studies and retirement contribution rates. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives G. Fisher and Grant.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1159 Prime Sponsor, Representative Ballasiotes: Modifying eligibility for juvenile offender basic training camp option. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, Sherstad, Schoesler and Tokuda.

Excused: Representative K. Schmidt.

Referred to Committee on Appropriations.

February 23, 1995

HB 1163 Prime Sponsor, Representative Kremen: Providing a tax exemption for property used by nonprofit organizations for camping and recreational purposes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell; Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1236 Prime Sponsor, Representative Reams: Expediting processing of absentee ballots. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1271 Prime Sponsor, Representative Morris: Regulating public agency lobbyists. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1327 Prime Sponsor, Representative Chandler: Reopening the water rights claim filing period. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Referred to Committee on Appropriations.

February 24, 1995

HB 1353 Prime Sponsor, Representative Poulsen: Concerning port commissioner districts. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; Van Luven and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; D. Schmidt and Sommers.

Voting Yea: Representatives R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, L. Thomas, Van Luven and Wolfe.

Voting Nay: Representatives Chopp, Rust, Scott D. Schmidt and Sommers.

Referred to Committee on Transportation.

February 23, 1995

HB 1413 Prime Sponsor, Representative Boldt: Allowing a business and occupation tax deduction for certain amusement devices. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1432 Prime Sponsor, Representative Brumsickle: Providing for notice statements regarding county financial matters. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1483 Prime Sponsor, Representative Pennington: Revising provisions on the prevention and suppression of forest wild fires. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

February 21, 1995

HB 1536 Prime Sponsor, Representative Dyer: Revising the Washington long-term care partnership.
Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Assistant Ranking Minority Member; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Casada, Cody, Conway, Crouse, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Excused: Representatives Campbell and Dellwo.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1592 Prime Sponsor, Representative L. Thomas: Crediting certain insurance premium taxes.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Campbell, Costa, Dellwo, Dyer, Huff, Kessler, Ogden, Pelesky, L. Thomas and Wolfe.

Excused: Representatives Benton, Grant, Mielke and Smith.

Referred to Committee on Finance.

February 24, 1995

HB 1601 Prime Sponsor, Representative D. Schmidt: Providing tuition and fee waivers for members of the Washington national guard. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Basich; Blanton; Delvin; Goldsmith and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen, Ranking Minority Member; and Mastin.

Voting Yea: Representatives Basich, Blanton, Carlson, Delvin, Goldsmith, Mulliken and Sheahan.

Voting Nay: Representatives Jacobsen and Mastin.

Excused: Representatives Benton and Mason.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1604 Prime Sponsor, Representative Johnson: Purchasing mobile home parks. Reported by
Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Mason; Sherstad; Skinner and Valle.

MINORITY recommendation: Do not pass. Signed by Representative Hickel.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Van Luven and Veloria.
Voting Nay: Representative Hickel.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1615 Prime Sponsor, Representative Backlund: Increasing deductions from inmate wages for crime victims' compensation. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Cole, Dickerson, Koster, Quall, Radcliff, Sherstad and Tokuda.
Excused: Representatives Blanton, K. Schmidt and Schoesler.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1639 Prime Sponsor, Representative B. Thomas: Exempting vessel manufacturers and dealers from the use tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1645 Prime Sponsor, Representative K. Schmidt: Enhancing transportation planning. Reported by
Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member;

Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Ogden; Quall; Robertson; Romero; Scott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Benton, Vice Chairman; Koster; McMahan and Patterson.

Voting Yea: Representatives Blanton, Brown, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Mitchell, Ogden, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Voting Nay: Representatives Benton, Koster, McMahan and Patterson.

Excused: Representatives Backlund and Buck.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1665 Prime Sponsor, Representative McMorris: Limiting review or approval of on-site sewage disposal systems by the department of ecology. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Robertson and Schoesler.

Voting Nay: Representatives R. Fisher, Poulsen, Regala and Rust.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1765 Prime Sponsor, Representative Brumsickle: Changing the enrollment count day for the first reporting period of the school year. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Quall; Radcliff; Talcott; B. Thomas; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Smith.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, Hatfield, Johnson, McMahan, Poulsen, Quall, Radcliff, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Pelesky and Smith.

Excused: Representatives G. Fisher, Fuhrman and Veloria.

Referred to Committee on Appropriations.

February 23, 1995

HB 1814 Prime Sponsor, Representative Carlson: Changing provisions relating to the Washington award for vocational excellence. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Blanton; Delvin; Goldsmith; Mastin and Sheahan.

Voting Yea: Representatives Basich, Blanton, Carlson, Delvin, Goldsmith, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Excused: Representative Benton.

Referred to Committee on Appropriations.

February 23, 1995

HB 1835 Prime Sponsor, Representative Schoesler: Revising standards relating to manufactured homes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 10, after "RCW 19.27.050." insert "The standards required under this subsection shall be adopted by July 1, 1996."

Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1839 Prime Sponsor, Representative Van Luven: Providing mobile home relocation assistance. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Van Luven and Veloria.

Referred to Committee on Appropriations.

February 23, 1995

HB 1856 Prime Sponsor, Representative Blanton: Clarifying the liability of lenders under the model toxics control act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Campbell, Costa, Dellwo, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Excused: Representatives Benton, Dyer, Grant and Mielke.

Referred to Committee on Law & Justice.

February 23, 1995

HB 1862 Prime Sponsor, Representative Reams: Promoting the development of model home-matching programs. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 3, after "**Sec. 3.**" insert "(1)"

On page 3, after line 7, insert:

"(2) The amount appropriated for activities in rural areas from the Washington housing trust fund shall not be reduced as a result of funds being appropriated for the purposes of RCW 43.63A.680."

Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Van Luven and Veloria.

Referred to Committee on Appropriations.

February 24, 1995

HB 1879 Prime Sponsor, Representative Boldt: Revising provision for costs of support, treatment, and confinement of juvenile offenders. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Radcliff; K. Schmidt and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives Sherstad, Vice Chairman; and Koster.

Voting Yea: Representatives Blanton, Cole, Dickerson, Quall, Radcliff, Schoesler and Tokuda.

Voting Nay: Representatives Koster and Sherstad.

Excused: Representatives Ballasiotes and K. Schmidt.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1917 Prime Sponsor, Representative Pennington: Requiring that department of natural resources contract with private entities for emergency response equipment, supplies, and services. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

February 22, 1995

HB 1964 Prime Sponsor, Representative K. Schmidt: Simplifying accident report record-keeping.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Excused: Representatives Benton and Mitchell.

Passed to Committee on Rules for second reading.

MOTION

Representative Appelwick moved that House Bill No. 1353 be re-referred to the Committee on Rules.

Representative Appelwick spoke in favor of the motion and Representative Foreman spoke against it.

POINT OF INQUIRY

Representative Foreman yielded to a question by Representative Appelwick.

Representative Appelwick: I would just appreciate some elaboration of whether this is a political route or if you can elaborate on the Transportation related nature of the bill that would require it to go to Transportation?

Representative Foreman: Well because it has to do with the Port Districts and election by Districts one of the main things that Port Districts do; involves Transportation issues from the Port of Seattle with all the shipping that we do, and of course, the Airport and Transportation issues being critical of public policy issues on Port over all operations we thought it should go to the Transportation Committee.

The motion to re-refer House Bill No. 1353 failed.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Foreman, House Bill No. 1811 was re-referred from the Committee on Trade & Economic Development to the Committee on Finance and Substitute Senate Bill No. 5066 was re-referred from the Committee on Natural Resources to the Committee on Finance.

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

SECOND READING

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

With the consent of the House, the House immediately considered House Bill No. 1027 on the regular second reading calendar.

MOTION

Representative Appelwick moved that the House immediately consider House Bill No. 1022 on the regular second reading calendar.

Representative Appelwick spoke in favor of the motion and Representative Foreman spoke against the motion.

The motion to immediately consider House Bill No. 1022 failed.

The motion to immediately consider House Bill No. 1027 was carried.

HOUSE BILL NO. 1027, by Representatives Brumsickle, Carlson, Cooke, Ballasiotes, B. Thomas, Chandler, Lisk, Horn, Foreman, Dyer, Sehlin, Silver, Sherstad, Benton, Schoesler, Buck, Johnson, Thompson, Radcliff, Hickel, Backlund, Cairnes, Elliot, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Chappell, Smith, Honeyford, Blanton, D. Schmidt, Mulliken, McMorris, Clements, Fuhrman, Sheldon, Huff, Mielke, Talcott and McMahan

Redirecting school administrative resources to the classroom.

The bill was read the second time. On motion of Representative Silver, Second Substitute House Bill No. 1027 was substituted for House Bill No. 1027 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1027 was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Schoesler was excused.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1027.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1027, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson,

Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Schoesler - 1.

Second Substitute House Bill No. 1027, having received the constitutional majority, was declared passed.

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

MOTION FOR RECONSIDERATION

Representative Morris, having voted on the prevailing side, gave notice of immediately reconsideration of House Bill No. 1525.

There being no objection, the House deferred further consideration of House Bill No. 1525.

MOTION OF RECONSIDERATION

Representative G. Fisher, having voted on the prevailing side, gave notice of immediately reconsideration of House Bill No. 1603.

There being no objection, the House deferred further consideration of House Bill No. 1603.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m., Tuesday, February 28, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTIETH DAY, FEBRUARY 27, 1995

JOURNAL OF THE HOUSE

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

FIFTY-FIRST DAY

—————
MORNING SESSION

—————
House Chamber, Olympia, Tuesday, February 28, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

February 27, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5031,
SUBSTITUTE SENATE BILL NO. 5119,
SUBSTITUTE SENATE BILL NO. 5279,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2056 by Representative Boldt

AN ACT Relating to recounts of votes cast at an election or primary; and amending RCW 29.64.010, 29.64.020, and 29.64.060.

Referred to Committee on Law & Justice.

HB 2057 by Representatives Appelwick and Foreman

AN ACT Relating to retirement eligibility; amending RCW 2.10.100; and creating a new section.

Referred to Committee on Appropriations.

HB 2058 by Representative Robertson

AN ACT Relating to independent contractors or outside agents who sell or arrange for travel services; adding a new section to chapter 50.04 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HJR 4212 by Representatives Morris and Quall

Amending the constitution to allow property tax refunds to homeowners and renters.

Referred to Committee on Finance.

SSB 5031 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Winsley and Prentice; by request of Department of Social and Health Services)

Enlarging the scope of the methadone treatment program to the opiate substitution treatment program.

Referred to Committee on Children & Family Services.

SSB 5119 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Long, Winsley, Loveland, Newhouse, Fraser, Gaspard, Haugen, Sutherland and McAuliffe)

Modifying the cost of living allowance for retirement purposes.

Referred to Committee on Appropriations.

SSB 5279 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Roach, Prince, Spanel, Hale, Heavey, Kohl, Sellar and C. Anderson)

Making small loans.

Referred to Committee on Financial Institutions & Insurance.

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

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

REPORTS OF STANDING COMMITTEES

February 24, 1995

HB 1035 Prime Sponsor, Representative Thibaudeau: Requiring the attorney general to convene a death investigation if a death occurs in a residential facility operated or under the control of the department of social and health services. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Padden; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Lambert, Padden, Patterson, Stevens, Thibaudeau and Tokuda.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1112 Prime Sponsor, Representative Silver: Clarifying and streamlining the use of funds within the department of general administration. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives G. Fisher and Grant.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1175 Prime Sponsor, Representative L. Thomas: Revising the rate of interest on tort judgments against the state and political subdivisions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Benton; Campbell; Dyer; Huff; Mielke and Pelesky.

MINORITY recommendation: Do not pass. Signed by Representatives Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Costa; Dellwo; Kessler and Ogden.

Voting Yea: Representatives Beeksma, Benton, Campbell, Dyer, Huff, Mielke, Pelesky, Smith, L. Thomas and Wolfe.

Voting Nay: Representatives Costa, Dellwo, Kessler, Ogden and Wolfe.

Excused: Representative Grant.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1214 Prime Sponsor, Representative Mitchell: Revising provision for registration of sex offenders. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Referred to Committee on Appropriations.

February 24, 1995

HB 1260 Prime Sponsor, Representative Dyer: Modifying health care liability provisions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Campbell; Casada; Crouse; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Conway; Kessler and Morris.

Voting Yea: Representatives Backlund, Campbell, Casada, Crouse, Dyer, Hymes, Sherstad and Skinner.

Voting Nay: Representatives Cody, Conway, Dellwo, Kessler and Morris.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1317 Prime Sponsor, Representative Robertson: Revising the selection process for transportation systems and facilities demonstration projects. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Quall; Robertson; Romero; D. Schmidt and Scott.

MINORITY recommendation: Do not pass. Signed by Representative Chopp.

Voting Yea: Representatives Backlund, Blanton, Brown, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Voting Nay: Representative Chopp.

Excused: Representatives Benton, Ogden and Patterson.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1329 Prime Sponsor, Representative Dyer: Regulating food industry safety. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

February 23, 1995

HB 1330 Prime Sponsor, Representative Dyer: Modifying health facility and services provisions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Campbell; Casada; Crouse; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Cody, Assistant Ranking Minority Member; Conway and Kessler.

Voting Yea: Representatives Backlund, Campbell, Casada, Crouse, Dyer, Hymes, Morris, Sherstad and Skinner.

Voting Nay: Representatives Cody, Conway, Dellwo and Kessler.

Referred to Committee on Appropriations.

February 23, 1995

HB 1332 Prime Sponsor, Representative Dyer: Adopting minimum standards for ambulatory surgical centers. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Assistant Ranking Minority Member; Campbell; Conway; Crouse; Kessler; Morris and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Casada and Sherstad.

Voting Yea: Representatives Backlund, Campbell, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris and Skinner.

Voting Nay: Representatives Casada and Sherstad.

Referred to Committee on Appropriations.

February 24, 1995

HB 1357 Prime Sponsor, Representative Ballasiotes: Authorizing counties to supervise misdemeanor offenders placed on probation. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Referred to Committee on Appropriations.

February 23, 1995

HB 1416 Prime Sponsor, Representative Skinner: Modifying certificate of need provisions. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Referred to Committee on Appropriations.

February 23, 1995

HB 1431 Prime Sponsor, Representative Silver: Paying for department of retirement system expenses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.
Excused: Representatives G. Fisher and Grant.
Not Voting: Representative Beeksma.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1503 Prime Sponsor, Representative Dyer: Providing chiropractic services to persons receiving public assistance. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris and Sherstad.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Referred to Committee on Appropriations.

February 24, 1995

HB 1517 Prime Sponsor, Representative L. Thomas: Revising guidelines for receipt and expenditure of federal and private funds by local governments. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Hankins; McMorris; Mitchell; Pennington; Regala; L. Thomas and Valle.

Voting Yea: Representatives Chopp, Costa, Hankins, Honeyford, McMorris, Mitchell, Ogden, Pennington, Regala, Sehlin, L. Thomas and Valle.
Excused: Representative Silver.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1563 Prime Sponsor, Representative Ballasiotes: Modifying juvenile disposition. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Referred to Committee on Appropriations.

February 27, 1995

HB 1598 Prime Sponsor, Representative Mitchell: Providing tax incentives for multiple-unit housing in urban centers. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Ballasiotes, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Van Luven and Veloria.

Excused: Representatives Backlund, Hatfield, Hickel, Skinner and Valle.

Referred to Committee on Finance.

February 24, 1995

HB 1606 Prime Sponsor, Representative Conway: Changing provisions relating to registration of sex offenders. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Referred to Committee on Appropriations.

February 24, 1995

HB 1643 Prime Sponsor, Representative Stevens: Providing procedures for creating new counties. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1647 Prime Sponsor, Representative Goldsmith: Expanding the authority of the employment security department to share data. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Voting Nay: Representative Fuhrman.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1677 Prime Sponsor, Representative Koster: Requiring school districts to obtain an appraisal before purchasing real property. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representative Fuhrman.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1690 Prime Sponsor, Representative McMorris: Eliminating some mandates on school districts. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Fuhrman; McMahan; Pelesky; Smith; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Poulsen, Assistant Ranking Minority Member; Dickerson; G. Fisher; Hatfield; Radcliff and Veloria.

Voting Yea: Representatives Brumsickle, Elliot, Fuhrman, Johnson, McMahan, Pelesky, Smith, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Clements, Cole, Dickerson, G. Fisher, Hatfield, Poulsen, Quall, Radcliff and Veloria.

Referred to Committee on Appropriations.

February 27, 1995

HB 1704 Prime Sponsor, Representative Lisk: Eliminating registration requirements for sellers of travel. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Horn, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Referred to Committee on Appropriations.

February 27, 1995

HB 1727 Prime Sponsor, Representative Beeksma: Eliminating the mandatory offering of personal injury protection insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Benton; Dyer; Huff; Mielke and Pelesky.

MINORITY recommendation: Do not pass. Signed by Representatives Grant, Assistant Ranking Minority Member; Campbell; Costa; Dellwo; Kessler and Ogden.

Voting Yea: Representatives Beeksma, Benton, Dyer, Huff, Mielke, Pelesky, Smith, L. Thomas and Wolfe.

Voting Nay: Representatives Campbell, Costa, Dellwo, Kessler and Ogden.

Excused: Representative Grant.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1763 Prime Sponsor, Representative Brumsickle: Allowing school boards to distribute public surveys for limited purposes. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Quall; Radcliff; Talcott; B. Thomas; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Smith.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, Hatfield, Johnson, McMahan, Poulsen, Quall, Radcliff, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Pelesky and Smith.

Excused: Representatives G. Fisher, Fuhrman and Veloria.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1775 Prime Sponsor, Representative Mulliken: Specifying how water rights apply to conserved water and providing an appeal process for decisions regarding conserved water. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representative R. Fisher.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.
Voting Nay: Representative R. Fisher.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1809 Prime Sponsor, Representative Dyer: Authorizing naturopaths to give direction to registered nurses. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1877 Prime Sponsor, Representative McMahan: Providing additional educational opportunities for students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Radcliff; Smith; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Poulsen, Assistant Ranking Minority Member; Dickerson; G. Fisher; Hatfield; Quall and Veloria.

Voting Yea: Representatives Brumsickle, Clements, Elliot, Johnson, McMahan, Pelesky, Radcliff, Smith, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Cole, Dickerson, G. Fisher, Hatfield, Poulsen, Quall and Veloria.

Excused: Representative Fuhrman.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1891 Prime Sponsor, Representative Smith: Providing parity among financial institutions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beekma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Huff, Kessler, Mielke, Ogden, Smith, L. Thomas and Wolfe.
Excused: Representatives Grant and Pelesky.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1939 Prime Sponsor, Representative Fuhrman: Requiring an appeal of the decision regarding tribal shellfish rights. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; G. Fisher; Jacobsen; Romero; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Stevens, B. Thomas and Thompson.
Not Voting: Representatives Elliot and Sheldon.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1175, House Bill No. 1260 and House Bill No. 1690 which will be held on the committee report calendar.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, March 1, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTY-FIRST DAY, FEBRUARY 28, 1995

JOURNAL OF THE HOUSE

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

FIFTY-SECOND DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Wednesday, March 1, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Sheehan presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rhye John and Tanner Worth. Prayer was offered by Reverend Jay Calhoun, First Christian Church of Olympia.

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

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

INTRODUCTIONS AND FIRST READING

HB 2059 by Representatives Foreman, Thompson, Basich and Talcott

AN ACT Relating to joint agreements between cities and counties for criminal justice purposes; and amending RCW 82.14.340.

Referred to Committee on Government Operations.

HB 2060 by Representative Foreman

AN ACT Relating to the budget document offered by the governor to the legislature; and amending RCW 43.88.020.

Referred to Committee on Appropriations.

HB 2061 by Representatives Clements, Skinner, Honeyford, Lisk, Thompson and Padden

AN ACT Relating to juveniles; amending RCW 9.94A.030, 13.04.030, 13.04.116, 13.40.110, and 72.76.010; adding a new section to chapter 9.94A RCW; and creating a new section.

Referred to Committee on Law & Justice.

HB 2062 by Representative Patterson

AN ACT Relating to retirement system contributions by port districts and institutions of higher education; and amending RCW 41.26.450.

Referred to Committee on Appropriations.

HB 2063 by Representatives Honeyford, Sehlin and Chopp

AN ACT Relating to accelerating the implementation of projects currently eligible for funding under the public works assistance program; amending RCW 43.155.070; adding a new section to chapter 43.155 RCW; and creating a new section.

Referred to Committee on Capital Budget.

MOTION

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

SPEAKER'S PRIVILEGE

It is my pleasure to welcome the Washington State Dairy Princess, Laurie Boon of Mount Vernon and her two alternates Kate Fenn from Curtis and Cheyenne Paul from the Yakima Valley. Also introduced Dairy Families of the year, the families of the Princess and alternates with other Representatives of the Dairy Industry.

Washington State Dairy Princess, Laurie Boon, briefly addressed the members of the House of Representatives.

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

SECOND READING

MOTION

On motion of Representative Foreman, House Bill No. 1022 was re-referred from the Committee on Finance to the Rules Committee, House Bill No. 1817 was referred to the Rules Committee and House Bill No. 1842 was re-referred from the Committee on Law & Justice to the Committee on Appropriations.

There being no objection, the House immediately considered House Bill No. 1115 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1115, by Representatives Campbell, Robertson, Smith, Hargrove, Chappell, Sheldon, Kremen, Sheahan, D. Schmidt, Padden, Schoesler, Crouse, Basich and Sherstad

Limiting the authority of local governments to take actions that result in closure of private firearm range training and practice facilities.

The bill was read the second time.

Representative Padden moved to substitute House Bill No. 1115.

Representatives Padden and Campbell spoke against the motion to substitute House Bill No. 1115.

Representatives Chappell and Appelwick spoke for the motion to substitute House Bill No. 1115.

Representative Padden again spoke against the motion to substitute House Bill No. 1115.

The motion to substitute House Bill No. 1115 failed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Campbell spoke in favor of passage of the bill and Representative Chappell spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1115.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1115, and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Conway, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 79.

Voting nay: Representatives Appelwick, Chappell, Chopp, Cole, Costa, Dickerson, Fisher, R., Mason, Ogden, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 18.

Excused: Representative Fisher, G. - 1.

House Bill No. 1115, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1151, by Representatives Pennington, McMorris, Smith, Boldt, Campbell, Sheldon, L. Thomas, Thompson, Foreman, Benton, Robertson, Goldsmith, McMahan, Hargrove, Sherstad, Clements, Mulliken, Schoesler, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes and Mielke

Modifying licensing requirements for the sale of ammunition.

The bill was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pennington spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1151.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1151, and the bill passed the House by the following vote: Yeas - 79, Nays - 18, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler,

Chappell, Clements, Conway, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 79.

Voting nay: Representatives Chopp, Cody, Cole, Costa, Dickerson, Fisher, R., Mason, Patterson, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 18.

Excused: Representative Fisher, G. - 1.

House Bill No. 1151, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1165, by Representatives Sherstad, Dickerson, Van Luven, L. Thomas and Mason; by request of Department of Revenue

Making technical corrections to excise and property tax statutes.

The bill was read the second time. On motion of Representative B. Thomas, Substitute House Bill No. 1165 was substituted for House Bill No. 1165 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1165 was read the second time.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

On Page 5, beginning on line 10, strike the following:

"New Section. **Sec. 9.** The department may adopt rules necessary to implement the provisions of this act."

Representatives B. Thomas and Sherstad spoke in favor of adoption of the amendment and it was adopted.

The bill was ordered engrossed.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sherstad and Morris spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative G. Fisher was excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1165.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1165, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson,

Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Fisher, G. - 1.

Engrossed Substitute House Bill No. 1165, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1174, by Representatives Cooke and Brown; by request of Department of Social and Health Services

Modifying membership and duties of children's services advisory committee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Thibaudeau spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1174.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1174, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Fisher, G. - 1.

House Bill No. 1174, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1225, by Representatives K. Schmidt, R. Fisher, Johnson and Scott; by request of Department of Licensing

Regulating vehicle and fuel licensing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1225.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1225, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Fisher, G. - 1.

House Bill No. 1225, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1279, by Representatives Pennington, Morris, Schoesler, Campbell, Boldt, Carrell, Mielke, Van Luven, Hymes, McMahan, Mulliken, Foreman, Blanton, Sherstad, Elliot, Backlund, Johnson, L. Thomas and Huff

Providing a sales tax exemption for certain sales of magazines by subscription.

The bill was read the second time. There being no objection, Substitute House Bill No. 1279 was substituted for House Bill No. 1279 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1279 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pennington spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1279.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1279, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Fisher, G. - 1.

Substitute House Bill No. 1279, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1364, by Representatives L. Thomas and Kessler

Disclosing material transactions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1364 was substituted for House Bill No. 1364 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1364 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas, Wolfe and Robertson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1364.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1364, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.
Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Substitute House Bill No. 1364, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1407, by Representatives K. Schmidt, R. Fisher, Horn, Chandler and Elliot; by request of Washington State Maritime Commission

Transferring functions of the Maritime Commission to a nonprofit corporation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1407.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1407, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1407, having received the constitutional majority, was declared passed.

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

THIRD READING

HOUSE BILL NO. 1525, by Representatives L. Thomas, Beekma, Benton, Smith and McMahan

Lowering the number of items provided by banks for customers' examination of negotiable instruments.

The bill was read the third time.

Representatives L. Thomas, Wolfe and Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1525.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1525, and the bill passed the House by the following vote: Yeas - 80, Nays - 16,

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Yeas - 80, Nays - 16, Absent - 2, Excused - 0.

House Bill No. 1525, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1607, by Representatives Van Luven, Carlson, Sheldon, Wolfe and B. Thomas

Creating opportunities for international education.

The bill was read the third time.

Representatives Van Luven, Ebersole, Jacobsen, D. Schmidt, Clements and Veloria spoke in favor of passage of the bill.

Representatives Smith, Chandler, Fuhrman, Campbell and Hargrove spoke against passage of the bill.

Representative Ebersole again spoke in favor of passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of House Bill No. 1607.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1607, and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Benton, Blanton, Brown, Brumsickle, Cairnes, Carlson, Carrell, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Horn, Huff, Jacobsen, Johnson, Kessler, Kremen, Lambert, Mason, Mastin, Mielke, Mitchell, Ogden, Patterson, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 70.

Voting nay: Representatives Backlund, Beeksma, Boldt, Buck, Campbell, Casada, Chandler, Cooke, Crouse, Fuhrman, Goldsmith, Hargrove, Honeyford, Hymes, Koster, Lisk, McMahan, McMorris, Morris, Mulliken, Padden, Pelesky, Pennington, Robertson, Schmidt, K., Smith, Stevens and Thomas, B. - 28.

House Bill No. 1607, having received the constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

February 27, 1995

HB 1009 Prime Sponsor, Representative Chandler: Establishing a commission on pesticide registration. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Hargrove; Hickel; Jacobsen; Lambert; Lisk; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Foreman and Grant.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1052 Prime Sponsor, Representative Horn: Reviewing nonappropriated funds. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Hargrove; Hickel; Jacobsen; Lambert; Lisk; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Valle, Assistant Ranking Minority Member; Basich and G. Fisher.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau and Wolfe.

Voting Nay: Representatives Basich, G. Fisher and Valle.

Excused: Representatives Foreman and Grant.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1175 Prime Sponsor, Representative L. Thomas: Revising the rate of interest on tort judgments against the state and political subdivisions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Benton; Campbell; Dyer; Huff; Mielke and Pelesky.

MINORITY recommendation: Do not pass. Signed by Representatives Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Costa; Dellwo; Kessler and Ogden.

Voting Yea: Representatives Beeksma, Benton, Campbell, Dyer, Huff, Mielke, Pelesky, Smith and L. Thomas.

Voting Nay: Representatives Costa, Dellwo, Kessler, Ogden and Wolfe.

Excused: Representative Grant.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1259 Prime Sponsor, Representative Lisk: Limiting administration and enforcement of chapter 49.78 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Excused: Representative Fuhrman.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1260 Prime Sponsor, Representative Dyer: Modifying health care liability provisions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Campbell; Casada; Crouse; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Conway; Kessler and Morris.

Voting Yea: Representatives Backlund, Campbell, Casada, Crouse, Dyer, Hymes, Sherstad and Skinner.

Voting Nay: Representatives Cody, Dellwo, Conway, Kessler and Morris.

Referred to Committee on Law & Justice.

February 27, 1995

HB 1429 Prime Sponsor, Representative Lisk: Lessening recreational vehicle regulation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representative Conway, Assistant Ranking Minority Member.

Voting Yea: Representatives Cairnes, Cody, Cole, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Voting Nay: Representative Conway.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1508 Prime Sponsor, Representative Goldsmith: Creating new funds under the control of the department of labor and industries. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove, Vice Chairman.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Horn, Lisk, Romero and Thompson.

Voting Nay: Representative Hargrove.

Referred to Committee on Appropriations.

February 27, 1995

HB 1555 Prime Sponsor, Representative McMorris: Revising department of ecology entry authority for water quality complaints caused by agricultural activity. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Johnson; Kremen; Poulsen; Regala; Robertson and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representatives Honeyford and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson and Schoesler.
Voting Nay: Representative Rust.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1608 Prime Sponsor, Representative Backlund: Defining parental discipline. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell and Padden.

MINORITY recommendation: Do not pass. Signed by Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Buck, Carrell, Cooke, Lambert, Padden and Stevens.
Voting Nay: Representatives Brown, Patterson, Thibaudeau and Tokuda.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1648 Prime Sponsor, Representative Lisk: Revising provision relating to charges against industrial insurance awards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1649 Prime Sponsor, Representative Goldsmith: Providing for disqualification from unemployment compensation for certain felonies or gross misdemeanors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 24, 1995

HB 1690 Prime Sponsor, Representative McMorris: Eliminating some mandates on school districts.
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Fuhrman; McMahan; Pelesky; Smith; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Poulsen, Assistant Ranking Minority Member; Dickerson; G. Fisher; Hatfield; Radcliff and Veloria.

Voting Yea: Representatives Brumsickle, Elliot, Fuhrman, Johnson, McMahan, Pelesky, Smith, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Cole, Clements, Dickerson, G. Fisher, Hatfield, Poulsen, Quall, Radcliff and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1843 Prime Sponsor, Representative Lisk: Clarifying the terms of the members of the advisory board of plumbers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1903 Prime Sponsor, Representative Clements: Establishing new procedures for rule adoption by administrative agencies. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Robertson and Schoesler.

Voting Nay: Representatives R. Fisher, Poulsen, Regala and Rust.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1910 Prime Sponsor, Representative Goldsmith: Providing for industrial insurance self-insurers to determine benefits for permanent disability. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Horn, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Passed to Committee on Rules for second reading.

February 28, 1995

HJM 4027 Prime Sponsor, Representative Casada: Requesting that Congress transfer jurisdiction to regulate one-way video and audio communications to the states. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Kremen, Mastin, Mielke, Mitchell and Patterson.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills and memorial listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 28, 1995

HB 1021 Prime Sponsor, Representative Delvin: Granting to adult court jurisdiction over juveniles who use a firearm while committing a violent offense. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Corrections as amended by the Committee on Law & Justice. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Dellwo; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Foreman, Grant, Hickel, Huff, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.
Voting Nay: Representatives Basich, Hargrove, Jacobsen, Lambert, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.
Excused: Representatives Crouse, Dellwo and G. Fisher.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1147 Prime Sponsor, Representative Quall: Authorizing charter schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cole, Ranking Minority Member; and Fuhrman.

Voting Yea: Representatives Brumsickle, Dickerson, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.
Voting Nay: Representatives Cole, Clements, Fuhrman and Pelesky.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1172 Prime Sponsor, Representative Stevens: Establishing parents' rights in common school education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Radcliff; Smith; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Dickerson; G. Fisher; Hatfield; Quall and Veloria.

Voting Yea: Representatives Brumsickle, Clements, Elliot, Fuhrman, Johnson, McMahan, Pelesky, Radcliff, Smith, Talcott, B. Thomas and Thompson.
Voting Nay: Representatives Cole, Dickerson, G. Fisher, Hatfield, Poulsen, Quall and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1218 Prime Sponsor, Representative Brown: Determining the eligibility of persons for the food stamp program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Padden; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Lambert, Padden, Patterson, Stevens, Thibaudeau and Tokuda.

Referred to Committee on Appropriations.

February 28, 1995

HB 1292 Prime Sponsor, Representative Pelesky: Authorizing permanent expulsion for disruptive students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Radcliff; Smith; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Brumsickle, Chairman; Poulsen, Assistant Ranking Minority Member; Dickerson; G. Fisher; Hatfield; Quall and Veloria.

Voting Yea: Representatives Clements, Elliot, Fuhrman, Johnson, McMahan, Pelesky, Radcliff, Smith, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Brumsickle, Cole, Dickerson, G. Fisher, Hatfield, Poulsen, Quall and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1295 Prime Sponsor, Representative Carlson: Providing retirement system benefits upon death of member or retiree. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Crouse, Dellwo and G. Fisher.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1296 Prime Sponsor, Representative Sommers: Making retirement contributions and payments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.
Excused: Representatives Crouse, Dellwo and G. Fisher.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1297 Prime Sponsor, Representative Sehlin: Calculating retiree benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.
Excused: Representatives Crouse, Dellwo and G. Fisher.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1298 Prime Sponsor, Representative Cooke: Enlarging the scope of the methadone treatment program to the opiate substitution treatment program. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Boldt; Buck; Carrell and Padden.

MINORITY recommendation: Do not pass. Signed by Representatives Brown, Assistant Ranking Minority Member; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Buck, Carrell, Cooke, Lambert, Padden, Stevens and Thibaudeau.

Voting Nay: Representatives Brown, Patterson and Tokuda.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1305 Prime Sponsor, Representative Johnson: Revising restrictions on growth outside of urban growth areas. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1316 Prime Sponsor, Representative Elliot: Prohibiting strikes by educational employees.
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Radcliff; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Dickerson; G. Fisher; Hatfield; Quall and Veloria.

Voting Yea: Representatives Brumsickle, Clements, Elliot, Fuhrman, Johnson, McMahan, Pelesky, Radcliff, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Cole, Dickerson, G. Fisher, Hatfield, Poulsen, Quall, Smith and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1355 Prime Sponsor, Representative Brumsickle: Changing school bus purchasing procedures.
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Dickerson; G. Fisher; Hatfield; Quall; Radcliff; Talcott; Thompson and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Clements; Fuhrman; McMahan and B. Thomas.

Voting Yea: Representatives Brumsickle, Cole, Dickerson, Elliot, G. Fisher, Hatfield, Johnson, Poulsen, Quall, Radcliff, Talcott, Thompson and Veloria.

Voting Nay: Representatives Clements, McMahan, Pelesky, Smith and B. Thomas.

Excused: Representative Fuhrman.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1421 Prime Sponsor, Representative Sheldon: Providing business incentives for distressed areas.
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1425 Prime Sponsor, Representative Scott: Protecting privileged communication. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1442 Prime Sponsor, Representative Romero: Providing compensation for wildlife agents injured on duty. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Pennington, Vice Chairman; and B. Thomas.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Regala, Romero, Sheldon, Stevens, and Thompson.
Voting Nay: Representatives Pennington and B. Thomas.

Referred to Committee on Appropriations.

February 27, 1995

HB 1459 Prime Sponsor, Representative Van Luven: Exempting from business and occupation tax reimbursements and advances received by property management companies for the payment of wages and benefits to on-site employees. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1540 Prime Sponsor, Representative Fuhrman: Expanding the authority of the fish and wildlife commission. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington,

Vice Chairman; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Without recommendation. Signed by Representatives Basich, Ranking Minority Member; and Regala, Assistant Ranking Minority Member.

Voting Yea: Representatives Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives Basich and Regala.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1542 Prime Sponsor, Representative Brown: Modifying placement of juveniles, specifically addressing independent living. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Patterson and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Stevens, Vice Chairman; Buck; Carrell and Padden.

Voting Yea: Representatives Boldt, Brown, Cooke, Lambert, Patterson, Thibaudeau and Tokuda.

Voting Nay: Representatives Buck, Carrell, Padden and Stevens.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1634 Prime Sponsor, Representative Sheldon: Restricting the state parks and recreation commission authority to regulate metal detectors. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1659 Prime Sponsor, Representative Mielke: Regulating real estate brokerage relationships. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody; Cole and Fuhrman.

Voting Yea: Representatives Cairnes, Goldsmith, Hargrove, Horn, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway, Fuhrman and Romero.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1669 Prime Sponsor, Representative Beeksmas: Extending hotel/motel tax authorization for tourist promotional structures to cities wholly located on an island. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1675 Prime Sponsor, Representative Koster: Requiring the department of social and health services to determine if public assistance applicants are fugitives from justice. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell and Padden.

MINORITY recommendation: Do not pass. Signed by Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Carrell, Cooke, Lambert, Padden and Stevens.

Voting Nay: Representatives Brown, Patterson, Thibaudeau and Tokuda.

Excused: Representative Buck.

Referred to Committee on Appropriations.

February 28, 1995

HB 1703 Prime Sponsor, Representative Cooke: Using a personal credit or debit card. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher and Wolfe.

Voting Yea: Representatives Chopp, Goldsmith, Hargrove, Honeyford, Reams, Rust, D. Schmidt, Scott, Sommers and L. Thomas.

Voting Nay: Representatives R. Fisher, Mulliken and Wolfe.

Excused: Representatives Hymes and Van Luven.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1719 Prime Sponsor, Representative Boldt: Creating the office of inspector general within the department of social and health services. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thiabaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Padden; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Brown, Carrell, Cooke, Lambert, Padden, Patterson, Stevens and Thiabaudeau.

Excused: Representatives Buck and Tokuda.

Referred to Committee on Appropriations.

February 28, 1995

HB 1721 Prime Sponsor, Representative Hymes: Requiring state agencies to purchase from community rehabilitation programs. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Chopp; R. Fisher; Hargrove; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Hargrove, Sommers and Wolfe.

Referred to Committee on Appropriations.

February 28, 1995

HB 1725 Prime Sponsor, Representative Brumsickle: Regulating housing authorities. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas and Wolfe.

Excused: Representatives Hymes and Van Luven.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1738 Prime Sponsor, Representative Pelesky: Providing employees notice of rights regarding union security agreements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Without recommendation. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Horn, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1745 Prime Sponsor, Representative Stevens: Requiring competency examinations for children's services caseworkers. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Padden and Patterson.

MINORITY recommendation: Do not pass. Signed by Representatives Thibaudeau, Ranking Minority Member; and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Padden, Patterson and Stevens.

Voting Nay: Representatives Thibaudeau and Tokuda.

Excused: Representative Lambert.

Referred to Committee on Appropriations.

February 28, 1995

HB 1756 Prime Sponsor, Representative Veloria: Changing provisions relating to dependent children. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Padden; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Lambert, Padden, Patterson, Stevens, Thibaudeau and Tokuda.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1770 Prime Sponsor, Representative Mastin: Revising enforcement requirements for plumbing certificates of competency. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Voting Nay: Representative Fuhrman.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1790 Prime Sponsor, Representative Reams: Changing appointment provisions for the director of a combined city and county health department. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Mulliken, Reams, Rust, D. Schmidt, Sommers and L. Thomas.
Excused: Representatives Hymes, Scott, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1801 Prime Sponsor, Representative Brown: Changing child care facility provisions. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Padden; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Lambert, Padden, Patterson, Stevens, Thibaudeau and Tokuda.

Referred to Committee on Appropriations.

February 28, 1995

HB 1802 Prime Sponsor, Representative Cooke: Changing adoption provisions. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Padden; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Padden, Patterson, Stevens, Thibaudeau and Tokuda.
Excused: Representative Lambert.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1841 Prime Sponsor, Representative Kessler: Reducing the transfer fee for limited commercial fishery licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Romero; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representative Jacobsen.

Referred to Committee on Finance.

February 28, 1995

HB 1845 Prime Sponsor, Representative D. Schmidt: Making certain benefits provided by institutions of higher education to students optional. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Benton; Blanton; Delvin; Goldsmith and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich and Mastin.

Voting Yea: Representatives Benton, Blanton, Carlson, Delvin, Goldsmith, Mulliken and Sheahan.

Voting Nay: Representatives Basich, Mason, Mastin and Jacobsen.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1858 Prime Sponsor, Representative Ballasiotes: Establishing the office of crime victims advocacy in the department of community, trade, and economic development. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Honeyford, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas and Wolfe.

Voting Nay: Representative Hargrove.

Excused: Representatives Hymes and Van Luven.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1880 Prime Sponsor, Representative Boldt: Making persons convicted of certain crimes relating to receipt of public assistance ineligible for public assistance for five years. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell; Padden and Patterson.

MINORITY recommendation: Do not pass. Signed by Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; and Tokuda.

Voting Yea: Representatives Boldt, Carrell, Cooke, Lambert, Padden, Patterson and Stevens.

Voting Nay: Representatives Brown, Thibaudeau and Tokuda.

Excused: Representative Buck.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1882 Prime Sponsor, Representative Stevens: Creating the position of inspector general in the Washington state patrol. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell; Padden and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; and Patterson.

Voting Yea: Representatives Boldt, Buck, Carrell, Cooke, Padden, Stevens and Tokuda.

Voting Nay: Representatives Brown, Patterson and Thibaudeau.

Excused: Representative Lambert.

Referred to Committee on Appropriations.

February 28, 1995

HB 1906 Prime Sponsor, Representative Lambert: Changing child care licensing definitions. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell and Padden.

MINORITY recommendation: Do not pass. Signed by Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Buck, Carrell, Cooke, Lambert, Padden and Stevens.

Voting Nay: Representatives Brown, Patterson, Thibaudeau and Tokuda.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1914 Prime Sponsor, Representative Stevens: Changing provisions relating to child abuse and neglect. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Boldt; Buck; Carrell and Padden.

MINORITY recommendation: Do not pass. Signed by Representatives Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Patterson and Tokuda.

Voting Yea: Representatives Boldt, Buck, Carrell, Cooke, Padden and Stevens.

Voting Nay: Representatives Brown, Patterson, Thibaudeau and Tokuda.

Excused: Representative Lambert.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1924 Prime Sponsor, Representative Koster: Providing for notice to property owners of property taxes due. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Referred to Committee on Appropriations.

February 28, 1995

HB 1925 Prime Sponsor, Representative Cairnes: Modifying the growth management act. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1932 Prime Sponsor, Representative Mielke: Delivering telecommunications services. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mielke; Mitchell and Patterson.

MINORITY recommendation: Without recommendation. Signed by Representative Mastin.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Kremen, Mielke, Mitchell and Patterson.

Voting Nay: Representative Mastin.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1941 Prime Sponsor, Representative Johnson: Improving student learning by focusing on reading literacy. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson,

Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Radcliff; Smith; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Dickerson; G. Fisher; Hatfield; Quall and Veloria.

Voting Yea: Representatives Brumsickle, Clements, Elliot, Fuhrman, Johnson, McMahan, Pelesky, Radcliff, Smith, Talcott, B. Thomas and Thompson.

Voting Nay: Representatives Cole, Dickerson, G. Fisher, Hatfield, Poulsen, Quall and Veloria.

Referred to Committee on Appropriations.

February 28, 1995

HB 1959 Prime Sponsor, Representative Mielke: Providing a specific funding mechanism for making additional community and technical college faculty salary increment awards. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Benton; Blanton; Delvin; Mastin and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representative Goldsmith.

Voting Yea: Representatives Basich, Benton, Blanton, Carlson, Delvin, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Voting Nay: Representative Goldsmith.

Referred to Committee on Appropriations.

February 28, 1995

HB 1977 Prime Sponsor, Representative Mielke: Penalizing theft of telecommunication and cable services. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Kremen, Mastin, Mielke, Mitchell and Patterson.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 2009 Prime Sponsor, Representative Casada: Eliminating the state energy office. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Chandler; Huff; Mielke and Mitchell.

MINORITY recommendation: Do not pass. Signed by Representatives Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Mastin and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Mielke and Mitchell.
Voting Nay: Representatives Kessler, Kremen, Mastin and Patterson.

Referred to Committee on Appropriations.

February 28, 1995

HB 2034 Prime Sponsor, Representative Silver: Changing community and technical college tuition refund and fee cancellation provisions. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Benton; Blanton; Delvin; Goldsmith; Mastin and Sheahan.

Voting Yea: Representatives Basich, Benton, Blanton, Carlson, Delvin, Goldsmith, Jacobsen, Mason, Mastin, Mulliken and Sheahan.

Passed to Committee on Rules for second reading.

February 28, 1995

HJM 4005 Prime Sponsor, Representative Hargrove: Requesting Congress to renegotiate the Stevens Treaties. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksma; Cairnes; G. Fisher; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, G. Fisher, Fuhrman, Pennington, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives Jacobsen, Regala and Romero.
Excused: Representatives Elliot and Sheldon.

Passed to Committee on Rules for second reading.

February 28, 1995

HJM 4012 Prime Sponsor, Representative Stevens: Requesting permission to use personal locator beacons. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Huff, Kessler, Kremen, Mastin, Mielke, Mitchell and Patterson.

Passed to Committee on Rules for second reading.

February 28, 1995

HJM 4020 Prime Sponsor, Representative Campbell: Encouraging schools to provide an elementary gun safety program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HJM 4022 Prime Sponsor, Representative Fuhrman: Petitioning Congress to limit involvement in world bodies. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt and L. Thomas.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

February 28, 1995

HJR 4206 Prime Sponsor, Representative Benton: Amending constitutional procedures for filling legislative vacancies. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on today's first supplemental committee reports under the fifth order of business were referred to the committees so designated.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 1, 1995

HB 1066 Prime Sponsor, Representative Lisk: Authorizing agreements regarding smoking in the workplace that provide for a designated enclosed smoking room. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chair; Hargrove, Vice Chair; Thompson, Vice Chair; Romero, Ranking Minority Member; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Voting Nay: Representatives Cody, Cole and Conway.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1098 Prime Sponsor, Representative Chappell: Providing increased penalties for false writings or statements concerning farms or agricultural commodities. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Kremen; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Mastin, McMorris, Robertson and Schoesler.

Voting Nay: Representatives R. Fisher, Kremen, Poulsen, Regala and Rust.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1200 Prime Sponsor, Representative Basich: Protecting sports officials from civil actions and assaults. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Costa, Assistant Ranking Minority Member; Carrell; Cody; Morris; Sheahan; Thibaudeau and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Campbell; Chappell; Lambert; McMahan; Robertson and Smith.

Voting Yea: Representatives Carrell, Cody, Costa, Delvin, Hickel, Morris, Padden, Sheahan, Thibaudeau and Veloria.

Voting Nay: Representatives Appelwick, Campbell, Chappell, Lambert, McMahan, Robertson and Smith.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1231 Prime Sponsor, Representative Rust: Promoting the recycled content of products and buildings. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representative Honeyford.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.
Voting Nay: Representative Honeyford.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1250 Prime Sponsor, Representative Cole: Providing for prompt payment of industrial insurance awards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1255 Prime Sponsor, Representative Padden: Revising provisions relating to juveniles. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Representatives Cody and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.
Voting Nay: Representatives Cody, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

February 28, 1995

HB 1274 Prime Sponsor, Representative Reams: Revising growth management provisions. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman;

L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1372 Prime Sponsor, Representative L. Thomas: Repealing rural health care statutes. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Referred to Committee on Appropriations.

February 28, 1995

HB 1380 Prime Sponsor, Representative Reams: Providing for growth management planning. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1414 Prime Sponsor, Representative Conway: Defining "acting in the course of employment." Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1418 Prime Sponsor, Representative Mielke: Transferring regulatory authority over on-site sewage disposal systems to local boards of health. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Campbell; Casada; Crouse; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Conway and Kessler.

Voting Yea: Representatives Backlund, Campbell, Casada, Crouse, Dyer, Hymes, Morris, Sherstad and Skinner.

Voting Nay: Representatives Cody, Conway, Dellwo and Kessler.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1448 Prime Sponsor, Representative McMahan: Protecting children from matter and any live performance that is harmful to minors. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Morris; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Cody, Costa, Morris, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1473 Prime Sponsor, Representative Quall: Requiring the county to take over roads within a homeowner's association in certain specified circumstances. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Scott, Assistant Ranking Minority Member; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1478 Prime Sponsor, Representative Mielke: Revising methods for calculating child support.
Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Cody, Costa, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

February 28, 1995

HB 1486 Prime Sponsor, Representative Sherstad: Regulating adult entertainment. Reported by
Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Lambert; McMahan; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Chappell; Cody; Morris; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Chappell, Cody, Costa, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

February 28, 1995

HB 1515 Prime Sponsor, Representative Hickel: Authorizing judgments of courts of limited jurisdiction to be enforced in certain other state courts. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1546 Prime Sponsor, Representative Casada: Enacting the anticancer act of 1995. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Campbell; Casada; Crouse; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Conway and Kessler.

Voting Yea: Representatives Backlund, Campbell, Casada, Crouse, Dyer, Hymes, Morris, Sherstad and Skinner.

Voting Nay: Representatives Cody, Conway, Dellwo and Kessler.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1556 Prime Sponsor, Representative Wolfe: Creating a presumption that visitation by relatives such as grandparents is in a child's best interests. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative McMahan.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Voting Nay: Representative McMahan.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1557 Prime Sponsor, Representative L. Thomas: Combatting insurance fraud. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Benton; Campbell; Dyer; Huff; Mielke and Pelesky.

MINORITY recommendation: Do not pass. Signed by Representatives Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Costa; Dellwo; Kessler and Ogden.

Voting Yea: Representatives Beeksma, Benton, Campbell, Dyer, Huff, Mielke, Pelesky, Smith and L. Thomas.

Voting Nay: Representatives Costa, Dellwo, Grant, Kessler, Ogden and Wolfe.

Referred to Committee on Appropriations.

February 28, 1995

HB 1566 Prime Sponsor, Representative Dyer: Changing health care authority responsibilities.
Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Referred to Committee on Appropriations.

February 28, 1995

HB 1585 Prime Sponsor, Representative Morris: Providing that prescription of controlled substances for intractable pain is not unprofessional conduct. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Dellwo, Ranking Minority Member; Conway; Kessler; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Backlund, Vice Chairman; Hymes, Vice Chairman; Cody, Assistant Ranking Minority Member; Campbell; Casada and Crouse.

Voting Yea: Representatives Conway, Dellwo, Dyer, Kessler, Morris, Sherstad and Skinner.
Voting Nay: Representatives Backlund, Campbell, Casada, Cody, Crouse and Hymes.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1589 Prime Sponsor, Representative Backlund: Providing health care quality assurance. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Sherstad and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representative Morris.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Sherstad and Skinner.
Voting Nay: Representative Morris.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1594 Prime Sponsor, Representative Foreman: Requiring blood tests of injured persons if persons rendering aid came in contact with their blood. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice

Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.
Voting Nay: Representatives Appelwick, Cody, Costa, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1596 Prime Sponsor, Representative Romero: Revising the provision authorizing the department of labor and industries to hold industrial insurance orders in abeyance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Horn, Lisk and Thompson.
Voting Nay: Representatives Cody, Cole, Conway and Romero.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1597 Prime Sponsor, Representative Johnson: Concerning the reduction of flood damage. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Robertson and Schoesler.
Voting Nay: Representatives R. Fisher, Poulsen, Regala and Rust.

Referred to Committee on Transportation.

February 28, 1995

HB 1610 Prime Sponsor, Representative Delvin: Increasing involvement of victims in criminal prosecutions. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority

Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1612 Prime Sponsor, Representative Goldsmith: Permitting special excise taxes on lodgings to be used for festival purposes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Hatfield; Hickel; Mason and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Valle, Van Luven and Veloria.

Voting Nay: Representatives Ballasiotes, Sherstad and Skinner.

Referred to Committee on Finance.

February 28, 1995

HB 1625 Prime Sponsor, Representative Reams: Regulating payment of impact fees. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1630 Prime Sponsor, Representative Cairnes: Regulating the registration of contractors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Voting Nay: Representative Fuhrman.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1658 Prime Sponsor, Representative Pennington: Providing that filled or altered wetlands shall not be considered or treated as wetlands. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1660 Prime Sponsor, Representative Lisk: Authorizing the director of labor and industries to issue approvals based on national consensus codes and external professional certification. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Horn, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Excused: Representative Hargrove.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1687 Prime Sponsor, Representative Lambert: Providing for distribution of appropriations for court-appointed special advocate programs. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Referred to Committee on Appropriations.

March 1, 1995

HB 1714 Prime Sponsor, Representative Thompson: Providing sales and use tax deferral for new or expanded business operations. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Backlund; Ballasiotes; Hickel; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Hatfield; Mason and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hickel, Radcliff, D. Schmidt, Sherstad, Skinner and Van Luven.

Voting Nay: Representatives Hatfield, Mason, Sheldon, Valle and Veloria.

Referred to Committee on Finance.

February 28, 1995

HB 1722 Prime Sponsor, Representative Padden: Exempting the UTC from administrative law judge requirements. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1724 Prime Sponsor, Representative Reams: Revising provisions relating to growth management. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Referred to Committee on Appropriations.

March 1, 1995

HB 1730 Prime Sponsor, Representative Benton: Revising provisions regarding interest arbitration for law enforcement officers employed by cities, towns, or counties. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Horn.

MINORITY recommendation: Do not pass. Signed by Representative Goldsmith.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Hargrove, Horn, Lisk and Thompson.

Voting Nay: Representative Goldsmith.

Excused: Representative Romero.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1747 Prime Sponsor, Representative Hatfield: Modifying requirements for standards for solid waste handling. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Robertson and Schoesler.

Voting Nay: Representatives R. Fisher, Poulsen, Regala and Rust.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1749 Prime Sponsor, Representative Clements: Defining misconduct for unemployment insurance purposes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Horn, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1758 Prime Sponsor, Representative Backlund: Creating the health professional data information system. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice

Chairman; Cody, Assistant Ranking Minority Member; Campbell; Casada; Crouse; Kessler; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representative Conway.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Crouse, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Voting Nay: Representatives Conway and Dellwo.

Referred to Committee on Appropriations.

February 28, 1995

HB 1771 Prime Sponsor, Representative Hickel: Requiring a handling fee to be paid when a check is dishonored. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

MINORITY recommendation: Do not pass. Signed by Representative Costa, Assistant Ranking Minority Member.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Voting Nay: Representative Costa.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1773 Prime Sponsor, Representative Delvin: Regulating the marketing of water. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Robertson and Schoesler.

Voting Nay: Representatives R. Fisher, Poulsen, Regala and Rust.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1774 Prime Sponsor, Representative Chandler: Altering appeal procedures for water-related actions of the department of ecology. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Robertson and Schoesler.
Voting Nay: Representatives R. Fisher, Poulsen, Regala and Rust.

Referred to Committee on Appropriations.

March 1, 1995

HB 1791 Prime Sponsor, Representative Chandler: Revising water resource governance and planning.
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Robertson and Schoesler.
Voting Nay: Representatives R. Fisher, Poulsen, Regala and Rust.

Referred to Committee on Appropriations.

March 1, 1995

HB 1804 Prime Sponsor, Representative Beeksma: Revising underinsured motorist coverage.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:
"NEW SECTION. **Sec. 1.** The house of representatives financial institutions and insurance committee shall conduct a study on underinsured motorist insurance issues in Washington state during the 1995 interim."

Correct the title reference accordingly.

Signed by Representatives L. Thomas, Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

MINORITY recommendation: Without recommendation. Signed by Representatives Beeksma, Vice Chairman; and Benton.

Voting Yea: Representatives Campbell, Costa, Dellwo, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.
Voting Nay: Representatives Beeksma and Benton.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1810 Prime Sponsor, Representative Chandler: Changing the scope of cleanup standards for remedial actions under the model toxics control act. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representatives R. Fisher and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson and Schoesler.
Voting Nay: Representatives R. Fisher and Rust.

Referred to Committee on Appropriations.

February 28, 1995

HB 1815 Prime Sponsor, Representative Delvin: Placing liability on parents of unemancipated minors who damage lodging or accommodation premises. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1821 Prime Sponsor, Representative Kessler: Disqualifying from unemployment compensation persons whose public employment contract is bought out. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1827 Prime Sponsor, Representative Dyer: Regulating conflicts of interest among health care providers, facilities, and third-party payers. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Conway; Kessler; Morris and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Backlund, Vice Chairman; Hymes, Vice Chairman; Campbell; Casada; Crouse and Sherstad.

Voting Yea: Representatives Cody, Conway, Dellwo, Dyer, Kessler, Morris and Skinner.
Voting Nay: Representatives Backlund, Campbell, Casada, Crouse, Hymes and Sherstad.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1837 Prime Sponsor, Representative Chandler: Establishing limitations on distributions from the water quality account for the period July 1, 1995, through June 30, 2000. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Referred to Committee on Capital Budget.

February 28, 1995

HB 1853 Prime Sponsor, Representative Smith: Requiring juvenile offenders to post a probation bond in specified cases. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1860 Prime Sponsor, Representative L. Thomas: Regulating real estate appraisers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Costa; Dellwo; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

MINORITY recommendation: Do not pass. Signed by Representatives Beeksma, Vice Chairman; Benton and Campbell.

Voting Yea: Representatives Costa, Dellwo, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Voting Nay: Representatives Beeksma, Benton and Campbell.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1872 Prime Sponsor, Representative Crouse: Modifying the authority of the board of physical therapy. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1878 Prime Sponsor, Representative McMahan: Encouraging sales of public real property. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1888 Prime Sponsor, Representative Dyer: Revising provisions for assessments for hospital data collection and reporting. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Campbell; Casada; Crouse; Kessler; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Cody, Assistant Ranking Minority Member; and Conway.

Voting Yea: Representatives Backlund, Campbell, Casada, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Voting Nay: Representatives Cody and Conway.

Referred to Committee on Finance.

February 28, 1995

HB 1890 Prime Sponsor, Representative Padden: Protecting property owners. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice

Chairman; Appelwick, Ranking Minority Member; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Cody, Costa, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1907 Prime Sponsor, Representative Appelwick: Revising restrictions on residential time for abusive parents. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1911 Prime Sponsor, Representative Lisk: Expanding authority for retrospective rating plans. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Voting Nay: Representatives Cody, Cole and Conway.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1938 Prime Sponsor, Representative L. Thomas: Modifying the administration of the responsibilities of self-insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Mielke; Ogden and Pelesky.

MINORITY recommendation: Without recommendation. Signed by Representatives Wolfe, Ranking Minority Member; and Kessler.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dellwo, Dyer, Grant, Huff, Mielke, Ogden, Pelesky, Smith and L. Thomas.
Voting Nay: Representatives Kessler and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1953 Prime Sponsor, Representative Veloria: Providing assistance for aerospace workers.
Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Veloria, Assistant Ranking Minority Member; Ballasiotes; Hatfield; Hickel; Mason; Skinner and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Sheldon, Ranking Minority Member; Backlund and Sherstad.

Voting Yea: Representatives Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Skinner, Valle, Van Luven and Veloria.
Voting Nay: Representatives Backlund, Sheldon and Sherstad.

Referred to Committee on Appropriations.

March 1, 1995

HB 1954 Prime Sponsor, Representative Huff: Clarifying the imposition of the business and occupation tax on tenant screening companies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Grant, Assistant Ranking Minority Member; Benton; Campbell; Dellwo; Dyer; Huff; Mielke; Ogden and Pelesky.

MINORITY recommendation: Without recommendation. Signed by Representatives Wolfe, Ranking Minority Member; Costa and Kessler.

Voting Yea: Representatives Beeksma, Benton, Campbell, Dellwo, Dyer, Grant, Huff, Mielke, Ogden, Pelesky, Smith and L. Thomas.
Voting Nay: Representatives Costa, Kessler and Wolfe.

Referred to Committee on Finance.

March 1, 1995

HB 1989 Prime Sponsor, Representative Lisk: Changing provisions related to employment in the construction industry. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Fuhrman, Goldsmith, Hargrove, Horn, Lisk and Thompson.
Voting Nay: Representatives Cody, Cole, Conway and Romero.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1995 Prime Sponsor, Representative Mielke: Providing an exemption and an offset for insurance premium and prepayment obligations for the high risk pool. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Morris; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 2003 Prime Sponsor, Representative D. Schmidt: Promoting international tourism. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Van Luven and Veloria.

Referred to Committee on Appropriations.

March 1, 1995

HB 2006 Prime Sponsor, Representative Valle: Providing for international trade education. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Van Luven and Veloria.
Excused: Representative Hickel.

Referred to Committee on Appropriations.

March 1, 1995

HB 2036 Prime Sponsor, Representative L. Thomas: Concerning the sale of consumer credit unemployment insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Campbell, Costa, Dellwo, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 2039 Prime Sponsor, Representative Kremen: Prescribing rights for certain applications for water rights or water transfers. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.
Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 2042 Prime Sponsor, Representative Lisk: Revising exemptions from overtime compensation requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 2058 Prime Sponsor, Representative Robertson: Defining employment. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk and Thompson.
Excused: Representative Romero.

Passed to Committee on Rules for second reading.

March 1, 1995

HJM 4017 Prime Sponsor, Representative Thompson: Requesting Congress to control or eradicate nonnative noxious weeds. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member;

Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.
Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

March 1, 1995

HJM 4018 Prime Sponsor, Representative Casada: Requesting a variance in order to preserve man-made wetlands. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.
Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

March 1, 1995

HJM 4030 Prime Sponsor, Representative Hankins: Concerning federal funds for the cleanup of the Hanford waste disposal site. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.
Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on today's second supplemental committee reports under the fifth order of business were referred to the committees so designated.

THIRD SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 1, 1995

HB 1213 Prime Sponsor, Representative Brumsickle: Revising provisions relating to liability in training of emergency service medical personnel. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1397 Prime Sponsor, Representative Fuhrman: Providing for transfer of state forest lands back to counties for public purpose. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksma; Cairnes; Elliot; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; G. Fisher; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, Fuhrman, Pennington, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives G. Fisher, Jacobsen, Regala and Romero.

Referred to Committee on Capital Budget.

March 1, 1995

HB 1554 Prime Sponsor, Representative Reams: Creating the citizen councilor program. Reported by Committee on Government Operations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Chopp; Honeyford; D. Schmidt; Van Luven and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Hargrove; Hymes; Mulliken and Sommers.

Voting Yea: Representatives Chopp, Goldsmith, Honeyford, Reams, D. Schmidt, L. Thomas, Van Luven and Wolfe.

Voting Nay: Representatives R. Fisher, Hargrove, Hymes, Mulliken, Rust, Scott and Sommers.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1583 Prime Sponsor, Representative L. Thomas: Changing whistleblower provisions. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1680 Prime Sponsor, Representative Hickel: Revising the distribution of interest on court fines. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Thibaudeau and Veloria.
Excused: Representative Smith.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1761 Prime Sponsor, Representative Casada: Clarifying physical conditions for determining the output of major energy projects. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Chandler; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Chandler, Crouse, Hankins, Kessler, Kremen, Mastin, Mitchell and Patterson.
Excused: Representatives Huff and Mielke.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1855 Prime Sponsor, Representative Grant: Providing a uniform procedure for determining the regulatory impact of bills and resolutions on businesses. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Scott, Assistant Ranking Minority Member; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Rust, Ranking Minority Member; Chopp; R. Fisher and Sommers.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Voting Nay: Representatives Chopp, R. Fisher, Rust and Sommers.

Referred to Committee on Appropriations.

March 1, 1995

HB 1856 Prime Sponsor, Committee on Financial Institutions & Insurance: Clarifying the liability of lenders under the model toxics control act. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1865 Prime Sponsor, Representative Mitchell: Clarifying numerous miscellaneous guardianship provisions. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1889 Prime Sponsor, Representative L. Thomas: Administering the office of the state auditor. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass with the following amendment:

On page 28, line 37, after "board" strike all material down to and including "corporations)" on line 38 and insert ", a copy of which budget shall be forwarded to the (~~division of municipal corporations~~) state auditor"

Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Honeyford; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove and Hymes.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.
Voting Nay: Representative Hargrove.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1929 Prime Sponsor, Representative Brumsickle: Concerning the employment of inmates. Reported by Committee on Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1942 Prime Sponsor, Representative Robertson: Revising procedures concerning driving while under the influence of intoxicating liquor or drugs. Reported by Committee on Law & Justice

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Robertson; Sheahan; Smith and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Morris and Thibaudeau.

Voting Yea: Representatives Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Padden, Robertson, Sheahan, Smith and Veloria.
Voting Nay: Representatives Appelwick, Morris and Thibaudeau.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 2004 Prime Sponsor, Representative Thompson: Taking emergency measures to protect the health of the Loomis state forest. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Referred to Committee on Appropriations.

March 1, 1995

HB 2008 Prime Sponsor, Representative Casada: Collecting for utility and other service. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Mastin and Patterson.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler; Mielke and Mitchell.

Voting Yea: Representatives Casada, Crouse, Hankins, Kessler, Kremen, Mastin and Patterson.

Voting Nay: Representatives Chandler and Mitchell.
Excused: Representatives Huff and Mielke.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 2022 Prime Sponsor, Representative Fuhrman: Making mining claims. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 2033 Prime Sponsor, Representative D. Schmidt: Providing an exemption to the Washington clean air act for fire training. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

March 1, 1995

HJM 4024 Prime Sponsor, Representative Delvin: Requesting the incorporation of salmon restoration demonstration projects. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fuhrman, Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Pennington, Regala, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives Jacobsen and Romero.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1130 Prime Sponsor, Representative Crouse: Restricting the ringing of bells or sounding of whistles on locomotives. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Benton, Vice Chairman; Skinner, Vice Chairman; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Cairnes; Chandler; Johnson; Koster; McMahan; Ogden; Quall; Robertson; D. Schmidt and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Chopp; Elliot; Hankins; Horn; Romero and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Hatfield, Johnson, Koster, McMahan, Ogden, Quall, Robertson, D. Schmidt, Scott and Skinner.

Voting Nay: Representatives Chopp, Elliot, R. Fisher, Hankins, Horn, Mitchell, Patterson, Romero, K. Schmidt and Tokuda.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1343 Prime Sponsor, Representative Casada: Removing the requirement that a schedule of port rates and charges be filed with the utilities and transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Cairnes; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Benton, Blanton, Brown, Cairnes, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Quall, Robertson, Romero, D. Schmidt, K. Schmidt and Skinner.

Excused: Representatives Backlund, Buck, Chandler, Chopp, Patterson, Scott and Tokuda.

Passed to Committee on Rules for second reading.

February 27, 1995

HB 1461 Prime Sponsor, Representative Benton: Increasing motor vehicle damage threshold amounts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representative McMahan.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, Mitchell, Ogden, Patterson, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Voting Nay: Representative McMahan.

Excused: Representative Quall.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1693 Prime Sponsor, Representative R. Fisher: Establishing procedures for noncompliance by cities and towns with state highway access standards. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Brown; Chandler; Chopp; Hankins; Ogden; Patterson; Quall; Romero; D. Schmidt; Scott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Benton, Vice Chairman; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Buck; Cairnes; Elliot; Horn; Johnson; Koster; McMahan and Robertson.

Voting Yea: Representatives Brown, Chandler, Chopp, R. Fisher, Hankins, Mitchell, Ogden, Patterson, Quall, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Voting Nay: Representatives Backlund, Benton, Blanton, Buck, Cairnes, Horn, Johnson, Koster, McMahan and Robertson.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on today's third supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 9:55 a.m., Thursday, March 2, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTY-SECOND DAY, MARCH 1, 1995

JOURNAL OF THE HOUSE

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

FIFTY-THIRD DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Thursday, March 2, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

March 1, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5027,
SENATE BILL NO. 5042,
SENATE BILL NO. 5052,
SENATE BILL NO. 5055,
SUBSTITUTE SENATE BILL NO. 5067,
SENATE BILL NO. 5120,
SUBSTITUTE SENATE BILL NO. 5140,
SUBSTITUTE SENATE BILL NO. 5440,
ENGROSSED SENATE JOINT MEMORIAL NO. 8000,
SENATE JOINT MEMORIAL NO. 8001,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2064 by Representatives Dyer, Backlund, Dellwo, Sommers and Silver; by request of Department of Social and Health Services

AN ACT Relating to affirming and clarifying the legislative authority to treat nonmedicaid therapy costs as unallowable, insuring that for medical care recipients, only therapy costs, that are not covered by other payers, may be reimbursed in the per patient day rate; and amending RCW 74.46.190.

Referred to Committee on Health Care.

HB 2065 by Representatives Mielke, Grant and Mastin

AN ACT Relating to stamping discounts to cigarette wholesalers and retailers who purchase large quantities of stamps; amending RCW 82.24.070; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

SB 5027 by Senators Smith, McCaslin, Rasmussen, Prentice, Kohl and Schow

Extending the period of time within which a prosecution for homicide by abuse may be commenced.

Referred to Committee on Law & Justice.

SB 5042 by Senators Winsley and Haugen

Directing cities and towns to deliver copies of new ordinances to the municipal research council.

Referred to Committee on Government Operations.

SB 5052 by Senators Winsley and Haugen

Deleting obsolete provisions relating to the printing and duplicating center.

Referred to Committee on Government Operations.

SSB 5067 by Senate Committee on Government Operations (originally sponsored by Senators Snyder and Sellar)

Simplifying distribution and pricing of state legal publications.

Referred to Committee on Government Operations.

SB 5120 by Senators Long, Newhouse, Bauer, Winsley, Loveland, Fraser and Haugen

Providing death benefits under LEOFF.

Referred to Committee on Appropriations.

SSB 5140 by Senate Committee on Law & Justice (originally sponsored by Senators Kohl, Smith, Winsley, Pelz, Roach, Prentice, Schow, Heavey, McAuliffe, C. Anderson, Fairley, Sheldon, Prince, West, Haugen, Bauer, Oke and Palmer)

Authorizing municipalities to declare certain public places drug-free zones.

Referred to Committee on Law & Justice.

SSB 5440 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Pelz, C. Anderson, Smith, Gaspard, Quigley, Fairley, Rasmussen, Bauer and Palmer)

Requiring expulsion from school for at least one year for possession of a firearm on school property.

Referred to Committee on Education.

ESJM 8000 by Senators Rasmussen, Morton, Snyder, Newhouse, A. Anderson and Hochstatter

Petitioning Congress to introduce legislation on pesticide use for minor crops.

Referred to Committee on Agriculture & Ecology.

SJM 8001 by Senators Rasmussen, Morton, Snyder, Newhouse, A. Anderson and Hochstatter

Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods.

Referred to Committee on Agriculture & Ecology.

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

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Friday, March 3, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTY-THIRD DAY, MARCH 2, 1995

JOURNAL OF THE HOUSE

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

FIFTY-FOURTH DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Friday, March 3, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lindsay Peterson and J. D. Lindley. Prayer was offered by Pastor Mark Steckiel, Temple Baptist Church of Tacoma.

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

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

MESSAGE FROM THE SENATE

March 2, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5012,
SUBSTITUTE SENATE BILL NO. 5092,
SUBSTITUTE SENATE BILL NO. 5097,
SENATE BILL NO. 5294,
SUBSTITUTE SENATE BILL NO. 5410,
ENGROSSED SENATE BILL NO. 5925,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2066 by Representatives Hymes, Chandler and Mastin

AN ACT Relating to providing a sales and use tax exemption for bulk sales; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 2067 by Representatives Foreman and Mastin

AN ACT Relating to property tax exemptions for nonprofit arts, scientific, or historical organizations; and amending RCW 84.36.060.

Referred to Committee on Finance.

SSB 5012 by Senate Committee on Natural Resources (originally sponsored by Senator Snyder)

Revising the fee for transfer of fishery licenses.

Referred to Committee on Natural Resources.

SSB 5092 by Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley and Quigley)

Authorizing creation of library capital facility areas.

Referred to Committee on Government Operations.

SSB 5097 by Senate Committee on Government Operations (originally sponsored by Senators Swecker, Snyder, Palmer, Haugen and Winsley)

Preserving port district debt limits.

Referred to Committee on Government Operations.

SB 5294 by Senators Sheldon, Winsley, C. Anderson, Haugen, Palmer and Roach

Paying for fire fighters' retirement provisions.

Referred to Committee on Government Operations.

SSB 5410 by Senate Committee on Ecology & Parks (originally sponsored by Senators C. Anderson, Rasmussen, Gaspard, Newhouse, Snyder, Bauer, Kohl, Pelz, Fraser, Sellar, Wood and Roach)

Designating the Washington park arboretum as an official state arboretum.

Referred to Committee on Natural Resources.

ESB 5925 by Senator Pelz

Modifying the determination of unemployment insurance contribution rates.

Referred to Committee on Commerce & Labor.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

March 1, 1995

HB 1060 Prime Sponsor, Representative Lisk: Improving the licensing sections of the Washington state liquor act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich, Dellwo and Grant.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1076 Prime Sponsor, Representative Sehlin: Revising account names and accounting procedures of the IAC. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Hankins; McMorris; Mitchell; Pennington; Regala; L. Thomas and Valle.

Voting Yea: Representatives Chopp, Costa, Hankins, Honeyford, McMorris, Mitchell, Ogden, Pennington, Regala, Sehlin, L. Thomas and Valle.

Excused: Representative Silver.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1249 Prime Sponsor, Representative Brumsickle: Extending the time for developing essential academic learning requirement Goal 2 assessments. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich, Dellwo and Grant.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1399 Prime Sponsor, Representative Silver: Providing for a modified zero-based budget review.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Sehlin; Sheahan; Talcott and Thibaudeau.

MINORITY recommendation: Do not pass. Signed by Representative Rust.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representative Rust.

Excused: Representatives Crouse, Dellwo and G. Fisher.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1430 Prime Sponsor, Representative Carlson: Exempting certain employers from additional retirement contributions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Rust, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Crouse, Dellwo and G. Fisher.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1507 Prime Sponsor, Representative Ogden: Requiring a process to solicit proposals for and prioritize heritage capital projects. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Hankins; McMorris; Mitchell; Pennington; Regala; L. Thomas and Valle.

Voting Yea: Representatives Chopp, Costa, Hankins, Honeyford, McMorris, Mitchell, Ogden, Pennington, Regala, Sehlin, L. Thomas and Valle.

Excused: Representative Silver.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1788 Prime Sponsor, Representative K. Schmidt: Providing for more flexibility in the motor vehicle fund distributions to cities and counties. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representative R. Fisher, Ranking Minority Member.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, Hankins, Hatfield, Horn, Johnson, Koster, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Voting Nay: Representative R. Fisher.

Excused: Representative McMahan.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business; Suspension Calendar.

SECOND READING

HOUSE BILL NO. 1008, by Representatives Carlson, Ogden and Boldt

Providing wine and beer educator's licenses.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading. The motion was carried.

Representatives Carlson and Ogden spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representatives Veloria and G. Fisher were excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1008.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1008, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 2, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp,

Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 94.

Absent: Representatives Ballasiotes and Dellwo - 2.

Excused: Representatives Fisher, G. and Veloria - 2.

Substitute House Bill No. 1008, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1100, by Representatives Scott, Appelwick, Padden, Honeyford, Brumsickle, Silver, Campbell, Mitchell, Hickel, Costa and Sherstad

Notifying parents of their children's driver's license suspensions.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representatives Scott and Padden spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Ballasiotes was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1100.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1100, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 95.

Absent: Representative Dellwo - 1.

Excused: Representatives Ballasiotes and Veloria - 2.

Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Substitute House Bill No. 1100, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1481, by Representatives Cooke, Lambert, Mielke, Van Luven, Elliot, Schoesler, D. Schmidt, Sherstad, Huff, Buck, Clements, McMorris, Johnson, Blanton, Hickel, Boldt, Backlund, Mulliken, Robertson, Goldsmith, L. Thomas, McMahan, Talcott, Cairnes, Thompson, Beeksmas, Benton, Foreman, Sehlin, Sheahan and Mitchell

Requiring AFDC contracts and making additional changes in public assistance laws.

The bill was read the second time. On motion of Representative Silver, Second Substitute House Bill No. 1481 was substituted for House Bill No. 1481 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1481 was read the second time.

Representative Tokuda moved adoption of the following amendment by Representative Tokuda:

On page 2, line 8, after "responsibility;" insert "and"

On page 2, line 10, after "children" strike all material through "program" on line 13

On page 2, line 38, beginning with "(g)" strike all material through "minors;" on page 3, line 1

On page 4, beginning on line 33, strike all of section 6

Representatives Tokuda and Ebersole spoke in favor of the adoption of the amendment.

Representative Cooke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Brown moved adoption of the following amendment by Representative Brown:

On page 2, line 31 after "programs" strike all material through "children" on line 33

On page 3, beginning on line 20, strike all of section 3

Representatives Brown, Dellwo, Mastin and G. Fisher spoke in favor of the adoption of the amendment.

Representatives Cooke, Mielke and Smith spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Cooke moved adoption of the following amendment by Representative Cooke:

On page 3, line 10, after "least" strike "thirty" and insert "ninety"

On page 3, line 15, after "three" strike "on the effective date of this section"

On page 3, line 15, after "This" insert "one-time"

On page 3, line 16, after "birthday" insert "and does not apply to any subsequent children"

On page 3, line 19, after "apply." insert "The provisions of section 3 of this act apply to caretakers under this subsection."

On page 3, line 25, after "initial" insert "application or"

On page 3, line 30, after "made" insert "or"

Representative Cooke spoke in favor of the adoption of the amendment.

Representative Thibaudeau spoke against the adoption of the amendment.

The amendment was adopted.

Representative Cooke moved adoption of the following amendment by Representative Cooke:

On page 4, line 16, beginning with "However" strike all material through "if" on line 17 and insert "Monthly benefit payments may be extended for a maximum of six months after such twenty-four monthly payments if"

On page 4, line 27 strike "that will end within six months"

Representative Cooke spoke in favor of the adoption of the amendment.

Representative Chappell spoke against the adoption of the amendment.

The amendment was adopted.

Representative Cooke moved adoption of the following amendment by Representative Cooke:

On page 4, beginning on line 22, after "(b)" strike all material through "(c)" on line 24

On page 4, at the beginning on line 26, strike "(d)" and insert "(c)"

On page 5, beginning on line 4, strike all of section 7

Representative Cooke spoke in favor of the adoption of the amendment.

Representatives Mastin and Thibaudeau spoke against the adoption of the amendment.

Representative Cooke again spoke in favor of the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

MOTIONS

On motion of Representative Talcott, Representatives McMahan, Huff, Hargrove, K. Schmidt, Johnson and Smith were excused.

On motion of Representative Brown, Representative Sheldon was excused.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 4, beginning on line 22, to Second Substitute House Bill No. 1481 and the amendment was adopted by the following vote: Yeas - 56, Nays - 34, Absent - 0, Excused - 8.

Voting yea: Representatives Backlund, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hickel, Honeyford, Horn, Hymes, Koster, Kremen, Lambert, Lisk, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 56.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 34.

Excused: Representatives Ballasiotes, Hargrove, Huff, Johnson, McMahan, Schmidt, K., Sheldon and Veloria - 8.

Representative Romero moved adoption of the following amendment by Representative Romero:

On page 4, line 25, strike "or"

On page 4, line 27, after "months" insert "; or
(e) The caretaker is a victim of domestic violence"

Representatives Romero, Regala, Kessler and Brown spoke in favor of the adoption of the amendment.

Representatives Cooke and Lambert spoke against the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 4, line 25, to Second Substitute House Bill No. 1481, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 55, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Benton, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 40.

Voting nay: Representatives Backlund, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Radcliff, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 55.

Absent: Representative Reams - 1.

Excused: Representatives Ballasiotes and Veloria - 2.

Representative Chopp moved adoption of the following amendment by Representative Chopp:

On page 4, line 27 after "months" insert "; or
(e) The caretaker would become homeless as a result of losing the monthly benefit payment"

Representative Chopp spoke in favor of the adoption of the amendment.

Representative Cooke spoke against the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 4, line 25, to Second Substitute House Bill No. 1481, and the amendment was not adopted by the following vote: Yeas - 32, Nays - 63, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Tokuda, Valle and Wolfe - 32.

Voting nay: Representatives Backlund, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 63.

Absent: Representative Thibaudeau - 1.

Excused: Representatives Ballasiotes and Veloria - 2.

Representative Patterson moved adoption of the following amendment by Representative Patterson:

On page 4, line 25 strike "or"

On page 4, beginning on line 27 after "months" insert "; or
(e) The caretaker's child or children would be placed in foster care as a result of the termination of the monthly benefit payment"

Representatives Patterson and Appelwick spoke in favor of the adoption of the amendment.

Representatives Cooke and Thibaudeau spoke against the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 4, line 25 to Second Substitute House Bill No. 1481, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 57, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Huff, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 39.

Voting nay: Representatives Backlund, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 57.

Excused: Representatives Ballasiotes and Veloria - 2.

Representative Patterson moved adoption of the following amendment by Representative Patterson:

On page 9, after line 2, insert the following new section:

"**Sec. 12.** RCW 26.16.205 and 1990 1st ex.s. c 2 s 13 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren and including any child of whom their minor child is a biological parent, are chargeable upon the property of both husband and wife, or either of them, and they may be sued jointly or separately. When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate the obligation to support the stepchildren or children of the

stepchildren. The obligation to support stepchildren and children of stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death. The obligation of a husband and wife to support a child of their minor child terminates when their minor child reaches eighteen years of age. However, this termination rule does not apply in the case of a stepparent provided an earlier termination date under this section."

Representatives Patterson, Cooke and Clements spoke in favor of the adoption of the amendment.

Representative Padden demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 9, after line 2, to Second Substitute House Bill No. 1481, and the amendment was adopted by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Veloria - 2.

Representative Brown moved adoption of the following amendment by Representative Brown:

On page 9, after line 2 insert the following:

"NEW SECTION. Sec.12. A recipient of aid to families with dependent children may earn and keep the first thirty dollars and one-third of the remaining amount earned without having the monthly benefit payment reduced by that amount."

Representatives Brown, Mastin, Conway and G. Fisher spoke in favor of the adoption of the amendment.

Representative Cooke spoke against the adoption of the amendment.

Representative Brown again spoke in favor of the adoption of the amendment and Representative Cooke again spoke against the adoption of the amendment.

POINT OF INQUIRY

Representative Brown yielded to a question by Representative Smith.

Representative Smith: Would the amount that they can start to offset, the one-third start, from the beginning as soon as they go on the program? And then two where would the two-thirds money go, would it go back to the state or would the employer keep it.

Representative Brown: Thank you for that question. Currently this is in place already for four months that is why I kept the same formula. Because the Federal Government has it in place for the first four months. The Federal Government already has an option to the states to extend it beyond. So we don't need a waiver on this one other states have done it. What happens when you start earning the income at this point, is that you will receive a Welfare grant reduced by two-thirds of the income. In other words, you'll get an income and grant will go down two-thirds of your income. The thirty

dollars and one-third will be, the better off you will be than the regular Welfare person whose not working and so it will go back to the state.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

POINT OF INQUIRY

Representative Brown yielded to a question by Representative Mastin.

Representative Mastin: Is it true that Welfare recipients that go on Welfare and have a history of working they are more likely to get off Welfare at an expedited rate?

Representative Brown: The evidence shows that even when you get on a job that is low paid or part-time that you are more likely to get off permanently by having that whatever amount of work experience you have, it increases the likelihood that you'll get off permanently.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 9, after line 2, to Second Substitute House Bill No. 1481, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 57, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Smith, Sommers, Talcott, Thibaudeau, Tokuda, Valle and Wolfe - 39.

Voting nay: Representatives Backlund, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sherstad, Silver, Skinner, Stevens, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 57.

Excused: Representatives Ballasiotes and Veloria - 2.

With the consent of the House, amendment numbers 100 and 101 to Second Substitute House Bill No. 1481 were withdrawn.

Representative Ebersole moved the adoption of the following amendment by Representative Ebersole:

On page 15, after line 14, insert the following:

"**NEW SECTION. Sec. 14.** Any savings resulting from the provisions of this act during the 1995-97 biennium shall be used to provide employment child care subsidies for low-income working families who have never received public assistance from the state of Washington under Title 74 RCW."

Representatives Ebersole and Thibaudeau spoke in favor of the adoption of the amendment.

Representatives Cooke and Mielke spoke against the adoption of the amendment.

Representative Ebersole again spoke in favor of adoption of the amendment.

The amendment was not adopted.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

Strike everything after the enacting clause and insert the following:

" PART I - TIME LIMITS ON PUBLIC ASSISTANCE

Sec. 101. RCW 74.12.420 and 1994 c 299 s 9 are each amended to read as follows:

The legislature recognizes that long-term recipients of aid to families with dependent children may require a period of several years to attain economic self-sufficiency. To provide incentives for long-term recipients to leave public assistance and accept paid employment, the legislature finds that less punitive and onerous sanctions than those required by the federal government are appropriate. The legislature finds that a ten percent reduction in grants for long-term recipients that may be replaced through earned income is a more positive approach than sanctions required by the federal government for long-term recipients who fail to comply with requirements of the job opportunities and basic skills program. A long-term recipient shall not be subject to two simultaneous sanctions for failure to comply with the participation requirements of the job opportunities and basic skills program and for exceeding the length of stay provisions of this section.

(1) After ~~((forty-eight))~~ twenty-four monthly benefit payments in ~~((a))~~ the preceding sixty-month period, and after each of three additional twelve monthly benefit payments, the aid to families with dependent children monthly benefit payment shall be reduced by ten percent of the payment standard ~~((, except that))~~. After seventy-two full or partial monthly benefit payments, a recipient is ineligible for monthly benefit payments for two years. After ~~((forty-eight))~~ thirty-six monthly payments in ~~((a))~~ the preceding sixty-month period, full monthly benefit payments may be made if:

(a) The person is incapacitated or is needed in the home to care for a member of the household who is incapacitated;

(b) The person is needed in the home to care for a child who is under three years of age;

(c) There are no adults in the assistance unit;

(d) The person is ~~((cooperating in the development and implementation of an employability plan))~~ actively participating in the job opportunities and basic skills training program while receiving aid to families with dependent children and no present full-time, part-time, or unpaid work experience job is offered; ~~((or))~~

(e) During a month in which a grant reduction would be imposed under this section, the person is participating in an unpaid work experience program;

(f) Child care is not made available by the department; or

(g) The person was not offered services by the job opportunities and basic skills program at least six months before the benefit reduction.

(2) ~~((For purposes of determining the amount of the food stamp benefit for recipients subject to benefit reductions provided for in subsection (1) of this section, countable income from the aid to families with dependent children program shall be set at the payment standard.~~

~~((3))~~ For purposes of determining monthly benefit payments for two-parent aid to families with dependent children households, the length of stay criterion will be applied to the parent with the longer history of public assistance receipt.

NEW SECTION. Sec. 102. A new section is added to chapter 74.12 RCW to read as follows:

A recipient's length of stay shall be determined based on actual months of receipt of public assistance, including months of receipt of public assistance before the effective date of this section. Benefits shall not be reduced under this section before July 1, 1996.

NEW SECTION. Sec. 103. A new section is added to chapter 74.12 RCW to read as follows:

A family receiving or applying for assistance under the aid to families with dependent children program shall enter into a contract satisfying the requirements of this section. The contract shall be entered into by the department of social and health services and the recipient on a form prescribed by the department. The contract shall include a list of available benefits to which the family is eligible, a summary of the responsibilities the recipient must accept, and related conditions of benefits, including time limits and benefit reductions.

PART II - TAX INCENTIVES FOR BUSINESS
TO TRAIN AND HIRE PUBLIC ASSISTANCE RECIPIENTS

NEW SECTION. Sec. 201. It is the intent of the legislature that the department of social and health services, the employment security department, the work force training and education coordinating board, the department of community, trade, and economic development, and the community and technical colleges work together to market the tax incentive program established under section 205 of this act.

The goals of the tax incentive program are to give employers incentives to hire and train public assistance recipients and to increase the employability of public assistance recipients.

The legislature intends to achieve these goals through the provision of tax incentives in the form of tax credits for persons who agree, in writing, to hire and train recipients of aid to families with dependent children.

The legislature finds that incentives should be targeted by allowing smaller incentives to employers of recipients who have already achieved the higher levels of education and job experience while providing larger incentives for employers of recipients who are less job ready.

NEW SECTION. Sec. 202. (1) A person shall be allowed a credit against tax due under chapter 82.04 or 82.16 RCW of an amount equal to one hundred twenty percent of the payment made by an employer to a qualified training institution under a training plan for training a qualified employee, subject to the limitations set forth in this section. A person may not receive a credit for the same amounts under both chapters 82.04 and 82.16 RCW.

(2) A person claiming the credit shall file an affidavit form prescribed by the department, which shall include the amount of the credit claimed and additional information as the department may require.

(3)(a) The tax credit in respect to any qualified employee may not in a calendar year exceed:

(i) The lesser of eight percent of the qualified employee's gross annual wages or one thousand two hundred dollars in the case of a category 1 qualified employee;

(ii) The lesser of sixteen percent of the qualified employee's gross annual wages or two thousand four hundred dollars, in the case of a category 2 qualified employee; or

(iii) The lesser of twenty-four percent of the qualified employee's gross annual wages or three thousand six hundred dollars in the case of a category 3 qualified employee.

(b) The office of financial management shall, by December 1, 1995, for calendar year 1996, and by December 1, each year thereafter by December 1 adjust the payment maximums under this subsection (3) to reflect inflation, using the previous calendar year's limit adjusted by an appropriate federal inflationary index reflecting the rate of inflation for the previous year. The department shall publish the new payment maximums.

(4) The credit in respect to any qualified employee may not be taken:

(a) For more than one year of training in the case of a category 1 qualified employee; or

(b) For more than three years of training in the case of a category 2 or category 3 qualified employee.

(5) The credit shall be taken against taxes due for the same calendar year in which the payment is made to the qualified training institution and must be claimed by the due date of the last tax return for the calendar year in which the payment is made to the qualified training institution.

(6) The department shall allow accrual of tax credits to a successor employer, if the business or firm is sold, assigned, conveyed, or otherwise transferred.

(7) Total credits allowed to all persons claiming credits may not exceed fifteen million dollars in any biennium.

(8) This section shall expire December 31, 2003.

NEW SECTION. Sec. 203. The definitions in this section apply throughout this chapter and sections 205 through 208 of this act, unless the context indicates otherwise.

(1) "Gross annual wages" means salary, wages, tips, and other compensation paid to a qualified employee paid by an employer claiming the credit under this section during the calendar year for which the credit is claimed.

(2) "Qualified employee" and "category 1, 2, or 3 qualified employee" means a person certified as such by the department of social and health services who is hired before June 30, 2000. "Qualified employee" does not include any person hired by an employer to replace strikers or locked-out workers.

(3) "Qualified training institution" means a community or technical college, four-year college or university, public or private institution, apprenticeship programs recognized by the Washington state apprenticeship and training council, or a private industry council that has entered into a training plan that provides for the training of a qualified employee of a person claiming the credit under this section.

(4) "Person" has the meaning given in RCW 82.04.030.

(5) "Training plan" means a written agreement, signed by a qualified employee, a union or other employee bargaining representative if the position is covered by a collective bargaining agreement, a qualified training institution, the department of social and health services or a designee of the department, and an employer claiming the credit under this section, which specifies the amount that the employer will pay the qualified training institution for the payment costs for the qualified employee, the learning objectives that will be achieved by the training, and a statement of progressively increasing scale of wages to be paid to the employee during the training plan period, using a wage scale that exceeds federal poverty levels for a family of three.

NEW SECTION. **Sec. 204.** Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. **Sec. 205.** (1) The tax incentive program is hereby established. The department of social and health services is authorized to enter into training plans. The department of social and health services shall by rule adopt guidelines for the tax incentive program. The guidelines shall include, but are not limited to:

(a) Designation of three categories of eligible aid to families with dependent children recipients. The department of social and health services shall by rule establish criteria for assigning recipients into categories 1, 2, and 3. In establishing the criteria, the department shall consider the degree of work experience, training, wage and employment history, and education, category 1 representing recipients with the highest degree of job readiness.

(b) Selection criteria that includes establishment of a pool of prospective public assistance participants.

(c) A restriction on the total number of employees that an employer may have in the program, except that no more than twenty percent of the employers' employees may participate in the program.

(d) A requirement that the employer participate in the earned income tax credit program.

(e) Standards regarding length of training plans, requiring the training institution to design the plan length so that it meets accepted training standards for that industry or profession. Training plans may not exceed three years.

(2) Qualified training institutions are deemed accredited for the purposes of this chapter if they meet national standards, standards of the state board for community and technical colleges, or standards of the work force training and education coordinating board.

(3) The department of social and health services may contract with a public or private entity to carry out the department's duties under this chapter. The department of social and health services reserves the right to withdraw designation of authority to this entity without showing cause.

(4) The department of social and health services shall manage the program so that the total amount of credits by all persons claiming tax credits under sections 201 through 204 of this act does not exceed fifteen million dollars in any biennium. The department shall enter into contracts with employers on a first-come, first-serve basis. The department shall not enter into contracts if the potential amount of credits by all persons potentially claiming credits will exceed fifteen million dollars in any biennium.

NEW SECTION. **Sec. 206.** The department of social and health services may institute an experimental and control group study under this program. The department, in carrying out this study, may select particular recipients or categories of recipients, and is not subject to claims of discrimination from recipients who are not participating in the experimental group, if the selection process is in the furtherance of a valid public purpose.

NEW SECTION. **Sec. 207.** The department of social and health services, the employment security department, the department of community, trade, and economic development, and the community and technical colleges shall cooperate and coordinate among the existing state and federal assistance and training programs to focus the efforts of enrollees and programs to most effectively achieve results from the various programs.

NEW SECTION. Sec. 208. (1) No training plans may be entered into after June 30, 2000. Contracts in effect on June 30, 2000, shall continue in effect according to the terms of the contract.

(2) If the program under chapter . . . , Laws of 1995 (this act) is terminated before June 30, 2000, persons eligible for tax credits at the time of program termination under sections 201 through 205 of this act shall receive such credits, subject to the limitations in section 202(7) of this act.

NEW SECTION. Sec. 209. The department of revenue and the department of social and health services shall perform an assessment of the results of the tax incentive program created by chapter . . . , Laws of 1995 (this act) and deliver a report on the assessment to the governor and the legislature by December 1, 1999. The assessment shall measure the effect of the tax incentive program on increasing self-sufficiency of public assistance recipients, and other factors the department of revenue and the department of social and health services may select.

PART III - REQUIRING MANDATORY PARTICIPATION IN THE JOB OPPORTUNITIES AND BASIC SKILLS PROGRAM

Sec. 301. RCW 74.25.020 and 1993 c 312 s 7 are each amended to read as follows:

(1) The department of social and health services is authorized to contract with public and private employment and training agencies and other public service entities to provide services prescribed or allowed under the federal social security act, as amended, to carry out the purposes of the jobs training program. The department of social and health services has sole authority and responsibility to carry out the job opportunities and basic skills training program. No contracting entity shall have the authority to review, change, or disapprove any administrative decision, or otherwise substitute its judgment for that of the department of social and health services as to the application of policies and rules adopted by the department of social and health services.

~~(2) ((To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall give first priority of service to individuals volunteering for program participation))~~ The department of social and health services shall develop a realistic schedule for the phase-in of client participation in the job opportunities and basic skills training program based on the availability of state and federal funding.

(3) The department of social and health services shall adopt rules under chapter 34.05 RCW ~~((establishing))~~ that conform to the criteria in federal law for mandatory program participation as well as establish criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned program component, or failing or refusing to accept or retain employment.

~~((These))~~ The good cause criteria shall include, but not be limited to, the following circumstances: (a) If the individual is a parent or other relative personally providing care for a child under age ~~((six))~~ three years, and the employment would require the individual to work more than twenty hours per week; (b) if child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department of social and health services fails to provide such care; (c) the employment would result in the family of the participant experiencing a net loss of cash income; or (d) circumstances that are beyond the control of the individual's household, either on a short-term or on an ongoing basis.

~~((4))~~ (3) The department of social and health services shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter.

PART IV - CHILD SUPPORT

NEW SECTION. Sec. 401. A new section is added to chapter 74.20A RCW to read as follows:

(1) The department may serve a notice upon a responsible parent informing that parent of the department's intent to certify the parent to the department of licensing as an individual who is not in compliance with a child support order. "Noncompliance with a child support order" means cases where arrears totaling three or more months of current support have accumulated since the entry of the order and the responsible parent has not made arrangements satisfactory to the division of child support to pay current support and retire the arrears. The notice shall be served personally, or by any form of mail requiring a return receipt. The notice shall inform the responsible parent that:

(a) The parent may contest the issue of compliance at an adjudicative proceeding pursuant to chapter 34.05 RCW;

(b) A request for an adjudicative proceeding shall be in writing and must be received by the department within twenty days of the date of service;

(c) If the parent requests an adjudicative proceeding within twenty days of the date of service, the department shall stay action to certify the parent to the department of licensing pending the outcome of the adjudicative proceeding;

(d) The department shall certify the parent to the department of licensing for noncompliance with a child support order unless the parent, within twenty days of the date the notice is served:

(i) Requests an adjudicative proceeding to contest the issue of noncompliance; or

(ii) Makes arrangements, satisfactory to the department, to pay current support and retire the past-due child support debt;

(e) If the department certifies the parent to the department of licensing, the department of licensing shall suspend the parent's driver's license;

(f) If the parent requests an adjudicative proceeding, the parent shall direct the request to the division of child support field office that is responsible for handling the parent's case; and

(g) If the parent files an action to modify support with the appropriate judicial or administrative forum that issued the order, the department shall, for up to one hundred eighty days, stay action to certify the parent to the department of licensing for noncompliance with a child support order.

(2) The notice shall include the address and telephone number of the division of child support field office that issues the notice, a copy of the responsible parent's child support order, and the amount of the delinquency.

(3) A responsible parent may request an adjudicative proceeding within twenty days of the date the notice is served. The request for adjudicative proceeding shall be in writing and include the responsible parent's current address. The adjudicative proceeding will be conducted in accordance with the procedures in chapter 34.05 RCW and the rules of the department. The issues that may be considered at an adjudicative proceeding under this section are limited to whether the parent is required to pay child support under a child support order and whether the parent is in compliance with that order.

(4) The decision resulting from the adjudicative proceeding shall be in writing and inform the responsible parent of all rights to review. The responsible parent's copy of any order resulting from the adjudicative proceeding may be sent to the parent by regular mail.

(5) If a responsible parent timely requests an adjudicative proceeding to contest the issue of compliance with the child support order, the department may not certify the name of the parent to the department of licensing unless the adjudicative proceeding process results in a finding that the parent is not in compliance with the child support order.

(6) If a responsible parent fails to respond timely to the original notice, the department shall issue a second notice to the parent. The second notice shall advise the parent that the department shall, ninety days from the date of the second notice, certify the parent to the department of licensing for noncompliance with a child support order unless the parent makes arrangements satisfactory to the division of child support to pay current support and retire the delinquency under the child support order. This second notice shall be sent by regular mail and the parent may not contest this second notice by requesting an adjudicative proceeding.

(7) The department may certify in writing, or by electronic transfer, to the department of licensing that a responsible parent is not in compliance with a child support order if:

(a) The parent does not timely request an adjudicative proceeding upon service of a notice issued under this section and is not in compliance with a child support order twenty-one days after service of the notice;

(b) Within twenty days of receiving the notice under this section the parent fails to make arrangements satisfactory to the division of child support to pay current support and retire the delinquency under the child support order; or

(c) The parent timely requests an adjudicative proceeding that results in a final order that the parent is not in compliance with a child support order.

The department shall send by regular mail a copy of any certification of noncompliance filed with the department of licensing to the responsible parent at the parent's last known address.

(8) The department shall release certifications of noncompliance previously filed with the department of licensing when the parent is in compliance with the child support order or makes

satisfactory arrangements with the division of child support to retire any delinquency under the order. The department shall issue such releases to the department of licensing in writing, or by electronic transfer. The department shall send the parent a copy of the release by regular mail.

(9) Nothing in this section prohibits a responsible parent from filing an action with the appropriate forum to modify the child support order. The department shall, for up to one hundred eighty days, stay action to certify the parent to the department of licensing for noncompliance with a child support order if the parent files an action to modify the order.

(10) The department shall adopt rules to implement and enforce the requirements of this section.

NEW SECTION. Sec. 402. A new section is added to chapter 46.20 RCW to read as follows:

In addition to other qualifications and conditions established under this chapter, the right of an individual to hold a driver's license issued by the department is subject to the requirements of section 401 of this act.

NEW SECTION. Sec. 403. A new section is added to chapter 46.20 RCW to read as follows:

Within thirty days of the department's receipt of a written notice from the department of social and health services as provided under chapter 74.20A RCW, stating that a child support obligor who operates a motor vehicle is not in compliance with a child support order, the department shall suspend the obligor's driver's license. The department may not reinstate a license suspended for noncompliance with a child support order until authorized by the secretary of the department of social and health services, or his or her authorized representative.

NEW SECTION. Sec. 404. A new section is added to chapter 46.20 RCW to read as follows:

Upon suspending an individual's driver's license under section 403 of this act, the department shall notify the individual of the suspension. The notice of suspension shall specify the reason for, and the effective date of, the suspension. The notice of suspension shall inform the individual that in order to apply for reinstatement, the individual shall obtain written authorization from the department of social and health services. The notice of suspension shall inform the individual of the right to petition for judicial review of the notice of suspension in superior court within thirty days of receipt of the notice. The department shall send a copy of the notice of suspension to the department of social and health services.

NEW SECTION. Sec. 405. A new section is added to chapter 46.20 RCW to read as follows:

Upon receipt of a release of certification issued by the department of social and health services, and at the request of an individual whose driver's license has been suspended under section 403 of this act, the department shall reissue the individual's driver's license provided the individual is otherwise eligible under this chapter to obtain a driver's license.

NEW SECTION. Sec. 406. A new section is added to chapter 46.20 RCW to read as follows:

The department of social and health services and the department of licensing may enter into an interagency agreement to carry out the requirements of chapter ..., Laws of 1995 (this act).

NEW SECTION. Sec. 407. A new section is added to chapter 46.20 RCW to read as follows:

The department of social and health services shall indemnify the department for reasonable legal expenses incurred in defending the department's actions to comply with the requirements in sections 401 through 405 of this act.

PART V - MISCELLANEOUS

NEW SECTION. Sec. 501. A new section is added to chapter 74.12 RCW to read as follows:

The provision that recipients of aid to families with dependent children may earn and keep the first thirty dollars and one-third of the remaining amount earned without having their monthly benefit payment reduced by that amount may be extended up to a twelve-month period.

NEW SECTION. Sec. 502. A new section is added to chapter 74.12 RCW to read as follows:

The department shall take all reasonable steps to determine the identity of the noncustodial parent. The department shall cooperate with licensed health care providers, prosecuting attorneys, and other interested parties to determine the noncustodial parent's identity.

NEW SECTION. Sec. 503. A new section is added to chapter 74.04 RCW to read as follows:
The department shall reduce the fraudulent receipt of public assistance through the implementation of an electronic benefit transfer system for all public assistance programs. The department shall also establish new verification requirements and fraud deterrence and detection systems for all public assistance programs.

NEW SECTION. Sec. 504. Any savings resulting from the provisions of this act during the 1995-97 biennium shall be used to provide employment child care subsidies for low-income working families who have never received public assistance from the state of Washington under Title 74 RCW.

NEW SECTION. Sec. 505. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 506. (1) Sections 201 through 204 of this act shall constitute a new chapter in Title 82 RCW.

(2) Sections 205 through 208 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 507. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 508. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 509. Sections 201 through 208 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 4 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 74.12.420 and 74.25.020; adding new sections to chapter 74.12 RCW; adding a new section to chapter 74.20A RCW; adding new sections to chapter 46.20 RCW; adding a new section to chapter 74.04 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 74 RCW; creating new sections; providing an effective date; and declaring an emergency."

Representatives Sommers, Thibaudeau and Grant spoke in favor of the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

Representatives Cooke and Reams spoke against the adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the striking amendment to Second Substitute House Bill No. 1481, and the amendment was not adopted by the following vote: Yeas - 31, Nays - 65, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Chappell, Cody, Cole, Conway, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Valle and Wolfe - 31.

Voting nay: Representatives Backlund, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven and Mr. Speaker - 65.

Excused: Representatives Ballasiotes and Veloria - 2.

With the consent of the House, amendment number 102 to Second Substitute House Bill No. 1481 was withdrawn.

The bill was ordered engrossed.

MOTION

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke, Smith, Carrell and Campbell spoke in favor of passage of the bill.

Representatives Thibaudeau, Kremen, Brown, Quall and Ebersole spoke against passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1481.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1481, and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Beeksmas, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 63.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 33.

Excused: Representatives Ballasiotes and Veloria - 2.

Engrossed Second Substitute House Bill No. 1481, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m. Monday, March 6, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTY-FOURTH DAY, MARCH 3, 1995

JOURNAL OF THE HOUSE

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

FIFTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 6, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGE FROM THE SENATE

March 3, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5443,
SUBSTITUTE SENATE BILL NO. 5449,
SENATE BILL NO. 5465,
SENATE BILL NO. 5630,

SUBSTITUTE SENATE BILL NO. 5653,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2068 by Representative Reams

AN ACT Relating to adult family homes; and amending RCW 70.128.060 and 70.128.130.

Referred to Committee on Health Care.

HB 2069 by Representative Reams

AN ACT Relating to adult family homes; and amending RCW 70.128.010.

Referred to Committee on Health Care.

HB 2070 by Representatives Beeksmas, Talcott and Huff

AN ACT Relating to changing the name of the legislative budget committee to the legislative audit committee; and amending RCW 28A.630.830, 28B.20.382, 39.19.060, 39.29.016, 39.29.018, 39.29.025, 39.29.055, 41.06.070, 42.48.060, 43.09.310, 43.21J.800, 43.72.830, 43.79.270, 43.79.280, 43.88.020, 43.88.160, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.250.080, 44.28.010, 44.28.050, 44.28.060, 44.28.085, 44.28.086, 44.28.087, 44.28.140, 44.28.180, 44.40.025, 67.70.310, 79.01.006, and 88.46.920.

Referred to Committee on Appropriations.

HB 2071 by Representatives Dyer, Dellwo, Backlund and Hymes

AN ACT Relating to authorizing the delegation of nursing care tasks for the provision of health treatment to individuals in community residential programs for the developmentally disabled, residents in adult family homes, and residents of licensed boarding homes contracting to provide assisted living services; amending RCW 18.79.040, 18.79.260, 18.88A.030, and 70.128.130; adding new sections to chapter 18.88

Referred to Committee on Health Care.

SB 5025 by Senators Smith, Rasmussen and Schow

Removing the repealer of the criminal profiteering act.

Referred to Committee on Law & Justice.

SB 5039 by Senator Fairley

Clarifying the elements of the crime of luring.

Referred to Committee on Law & Justice.

SSB 5162 by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Oke, Snyder, Hargrove, Haugen, Kohl, C. Anderson and Winsley)

Changing the Vietnam veterans' tuition exemption.

Referred to Committee on Higher Education.

SSB 5222 by Senate Committee on Transportation (originally sponsored by Senators Owen, Haugen, Prince, Morton and Winsley)

Regulating length of log trucks.

Referred to Committee on Transportation.

SB 5398 by Senators Franklin, Pelz and Wojahn; by request of Department of Labor & Industries

Removing the filing requirement for expert witness personal service contracts.

Referred to Committee on Government Operations.

SSB 5443 by Senate Committee on Government Operations (originally sponsored by Senators Drew, Fairley, Quigley, McAuliffe, Hargrove, Haugen, Owen, Rasmussen, Loveland, Smith, Gaspard and Franklin)

Requiring taxing districts to hold hearings about using the authorized amount of property tax.

Referred to Committee on Government Operations.

SSB 5449 by Senate Committee on Natural Resources (originally sponsored by Senators Snyder, Drew, Oke, Owen and Winsley; by request of Department of Health)

Revising shellfish sanitation requirements to enhance the safety of recreational and commercially harvested seafood.

Referred to Committee on Natural Resources.

SB 5465 by Senators Owen, Prince and Haugen; by request of Washington State Maritime Commission

Transferring functions of the Maritime Commission to a nonprofit corporation.

Referred to Committee on Transportation.

SSB 5469 by Senate Committee on Government Operations (originally sponsored by Senator McCaslin)

Authorizing county ombudsmen.

Referred to Committee on Government Operations.

SB 5583 by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince, A. Anderson and Winsley; by request of Joint Task Force on Unemployment Insurance

Determining unemployment insurance contribution rates for successor employers.

Referred to Committee on Commerce & Labor.

SB 5584 by Senators Newhouse, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince and Winsley; by request of Joint Task Force on Unemployment Insurance

Affecting noncharging of benefits to employers' unemployment insurance experience rating accounts.

Referred to Committee on Commerce & Labor.

SB 5590 by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince, Winsley and Kohl; by request of Joint Task Force on Unemployment Insurance

Authorizing voluntary contributions for unemployment insurance.

Referred to Committee on Commerce & Labor.

SB 5630 by Senators Cantu and Haugen; by request of Attorney General

Limiting nonconsensual common law liens.

Referred to Committee on Law & Justice.

SSB 5653 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Gaspard, McDonald, Smith, Oke, Wojahn, Winsley, Fraser, McAuliffe, Loveland, Kohl, Spanel, Franklin, Snyder, Drew, Haugen, Hargrove, Bauer and Rasmussen)

Transferring functions of the certified criminal justice agency within the department of social and health services to the office of the attorney general.

Referred to Committee on Children & Family Services.

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

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

HB 2072 by Representatives Foreman, B. Thomas, Silver, Sehlin, Padden, Cooke, Lambert, Huff, Carlson, Crouse, Pelesky, Beeksma, Hickel, Sheahan, Reams, Pennington, Mielke, Mulliken, Radcliff, Robertson, Ballasiotes, Talcott, Stevens, K. Schmidt, Cairnes, Thompson, Schoesler, Dyer, Casada, Backlund, L. Thomas, Mitchell, Campbell, Elliot, Chandler, Johnson, Benton, Carrell, D. Schmidt, Smith, McMahan, Sherstad and Boldt

AN ACT Relating to reducing business and occupation tax rates; amending RCW 82.04.255 and 82.04.290; creating a new section; repealing RCW 82.04.2201; providing effective dates; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bill listed on today's supplemental introduction sheet under the fourth order of business were referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

March 2, 1995

HB 1044 Prime Sponsor, Representative Hickel: Providing of payment of attorneys' fees, costs, and expenses in actions against governmental units. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Law & Justice. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; and Thibaudeau.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver, Talcott and Wolfe.

Voting Nay: Representatives Rust, Sommers, Thibaudeau and Valle.

Excused: Representatives G. Fisher and Lisk.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1062 Prime Sponsor, Representative Ballasiotes: Using juvenile serious violent offenses as criminal history for adult sentencing. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Corrections be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.
Excused: Representatives Basich, Dellwo and Grant.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1083 Prime Sponsor, Representative Carlson: Modifying the cost of living allowance for retirement purposes. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.
Excused: Representatives Basich, Dellwo and Grant.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1189 Prime Sponsor, Representative Robertson: Revising provisions relating to dissemination of criminal history information by the Washington state patrol. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.
Excused: Representatives Basich, Dellwo and Grant.

Passed to Committee on Rules for second reading.

March 2, 1995

HB 1287 Prime Sponsor, Representative McMorris: Authorizing silvicultural burning to correct a forest health problem under certain circumstances. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives G. Fisher and Lisk.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1342 Prime Sponsor, Representative Fuhrman: Creating the parks renewal and stewardship account. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove.

Voting Yea: Representatives Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich, Dellwo and Grant.

Passed to Committee on Rules for second reading.

March 2, 1995

HB 1381 Prime Sponsor, Representative Dyer: Sharing leave and personal holiday time. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Government Operations. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Dellwo; Foreman; Grant; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Beeksmas; Crouse and Hargrove.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives G. Fisher and Lisk.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1453 Prime Sponsor, Representative Foreman: Providing for reserve officers' retirement.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Carlson.

Voting Yea: Representatives Beeksma, Brumsickle, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representative Carlson.

Excused: Representatives Basich, Dellwo and Grant.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1465 Prime Sponsor, Representative Silver: Concerning the employee suggestion program.
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich, Dellwo and Grant.

Passed to Committee on Rules for second reading.

March 1, 1995

HB 1466 Prime Sponsor, Representative Silver: Eliminating the voter registration subsidy. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Poulsen; Reams; Rust; Sehlin; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk; McMorris and Sheahan.

Voting Yea: Representatives Beekma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.
Excused: Representatives Basich, Dellwo and Grant.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1597 Prime Sponsor, Representative Johnson: Concerning the reduction of flood damage.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; D. Schmidt and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher, Ranking Minority Member; Patterson; Romero and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chopp, Elliot, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Quall, Robertson, D. Schmidt, K. Schmidt, Scott and Skinner.

Voting Nay: Representatives R. Fisher, Patterson and Tokuda.
Excused: Representatives Chandler and Romero.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1732 Prime Sponsor, Representative Dyer: Requiring study of the effect of increases in volume-based taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member; and Mason.

Voting Yea: Representatives Boldt, Campbell, Carrell, Hymes, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 3, 1995

HB 1004 Prime Sponsor, Representative Carlson: Allowing institutions of higher education to contract for services. Reported by Committee on Appropriations

MAJORITY recommendation. The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Basich; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Reams; Sehlin and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Chappell; Dellwo; G. Fisher; Grant; Poulsen; Rust; Sheahan; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Silver and Talcott.

Voting Nay: Representatives Chappell, Dellwo, G. Fisher, Grant, Poulsen, Rust, Sheahan, Sommers, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1078 Prime Sponsor, Representative Ogden: Changing provisions relating to instruction in Braille. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1107 Prime Sponsor, Representative Reams: Eliminating and consolidating boards and commissions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Government Operations be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1133 Prime Sponsor, Representative Campbell: Revising provisions relating to firearm dealers' licenses. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Law & Justice be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representative Dickerson, Assistant Ranking Minority Member.

Voting Yea: Representatives Boldt, Campbell, Carrell, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representative Dickerson.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1152 Prime Sponsor, Representative Pennington: Changing fees regarding concealed pistol licenses. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Law & Justice be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member; and Mason.

Voting Yea: Representatives Boldt, Campbell, Carrell, Hymes, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1156 Prime Sponsor, Representative Dickerson: Requiring the SPI to provide support to individuals and organizations for the establishment of nonprofit education foundations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Brumsickle; Chappell; G. Fisher; Grant; Jacobsen; Poulsen; Reams; Rust; Sehlin; Sheahan; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Pelesky, Vice Chairman; Beeksma; Carlson; Cooke; Crouse; Foreman; Hargrove; Hickel; Lambert; Lisk; McMorris and Talcott.

Voting Yea: Representatives Brumsickle, Chappell, Clements, G. Fisher, Grant, Huff, Jacobsen, Poulsen, Reams, Rust, Sheahan, Silver, Sommers, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives Beeksma, Carlson, Cooke, Crouse, Foreman, Hargrove, Hickel, Lambert, Lisk, McMorris, Pelesky, Sehlin and Talcott.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1162 Prime Sponsor, Representative Schoesler: Changing collection of hazardous waste fees. Reported by Committee on Appropriations

MAJORITY recommendation. The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Poulsen; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Jacobsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Jacobsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1206 Prime Sponsor, Representative Carlson: Restructuring the retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Reams; Rust; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Chappell; G. Fisher; Grant; Poulsen; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott and Valle.

Voting Nay: Representatives Chappell, G. Fisher, Grant, Poulsen, Thibaudeau and Wolfe.
Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1214 Prime Sponsor, Representative Mitchell: Revising provision for registration of sex offenders. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Corrections. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1286 Prime Sponsor, Representative Buck: Regulating forest practices. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives G. Fisher, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1318 Prime Sponsor, Representative Carlson: Revising provisions for the Washington scholars program. Reported by Committee on Appropriations

MAJORITY recommendation. The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk,

McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1325 Prime Sponsor, Representative Sheahan: Changing tuition provisions for students in programs leading to the degree of doctor of pharmacy. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Brumsickle; Chappell; Dellwo; Foreman; Grant; Jacobsen; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Beeksma; Carlson; Cooke; Crouse; G. Fisher; Hargrove; Hickel; Lambert; Lisk; McMorris and Talcott.

Voting Yea: Representatives Brumsickle, Chappell, Clements, Dellwo, Foreman, Grant, Huff, Jacobsen, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives Beeksma, Carlson, Cooke, Crouse, G. Fisher, Hargrove, Hickel, Lambert, Lisk, McMorris and Talcott.

Excused: Representative Basich.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1330 Prime Sponsor, Representative Dyer: Modifying health facility and services provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Dellwo.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representative Dellwo.

Excused: Representative Basich.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1332 Prime Sponsor, Representative Dyer: Adopting minimum standards for ambulatory surgical centers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Beeksma; Hickel and Talcott.

Voting Yea: Representatives Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Huff, Jacobsen, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives Beeksma, Hickel and Lambert.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1357 Prime Sponsor, Representative Ballasiotes: Authorizing counties to supervise misdemeanor offenders placed on probation. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Corrections be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1400 Prime Sponsor, Representative Silver: Prohibiting the use of state funds or student operating fees for most remedial or precollege classes at institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation. The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Foreman; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Chappell; Dellwo; G. Fisher; Grant; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Chappell, Dellwo, G. Fisher, Grant, Jacobsen, Poulsen, Rust, Thibaudeau and Wolfe.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1416 Prime Sponsor, Representative Skinner: Modifying certificate of need provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksmas; Brumsickle; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Poulsen; Reams; Sehlin; Sheahan; Talcott and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Carlson; Chappell; Jacobsen; Rust and Thibaudeau.

Voting Yea: Representatives Beeksmas, Brumsickle, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver, Talcott and Wolfe.

Voting Nay: Representatives Carlson, Chappell, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau and Valle.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1437 Prime Sponsor, Representative Foreman: Revising lease rates for amateur radio electronic repeater sites. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1478 Prime Sponsor, Representative Mielke: Revising methods for calculating child support. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Law & Justice be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives G. Fisher, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1508 Prime Sponsor, Representative Goldsmith: Creating new funds under the control of the department of labor and industries. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1524 Prime Sponsor, Representative Chandler: Changing weights and measures regulations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Valle, Assistant Ranking Minority Member; G. Fisher; Jacobsen; Poulsen; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives G. Fisher, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1663 Prime Sponsor, Representative Schoesler: Concerning the taxation of property donated to a nonprofit entity. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1673 Prime Sponsor, Representative Dickerson: Expanding property tax deferrals for senior citizens and persons retired by reason of physical disability. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representative Mulliken.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representative Mulliken.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1687 Prime Sponsor, Representative Lambert: Providing for distribution of appropriations for court-appointed special advocate programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1700 Prime Sponsor, Representative Sehlin: Changing current use taxation provisions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1704 Prime Sponsor, Representative Lisk: Eliminating registration requirements for sellers of travel. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Basich; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Grant; Lambert; Lisk; McMorris; Poulsen; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Jacobsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Huff, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Jacobsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Chappell, Dellwo, Hargrove and Hickel.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1705 Prime Sponsor, Representative Huff: Excluding utility line clearing from the definition of retail sale. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Energy & Utilities be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1709 Prime Sponsor, Representative Carrell: Limiting certain offenses to no more than fifteen percent good time credits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Cooke; Crouse; G. Fisher; Foreman; Grant; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives Chappell, Dellwo, Hargrove and Hickel.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1719 Prime Sponsor, Representative Boldt: Creating the office of inspector general within the department of social and health services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Children & Family Services be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1724 Prime Sponsor, Representative Reams: Revising provisions relating to growth management. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Government Operations be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass with the following amendment:

On page 58, after line 13, strike all of section 139

On page 88, after line 27, strike all of section 243

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky; Vice Chairman; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1729 Prime Sponsor, Representative Horn: Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Foreman; Grant; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative G. Fisher.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Grant, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives G. Fisher.

Excused: Representatives Chappell, Dellwo, Hargrove and Hickel.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1742 Prime Sponsor, Representative Mitchell: Providing that the department of community, trade, and economic development provide support for the energy facility site evaluation council. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives G. Fisher and Thibaudeau.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Valle and Wolfe.

Voting Nay: Representatives G. Fisher and Thibaudeau.

Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1758 Prime Sponsor, Representative Backlund: Creating the health professional data information system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1774 Prime Sponsor, Representative Chandler: Altering appeal procedures for water-related actions of the department of ecology. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Basich; Beeksmas; Brumsickle; Carlson; Cooke; Crouse; Foreman; Grant; Jacobsen; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; G. Fisher; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Grant, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives G. Fisher, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Chappell, Dellwo, Hargrove and Hickel.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1791 Prime Sponsor, Representative Chandler: Revising water resource governance and planning. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives G. Fisher, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1810 Prime Sponsor, Representative Chandler: Changing the scope of cleanup standards for remedial actions under the model toxics control act. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksmas; Brumsickle; Carlson; Cooke; Crouse; G. Fisher; Foreman; Grant; Lambert; Lisk; McMorris; Poulsen; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Jacobsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Chappell, Dellwo, Hargrove and Hickel.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1814 Prime Sponsor, Representative Carlson: Changing provisions relating to the Washington award for vocational excellence. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1818 Prime Sponsor, Representative R. Fisher: Providing for criminal justice funding. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1862 Prime Sponsor, Representative Reams: Promoting the development of model home-matching programs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Appropriations be substituted therefor and the substitute bill as amended by Committee on Trade & Economic Development do pass with the following amendment:

On page 3, line 3, after "**Sec. 3.**" insert "(1)"

On page 3, after line 7, insert:

"(2) The amount appropriated for activities in rural areas from the Washington housing trust fund shall not be reduced as a result of funds being appropriated for the purposes of RCW 43.63A.680."

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1882 Prime Sponsor, Representative Stevens: Creating the position of inspector general in the Washington state patrol. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Silver, Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Carlson; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Carlson, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1941 Prime Sponsor, Representative Johnson: Improving student learning by focusing on reading literacy. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Crouse; Foreman; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Chappell; Cooke; G. Fisher; Grant; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Chappell, Cooke, G. Fisher, Grant, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1991 Prime Sponsor, Representative Silver: Reimbursing the legislative budget committee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Assistant Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 2004 Prime Sponsor, Representative Thompson: Taking emergency measures to protect the health of the Loomis state forest. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Valle, Assistant Ranking Minority Member; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver, Sommers and Talcott.

Voting Nay: Representatives G. Fisher, Jacobsen, Poulsen, Rust, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 2032 Prime Sponsor, Representative K. Schmidt: Depositing certain sales or use tax revenue into the transportation fund. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher,

Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Excused: Representatives Chandler and Romero.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 2057 Prime Sponsor, Representative Appelwick: Changing judicial retirement eligibility. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Cooke; Crouse; G. Fisher; Foreman; Grant; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Jacobsen; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Huff, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Jacobsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.
Excused: Representatives Chappell, Dellwo, Hargrove and Hickel.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 2060 Prime Sponsor, Representative Foreman: Redefining budget document. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Cooke; Crouse; G. Fisher; Foreman; Grant; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Chappell, Dellwo, Hargrove and Hickel.

Passed to Committee on Rules for second reading.

March 3, 1995

HJM 4028 Prime Sponsor, Representative K. Schmidt: Urging passage of legislation authorizing the National Highway System. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton;

Brown; Buck; Cairnes; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Excused: Representatives Chandler and Romero.

Passed to Committee on Rules for second reading.

March 3, 1995

HJM 4029 Prime Sponsor, Representative K. Schmidt: Urging Congress to use transportation funds for transportation purposes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Excused: Representatives Chandler and Romero.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on today's first supplemental committee reports under the fifth order of business were referred to the committees so designated.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 6, 1995

HB 1135 Prime Sponsor, Representative McMorris: Exempting incarceration and school district facilities from public art requirements. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Hankins; McMorris; Mitchell; Pennington; Silver and L. Thomas.

MINORITY recommendation: Do not pass. Signed by Representatives Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Regala and Valle.

Voting Yea: Representatives Hankins, McMorris, Mitchell, Ogden, Pennington, Sehlin, Silver and L. Thomas.

Voting Nay: Representatives Chopp, Costa, Honeyford, Regala and Valle.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1245 Prime Sponsor, Representative Sheldon: Delaying the termination date of the business assistance center. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives G. Fisher and Grant.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1313 Prime Sponsor, Representative Buck: Reviewing the management of certain state lands.
Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Hankins; McMorris; Mitchell; Pennington; Silver and L. Thomas.

MINORITY recommendation: Do not pass. Signed by Representatives Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Regala and Valle.

Voting Yea: Representatives Hankins, Honeyford, McMorris, Mitchell, Pennington, Sehlin, Silver and L. Thomas.

Voting Nay: Representatives Chopp, Costa, Ogden, Regala and Valle.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1327 Prime Sponsor, Representative Chandler: Reopening the water rights claim filing period.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau and Wolfe.

Voting Nay: Representatives Jacobsen and Valle.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1334 Prime Sponsor, Representative Dyer: Modifying tax provisions of health reform. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member;

Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1359 Prime Sponsor, Representative Van Luven: Affecting the administration and collection of the cigarette tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1417 Prime Sponsor, Representative Carrell: Changing provisions relating to juveniles. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Children & Family Services. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives G. Fisher and Grant.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1440 Prime Sponsor, Representative Boldt: Providing tax exemptions for blood banks. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Excused: Representatives Mason and Sheldon.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1484 Prime Sponsor, Representative Pennington: Revising provisions relating to the landowner contingency forest fire suppression account. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1495 Prime Sponsor, Representative Basich: Expanding timber excise tax small harvester option. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

February 28, 1995

HB 1510 Prime Sponsor, Representative K. Schmidt: Restructuring oil spill prevention and response. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Buck; Cairnes; Chandler; Elliot; Hankins; Johnson; Koster; McMahan; Robertson; D. Schmidt and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher, Ranking Minority Member; Brown; Chopp; Horn; Ogden; Patterson; Quall; Romero and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Buck, Cairnes, Chandler, Elliot, Hankins, Hatfield, Johnson, Koster, McMahan, Mitchell, Robertson, D. Schmidt, K. Schmidt, Scott and Skinner.

Voting Nay: Representatives Brown, Chopp, R. Fisher, Horn, Ogden, Patterson, Quall, Romero and Tokuda.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1526 Prime Sponsor, Representative Benton: Providing sales and use tax deferral for new or expanded business operations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member; Mason and Sheldon.

Voting Yea: Representatives Boldt, Campbell, Carrell, Mason, Morris, Mulliken, Pennington, Schoesler, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson, Hymes and Sheldon.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1527 Prime Sponsor, Representative Benton: Recognizing veterans of World War II. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1537 Prime Sponsor, Representative Honeyford: Modifying disposition of earnings of agricultural funds and accounts. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1539 Prime Sponsor, Representative Buck: Establishing a single-application process for watershed restoration projects. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Silver, Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris,

Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Basich and Dellwo.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1549 Prime Sponsor, Representative Ballasiotes: Creating a sentencing alternative for drug offenders. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Corrections be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hickel; Jacobsen; Lambert; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Carlson; Hargrove; Lisk and McMorris.

Voting Yea: Representatives Basich, Brumsickle, Chappell, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hickel, Jacobsen, Lambert, McMorris, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives Beeksma, Carlson, Clements, Hargrove, Huff, Lisk and Pelesky.

Passed to Committee on Rules for second reading.

March 4, 1995

HB 1557 Prime Sponsor, Representative L. Thomas: Combatting insurance fraud. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Financial Institutions & Insurance. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Foreman; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Chappell; Dellwo; G. Fisher; Grant; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Chappell, Dellwo, G. Fisher, Grant, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representative Basich.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1570 Prime Sponsor, Representative L. Thomas: Providing for the collection of taxes owed to taxing agencies. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell,

Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1592 Prime Sponsor, Representative L. Thomas: Crediting certain insurance premium taxes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member; and Mason.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1593 Prime Sponsor, Representative Boldt: Providing tax exemptions for entities providing services to children. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1611 Prime Sponsor, Representative Costa: Providing a tax exemption for new construction of alternative housing for youth in need. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1617 Prime Sponsor, Representative McMorris: Establishing a moratorium on the acquisition of habitat conservation and outdoor recreation lands. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Hankins; McMorris; Pennington; Silver and L. Thomas.

MINORITY recommendation: Do not pass. Signed by Representatives Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Mitchell; Regala and Valle.

Voting Yea: Representatives Hankins, Honeyford, McMorris, Pennington, Sehlin, Silver and L. Thomas.

Voting Nay: Chopp, Costa, Mitchell, Ogden, Regala and Valle.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1671 Prime Sponsor, Representative Clements: Revising commodity commission assessment authority. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives Morris, Ranking Minority Member; and Pennington.

Voting Yea: Representatives Boldt, Campbell, Carrell, Dickerson, Hymes, Mason, Mulliken, Pennington, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Morris and Schoesler.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1732 Prime Sponsor, Representative Dyer: Requiring study of the effect of increases in volume-based taxes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Robertson; Romero; D. Schmidt; Scott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Chopp and Quall.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Hatfield, Johnson, Koster, McMahan, Mitchell, Ogden, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Voting Nay: Representative Chopp.

Excused: Representatives Horn, Patterson and Quall.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1733 Prime Sponsor, Representative Boldt: Providing tax exemptions for nonprofit camps and conferences. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1736 Prime Sponsor, Representative Horn: Revising regulation of commercial driving instructors. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Qual; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Johnson, Koster, McMahan, Mitchell, Ogden, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Excused: Representatives Horn, Patterson and Qual.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1741 Prime Sponsor, Representative Chandler: Providing moneys for wine and wine grape research. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Dellwo and G. Fisher.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives Dellwo and G. Fisher.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1769 Prime Sponsor, Representative Mielke: Lowering business and occupation tax for insurance business. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member and Mason.

Voting Yea: Representatives Boldt, Carrell, Hymes, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1820 Prime Sponsor, Representative K. Schmidt: Regulating towing of vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Johnson, Koster, McMahan, Mitchell, Ogden, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Excused: Representatives Horn, Patterson and Quall.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1837 Prime Sponsor, Representative Chandler: Establishing limitations on distributions from the water quality account for the period July 1, 1995, through June 30, 2000. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Hankins; McMorris; Mitchell; Pennington; Regala; L. Thomas and Valle.

Voting Yea: Representatives Chopp, Costa, Hankins, Honeyford, McMorris, Mitchell, Ogden, Pennington, Regala, Sehlin, Silver, L. Thomas and Valle.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1851 Prime Sponsor, Representative Pennington: Deleting the increased tax on beer allocable to the health services account. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member; and Mason.

Voting Yea: Representatives Boldt, Carrell, Hymes, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1908 Prime Sponsor, Representative Dyer: Modifying long-term care provisions. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Campbell; Casada; Crouse; Kessler; Morris; Sherstad and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Cody, Assistant Ranking Minority Member; and Conway.

Voting Yea: Representatives Backlund, Campbell, Casada, Crouse, Dellwo, Dyer, Hymes, Kessler, Morris, Sherstad and Skinner.

Voting Nay: Representatives Cody and Conway.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1913 Prime Sponsor, Representative Van Luven: Providing sales and use tax exemptions for film and video production companies. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Morris, Ranking Minority Member; and Pennington.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Mulliken, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Morris and Pennington.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1921 Prime Sponsor, Representative Benton: Providing for existing general aviation airport land use encroachment planning. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield,

Assistant Ranking Minority Member; Backlund; Blanton; Buck; Cairnes; Chopp; Elliot; Hankins; Johnson; Koster; Ogden; Patterson; Romero; D. Schmidt; Scott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Horn; McMahan; Quall and Robertson.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Johnson, Koster, Mitchell, Ogden, Patterson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Voting Nay: Representatives Horn, McMahan, Quall and Robertson.

Excused: Representative Chandler.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1934 Prime Sponsor, Representative Mielke: Establishing benefits for state patrol retirement system members who serve as legislators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives G. Fisher and Grant.

Passed to Committee on Rules for second reading.

March 3, 1995

HB 1957 Prime Sponsor, Representative B. Thomas: Reducing the state property tax levy. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chair; Boldt, Vice Chair; Carrell, Vice Chair; Morris, Ranking Minority Member; Hymes; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson, Assistant Ranking Minority Member and Mason.

Voting Yea: Representatives Boldt, Campbell, Carrell, Hymes, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1967 Prime Sponsor, Representative Romero: Increasing penalties for repeat violations of vehicle licensing requirements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell,

Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Excused: Representatives Horn, Patterson and Quall.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 1968 Prime Sponsor, Representative McMorris: Adjusting requirements for regional transportation planning organizations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representative Hatfield, Assistant Ranking Minority Member.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chandler, Chopp, Elliot, R. Fisher, Hankins, Johnson, Koster, McMahan, Mitchell, Ogden, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.
Voting Nay: Representative Hatfield.
Excused: Representatives Horn, Patterson and Quall.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 2009 Prime Sponsor, Representative Casada: Eliminating the state energy office. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Energy & Utilities. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Cooke; Crouse; Foreman; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Dellwo; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver, Talcott and Valle.
Voting Nay: Representatives Basich, Brumsickle, Carlson, Chappell, Dellwo, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau and Wolfe.
Excused: Representatives G. Fisher and Grant.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 2031 Prime Sponsor, Representative K. Schmidt: Eliminating the authority to impose storm water facility charges for highway rights of way. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Backlund; Blanton; Buck; Cairnes; Chandler; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Robertson and D. Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Hatfield, Assistant Ranking Minority Member; Chopp; Quall; Romero; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Buck, Cairnes, Chandler, Elliot, R. Fisher, Hankins, Johnson, Koster, McMahan, Mitchell, D. Schmidt, K. Schmidt and Skinner.
Voting Nay: Representatives Brown, Chopp, Hatfield, Ogden, Romero, Scott and Tokuda.
Excused: Representatives Horn, Patterson and Quall.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 2063 Prime Sponsor, Representative Honeyford: Accelerating the implementation of projects currently eligible for funding under the public works assistance program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Hankins; McMorris; Mitchell; Pennington; Regala; L. Thomas and Valle.

Voting Yea: Representatives Chopp, Costa, Hankins, Honeyford, McMorris, Mitchell, Ogden, Pennington, Regala, Sehlin, Silver, L. Thomas and Valle.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 2067 Prime Sponsor, Representative Foreman: Extending property tax exemptions for nonprofit arts, scientific, or historical organizations. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 2070 Prime Sponsor, Representative Beeksma: Changing the name of the legislative budget committee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle;

Carlson; Chappell; Cooke; Crouse; Dellwo; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, Foreman, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives
Excused: Representatives G. Fisher and Grant.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 2071 Prime Sponsor, Representative Dyer: Concerning health treatment for individuals with developmental disabilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Casada; Conway; Crouse; Kessler and Sherstad.

MINORITY recommendation: Do not pass. Signed by Representatives Cody, Assistant Ranking Minority Member; Campbell and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler and Sherstad.

Voting Nay: Representatives Campbell, Cody, Morris and Skinner.

Passed to Committee on Rules for second reading.

March 6, 1995

HB 2072 Prime Sponsor, Representative Foreman: Reducing business and occupation tax rates. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representative Dickerson, Assistant Ranking Minority Member.

Voting Yea: Representatives Boldt, Campbell, Carrell, Hymes, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Dickerson and Mason.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's second supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 8:30 a.m., Tuesday, March 7, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

FIFTY-SEVENTH DAY, MARCH 6, 1995

JOURNAL OF THE HOUSE

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

FIFTY-EIGHTH DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Tuesday, March 7, 1995

The House was called to order at 8:30 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Matthew Murphy and Krista Holland. Prayer was offered by Reverend Rebecca Ottmar, First Presbyterian Church of Centralia.

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

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

MESSAGE FROM THE SENATE

March 3, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5025,
SENATE BILL NO. 5039,
SUBSTITUTE SENATE BILL NO. 5162,
SUBSTITUTE SENATE BILL NO. 5222,
SENATE BILL NO. 5398,
SUBSTITUTE SENATE BILL NO. 5469,
SENATE BILL NO. 5583,
SENATE BILL NO. 5584,
SENATE BILL NO. 5590,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HCR 4405 by Representative Foreman

Calling for a joint session to recognize Medal of Merit recipients.

ESSB 5131 by Senate Committee on Ecology & Parks (originally sponsored by Senators Spanel and Sellar; by request of Interagency Committee for Outdoor Recreation)

Revising account names and accounting procedures of the IAC.

Referred to Committee on Capital Budget.

SB 5760 by Senators Kohl, McAuliffe, Wood, Drew and Prince

Eliminating the number restriction on waivers for foreign students at institutions of higher education.

Referred to Committee on Higher Education.

MOTIONS

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

Representative Foreman moved that the rules be suspended and House Concurrent Resolution No. 4405 be advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4405, by Representative Foreman

Calling for a joint session to recognize Medal of Merit recipients.

The resolution was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representative Foreman spoke in favor of passage of the resolution.

MOTION

On motion of Representative Brown, Representatives Grant, Patterson and Ogden were excused.

House Resolution No. 4405 was adopted.

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

REPORTS OF STANDING COMMITTEES

March 6, 1995

ESB 5925 Prime Sponsor, Pelz: Modifying the determination of unemployment insurance contribution rates. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Cairnes; Goldsmith and Horn.

MINORITY recommendation: Do not pass. Signed by Representatives Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cody and Cole.

Voting Yea: Representatives Cairnes, Conway, Goldsmith, Hargrove, Horn, Lisk and Thompson.

Voting Nay: Representatives Cody, Cole, Conway and Romero.

Excused: Representative Fuhrman.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bill listed on today's committee reports under the fifth order of business was referred to the committee so designated.

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

SECOND READING

HOUSE BILL NO. 1057, by Representatives Schoesler, Morris, B. Thomas, Delvin, Carlson, Hankins, Dyer, Sheldon, Casada, Chandler, L. Thomas, Fuhrman, Mulliken, Lisk, Cooke, Sheahan and Mastin

Lowering the tax rate on canola.

The bill was read the second time. There being no objection, Substitute House Bill No. 1057 was substituted for House Bill No. 1057 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1057 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1057.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1057, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Campbell, Dyer, Grant, Ogden, Padden and Patterson - 6.

Substitute House Bill No. 1057, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1067, by Representatives Schoesler, Grant, Hankins, Delvin, Mastin and Sheldon

Reforming the property taxation of short-rotation hardwoods.

The bill was read the second time. There being no objection, Substitute House Bill No. 1067 was substituted for House Bill No. 1067 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1067 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1067.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1067, and the bill passed the House by the following vote: Yeas - 90, Nays - 2, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Sommers and Valle - 2.

Excused: Representatives Campbell, Dyer, Grant, Ogden, Padden and Patterson - 6.

Substitute House Bill No. 1067, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the Suspension Calendar.

HOUSE BILL NO. 1280, by Representatives Sherstad, Radcliff, Ballasiotes, Blanton, Cole, Tokuda and Dickerson; by request of Department of Corrections

Revising procedures for offenders who violate conditions or requirements of sentences.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Sherstad spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1280.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1280, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Campbell, Dyer, Grant, Ogden, Padden and Patterson - 6.

House Bill No. 1280, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1336, by Representatives Jacobsen, Carlson, Mastin and Basich

Requiring institutions of higher education to report on precollege class enrollments.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representatives Jacobsen and Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1336.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1336, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Campbell, Dyer, Grant, Ogden, Padden and Patterson - 6.

Substitute House Bill No. 1336, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1532, by Representatives Dyer, Dellwo, Ballasiotes, Cody, Cooke and Thibaudeau

Modifying certification of mental health counselors.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Backlund spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1532.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1532, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Dyer, Grant, Ogden, Padden and Patterson - 5.

House Bill No. 1532, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: House Bill No. 1080, House Bill No. 1099, House Bill No. 1113, House Bill No. 1140, House Bill No. 1142, House Bill No. 1178, House Bill No. 1187 and House Bill No. 1203.

HOUSE BILL NO. 1099, by Representatives Scott, Appelwick, Padden, Campbell, Sherstad and Benton

Requiring HIV testing for persons arrested for being involved with prostitution.

The bill was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 1, beginning on line 6, strike all of section 1

Representative Appelwick spoke in favor of adoption of the amendment.

The amendment was not adopted.

Representative Robertson moved adoption of the following amendment by Representative Padden:

On page 1, line 6, after "chapter" strike "9A.88" and insert "70.24"

Representative Robertson spoke in favor of adoption of the amendment.

The amendment was adopted.

Representative Robertson moved adoption of the following amendment by Representative Padden:

On page 3, line 18, after "health" strike "after" and insert "to detect"

Representative Robertson spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robertson and Scott spoke in favor of passage of the bill.

Representatives Appelwick and Chappell spoke against the passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1099.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1099, and the bill passed the House by the following vote: Yeas - 74, Nays - 20, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Conway, Costa, Crouse, Delvin, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 74.

Voting nay: Representatives Brown, Chappell, Chopp, Cody, Cole, Cooke, Dellwo, Dickerson, Fisher, R., Jacobsen, Mason, Poulsen, Regala, Rust, Smith, Thibaudeau, Thomas, B., Tokuda, Veloria and Wolfe - 20.

Excused: Representatives Dyer, Grant, Ogden and Padden - 4.

Engrossed House Bill No. 1099, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1113, by Representatives Campbell, Hargrove, Smith, Chappell, D. Schmidt, Schoesler and Ballasiotes

Revising time limits for filing initiatives petitions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Campbell spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1113.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1113, and the bill passed the House by the following vote: Yeas - 77, Nays - 17, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria and Mr. Speaker - 77.

Voting nay: Representatives Appelwick, Carlson, Chopp, Cole, Dickerson, Fisher, R., Hankins, Jacobsen, Mason, Poulsen, Quall, Regala, Rust, Sommers, Thibaudeau, Valle and Wolfe - 17.

Excused: Representatives Dyer, Grant, Ogden and Padden - 4.

House Bill No. 1113, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1140, by Representatives Ballasiotes, Horn, Blanton, Costa and Honeyford

Revising procedures for using criminal history in sentencing of offenders.

The bill was read the second time. There being no objection, Substitute House Bill No. 1140 was substituted for House Bill No. 1140 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1140 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1140.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1140, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Absent: Representative Mastin - 1.

Excused: Representatives Dyer, Grant, Ogden and Padden - 4.

Substitute House Bill No. 1140, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1142, by Representatives Lambert, Tokuda, Hymes, Carrell, Robertson, Quall, Mitchell, Smith, B. Thomas, L. Thomas, Backlund, Dyer, Thompson, Boldt, Chappell, Basich, Huff, Stevens, Sherstad, Schoesler, Casada and Padden

Prohibiting testing students regarding personal beliefs.

The bill was read the second time.

Representative Backlund moved adoption of the following amendment by Representative Backlund:

On page 1, line 7, after "may not" insert "a)"

On page 1, line 12, after "guardian of the student" insert "; or b) abridge the rights of an individual student, as protected by the 1st Amendment to the United States Constitution and Article 1, section 5 and section 11 of the Washington State Constitution, to freely express and incorporate the student's personal beliefs and practices where relevant or appropriate in any class work, home work, evaluations or tests, extracurricular or other activities under the sponsorship or auspices of the school district."

POINT OF ORDER

Representative Cole: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment to House Bill No. 1142.

With the consent of the House, the House deferred further consideration of House Bill No. 1142 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1178, by Representatives McMorris, Lisk, Mulliken, Chandler, L. Thomas, Thompson, Boldt, Mastin, Goldsmith, Stevens, Schoesler, Honeyford, Johnson, Koster, Mielke and Sheahan

Exempting persons under age twenty-one employed on the family farm from industrial insurance coverage.

The bill was read the second time. There being no objection, Substitute House Bill No. 1178 was substituted for House Bill No. 1178 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1178 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McMorris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1178.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1178, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Absent: Representative Sheahan - 1.

Excused: Representatives Grant and Ogden - 2.

Substitute House Bill No. 1178, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Substitute House Bill No. 1178.

LARRY SHEAHAN, 9th District

HOUSE BILL NO. 1187, by Representatives Reams, Fuhrman, Van Luven, Stevens, Carrell, Campbell, Thompson, Blanton, Boldt, Koster, Sheahan and Huff

Dividing the department of social and health services into five agencies.

The bill was read the second time. There being no objection, Substitute House Bill No. 1187 was substituted for House Bill No. 1187 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1187 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reams and Dyer spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1187.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1187, and the bill passed the House by the following vote: Yeas - 66, Nays - 29, Absent - 1, Excused - 2.

Voting yea: Representatives Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 66.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Mason, Morris, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 29.

Absent: Representative Ballasiotes - 1.

Excused: Representatives Grant and Ogden - 2.

Substitute House Bill No. 1187, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Substitute House Bill No. 1187.

IDA BALLASIOTES, 41st District

HOUSE BILL NO. 1203, by Representatives Chappell and Robertson

Prohibiting impaired persons from purchasing liquor.

The bill was read the second time. There being no objection, Substitute House Bill No. 1203 was substituted for House Bill No. 1203 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1203 was read the second time.

Representative Chappell moved adoption of the following amendment by Representative Chappell:

On page 1, line 6, after "person" insert "apparently"

On page 1, after line 11, insert the following:

"(4) As used in this section and RCW 66.44.200, "apparently under the influence of liquor" may be determined by observing a combination of, but not limited to, the following conditions displayed by an individual:

- (a) Being overly friendly;
- (b) Bragging;
- (c) Talking loudly;
- (d) Sudden or unexplained mood changes;
- (e) Annoying other customers;
- (f) Complaining about strength of drink or slow service;
- (g) Consuming drinks faster than usual; gulping drinks; ordering doubles;
- (h) Arguing with employees or other customers;
- (i) Using foul language;
- (j) Sullen, uncommunicative except to order drinks;
- (k) Buying rounds for strangers or the house;
- (l) Lighting more than one cigarette at a time;
- (m) Inability to light cigarette;
- (n) Glassy eyes, dilated pupils, lack of focus;
- (o) Loss of train of thought (stops talking in mid-sentence);
- (p) Slurred speech or speaking very slowly and deliberately;
- (q) Inability to pick up money or dropping money; inability to count out correct amount for drink;
- (r) Spilling drink; missing mouth with glass;
- (s) Head bobbing, eyelids drooping, looking sleepy; and
- (t) Staggering, swaying while standing still; holding on to bar or chair."

Representatives Chappell, Robertson and Padden spoke in favor of adoption of the amendment.

Representatives Lisk, L. Thomas and Appelwick spoke against adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-34; NAYS-62. The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Chappell spoke in favor of passage of the bill.

Representative Padden moved that the House defer further consideration of Substitute House Bill No. 1203.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Representative Padden moved that the House consider the following bills in the following order: House Bill No. 1080, House Bill No. 1246, House Bill No. 1248 and House Bill No. 1256.

HOUSE BILL NO. 1080, by Representatives Pennington, Chappell, McMorris, Carlson, Benton, McMahan, B. Thomas, Clements, Brumsickle, Boldt, Hatfield, Buck, Campbell, Delvin, Johnson, Sheldon, Mulliken, Kessler, Basich, Fuhrman, Morris, Huff, Honeyford, Chandler, Elliot, Schoesler and Sheahan

Establishing an exemption to the outdoor burning permit program for certain nonurban areas.

The bill was read the second time. There being no objection, Substitute House Bill No. 1080 was substituted for House Bill No. 1080 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1080 was read the second time.

Representative Basich moved adoption of the following amendment by Representative Basich:

On page 2, line 6, after "in" strike "RCW 70.94.750" and insert "section 2 of this act"

On page 2, after line 12, insert the following:

"Sec. 2. RCW 70.94.750 and 1991 c 199 s 412 are each amended to read as follows:

The following outdoor fires described in this section may be burned subject to the provisions of this chapter and also subject to city ordinances, county resolutions, rules of fire districts and laws, and rules enforced by the department of natural resources if a permit has been issued by a fire protection agency, county, or conservation district:

(1) Fires consisting of leaves, clippings, prunings and other yard and gardening refuse, and fires consisting of paper, cardboard, and other paper products originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

(2) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control; provided the fires described in this subsection may be prohibited in those areas having a general population density of one thousand or more persons per square mile."

Representatives Basich and Pennington spoke in favor of the adoption of the amendment.

Representative Rust spoke against the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 80 to Substitute House Bill No. 1080 was withdrawn.

Representative Schoesler moved adoption of the following amendment by Representative Schoesler:

On page 2, after line 12, insert the following:

"**Sec. 2.** RCW 70.94.141 and 1991 c 199 s 706 are each amended to read as follows:

The board of any activated authority in addition to any other powers vested in them by law, shall have power to:

(1) Adopt, amend, and repeal its own rules and regulations, implementing this chapter and consistent with, and with regard to agricultural burning no more stringent than it, after consideration at a public hearing held in accordance with chapter 42.30 RCW. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with chapter 42.30 RCW, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with chapter 34.08 RCW, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by an authority shall be in accordance with Part V of chapter 34.05 RCW. An air pollution control authority shall not be deemed to be a state agency.

(2) Hold hearings relating to any aspect of or matter in the administration of this chapter not prohibited by the provisions of chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths, and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in chapter 62, Laws of 1970 ex. sess.

(4) Require access to records, books, files, and other information specific to the control, recovery, or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution within its jurisdiction.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.

(8) Encourage and conduct studies, investigation, and research relating to air pollution and its causes, effects, prevention, abatement, and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate, and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device, or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this chapter, ordinances, resolutions, rules, and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse, and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of this chapter."

On page 1, line 2 of the title, after "RCW 70.94.745" insert "and 70.94.141"

Representatives Schoesler and Pennington spoke in favor of the adoption of the amendment.

Representative Mastin spoke against the adoption of the amendment.

The amendment was adopted.

Representative Pennington moved adoption of the following amendment by Representative Pennington:

On page 2, after line 12, insert the following:

"(5) The permit program may be limited to a general permit by rule or by verbal, written, or electronic approval by the permitting entity.

(6) Nothing in this section shall require fire districts to enforce air quality requirements related to outdoor burning, unless the fire district enters into an agreement with the department of ecology, the department of natural resources, a local air pollution control authority, or other appropriate entity to provide such enforcement."

Representative Pennington spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Honeyford moved adoption of the following amendment by Representative Honeyford and others:

On page 2, after line 12, insert the following:

"(5) The burning of orchard prunings and irrigation ditches shall be considered outdoor burning for the purposes of this section and RCW 70.94.750.

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker. I would request a ruling on the scope and object of amendment number 79 to Substitute House Bill No. 1080.

There being no objection, the House deferred further consideration of Substitute House Bill No. 1080 and the bill held its place on the second reading calendar.

There being no objection, the House advanced to House Bill No. 1248 on the second reading calendar.

HOUSE BILL NO. 1248, by Representatives Van Luven, G. Fisher, Boldt, Carrell, Campbell, Mason, Ebersole, B. Thomas, Cairnes, Radcliff, Cooke, Chandler, Mielke, Ballasiotes, Robertson, Mitchell, Schoesler, Appelwick, Sheldon, Costa, Morris, Basich and Conway

Providing tax deferrals for a new thoroughbred race track facility.

The bill was read the second time. There being no objection, Substitute House Bill No. 1248 was substituted for House Bill No. 1248 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1248 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven, Sheldon, Robertson and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1248.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1248, and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 2, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Beeksma and Thomas, B. - 2.

Absent: Representatives Mason and Silver - 2.

Excused: Representatives Grant and Ogden - 2.

Substitute House Bill No. 1248, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I would have voted YEA on Substitute House Bill No. 1248.

DAWN MASON, 37th District

I was unable to vote on final passage of Substitute House Bill No. 1248. Had I been able to vote, I would have voted YEA.

JEAN SILVER, 6th District

I meant to vote NAY on Substitute House Bill No. 1248.

SCOTT SMITH, 2nd District

HOUSE BILL NO. 1256, by Representatives Schoesler, Sheldon, Thompson, Johnson, Clements, Hickel, Huff, Boldt, Sheahan and Basich

Preempting the field of landlord-tenant regulation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Cairnes spoke in favor of passage of the bill.

Representatives Chopp and Mitchell spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1256.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1256, and the bill passed the House by the following vote: Yeas - 64, Nays - 32, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Morris, Mulliken, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Voting nay: Representatives Appelwick, Ballasiotes, Brown, Brumsickle, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Hatfield, Hymes, Kessler, Mason, Mastin, Mitchell, Patterson, Regala, Romero, Rust, Scott, Sommers, Talcott, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Excused: Representatives Grant and Ogden - 2.

House Bill No. 1256, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 1256.

GIGI TALCOTT, 28th District

HOUSE BILL NO. 1272, by Representatives Chandler, Mastin, Blanton, Johnson, Kremen, Sherstad, Elliot and Backlund

Recovering gasoline vapors.

The bill was read the second time. There being no objection, Substitute House Bill No. 1272 was substituted for House Bill No. 1272 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1272 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1272.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1272, and the bill passed the House by the following vote: Yeas - 82, Nays - 14, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff,

Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 82.

Voting nay: Representatives Appelwick, Chopp, Cole, Dellwo, Fisher, R., Jacobsen, Mason, Patterson, Romero, Rust, Thibaudeau, Tokuda, Valle and Wolfe - 14.

Excused: Representatives Grant and Ogden - 2.

Substitute House Bill No. 1272, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1282, by Representatives Fuhrman, Mastin, Buck, Goldsmith, Koster, Padden, Mulliken, Lambert, Crouse, Thompson, Basich, Hargrove, Sheldon, McMahan, Pelesky, Sheahan, Boldt and Elliot

Authorizing landowners to kill coyotes and Columbian ground squirrels.

The bill was read the second time.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

On page 1, line 6, after "livestock" insert ", that crows' constant cawing causes distress among livestock, reducing the animals' growth and production capabilities,"

On page 1, line 10, after "coyotes" insert ", crows,"

On page 1, line 15, after "*(Canis latrans)*" insert ", crows (birds of the family *Corvidae*),"

Representative G. Fisher spoke in favor of the adoption of the amendment.

Representative Fuhrman spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Representative Fuhrman yielded to a question by Representative Jacobsen.

Representative Jacobsen: I'd be curious if you could name an incident where somebody's been arrested so I could understand it better before I vote on this bill.

Representative Fuhrman: Carl Kieser, Kettle Falls, Washington.

Representative Fuhrman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1282.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1282, and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven and Mr. Speaker - 79.

Voting nay: Representatives Chopp, Cole, Dellwo, Dyer, Fisher, G., Fisher, R., Jacobsen, Kessler, Mason, Patterson, Regala, Romero, Rust, Thibaudeau, Valle, Veloria and Wolfe - 17.

Excused: Representatives Grant and Ogden - 2.

House Bill No. 1282, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1323, by Representatives Cairnes, Hargrove and Sherstad

Exempting new construction from seller's disclosure requirements.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendment see Journal, 36th Day, February 13, 1995.)

There being no objection, the committee amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1323.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1323, and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 86.

Voting nay: Representatives Cody, Cole, Costa, Fisher, R., Rust, Scott, Thibaudeau, Tokuda, Valle and Veloria - 10.

Excused: Representatives Grant and Ogden - 2.

Engrossed House Bill No. 1323, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1349, by Representatives Lisk, Chandler and Veloria; by request of Joint Task Force on Unemployment Insurance

Affecting noncharging of benefits to employers' unemployment insurance experience rating accounts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1349.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1349, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Grant and Ogden - 2.

House Bill No. 1349, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1350, by Representatives Lisk, Chandler and Voloria; by request of Joint Task Force on Unemployment Insurance

Authorizing voluntary contributions for unemployment insurance.

The bill was read the second time. There being no objection, Substitute House Bill No. 1350 was substituted for House Bill No. 1350 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1350 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk, Romero and Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1350.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1350, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson,

Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Grant and Ogden - 2.

Substitute House Bill No. 1350, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1456, by Representatives Dyer, Regala, D. Schmidt, Huff, Mielke, Johnson and Backlund; by request of Governor Lowry

Allowing persons at least sixteen years of age to make anatomical gifts if a parent or guardian signs the document of gift.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Regala spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1456.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1456, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Grant and Ogden - 2.

House Bill No. 1456, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1512, by Representatives Romero, Chandler, Patterson, Quall, Tokuda, D. Schmidt, Skinner, Chopp, Elliot, Johnson, Ogden, Scott, Blanton, Brown, Hatfield, R. Fisher, Basich, Sheldon, Appelwick, Dellwo, Wolfe, Rust, Regala, Chappell, Kremen, Dickerson, Kessler, Costa, Poulsen and Cody

Expanding the adopt-a-highway program.

The bill was read the second time. There being no objection, Substitute House Bill No. 1512 was substituted for House Bill No. 1512 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1512 was read the second time.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

On page 2, line 34, after "age" insert ", unless accompanied by a parent or legal guardian"

Representatives McMahan, Romero and Smith spoke in favor of the adoption of the amendment.

Representative K. Schmidt spoke against the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The result of the division was: YEAS-31; NAYS-64. The amendment was not adopted.

Representative Romero moved adoption of the following amendment by Representative Romero:

On page 3, line 19, after "all" insert "employer"

Representative Romero spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1512.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1512, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Grant and Ogden - 2.

Engrossed Substitute House Bill No. 1512, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1548, by Representatives L. Thomas, Dellwo, Goldsmith, Rust, Wolfe, B. Thomas, Backlund, Kessler, Kremen, Robertson, Thompson, Huff, Elliot, McMorris, D. Schmidt, McMahan, Hickel, Schoesler, Clements, Cooke and Brumsickle; by request of State Treasurer

Auditing the state investment board.

The bill was read the second time. There being no objection, Substitute House Bill No. 1548 was substituted for House Bill No. 1548 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1548 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

There being no objection, the House deferred further consideration of Substitute House Bill No. 1548 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1573, by Representatives L. Thomas, Mielke, Blanton, Wolfe, Rust, Horn and Dellwo

Providing for heating oil liability protection.

The bill was read the second time. There being no objection, Substitute House Bill No. 1573 was substituted for House Bill No. 1573 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1573 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1573.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1573, and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 87.

Voting nay: Representatives Casada, Fuhrman, Hargrove, Koster, McMorris, Padden, Pennington, Robertson, Sherstad and Stevens - 10.

Excused: Representative Grant - 1.

Substitute House Bill No. 1573, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute House Bill No. 1548.

POINT OF INQUIRY

Representative L. Thomas yielded to a question by Representative Ogden.

Representative Ogden: Is it the intent of House Bill No. 1548 to preclude the Legislative budget committee from conducting it's own independent performance audit of the State Investment Board at such times as the committee determines that such audits are warranted.

Representative L. Thomas: No.

Representatives Ogden and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1548.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1548, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Grant - 1.

Substitute House Bill No. 1548, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Representative Padden moved that the House consider the following bills in the following order: House Bill No. 1246, House Bill No. 1619 and House Bill No. 1702, then continue down the second reading calendar.

HOUSE BILL NO. 1246, by Representatives Kremen, Goldsmith, Mastin, Kessler, Van Luven, Dyer, Sheldon, Hymes, Quall, Basich, Morris, Chandler, Backlund, Talcott and Sheahan

Regulating private school buses.

The bill was read the second time. There being no objection, Substitute House Bill No. 1246 was substituted for House Bill No. 1246 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1246 was read the second time.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

On page 2, beginning on line 12, strike New Section 3.

Representative McMahan spoke in favor of the adoption of the amendment.

Representatives Kremen and Honeyford spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Brown moved adoption of the following amendment by Representative Brown:

On page 2, following line 20, insert:

"**NEW SECTION. Sec. 4.** A new section is added to chapter 46.37 RCW to read as follows:

After January 1, 1996, a private carrier bus purchased for the purpose of transporting children to and from a private school or in connection with school activities, must meet the requirements of the most recent edition of "Specifications for Buses" published by the superintendent of public instruction."

Representative Brown spoke in favor of the adoption of the amendment.

Representatives Kremen, K. Schmidt and Honeyford spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kremen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1246.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1246, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative McMahan - 1.

Excused: Representative Grant - 1.

Substitute House Bill No. 1246, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1619, by Representative Appelwick

Revising child support provision for day care expenses.

The bill was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

Beginning on page 1, line 19, after "obligation." strike all material through "overpayment." on page 2, line 4, and insert "If an obligor pays for day care or special child rearing expenses that are not actually incurred, the obligee must reimburse the obligor for the overpayment. The reimbursement may be in the form of a credit against future support payments upon agreement of both parties or pursuant to a court or administrative order. Absent agreement of the obligee, nothing in this section entitles an obligor to pay more than his or her proportionate share of day care or other special child rearing expenses in advance and then deduct the overpayment from future support transfer payments."

Representatives Appelwick and Padden spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1619.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1619, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Brown and Cole - 2.

Excused: Representatives Blanton and Grant - 2.

Engrossed House Bill No. 1619, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1702, by Representatives Horn, Romero, Cole, Carlson, Cody, Cooke, Rust, Poulsen, Veloria, Mitchell, Reams, Jacobsen, Fuhrman and Costa

Regulating wheelchair warranties.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Horn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1702.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1702, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1702, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1710, by Representatives Sheahan, Appelwick, Padden and McMahan

Changing provisions relating to dissolution of marriage.

The bill was read the second time.

Representative Lambert moved adoption of the following amendment by Representative Lambert:

On page 4, after line 33, insert the following section:

"**Sec. 6.** RCW 26.12.172 and 1994 c 267 s 5 are each amended to read as follows:

Any court rules adopted for the implementation of parenting seminars shall include the following provisions:

(1) In no case shall opposing parties be required to attend seminars together;

(2) Upon a showing of domestic violence or abuse which would not require mutual decision making pursuant to RCW 26.09.191(~~(, or that a parent's attendance at the seminar is not in the children's best interests)~~), the court shall ((either:

(a) Waive the requirement of completion of the seminar; or

(b)) provide an alternative(~~(, voluntary)) parenting seminar for battered spouses and for the batterers(~~(; and))~~.~~

(3) The court may waive the seminar for good cause or upon a showing that a parent's attendance at the seminar is not in the children's best interests."

Representatives Lambert and Sheahan spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sheahan and Padden spoke in favor of passage of the bill.

Representative Mason spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1710.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1710, and the bill passed the House by the following vote: Yeas - 79, Nays - 16, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Conway, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Van Luven, Veloria, Wolfe and Mr. Speaker - 79.

Voting nay: Representatives Ballasiotes, Brown, Chappell, Cole, Cooke, Dickerson, Hymes, Mason, Mastin, Mitchell, Quall, Radcliff, Regala, Sherstad, Thomas, B. and Tokuda - 16.

Absent: Representative Valle - 1.

Excused: Representatives Blanton and Grant - 2.

Engrossed House Bill No. 1710, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1711, by Representatives Padden, Backlund and McMahan

Providing for written marriage contracts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Padden and Carrell spoke in favor of passage of the bill.

Representatives Appelwick, Kessler, Quall and Mason spoke against passage of the bill.

Representative Padden again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1711.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1711, and the bill failed to pass the House by the following vote: Yeas - 41, Nays - 54, Absent - 1, Excused - 2.

Voting yea: Representatives Backlund, Beeksma, Benton, Boldt, Buck, Campbell, Carrell, Casada, Chandler, Crouse, Delvin, Dyer, Foreman, Fuhrman, Goldsmith, Hargrove, Honeyford, Horn, Huff, Johnson, Koster, Lambert, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky,

Robertson, Schmidt, D., Schoesler, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Thomas, B., Thomas, L., Van Luven and Mr. Speaker - 41.

Voting nay: Representatives Appelwick, Ballasiotes, Basich, Brown, Brumsickle, Cairnes, Carlson, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Hankins, Hatfield, Hickel, Hymes, Jacobsen, Kessler, Kremen, Lisk, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, K., Scott, Sehlin, Sheldon, Sommers, Thibaudeau, Thompson, Tokuda, Valle, Veloria and Wolfe - 54.

Absent: Representative Talcott - 1.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1711, not having received the constitutional majority, was declared failed.

HOUSE BILL NO. 1009, by Representatives Chandler, Skinner, Kremen, Delvin, Schoesler, Mastin, Chappell, Grant, Foreman, D. Schmidt, Boldt, Clements and Stevens

Establishing a commission on pesticide registration.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1009 was substituted for House Bill No. 1009 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1009 was read the second time.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 1, line 9, after "University" strike "to represent" and insert "and approved by the governor from"

On page 2, line 6, after "industry." insert "Although members are appointed from various segments of the agricultural industry, they are appointed to represent and advance the interests of the industry as a whole."

Representatives Chandler and Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 2, line 21, after "term." insert "The dean may remove any member of the commission for malfeasance or misfeasance in office or for having at least five unexcused absences during the person's term of office which constitute twenty percent or more of the meetings that have been conducted by the commission during the term. A person's absence from a meeting may be excused: By the chair of the commission if a written request to do so is received by the chair before the meeting from which the member is to be absent; or by a majority vote of the members of the commission at the meeting during which the member is absent."

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1009.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1009, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

Engrossed Second Substitute House Bill No. 1009, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1021, by Representatives Delvin, Hickel, Robertson, Smith, Padden, Sherstad, Dyer, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beekma, Goldsmith, Radcliff, Chandler, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, K. Schmidt, Chappell, Basich, Grant, Sehlin, Honeyford, Van Luven, Ballasiotes, Pelesky, Blanton, Hankins, Lambert, D. Schmidt, Mulliken, McMorris, Clements, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Casada

Granting to adult court jurisdiction over juveniles who use a firearm while committing a violent offense.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1021 was substituted for House Bill No. 1021 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1021 was read the second time.

Representative Campbell moved adoption of the following amendment by Representative Campbell:

On page 2, line 24, after "juvenile is" strike everything through "offense" on line 26 and insert the following: "fourteen years of age or older, the alleged offense is a violent offense as defined in RCW 9.94A.030, and during the commission of the offense the juvenile was armed with a firearm that the juvenile illegally possessed in violation of RCW 9.41.040"

On page 3, beginning on line 34, strike section 2

Representatives Campbell, Carrell and Smith spoke in favor of the adoption of the amendment.

Representatives Appelwick, Hickel, Morris, Ballasiotes and Mastin spoke against the adoption of the amendment.

Representative Campbell again spoke in favor of adoption of the amendment and Representative Appelwick again spoke against adoption of the amendment.

The amendment was not adopted.

Representative Sheahan moved adoption of the following amendment by Representative Sheahan:

On page 2, beginning on line 25 after "and" strike everything through "offense" on line 26 and insert "during the commission of the offense the juvenile was armed with a firearm that the juvenile illegally possessed in violation of RCW 9.41.040"

On page 4, beginning on line 13, after "RCW 9.94A.030" strike everything through "offense" on line 14 and insert "and during the commission of the offense the respondent was armed with a firearm that the respondent illegally possessed in violation of RCW 9.41.040."

Representative Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin, Padden, Clements, Morris and Carrell spoke in favor of passage of the bill.

Representatives Dickerson, Appelwick, Cody, Tokuda and Mason spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1021.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1021, and the bill passed the House by the following vote: Yeas - 79, Nays - 16, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 79.

Voting nay: Representatives Chopp, Cody, Cole, Dickerson, Fisher, R., Mason, Ogden, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 16.

Absent: Representative Beeksma - 1.

Excused: Representatives Blanton and Grant - 2.

Engrossed Second Substitute House Bill No. 1021, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Engrossed Second Substitute House Bill No. 1021.

BARNEY BEEKSMA, 10th District

There being no objection, the House deferred consideration of House Bill No. 1024 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1035, by Representatives Thibaudeau, Morris, Scott, Tokuda, Costa, Mason, Brown, Ogden, Basich, Wolfe, Patterson and Chopp

Requiring the attorney general to convene a death investigation if a death occurs in a residential facility operated or under the control of the department of social and health services.

The bill was read the second time. There being no objection, Substitute House Bill No. 1035 was substituted for House Bill No. 1035 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1035 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Thibaudeau spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1035.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1035, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

Substitute House Bill No. 1035, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1059, by Representatives Lisk and Sheldon; by request of Liquor Control Board

Improving the enforcement provisions of the Washington state liquor act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1059.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1059, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Fuhrman, McMahan and Smith - 3.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1059, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1129, by Representatives Schoesler, Brown, Mulliken, Sheahan, Robertson, Buck, Dyer, Delvin, Skinner, Cooke, McMorris, Talcott, Fuhrman, Brumsickle, Sheldon, Campbell, Boldt, Elliot, Koster, Chandler, Van Luven, K. Schmidt, L. Thomas, Casada, Carlson, Backlund, Basich, Huff, Mitchell, Kremen and Benton

Modifying tax exemptions for nonprofit organizations.

The bill was read the second time. There being no objection, Substitute House Bill No. 1129 was substituted for House Bill No. 1129 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1129 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1129.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1129, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk,

Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

Substitute House Bill No. 1129, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1136, by Representatives Ballasiotes, Kessler, Campbell, Costa, Padden, Delvin, Hargrove, Basich, Tokuda, Lisk, Dyer, Mastin, Schoesler, Blanton, Sheldon, Lambert, L. Thomas, Backlund, Van Luven, Benton, Buck, Crouse, Chappell, Wolfe, Huff, Mitchell, Hickel, Thompson, Foreman, Sherstad, Chandler, Clements, Patterson, Mulliken, Honeyford, Cooke, Johnson, D. Schmidt, Pennington, Hymes, Kremen, Carrell, Mielke and Sheahan

Requiring twenty-five percent of inmate welfare accounts to be used for victims' compensation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1136.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1136, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1136, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1163, by Representatives Kremen, Goldsmith, Kessler, McMorris, Campbell, Basich, Thompson, Foreman, McMahan, Buck, Cooke, Mielke and Sheahan

Providing a tax exemption for property used by nonprofit organizations for camping and recreational purposes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kremen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1163.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1163, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1163, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1213, by Representatives Brumsickle, Grant, Cody, Basich and McMahan

Revising provisions relating to liability in training of emergency service medical personnel.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1213.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1213, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1213, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1223, by Representatives Brumsickle, Cole, B. Thomas, Silver and Carlson; by request of Board of Education and Superintendent of Public Instruction

Changing state board of education staff provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1223.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1223, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1223, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1226, by Representatives Buck, Basich, Fuhrman and Kessler; by request of Department of Fish and Wildlife

Authorizing shellfish to be taken under a salmon charter license.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1226.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1226, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1226, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1228, by Representatives L. Thomas, Basich and Fuhrman; by request of Department of Fish and Wildlife

Authorizing the director of fish and wildlife to administer game fish catch record cards.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Basich spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1228.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1228, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1228, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1230, by Representatives Brumsickle, Cole, Silver and Scott; by request of Board of Education

Changing teacher preparation provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1230 was substituted for House Bill No. 1230 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1230 was read the second time.

There being no objection, amendment number 114 to Substitute House Bill No. 1230 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1230.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1230, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

Substitute House Bill No. 1230, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1233, by Representatives L. Thomas, R. Fisher and Wolfe; by request of Secretary of State

Avoiding conflicts of interest on election canvassing boards.

The bill was read the second time. There being no objection, Substitute House Bill No. 1233 was substituted for House Bill No. 1233 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1233 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1233.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1233, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

Substitute House Bill No. 1233, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1247 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1250, by Representatives Cole, Cody, Conway, Basich, Scott, Costa and Chopp

Providing for prompt payment of industrial insurance awards.

The bill was read the second time. There being no objection, Substitute House Bill No. 1250 was substituted for House Bill No. 1250 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1250 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1250.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

Substitute House Bill No. 1250, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1275, by Representatives McMorris, Morris, Kessler, Buck, Foreman and Basich

Extending existing employer workers' compensation group self-insurance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris, Sheldon, Dyer, Smith and Hargrove spoke in favor of passage of the bill.

Representatives Romero and Conway spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1275.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1275, and the bill passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Mason, Mastin, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representatives Blanton and Grant - 2.

House Bill No. 1275, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1289, by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott

Specifying the duties of an operator of a vessel involved in an accident.

The bill was read the second time. There being no objection, Substitute House Bill No. 1289 was substituted for House Bill No. 1289 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1289 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and Costa spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1289.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1289, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

Substitute House Bill No. 1289, having received the constitutional majority, was declared passed.

With the consent of the House, all bills passed the House today will be transmitted to the Senate.

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House considered the following bills in the following order from the Suspension Calendar: House Bill No. 1712, House Bill No. 1776 and House Bill No. 1792.

HOUSE BILL NO. 1712, by Representatives Lambert, Cooke, Padden, Crouse, Hargrove and Elliot

Prescribing procedures for pretrial release.

The bill was read the second time.

There being no objection the committee recommendation be adopted and the bill be advanced to third reading.

Representative Lambert spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Skinner was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1712.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1712, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria and Wolfe - 93.

Excused: Representatives Blanton, Grant, Schmidt, D., Skinner and Mr. Speaker - 5.

House Bill No. 1712, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1776, by Representatives Benton and L. Thomas; by request of State Treasurer

Extending authority to enter into payment agreements.

The bill was read the second time.

There be no objection the committee recommendation was adopted and the substitute bill was advanced to third reading.

Representative Benton spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1776.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1776, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Blanton, Grant, Schmidt, D. and Skinner - 4.

Substitute House Bill No. 1776, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1792, by Representatives Padden, Carrell, Beeksma, McMahan, Costa, Stevens, Blanton and Thompson

Prescribing procedures for release of offenders.

The bill was read the second time.

There being no objection the committee recommendation be adopted and the bill be advanced to third reading.

Representative Padden spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1792.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1792, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Blanton, Grant, Schmidt, D. and Skinner - 4.

House Bill No. 1792, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on House Bill No. 1792.

MARY SKINNER, 14th District

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House reverted to Substitute House Bill No. 1080.

SPEAKER'S RULING

Representative Rust, The Speaker is prepared to Rule on your Point of Order which challenges Amendment 79 to Substitute House Bill No. 1080 as being beyond the Scope and Object of the bill.

The title of Substitute House Bill No. 1080 is "AN ACT Relating to exempting certain nonurban areas from outdoor burning permit requirements"

The title is relatively narrow. The bill amended RCW 70.94.745.

Amendment 79 would add a subsection to the bill declaring that the burning of orchard prunings and irrigation ditches shall be considered outdoor burning and thus exempt.

If amendment 79 had been the first amendment considered then it might very well be viewed as being outside the scope and object of the bill presented to you.

Prior to the motion to adopt 79 the House had previously adopted three other amendments, including amendments 72 and 125. The earlier amendments expanded the object of the bill so as to include the materials which may be burned. When ruling on scope and object the Speaker will look to the bill as it exists at the time the objection is raised.

Representative Rust, Your Point of Order is not well taken.

Representatives Honeyford and Mastin spoke in favor of the adoption of the amendment.

Representative Mastin again spoke in favor of the adoption of the amendment.

Representative Rust spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington and Chandler spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1080.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1080, and the bill passed the House by the following vote: Yeas - 76, Nays - 18, Absent - 1, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Robertson, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 76.

Voting nay: Representatives Brown, Chopp, Cole, Conway, Dellwo, Dickerson, Fisher, R., Mason, Ogden, Patterson, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 18.

Absent: Representative Horn - 1.

Excused: Representatives Blanton, Grant and Schmidt, D. - 3.

Engrossed Substitute House Bill No. 1080, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I voted YEA on Substitute House Bill No. 1080 but my button failed to register. Apparently I was still set to the podium where I had just finished presiding.

JIM HORN, 41st District

There being no objection, the House reverted to House Bill No. 1142.

SPEAKER'S RULING

Representative Cole: The Speaker is prepared to Rule on your Point of Order which challenges Amendment 89 to House Bill No. 1142 as being beyond the Scope and Object of the bill.

The title of House Bill No. 1142 is "AN ACT Relating to the questioning of students regarding personal beliefs and practices."

The title is relatively narrow in that it relates only to the questioning of students regarding their personal beliefs and practices. The bill adds a new section to chapter 28A.600 RCW.

Amendment 89 would add to House Bill No. 1142 a subsection providing that the rights of students to freely express and incorporate their beliefs into practice must not be unduly restricted.

The underlying bill is a restriction on what questions can be asked of students without parental consent, the amendment addresses the ability of students to exercise constitutional rights.

The Speaker find's that amendment 89 would expand the scope and object of the underlying House Bill No. 1142 and is therefor beyond the scope and object of the bill.

Representative Cole, Your Point of Order is well taken.

There being no objection, the rules were suspended, the second reading considered the third and the bill be placed on final passage.

Representatives Lambert, Johnson, Benton, Smith, G. Fisher, Backlund and Padden spoke in favor of passage of the bill.

Representatives Cole, Rust and Tokuda spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1142.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1142, and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 81.

Voting nay: Representatives Brown, Cody, Cole, Dellwo, Fisher, R., Hatfield, Regala, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 14.

Excused: Representatives Blanton, Grant and Schmidt, D. - 3.

House Bill No. 1142, having received the constitutional majority, was declared passed.

There being no objection, the House immediately considered House Bill No. 1574.

HOUSE BILL NO. 1574, by Representatives Elliot, Sheldon, Fuhrman, Valle, McMorris, Schoesler and Radcliff

Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations.

The bill was read the second time. There being no objection, Substitute House Bill No. 1574 was substituted for House Bill No. 1574 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1574 was read the second time.

With the consent of the House, amendment number 90 to Substitute House Bill No. 1574 was withdrawn.

Representative Elliot moved adoption of the following amendment by Representative Elliot:

On page 4, after line 22, strike all of section 3 and insert the following:

"**Sec. 3.** RCW 78.44.087 and 1994 c 232 s 23 are each amended to read as follows:

(1) The department shall not issue a reclamation permit until the applicant has deposited with the department an acceptable performance security on forms prescribed and furnished by the department. A public or governmental agency shall not be required to post performance security nor shall a permit holder be required to post surface mining performance security with more than one state or local agency, except as provided in subsection (9) of this section.

(2) This performance security may be:

~~((1))~~ (a) Bank letters of credit acceptable to the department;

~~((2))~~ (b) A cash deposit;

~~((3))~~ (c) Negotiable securities acceptable to the department;

~~((4))~~ (d) An assignment of a savings account;

~~((5))~~ (e) A savings certificate in a Washington bank on an assignment form prescribed by the department;

~~((6))~~ (f) Assignments of interests in real property within the state of Washington; or

~~((7))~~ (g) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

(3) The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules adopted under it.

(4) The department shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved.

(5) The department may increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation. The department may, for any reason, refuse any performance security not deemed adequate.

(6) Liability under the performance security shall be maintained until reclamation is completed according to the approved reclamation plan to the satisfaction of the department unless released as hereinafter provided. Liability under the performance security may be released only upon written notification by the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute performance security. The liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.

(7) Any interest or appreciation on the performance security shall be held by the department until reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder; except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security.

(8) Except as provided in this section, no other state agency or local government shall require performance security for the purposes of surface mine reclamation and only one agency of government shall require and hold the performance security. The department may enter into written agreements with federal agencies in order to avoid redundant bonding of surface mines straddling boundaries between federally controlled and other lands within Washington state.

~~((The department and the department of ecology shall jointly require performance security for metals mining and milling operations regulated under chapter 232, Laws of 1994.))~~

(9) The department of ecology shall not issue necessary permits to an applicant for a metals mining and milling operation as defined in RCW 78.56.020 until the applicant has deposited an acceptable performance security pursuant to the requirements of RCW 78.56.110.

(a) A public or governmental agency shall not be required to post surface mine reclamation performance security nor shall a permit holder be required to post surface mine reclamation performance security with any agency other than the department of natural resources.

(b) A single performance security, when acceptable to both the department of natural resources and the department of ecology, may be utilized to satisfy the requirements of this section and RCW 78.56.110."

Representative Elliot spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Elliot and Basich spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1574.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1574, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Grant and Schmidt, D. - 3.

Engrossed Substitute House Bill No. 1574, having received the constitutional majority, was declared passed.

There being no objection, the House immediately considered Engrossed Senate Bill No. 5925.

ENGROSSED SENATE BILL NO. 5925, by Senator Pelz

Modifying the determination of unemployment insurance contribution rates.

The bill was read the second time.

Representative Conway moved adoption of the following amendment by Representative Conway:

On page 3, beginning on line 28, strike all material through the end of line 1 on page 4, and insert the following:

" 0.00 5.00 1 0.36 0.36 0.46 0.86 1.36 1.76 2.28
5.01 10.00 2 0.36 0.36 0.66 1.06 1.56 1.90 2.47
10.01 15.00 3 0.46 0.46 0.86 1.23 1.62 2.09 2.65
15.01 20.00 4 0.46 0.65 1.03 1.42 1.80 2.27 2.84
20.01 25.00 5 0.66 0.84 1.22 1.61 1.99 2.46 2.93
25.01 30.00 6 0.86 1.03 1.40 1.80 2.18 2.55 3.02
30.01 35.00 7 0.96 1.21 1.59 1.99 2.36 2.73 3.11
35.01 40.00 8 1.16 1.40 1.77 2.17 2.54 2.92 3.29
40.01 45.00 9 1.36 1.58 1.95 2.36 2.73 3.10 3.47
45.01 50.00 10 1.56 1.76 2.12 2.54 2.91 3.28 3.65
50.01 55.00 11 1.86 2.02 2.30 2.72 3.09 3.45 3.74
5.01 60.00 12 2.06 2.19 2.47 2.90 3.26 3.63 3.92
60.01 65.00 13 2.26 2.36 2.64 3.08 3.44 3.81 4.09
65.01 70.00 14 2.46 2.53 2.81 3.26 3.62 3.98 4.27
70.01 75.00 15 2.76 2.70 2.97 3.43 3.79 4.15 4.35
75.01 80.00 16 2.96 2.86 3.14 3.61 3.96 4.24 4.44
80.01 85.00 17 3.16 3.02 3.30 3.78 4.14 4.41 4.53
85.01 90.00 18 3.56 4.14 4.26 4.12 4.39 4.50 4.70
90.01 95.00 19 3.96 5.40 5.80 6.00 6.20 6.40 6.60
95.01 100.00 20 5.40 5.80 6.20 6.60 7.00 7.40 7.80"

On page 4, line 6, after "assigned" strike all material through "percent" and insert "~~(the)~~ a contribution rate ~~((of five and six tenths))~~ that is two-tenths percent above the maximum rate in effect for the applicable rate year"

On page 4, line 12, after "to" strike "five and six-tenths percent" and insert "~~((five and six-tenths))~~ a rate that is two-tenths percent above the maximum rate in effect"

On page 6, beginning on line 6, strike all material through the end of line 25 and insert the following:

~~"(0.00 5.00 1 0.48 0.48 0.58 0.98 1.48 1.88 2.48
5.01 10.00 2 0.48 0.48 0.78 1.18 1.68 2.08 2.68
10.01 15.00 3 0.58 0.58 0.98 1.38 1.78 2.28 2.88
15.01 20.00 4 0.58 0.78 1.18 1.58 1.98 2.48 3.08
20.01 25.00 5 0.78 0.98 1.38 1.78 2.18 2.68 3.18
25.01 30.00 6 0.98 1.18 1.58 1.98 2.38 2.78 3.28
30.01 35.00 7 1.08 1.38 1.78 2.18 2.58 2.98 3.38
35.01 40.00 8 1.28 1.58 1.98 2.38 2.78 3.18 3.58
40.01 45.00 9 1.48 1.78 2.18 2.58 2.98 3.38 3.78
45.01 50.00 10 1.68 1.98 2.38 2.78 3.18 3.58 3.98
50.01 55.00 11 1.98 2.28 2.58 2.98 3.38 3.78 4.08
55.01 60.00 12 2.18 2.48 2.78 3.18 3.58 3.98 4.28
60.01 65.00 13 2.38 2.68 2.98 3.38 3.78 4.18 4.48
65.01 70.00 14 2.58 2.88 3.18 3.58 3.98 4.38 4.68
70.01 75.00 15 2.88 3.08 3.38 3.78 4.18 4.58 4.78
75.01 80.00 16 3.08 3.28 3.58 3.98 4.38 4.68 4.88
80.01 85.00 17 3.28 3.48 3.78 4.18 4.58 4.88 4.98
85.01 90.00 18 3.68 3.88 4.18 4.58 4.88 4.98 5.18
90.01 95.00 19 4.08 4.28 4.58 4.98 5.08 5.18 5.38
95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40))~~

0.00 5.00 1 0.48 0.48 0.58 0.98 1.48 1.88 2.40
5.01 10.00 2 0.48 0.48 0.78 1.18 1.68 2.02 2.59
10.01 15.00 3 0.58 0.58 0.98 1.35 1.74 2.21 2.77
15.01 20.00 4 0.58 0.77 1.15 1.54 1.92 2.39 2.96
20.01 25.00 5 0.78 0.96 1.34 1.73 2.11 2.58 3.05
25.01 30.00 6 0.98 1.15 1.52 1.92 2.30 2.67 3.14
30.01 35.00 7 1.08 1.33 1.71 2.11 2.48 2.85 3.23
35.01 40.00 8 1.28 1.52 1.89 2.29 2.66 3.04 3.41
40.01 45.00 9 1.48 1.70 2.07 2.48 2.85 3.22 3.59
45.01 50.00 10 1.68 1.88 2.24 2.66 3.03 3.40 3.77
50.01 55.00 11 1.98 2.14 2.42 2.84 3.21 3.57 3.86
55.01 60.00 12 2.18 2.31 2.59 3.02 3.38 3.75 4.04
60.01 65.00 13 2.38 2.48 2.76 3.20 3.56 3.93 4.21
65.01 70.00 14 2.58 2.65 2.93 3.38 3.74 4.10 4.39
70.01 75.00 15 2.88 2.82 3.09 3.55 3.91 4.27 4.47
75.01 80.00 16 3.08 2.98 3.26 3.73 4.08 4.36 4.56
80.01 85.00 17 3.28 3.14 3.42 3.90 4.26 4.53 4.65
85.01 90.00 18 3.68 4.26 4.38 4.24 4.51 4.62 4.82
90.01 95.00 19 4.08 5.52 5.92 6.12 6.32 6.52 6.72
95.01 100.00 20 5.40 5.80 6.20 6.60 7.00 7.40 7.80"

On page 6, line 30, after "assigned" strike all material through "percent" and insert "~~((the))~~ a contribution rate ~~((of five and six-tenths))~~ that is two-tenths percent above the maximum rate in effect for the applicable rate year"

On page 6, line 36, after "to" strike "five and six-tenths percent" and insert "~~((five and six-tenths))~~ a rate that is two-tenths percent above the maximum rate in effect"

Representative Conway spoke in favor of the adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

Representative Conway asked Representative Lisk to yield to a question and it was denied.

The amendment was not adopted.

Representative Cody moved adoption of the following amendment by Representative Cody:

On page 4, beginning on line 28, strike all of section 2 and insert the following:

"**Sec. 2.** RCW 50.29.025 and 1995 c . . . s 1 (section 1 of this act) are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year ((except that during rate year 1995 tax schedule AA shall be in effect)). The intervals for determining the effective tax schedule shall be:

Interval of the
Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

~~((2.90))~~ 3.90 and above AA
~~((2.50 to 2.89))~~ 3.40 to 3.89 A
~~((2.40 to 2.49))~~ 2.90 to 3.39 B
~~((1.70 to 2.09))~~ 2.40 to 2.89 C
~~((1.30 to 1.69))~~ 1.90 to 2.39 D
~~((1.00 to 1.29))~~ 1.40 to 1.89 E
Less than ~~((1.00))~~ 1.40 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of
Cumulative Schedule of Contribution Rates
Taxable Payrolls for Effective Tax Schedule

Rate

From To Class AA A B C D E F

0.00	5.00	1	0.36	0.36	0.46	0.86	1.36	1.76	2.36
5.01	10.00	2	0.36	0.36	0.66	1.06	1.56	1.96	2.56
10.01	15.00	3	0.46	0.46	0.86	1.26	1.66	2.16	2.76
15.01	20.00	4	0.46	0.66	1.06	1.46	1.86	2.36	2.96
20.01	25.00	5	0.66	0.86	1.26	1.66	2.06	2.56	3.06
25.01	30.00	6	0.86	1.06	1.46	1.86	2.26	2.66	3.16
30.01	35.00	7	0.96	1.26	1.66	2.06	2.46	2.86	3.26
35.01	40.00	8	1.16	1.46	1.86	2.26	2.66	3.06	3.46
40.01	45.00	9	1.36	1.66	2.06	2.46	2.86	3.26	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.86	2.16	2.46	2.86	3.26	3.66	3.96
55.01	60.00	12	2.06	2.36	2.66	3.06	3.46	3.86	4.16
60.01	65.00	13	2.26	2.56	2.86	3.26	3.66	4.06	4.36
65.01	70.00	14	2.46	2.76	3.06	3.46	3.86	4.26	4.56
70.01	75.00	15	2.76	2.96	3.26	3.66	4.06	4.46	4.66
75.01	80.00	16	2.96	3.16	3.46	3.86	4.26	4.56	4.76
80.01	85.00	17	3.16	3.36	3.66	4.06	4.46	4.76	4.86
85.01	90.00	18	3.56	3.76	4.06	4.46	4.76	4.86	5.06
90.01	95.00	19	3.96	4.16	4.46	4.86	4.96	5.06	5.26
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code."

On page 8, line 1, strike "January 1, 1998" and insert "December 1, 1996"

On page 8, line 2, strike "1" and insert "2"

Representatives Cody and Conway spoke in favor of the adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved adoption of the following amendment by Representative Conway:

On page 7, beginning on line 10, after "(1)" strike all material through "committees" on line 12 and insert "The joint task force on unemployment insurance created by section 22, chapter 482, Laws of 1993 (uncodified), and extended by section 1, chapter 199, Laws of 1994 (uncodified),"

On page 7, line 25, after "the" strike the remainder of the subsection and insert "task force."

On page 7, line 28, after "The" strike "department" and insert "task force"

On page 7, line 30, after "(3) The" strike "department" and insert "task force"

On page 7, line 32, after "The" strike "department" and insert "task force"

Representative Conway spoke in favor of the adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Veloria moved adoption of the following amendment by Representative Veloria:

On page 7, line 24, after "mechanism;" strike "and"

On page 7, line 25, after "(e)" insert "The impact of any recommendations for modifying the existing funding mechanism on the extended benefits program and long-term unemployment in the state; and

(f)"

Representative Veloria spoke in favor of the adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved adoption of the following amendment by Representative Conway:

On page 7, line 24, after "mechanism;" strike "and"

On page 7, line 25, after "(e)" insert "The impact of any recommendations for modifying the existing funding mechanism on the comparative tax burden of employers in the various tax rate classes, including an examination of the options for modifying the current financing system to reduce any disparities in the tax burden; and

(f)"

Representative Conway spoke in favor of the adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Cole moved adoption of the following amendment by Representative Cole:

On page 7, after line 33, insert the following:

"NEW SECTION. Sec. 4. RCW 50.16.092 and 1993 c 226 s 5 are each repealed."

On page 7, line 34, strike "Section 1 of this act is" and insert "Sections 1 and 4 of this act are"

Representatives Cole and Ebersole spoke in favor of the adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Romero moved adoption of the following amendment by Representative Romero:

On page 1, beginning on line 6, strike all of sections 1 and 2 and insert the following:

"**Sec. 1.** RCW 50.29.025 and 1993 c 483 s 21 and 1993 c 226 s 13 are each reenacted and amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year except that during rate year 1995 tax schedule AA shall be in effect. The intervals for determining the effective tax schedule shall be:

Interval of the
Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

~~((3.90))~~ 2.90 and above AA
~~((3.40 to 3.89))~~ 2.50 to 2.89 A
~~((2.90 to 3.39))~~ 2.10 to 2.49 B
~~((2.40 to 2.89))~~ 1.60 to 2.09 C
~~((1.90 to 2.39))~~ 1.10 to 1.59 D
~~((1.40 to 1.89))~~ 0.60 to 1.09 E
Less than ~~((1.40))~~ 0.60 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of
Cumulative Schedule of Contribution Rates
Taxable Payrolls for Effective Tax Schedule

((Rate

From	To	Class	AA	A	B	C	D	E	F
0.00	5.00	1	0.48	0.36	0.46	0.86	1.36	1.76	2.36
5.01	10.00	2	0.48	0.36	0.66	1.06	1.56	1.96	2.56
10.01	15.00	3	0.58	0.46	0.86	1.26	1.66	2.16	2.76

~~15.01 20.00 4 0.58 0.66 1.06 1.46 1.86 2.36 2.96~~
~~20.01 25.00 5 0.78 0.86 1.26 1.66 2.06 2.56 3.06~~
~~25.01 30.00 6 0.98 1.06 1.46 1.86 2.26 2.66 3.16~~
~~30.01 35.00 7 1.08 1.26 1.66 2.06 2.46 2.86 3.26~~
~~35.01 40.00 8 1.28 1.46 1.86 2.26 2.66 3.06 3.46~~
~~40.01 45.00 9 1.48 1.66 2.06 2.46 2.86 3.26 3.66~~
~~45.01 50.00 10 1.68 1.86 2.26 2.66 3.06 3.46 3.86~~
~~50.01 55.00 11 1.98 2.16 2.46 2.86 3.26 3.66 3.96~~
~~55.01 60.00 12 2.18 2.36 2.66 3.06 3.46 3.86 4.16~~
~~60.01 65.00 13 2.38 2.56 2.86 3.26 3.66 4.06 4.36~~
~~65.01 70.00 14 2.58 2.76 3.06 3.46 3.86 4.26 4.56~~
~~70.01 75.00 15 2.88 2.96 3.26 3.66 4.06 4.46 4.66~~
~~75.01 80.00 16 3.08 3.16 3.46 3.86 4.26 4.56 4.76~~
~~80.01 85.00 17 3.28 3.36 3.66 4.06 4.46 4.76 4.86~~
~~85.01 90.00 18 3.68 3.76 4.06 4.46 4.76 4.86 5.06~~
~~90.01 95.00 19 4.08 4.16 4.46 4.86 4.96 5.06 5.26~~
~~95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40))~~

Rate

From To Class AA A B C D E F

0.00 5.00 1 0.36 0.36 0.46 0.86 1.36 1.76 2.36
5.01 10.00 2 0.36 0.36 0.66 1.06 1.56 1.96 2.56
10.01 15.00 3 0.46 0.46 0.86 1.26 1.66 2.16 2.76
15.01 20.00 4 0.46 0.66 1.06 1.46 1.86 2.36 2.96
20.01 25.00 5 0.66 0.86 1.26 1.66 2.06 2.56 3.06
25.01 30.00 6 0.86 1.06 1.46 1.86 2.26 2.66 3.16
30.01 35.00 7 0.96 1.26 1.66 2.06 2.46 2.86 3.26
35.01 40.00 8 1.16 1.46 1.86 2.26 2.66 3.06 3.46
40.01 45.00 9 1.36 1.66 2.06 2.46 2.86 3.26 3.66
45.01 50.00 10 1.56 1.86 2.26 2.66 3.06 3.46 3.86
50.01 55.00 11 1.86 2.16 2.46 2.86 3.26 3.66 3.96
55.01 60.00 12 2.06 2.36 2.66 3.06 3.46 3.86 4.16
60.01 65.00 13 2.26 2.56 2.86 3.26 3.66 4.06 4.36
65.01 70.00 14 2.46 2.76 3.06 3.46 3.86 4.26 4.56
70.01 75.00 15 2.76 2.96 3.26 3.66 4.06 4.46 4.66
75.01 80.00 16 2.96 3.16 3.46 3.86 4.26 4.56 4.76
80.01 85.00 17 3.16 3.36 3.66 4.06 4.46 4.76 4.86
85.01 90.00 18 3.56 3.76 4.06 4.46 4.76 4.86 5.06
90.01 95.00 19 3.96 4.16 4.46 4.86 4.96 5.06 5.26
95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be

less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 2. RCW 50.29.025 and 1995 c. . . s 1 (section 1 of this act) are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year ((except that during rate year 1995 tax schedule AA shall be in effect)). The intervals for determining the effective tax schedule shall be:

Interval of the
Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

~~((2.90))~~ 3.90 and above AA
~~((2.50 to 2.89))~~ 3.40 to 3.89 A
~~((2.10 to 2.49))~~ 2.90 to 3.39 B
~~((1.60 to 2.09))~~ 2.40 to 2.89 C
~~((1.10 to 1.59))~~ 1.90 to 2.39 D
~~((0.60 to 1.09))~~ 1.40 to 1.89 E
Less than ~~((0.60))~~ 1.40 F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of
Cumulative Schedule of Contribution Rates
Taxable Payrolls for Effective Tax Schedule
Rate

From To Class AA A B C D E F

0.00	5.00	1	0.36	0.36	0.46	0.86	1.36	1.76	2.36
5.01	10.00	2	0.36	0.36	0.66	1.06	1.56	1.96	2.56
10.01	15.00	3	0.46	0.46	0.86	1.26	1.66	2.16	2.76
15.01	20.00	4	0.46	0.66	1.06	1.46	1.86	2.36	2.96

20.01	25.00	5	0.66	0.86	1.26	1.66	2.06	2.56	3.06
25.01	30.00	6	0.86	1.06	1.46	1.86	2.26	2.66	3.16
30.01	35.00	7	0.96	1.26	1.66	2.06	2.46	2.86	3.26
35.01	40.00	8	1.16	1.46	1.86	2.26	2.66	3.06	3.46
40.01	45.00	9	1.36	1.66	2.06	2.46	2.86	3.26	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.86	2.16	2.46	2.86	3.26	3.66	3.96
55.01	60.00	12	2.06	2.36	2.66	3.06	3.46	3.86	4.16
60.01	65.00	13	2.26	2.56	2.86	3.26	3.66	4.06	4.36
65.01	70.00	14	2.46	2.76	3.06	3.46	3.86	4.26	4.56
70.01	75.00	15	2.76	2.96	3.26	3.66	4.06	4.46	4.66
75.01	80.00	16	2.96	3.16	3.46	3.86	4.26	4.56	4.76
80.01	85.00	17	3.16	3.36	3.66	4.06	4.46	4.76	4.86
85.01	90.00	18	3.56	3.76	4.06	4.46	4.76	4.86	5.06
90.01	95.00	19	3.96	4.16	4.46	4.86	4.96	5.06	5.26
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned the contribution rate of five and six-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and six-tenths percent for the current rate year;

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989 amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is "013", "016", "017", "018", "019", "021", or "081"; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code."

On page 8, line 1, strike "January 1, 1998" and insert "December 1, 1996"

On page 8, line 2, strike "1" and insert "2"

Representative Romero spoke in favor of the adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

The amendment was not adopted.

Engrossed Senate Bill No. 5925 was passed to the Rules Committee.

There being no objection, the House considered the following bills in the following order: House Bill No. 1322, House Bill No. 1329 and House Bill No. 1331.

HOUSE BILL NO. 1322, by Representatives Van Luven, G. Fisher, Hatfield, Ballasiotes, Mitchell, Hymes, Johnson, L. Thomas, Campbell, Kremen and Basich

Affecting the property taxation of senior citizens and persons retired because of physical disabilities.

The bill was read the second time.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

On page 3, line 7, strike "twenty-eight" and insert "~~((twenty-eight))~~ thirty"

On page 5, line 20, strike "twenty-eight" and insert "~~((twenty-eight))~~ thirty"

On page 5, line 34, strike "twenty-eight" and insert "thirty"

Representative G. Fisher spoke in favor of the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

Representatives B. Thomas and Carlson spoke against the adoption of the amendment.

Representative G. Fisher again spoke in favor of the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the amendment on page 3, line 7, to House Bill No. 1322 and the amendment was not adopted by the following vote: Yeas - 36, Nays - 59, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Basich, Benton, Brown, Buck, Chappell, Chopp, Cody, Cole, Conway, Costa, Crouse, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hankins, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Scott, Sheldon, Tokuda, Veloria and Wolfe - 36.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Boldt, Brumsickle, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Rust, Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 59.

Excused: Representatives Blanton, Grant and Schmidt, D. - 3.

Representative Hargrove moved adoption of the following amendment by Representative Hargrove:

On page 6, after line 27, insert:

"NEW SECTION. Sec. 6. The department of revenue shall review the effect of the valuation freeze in RCW 84.36.381(6) on taxpayers who are not eligible for the freeze. The department shall develop alternative methods that could used to prevent tax shifts as result of the freeze, and report on those alternatives to the fiscal committees of the senate and house of representatives on or before December 31, 1995."

Representatives Hargrove and Morris spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven and Morris spoke in favor of passage of the bill.

Representatives Mason and Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1322.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1322, and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 86.

Voting nay: Representatives Chopp, Dickerson, Fisher, R., Mason, Regala, Rust, Sommers, Thibaudeau and Tokuda - 9.

Excused: Representatives Blanton, Grant and Schmidt, D. - 3.

Engrossed House Bill No. 1322, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1329, by Representatives Dyer, Dellwo, Cody and Conway; by request of Department of Health

Regulating food industry safety.

The bill was read the second time. There being no objection, Substitute House Bill No. 1329 was substituted for House Bill No. 1329 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1329 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer, Dellwo and Backlund spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1329.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Grant - 2.

Substitute House Bill No. 1329, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1331, by Representatives Dyer, Dellwo, Skinner and Backlund; by request of Department of Health

Changing certain health professional examination procedures.

The bill was read the second time. There being no objection, Substitute House Bill No. 1331 was substituted for House Bill No. 1331 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1331 was read the second time.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 11, after line 16, insert the following:

"NEW SECTION. Sec. 18. A new section is added to chapter 18.130 RCW to read as follows:

The secretary of health shall coordinate and review all proposed rules, interpretive statements, policy statements, and declaratory orders, as defined in chapter 34.05 RCW, that are proposed for adoption or issuance by any health profession board or commission vested with rule-making authority identified under RCW 18.130.040(2)(b). The secretary shall review the proposed rules, interpretive statements, policy statements, and declaratory orders against criteria that include, but are not limited to, the effect of the proposed rule, statement, or order upon existing health care policies, and the effect of the proposed rule, statement, or order upon the practice of health professionals. Within thirty days of the receipt of a proposed rule, interpretive statement, policy statement, or declaratory order from the originating board or commission, the secretary shall inform the board or commission of the results of the secretary's review, and shall provide any comments or suggestions that the secretary deems appropriate. Emergency rule making, as defined in RCW 34.05.350, is not subject to this review process. The secretary shall adopt rules and procedures for the coordination and review of proposed rules, interpretive statements, policy statements, and declaratory orders."

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1331.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1331, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Fisher, G. - 1.

Excused: Representatives Blanton and Grant - 2.

Engrossed Substitute House Bill No. 1331, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Foreman, the House adjourned until 8:30 a.m., Wednesday, March 8, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTY-EIGHTH DAY, MARCH 7, 1995

JOURNAL OF THE HOUSE

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

FIFTY-NINTH DAY

—————
MORNING SESSION

—————
House Chamber, Olympia, Wednesday, March 8, 1995

The House was called to order at 8:30 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Katherine Engan and Ann Huber. Prayer was offered by Reverend Ralph Vreugdenhill, Puyallup Church of Nazarene.

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

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

MESSAGE FROM THE SENATE

March 7, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5024,
SUBSTITUTE SENATE BILL NO. 5026,
SUBSTITUTE SENATE BILL NO. 5040,
SENATE BILL NO. 5078,
SENATE BILL NO. 5098,
SUBSTITUTE SENATE BILL NO. 5118,
SENATE BILL NO. 5124,
SENATE BILL NO. 5142,
SENATE BILL NO. 5165,
SENATE BILL NO. 5286,
SUBSTITUTE SENATE BILL NO. 5367,
SENATE BILL NO. 5369,
SUBSTITUTE SENATE BILL NO. 5374,
SUBSTITUTE SENATE BILL NO. 5377,
SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5406,
SENATE BILL NO. 5652,
ENGROSSED SENATE BILL NO. 5691,

SUBSTITUTE SENATE BILL NO. 5739,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2073 by Representatives K. Schmidt, Blanton and Hankins

AN ACT Relating to transportation diversions and exemptions; amending RCW 82.38.080; repealing RCW 82.36.275; and providing an effective date.

Referred to Committee on Transportation.

HB 2074 by Representatives Backlund, Lambert, Reams, Van Luven, Dyer, Horn, K. Schmidt and R. Fisher

AN ACT Relating to transportation appropriations; amending 1994 c 303 s 20 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5024 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Smith, Winsley, McCaslin, Rasmussen, Bauer, Schow and Oke; by request of Department of Corrections)

Requiring offenders to assist in paying for certain health care services.

Referred to Committee on Corrections.

SSB 5026 by Senate Committee on Government Operations (originally sponsored by Senator Smith)

Separating the duties of coroner and prosecuting attorney.

Referred to Committee on Government Operations.

SSB 5040 by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Prescribing the selection process for district court districting committees.

Referred to Committee on Government Operations.

SB 5078 by Senators Fraser, Prentice, Newhouse and Sellar

Concerning premium finance agreements.

Referred to Committee on Financial Institutions & Insurance.

SB 5098 by Senators Loveland and Winsley

Reenacting sections about county financial functions.

Referred to Committee on Government Operations.

SSB 5118 by Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Long, Bauer, Loveland and Fraser)

Calculating excess compensation for retirement purposes.

Referred to Committee on Appropriations.

SB 5124 by Senators Wojahn, Sheldon, Prentice, C. Anderson, McAuliffe and Kohl

Revising provisions concerning marriage licenses.

Referred to Committee on Law & Justice.

SB 5142 by Senators Quigley and Sellar

Extending authority to enter into payment agreements.

Referred to Committee on Financial Institutions & Insurance.

SB 5165 by Senator Smith

Revising the statute of limitations for negotiable instruments.

Referred to Committee on Law & Justice.

SB 5286 by Senators Bauer, Wood, Sheldon and Kohl; by request of Higher Education Coordinating Board

Changing provisions relating to the state educational grant account.

Referred to Committee on Higher Education.

SSB 5367 by Senate Committee on Law & Justice (originally sponsored by Senators Smith and Roach)

Clarifying penalties for failure to obey an officer.

Referred to Committee on Law & Justice.

SB 5369 by Senators Haugen and Winsley

Allowing a majority vote to authorize merger of fire protection districts.

Referred to Committee on Government Operations.

SSB 5374 by Senate Committee on Law & Justice (originally sponsored by Senators Smith and Roach)

Creating registered limited liability partnerships.

Referred to Committee on Law & Justice.

SSB 5377 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Quigley and Fairley; by request of Department of Social and Health Services)

Modifying physician self-referral provisions.

Referred to Committee on Health Care.

SB 5401 by Senators Quigley, Winsley, Moyer and C. Anderson; by request of Department of Labor & Industries

Extending deadlines for studies of medical benefits for injured workers under a consolidated health care system.

Referred to Committee on Health Care.

SSB 5406 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Sellar and C. Anderson)

Continuing market interest rates for consumer credit transactions.

Referred to Committee on Financial Institutions & Insurance.

SB 5652 by Senators Gaspard, McDonald, Smith, Quigley, Wojahn, Hargrove, Heavey, Winsley, Sheldon, Fraser, Loveland, Fairley, Oke, McAuliffe, Spanel, Kohl, Franklin, Drew, Haugen, Owen, Bauer, Snyder, Deccio and Rasmussen

Temporarily prohibiting public assistance payments for willful violators of public assistance eligibility provisions.

Referred to Committee on Children & Family Services.

ESB 5691 by Senators Rasmussen, Newhouse, Loveland, Sellar and Hochstatter

Authorizing certain commodity commissions to raise assessments in excess of the fiscal growth factor.

Referred to Committee on Agriculture & Ecology.

SSB 5739 by Senate Committee on Ways & Means (originally sponsored by Senators Strannigan, Rinehart, Johnson, Quigley, Long, Owen, Cantu, Hale, Finkbeiner, McCaslin, Palmer, Hochstatter, McDonald, Spanel, Schow, Prentice, Moyer, Loveland, Swecker, West, Rasmussen, Smith, Drew, Haugen, Franklin, Fairley, A. Anderson, Wojahn, Heavey, McAuliffe, Kohl, Hargrove, Oke and Bauer)

Exempting certain sales by nonprofit organizations from sales and use taxes.

Referred to Committee on Finance.

MOTION

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

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

THIRD READING

ENGROSSED SENATE BILL NO. 5925, by Senator Pelz

Modifying the determination of unemployment insurance contribution rates.

The bill was read the third time.

Representatives Lisk, Dyer, Chandler, Thompson and Sheldon spoke in favor of passage of the bill.

Representatives Romero, Conway, Ebersole and Brown spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5925.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5925, and the bill passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Brown, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Hatfield, Jacobsen, Mason, Morris, Ogden, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 29.

Excused: Representative Ballasiotes - 1.

Engrossed Senate Bill No. 5925, having received the constitutional majority, was declared passed.

With the consent of the House, Engrossed Senate Bill No. 5925 was immediately transmitted to the Senate.

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

SECOND READING

There being no objection, the House considered the following bills in the following order on the Suspension Calendar: House Bill No. 1857, House Bill No. 1893, House Bill No. 1082 and House Bill No. 1084.

HOUSE BILL NO. 1857, by Representatives Pelesky, Carrell, L. Thomas, Hargrove and B. Thomas

Defining terms that relate to title insurers.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Pelesky spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1857.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1857, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

Substitute House Bill No. 1857, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1893, by Representatives Ballasiotes and Blanton

Authorizing the secretary of corrections to delegate authority to certify records and documents.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Sherstad spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1893.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1893, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

House Bill No. 1893, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1082, by Representatives Cooke, Sommers, Carlson, Dellwo, Sehlin, Kessler, Valle, Romero, Cody and Basich

Calculating excess compensation for retirement purposes.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Cooke spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1082.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1082, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria and Mr. Speaker - 95.

Absent: Representative Wolfe - 1.

Excused: Representatives Ballasiotes and Van Luven - 2.

Substitute House Bill No. 1082, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Substitute House Bill No. 1082.

CATHY WOLFE, 22nd District

HOUSE BILL NO. 1084, by Representatives Sehlin, Carlson, Sommers, Cooke, Dellwo, Campbell, L. Thomas, Kessler, Valle, Costa, Cody, Veloria, Mastin, Thibaudeau, Kremen, Mason, Scott, Morris, Honeyford and Appelwick

Providing death benefits under LEOFF.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1084.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1084, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp,

Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

Substitute House Bill No. 1084, having received the constitutional majority, was declared passed.

There being no objection, the House will proceed down the Suspension Calendar skipping House Bill No. 1131.

HOUSE BILL NO. 1112, by Representatives Silver, Sommers, Romero, Wolfe, Huff, Stevens, Johnson, Brumsickle and Mason; by request of Department of General Administration

Clarifying and streamlining the use of funds within the department of general administration.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Silver spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1112.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1112, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

House Bill No. 1112, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1259, by Representatives Lisk and Horn

Limiting administration and enforcement of chapter 49.78 RCW.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1259.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1259, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

Substitute House Bill No. 1259, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1295, by Representatives Carlson, Sommers, Sehlin and Basich; by request of Department of Retirement Systems

Providing retirement system benefits upon death of member or retiree.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Carlson spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1295.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1295, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

House Bill No. 1295, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1296, by Representatives Sommers, Carlson and Sehlin; by request of Department of Retirement Systems

Making retirement contributions and payments.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Sommers spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1296.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1296, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

House Bill No. 1296, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1297, by Representatives Sehlin, Sommers and Carlson; by request of Department of Retirement Systems

Calculating retiree benefits.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1297.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1297, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp,

Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

House Bill No. 1297, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1343, by Representatives Casada, Kessler and Basich; by request of Utilities & Transportation Commission

Removing the requirement that a schedule of port rates and charges be filed with the utilities and transportation commission.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Casada spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1343.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1343, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 95.

Absent: Representative Cody - 1.

Excused: Representatives Ballasiotes and Van Luven - 2.

House Bill No. 1343, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on House Bill No. 1343.

EILEEN CODY, 11th District

HOUSE BILL NO. 1383, by Representatives Reams, Scott, Rust and Hargrove

Clarifying annexation authority by municipal corporations providing sewer or water service of unincorporated territory.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Reams spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1383.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1383, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

Substitute House Bill No. 1383, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1583, by Representatives L. Thomas, Backlund, Huff, Chappell, Wolfe, Buck and Kessler; by request of State Auditor

Changing whistleblower provisions.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1583.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1583, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk,

Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Ballasiotes and Van Luven - 2.

House Bill No. 1583, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1624, by Representatives Hymes, Carlson, Brumsickle, Hargrove, Morris, Casada, Buck, Radcliff, Benton, Grant, Reams and Thompson

Increasing to five years the time after a preliminary plat is approved before a final plat must be submitted for approval.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading. The motion was carried.

Representative Hymes spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1624.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1624, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Romero - 1.

Excused: Representatives Ballasiotes and Van Luven - 2.

House Bill No. 1624, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

March 8, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5925,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE BILL NO. 5925,

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1648, by Representatives Lisk, Romero, Goldsmith and Thompson; by request of Employment Security Department

Revising provision relating to charges against industrial insurance awards.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1648.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1648, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1648, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1654, by Representatives Lambert, Stevens, Beeksma, Elliot, Crouse, Carlson, Pelesky, Hargrove, Clements, Backlund, Thompson, Huff and Smith

Revising advisement regulations for AIDS education.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representatives Lambert and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1654.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1654, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1654, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1669, by Representatives Beeksma, Sehlin, Quall, Hargrove, Hymes and Costa

Extending hotel/motel tax authorization for tourist promotional structures to cities wholly located on an island.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Beeksma spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Beeksma yielded to a question by Representative K. Schmidt.

Representative K. Schmidt: I have not had an opportunity to look at this bill since I do not serve on it's committee. Would this also include the city of Bainbridge Island?

Representative Beeksma: As I read it, it is counties that make up an Island.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1669.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1669, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1669, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1677, by Representatives Koster, Campbell, Radcliff, Sheldon, Brumsickle, Stevens, McMahan, Smith, Clements, McMorris, Sherstad and Robertson

Requiring school districts to obtain an appraisal before purchasing real property.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representatives Koster and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1677.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1677, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Benton - 1.

Substitute House Bill No. 1677, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1680, by Representatives Hickel, Appelwick and Padden; by request of Administrator for the Courts

Revising the distribution of interest on court fines.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1680.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1680, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Patterson - 1.

Substitute House Bill No. 1680, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1722, by Representatives Padden, Appelwick and Mastin; by request of Utilities & Transportation Commission

Exempting the UTC from administrative law judge requirements.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1722.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1722, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Silver - 1.

Substitute House Bill No. 1722, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1725, by Representatives Brumsickle, Wolfe and Conway

Regulating housing authorities.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1725.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1725, and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 87.

Voting nay: Representatives Benton, Blanton, Boldt, Casada, Fuhrman, Hankins, Hargrove, McMahan, Pennington, Silver and Stevens - 11.

House Bill No. 1725, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1790, by Representatives Reams, R. Fisher, Sommers and Dyer

Changing appointment provisions for the director of a combined city and county health department.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the bill be advanced to third reading.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1790.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1790, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins,

Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thiбаudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1790, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1809, by Representatives Dyer and Dickerson

Authorizing naturopaths to give direction to registered nurses.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1809.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1809, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thiбаudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1809, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1835, by Representatives Schoesler, Basich, Kremen, Mitchell and Beeksma

Revising standards relating to manufactured homes.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the engrossed bill (For committee amendment see Journal, 50th Day, February 27, 1995) be advanced to third reading.

Representative Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1835.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1835, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Engrossed House Bill No. 1835, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1853, by Representatives Smith, Padden, Campbell, Koster, Johnson, Blanton, Silver, Benton and Thompson

Requiring juvenile offenders to post a probation bond in specified cases.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Smith spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1853.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1853, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1853, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

AFTERNOON SESSION

The Clerk called the roll and a quorum was present.

MOTION

On motion of Representative Padden, the rules were suspended, and Substitute House Bill No. 1203 was returned to second reading for the purpose of an amendment.

SUBSTITUTE HOUSE BILL NO. 1203, by House Committee on Law & Justice (originally sponsored by Representatives Chappell and Robertson)

Prohibiting the purchase or consumption of liquor on licensed premises by persons under the influence of liquor.

The bill was read the second time.

Representative Padden moved adoption of the following amendment by Representative Padden:

On page 1, line 6, after "person" insert "apparently"

On page 1, beginning on line 10, after "(3)" strike everything through "66.44.180." on line 11, and insert "As used in this section and RCW 66.44.200, "apparently under the influence" means the person has liquor on his or her breath and has impaired motor skills used for body control such as walking, standing, and balance. The officer may also consider other factors including, but not limited to: Slurred speech, glassy eyes, and poor hand-eye coordination.

(4) A violation of this section is a civil infraction punishable by a fine of not more than two hundred fifty dollars."

Representatives Padden and Chappell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chappell and Padden spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Brumsickle was excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1203.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1203, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust,

Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Brumsickle and Dellwo - 2.

Engrossed Substitute House Bill No. 1203, having received the constitutional majority, was declared passed.

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

There being no objection, the House considered the following bills in the following order: House Bill No. 1036, House Bill No. 1065, House Bill No. 1603, House Bill No. 1351 and House Bill No. 1354.

HOUSE BILL NO. 1036, by Representatives Backlund, Brumsickle, Sherstad, Carlson, Dyer, Kremen, Horn, Schoesler, Buck, Johnson, Thompson, Radcliff, Hickel, Elliot, Pennington, Carrell, Robertson, Foreman, Van Luven, Koster, D. Schmidt, Mulliken, Fuhrman, Campbell, L. Thomas, Huff, Mielke, Talcott, Silver, McMahan and Casada

Requiring a performance audit of the office of the superintendent of public instruction.

The bill was read the second time. On motion of Representative, Second Substitute House Bill No. 1036 was substituted for House Bill No. 1036 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1036 was read the second time.

With the consent of the House, amendments number 82 and 135 to Second Substitute House Bill No. 1036 were withdrawn.

Representative Backlund moved adoption of the following amendment by Representative Backlund:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.88 RCW to read as follows:

(1) The legislature finds that student learning in Washington state will increase if the organizations and individuals in the K-12 education system use available funds more economically and efficiently. In order to increase economy and efficiency at the state level, the state auditor shall conduct a comprehensive performance audit of the office of the superintendent of public instruction. It is the intent of the legislature to audit programs operated and/or implemented by the office of the superintendent of public instruction and that funds saved through increased economy and efficiency in the office of the superintendent of public instruction be directed to the classroom.

(2) The audit must include:

(a) An evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law;

(b) A determination of methods to maximize the amount of federal funds received by the state in order to better ensure that the people of Washington receive a greater share of the taxes levied on them by the federal government;

(c) Identification of potential cost savings and of any program or service now offered by the office of the superintendent of public instruction that can be eliminated or transferred to the private sector without injury to the public good and well-being;

(d) Recommendations for the elimination of or reduction in funding to various agencies, programs, or services based on the results of the performance audit;

(e) Analysis of gaps and overlaps in programs offered by the office of the superintendent of public instruction and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(f) Which activities of the office of the superintendent of public instruction are a result of legal mandates; which activities are the result of legislative and/or client requests; and which activities do not serve a useful purpose; and

(g) What fiscal savings could be achieved by the state or by districts by eliminating the programs that are determined to serve no useful purpose.

(3) The state auditor may require any state agency to provide information required for completion of the audit, and each state agency shall fully and completely cooperate with the state auditor for the purposes of this section.

(4) The office of the state auditor shall provide the staff necessary for the audit. The state auditor shall involve private-sector professional and technical experts in conducting the audit, and may contract with private-sector professionals and technical experts for that purpose.

(5) The state auditor shall solicit suggestions for purposes of this audit from legislators, the governor, school district and educational service district employees, parents, students, state-wide education and parent associations, and other appropriate interest groups.

(6) The state auditor may require the superintendent of public instruction to provide information required for completion of the audit, and the superintendent shall fully and completely cooperate with the auditor for the purposes of this section.

(7) The restriction on conducting performance verifications by the state auditor in RCW 43.88.160(6)(c) does not apply to this section.

(8) The state auditor shall report its findings to the legislature by November 15, 1995.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. **Sec. 4.** This act shall expire December 31, 1995."

Representative Cole moved adoption of the following amendment to the amendment by Representative Cole:

On page 1, at the beginning of line 13, strike "state auditor" and insert "legislative budget committee"

On page 2, line 6, after "(3) The" strike "state auditor" and insert "legislative budget committee"

On page 2, line 8, after "with the" strike "state auditor" and insert "legislative budget committee"

On page 2, line 10, after "(4) The" strike "office of the state auditor" and insert "legislative budget committee"

On page 2, line 11, after "audit. The" strike "state auditor" and insert "legislative budget committee"

On page 2, line 15, after "(5) The" strike "state auditor" and insert "legislative budget committee"

On page 2, line 20, after "(6) The" strike "state auditor" and insert "legislative budget committee"

On page 2, at the beginning of line 23, strike "the auditor" and insert "the legislative budget committee"

On page 2, after line 23, strike all material down to and including "section." on line 25.

On page 2, line 26, after "(8) The" strike "state auditor" and insert "legislative budget committee"

Representatives Cole and Ogden spoke in favor of the adoption of the amendment to the amendment.

Representatives Backlund and Poulsen spoke against the adoption of the amendment to the amendment.

Representative Backlund again spoke against the adoption of the amendment to the amendment.

Representative Cole again spoke in favor of the adoption of the amendment to the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-36; NAYS-59.

The amendment to the amendment was not adopted.

Representatives Backlund and G. Fisher spoke in favor of the adoption of the striking amendment.

The striking amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Backlund and Elliot spoke in favor of passage of the bill.

Representatives Sommers and Cole spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1036.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1036, and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 1, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria and Mr. Speaker - 86.

Voting nay: Representatives Appelwick, Chopp, Cole, Fisher, R., Jacobsen, Ogden, Regala, Romero, Thibaudeau, Tokuda and Wolfe - 11.

Absent: Representative Rust - 1.

Engrossed Second Substitute House Bill No. 1036, having received the constitutional majority, was declared passed.

There being no objection, House Bill No. 1054 was referred to the Rules Committee.

HOUSE BILL NO. 1065, by Representatives Chandler, Lisk, Mastin, Schoesler, McMorris, Robertson, Chappell, Delvin, Honeyford, Koster, Clements, Boldt, Foreman and Kremen

Providing that safety and health standards for agriculture shall be those in effect on January 1, 1993.

The bill was read the second time. There being no objection, Substitute House Bill No. 1065 was substituted for House Bill No. 1065 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1065 was read the second time.

There being no objection, the House deferred further consideration of Substitute House Bill No. 1065 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1603, by Representatives L. Thomas, Morris, Huff, Campbell, Smith, Beeksmas and Kessler

Disclosing deposit account information.

The bill was read the second time.

Representative L. Thomas moved adoption of the following amendment by Representative L. Thomas:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout sections 1 through 3 of this act.

(1) "Customer" means any person, partnership, limited partnership, corporation, trust, or other legal entity that is transacting or has transacted business with a financial institution, that is using or has used the services of an institution, or for which a financial institution has acted or is acting as a fiduciary.

(2) "Financial institution" means state and national banks and trust companies, state and federal savings banks, state and federal savings and loan associations, and state and federal credit unions.

(3) "Law enforcement officer" means an employee of a public law enforcement agency organized under the authority of a county, city, or town and designated to obtain deposit account information by the chief law enforcement officer of that agency.

NEW SECTION. Sec. 2. (1) If a financial institution discloses information in good faith concerning its customer or customers in accordance with this section, it shall not be liable to its customers or others for such disclosure or its consequences. Good faith will be presumed if the financial institution follows the procedures set forth in this section.

(2) A request for financial records made by a law enforcement officer shall be submitted to the financial institution in writing stating that the officer is conducting a criminal investigation of actual or attempted withdrawals from an account at the institution and that the officer reasonably believes a statutory notice of dishonor has been given pursuant to RCW 62A.3-515, fifteen days have elapsed, and the item remains unpaid. The request shall include the name and number of the account and be accompanied by a copy of:

(a) The front and back of at least one unpaid check or draft drawn on the account that has been presented for payment no fewer than two times or has been drawn on a closed account; and

(b) A statement of the dates or time period relevant to the investigation.

(3) To the extent permitted by federal law, under subsection (2) of this section a financial institution shall within a reasonable time disclose to a requesting law enforcement officer so much of the following information as has been requested concerning the account upon which the dishonored check or draft was drawn, to the extent the records can be located:

(a) The date the account was opened; the details and amount of the opening deposit to the account; and if closed, the reason the account was closed, the date the account was closed, and balance at date of closing;

(b) A copy of the statements of the account for the relevant period including dates under investigation and the preceding and following thirty days and the closing statement, if the account was closed; and

(c) A copy of the front and back of the signature card;

(d) If the account was closed by the financial institution, the name of the person notified of its closing and a copy of the notice of the account's closing and whether such notice was returned undelivered.

(4) Financial institutions may charge requesting parties a reasonable fee for the actual costs of providing services under this chapter. These fees may not exceed rates charged to federal agencies for similar requests. In the event an investigation results in conviction, the court may order the defendant to pay costs incurred by law enforcement under this act.

NEW SECTION. Sec. 3. Records obtained pursuant to this chapter shall be admitted as evidence in all courts of this state, under Washington rule of evidence 902, when accompanied by a certificate substantially in the following form:

CERTIFICATE

1. The accompanying documents are true and correct copies of the records of [name of financial institution]. The records were made in the regular course of business of the financial institution at or near the time of the acts, events, or conditions which they reflect.

2. They are produced in response to a request made under section 2 of this act.

3. The undersigned is authorized to execute this certificate. I CERTIFY, under penalty of perjury under the laws of the State of Washington, that the foregoing statements are true and correct.

Date Signature

Place of Signing Type or Print Name/Title/ Telephone No.

NEW SECTION. Sec. 4. A new section is added to chapter 9.38 RCW to read as follows:

(1) It is a gross misdemeanor for a deposit account applicant to knowingly make any false statement to a financial institution regarding:

(a) The applicant's identity;

(b) Past convictions for crimes involving fraud or deception; or

(c) Outstanding judgments on checks or drafts issued by the applicant.

(2) Each violation of subsection (1) of this section after the third violation is a class C felony punishable as provided in chapter 9A.20 RCW.

NEW SECTION. Sec. 5. Section 4 of this act does not create a duty for financial institutions to request the information set forth in section 4(1) of this act.

NEW SECTION. Sec. 6. Sections 1 through 3 and 5 of this act are each added to chapter 30.22 RCW.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives L. Thomas and Wolfe spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1603.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1603, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Veloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Benton - 1.

Engrossed House Bill No. 1603, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1351, by Representatives Lisk, Chandler and Veloria; by request of Joint Task Force on Unemployment Insurance

Determining unemployment insurance contribution rates for successor employers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1351.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1351, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1351, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1354, by Representatives Fuhrman, Basich, Cairnes and McMorris

Allowing only Washington residents to purchase hound permits.

The bill was read the second time. There being no objection, Substitute House Bill No. 1354 was substituted for House Bill No. 1354 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1354 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Basich and Fuhrman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1354.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1354, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Casada, Chandler, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria and Mr. Speaker - 88.

Voting nay: Representatives Carrell, Chappell, Cole, Dickerson, Kessler, Mason, Patterson, Thibaudeau, Tokuda and Wolfe - 10.

Substitute House Bill No. 1354, having received the constitutional majority, was declared passed.

There being no objection, House Bill No. 1376 was referred to the Rules Committee.

There being no objection, the House deferred consideration of House Bill No. 1378 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1389, by Representatives Dyer and Morris

Concerning the supervision of apprentice opticians.

The bill was read the second time. There being no objection, Substitute House Bill No. 1389 was substituted for House Bill No. 1389 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1389 was read the second time.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 2, line 6, after "training" insert "and direct supervision"

Representative Dellwo spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hymes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1389.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1389, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thiibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1389, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1404, by Representatives Fuhrman, Buck and Basich; by request of Department of Health

Revising shellfish sanitation requirements to enhance the safety of recreationally and commercially harvested seafood.

The bill was read the second time. There being no objection, Substitute House Bill No. 1404 was substituted for House Bill No. 1404 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1404 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Basich and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1404.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1404, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1404, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1414, by Representatives Conway, Lisk, Chandler, Fuhrman, Goldsmith, Cole and Romero

Defining "acting in the course of employment."

The bill was read the second time. There be no objection, Substitute House Bill No. 1414 was substituted for House Bill No. 1414 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1414 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1414.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1414, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad,

Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1414, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1425, by Representatives Scott, Padden, Appelwick, Costa, Sheldon, Dickerson, Chappell, Hatfield, Brown and Basich

Protecting privileged communication.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Scott and Robertson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1425.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1425, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1425, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1427, by Representatives Dyer, Dellwo, Backlund, Thibaudeau and Skinner

Modifying provisions for emergency medical service professionals.

The bill was read the second time. There being no objection, Substitute House Bill No. 1427 was substituted for House Bill No. 1427 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1427 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hymes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1427.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1427, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1427, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1445, by Representatives Silver, Valle, Sommers, Ogden, Fuhrman and Kremen; by request of Legislative Budget Committee

Streamlining hospital regulation and inspection.

The bill was read the second time.

With the consent of the House, amendment number 68 to House Bill No. 1445 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Silver, Backlund and Valle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1445.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1445, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1445, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1446, by Representatives Lisk, Romero, Fuhrman, Horn and Quall

Requiring alcohol servers to have alcohol servers permits.

The bill was read the second time. There being no objection, Substitute House Bill No. 1446 was substituted for House Bill No. 1446 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1446 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

Representative B. Thomas spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1446.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1446, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Casada, Hargrove, Hymes, Koster, McMahan, Padden, Pennington, Sherstad, Stevens and Thomas, B. - 10.

Substitute House Bill No. 1446, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1451 and the bill held it's place on the second reading calendar.

The Speaker called upon Representative Horn to preside.

HOUSE BILL NO. 1491, by Representatives Ballasiotes, Costa, K. Schmidt, Delvin, Kessler, Sheldon, Tokuda, Mitchell, Dickerson, Kremen, Robertson, Hymes, Schoesler, Mastin, Benton, Basich, Foreman, Dyer, Lisk, Pelesky, Sherstad, Chandler, Smith, Boldt, Hankins, Carrell, Beeksma, Quall, Stevens, Horn, Van Luven, L. Thomas, Goldsmith, Hickel, Cole, Fuhrman, Radcliff, Blanton, Thompson, Honeyford, Clements, Cooke, Brumsickle, Mielke, Padden, Sheahan, Chopp, Campbell, Conway, McMorris, Scott, Mulliken, D. Schmidt, Koster, Ebersole, Backlund, Dellwo, Wolfe, Rust, Johnson, Jacobsen, Lambert, Patterson, Poulsen, Brown, Huff, McMahan and Morris

Restricting work release eligibility.

The bill was read the second time. There being no objection, Substitute House Bill No. 1491 was substituted for House Bill No. 1491 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1491 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ballasiotes, Benton and Costa spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Lisk was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1491.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1491, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Substitute House Bill No. 1491, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1501, by Representatives L. Thomas, Wolfe, Huff, Dellwo and Kessler; by request of Law Revision Commission

Correcting double amendments related to insurance examination expenses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1501.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1501, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken,

Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

House Bill No. 1501, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1515 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1534, by Representatives Cairnes, Romero, Lisk and Cody

Changing the registration requirements relating to professional land surveyors and engineers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes and Romero spoke in favor of passage of the bill.

Representatives Cairnes and Romero again spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1534.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1534, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

House Bill No. 1534, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1547, by Representatives L. Thomas, Dellwo, Kessler, Dickerson, Basich and Costa

Pertaining to longshore and harbor workers' compensation.

The bill was read the second time. There being no objection, Substitute House Bill No. 1547 was substituted for House Bill No. 1547 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1547 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1547.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1547, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Substitute House Bill No. 1547, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1562, by Representatives Huff, Chappell, Chandler, Carrell and Costa

Modifying the requirements for fund raising events.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Huff spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1562.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1562, and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 3, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Chopp, Fisher, R., Romero, Rust and Thibaudeau - 5.

Absent: Representatives Elliot, Jacobsen and Reams - 3.

Excused: Representative Lisk - 1.

House Bill No. 1562, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1618 and House Bill No. 1632 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1634, by Representatives Sheldon, Cairnes, Elliot, Fuhrman and Stevens

Restricting the state parks and recreation commission authority to regulate metal detectors.

The bill was read the second time. There being no objection, Substitute House Bill No. 1634 was substituted for House Bill No. 1634 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1634 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sheldon and Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1634.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1634, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 3, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehn, Sheehan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Wolfe - 93.

Voting nay: Representative Robertson - 1.

Absent: Representatives Benton, Carlson and Mr. Speaker - 3.

Excused: Representative Lisk - 1.

Substitute House Bill No. 1634, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1649, by Representatives Goldsmith, Romero, Lisk, Schoesler and Elliot; by request of Employment Security Department

Providing for disqualification from unemployment compensation for certain felonies or gross misdemeanors.

The bill was read the second time. There being no objection, Substitute House Bill No. 1649 was substituted for House Bill No. 1649 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1649 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1649.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1649, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Substitute House Bill No. 1649, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1658, by Representatives Pennington, Hatfield, Morris, Basich, Boldt, Chandler and Benton

Providing that filled or altered wetlands shall not be considered or treated as wetlands.

The bill was read the second time. There being no objection, Substitute House Bill No. 1658 was substituted for House Bill No. 1658 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1658 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington and Hatfield spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1658.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1658, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken,

Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Substitute House Bill No. 1658, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 1662, by Representatives B. Thomas, Foreman, Ebersole, Carrell, Dyer, Campbell, Conway, Pelesky, R. Fisher, Talcott, McMahan, Huff, Casada, Smith, Mielke, Schoesler, Van Luven, Beeksma, Johnson, D. Schmidt, Thompson, Brumsickle, Cooke, Horn and Kessler

Modifying the business and occupation tax on international investment management companies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1662.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1662, and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Chopp, Cody, Dickerson, Mason, Sommers, Tokuda and Veloria - 7.

Excused: Representative Lisk - 1.

House Bill No. 1662, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1692, by Representatives Padden, Costa, Scott and Appelwick

Clarifying clerks' fees.

The bill was read the second time. There being no objection, Substitute House Bill No. 1692 was substituted for House Bill No. 1692 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1692 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1692.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1692, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 2, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Absent: Representatives Grant and Sherstad - 2.

Excused: Representative Lisk - 1.

Substitute House Bill No. 1692, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have vote YEA on Substitute House Bill No. 1692.

MIKE SHERSTAD, 1st District

There being no objection, the House deferred consideration of House Bill No. 1694 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1706, by Representatives Koster, Chandler, Johnson, McMorris, Honeyford, Mastin, Boldt, Clements, Benton, McMahan, Smith, Kremen and Robertson

Extending the dairy inspection program assessment.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Koster spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1706.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1706, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

House Bill No. 1706, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1750, by Representatives Hickel, Appelwick, Padden, Robertson and Delvin

Authorizing additional administrative penalties relating to the driving privilege.

The bill was read the second time. There being no objection, Substitute House Bill No. 1750 was substituted for House Bill No. 1750 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1750 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1750.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1750, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Absent: Representative Lisk - 1.

Substitute House Bill No. 1750, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1756, by Representatives Veloria, Cooke, Cody, Lambert, Thibaudeau, Patterson and Costa

Changing provisions relating to dependent children.

The bill was read the second time. There being no objection, Substitute House Bill No. 1756 was substituted for House Bill No. 1756 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1756 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Veloria and Cooke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1756.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1756, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1756, having received the constitutional majority, was declared passed.

There being no objection, all House bills passed today will be immediately transmitted to the Senate.

There being no objection, the House deferred consideration of House Bill No. 1775 and House Bill No. 1821 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1856, by Representatives Blanton, Costa, Dickerson, D. Schmidt, Thompson, Radcliff, Sherstad, Beeksma and Romero

Clarifying the liability of lenders under the model toxics control act.

The bill was read the second time. There being no objection, Substitute House Bill No. 1856 was substituted for House Bill No. 1856 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1856 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Blanton spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1856.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1856, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1856, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1865, by Representatives Mitchell and Tokuda

Clarifying numerous miscellaneous guardianship provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1865 was substituted for House Bill No. 1865 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1865 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Tokuda spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1865.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1865, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1865, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1873, by Representatives Padden, Costa and Hickel; by request of Attorney General

Regulating consumer leases.

The bill was read the second time. There being no objection, Substitute House Bill No. 1873 was substituted for House Bill No. 1873 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1873 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1873.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1873, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1873, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1903 and House Bill No. 1907 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1929, by Representatives Brumsickle and Morris

Concerning the employment of inmates.

The bill was read the second time. There being no objection, Substitute House Bill No. 1929 was substituted for House Bill No. 1929 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1929 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1929.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1929, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1929, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1939, by Representatives Fuhrman, Beeksma, Chappell, Smith, Campbell, Kremen, Cairnes, Buck, Thompson and Hargrove

Requiring an appeal of the decision regarding tribal shellfish rights.

The bill was read the second time. There being no objection, Substitute House Bill No. 1939 was substituted for House Bill No. 1939 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1939 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fuhrman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1939.

MOTIONS

On motion of Representative Talcott, Representative Elliot was excused.

On motion of Representative Brown, Representative Sheldon was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1939, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Elliot and Sheldon - 2.

Substitute House Bill No. 1939, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2033, by Representatives D. Schmidt and Scott

Providing an exemption to the Washington clean air act for fire training.

The bill was read the second time.

Representative Rust moved adoption of the following amendment by Representative Rust:

On page 3, line 37, strike "and"

On page 4, line 3, after "conducted" insert ";

(c) The number of training fires allowed per year without a permit shall be the minimum number necessary to meet federal aviation administration or other federal safety requirements; and

(d) Prior to the commencement of the aircraft fire training, the organization conducting training shall notify both the: (i) local fire district or fire department; and (ii) air pollution control authority, department of ecology, or local entity delegated permitting authority under RCW 70.94.654, having jurisdiction within the area where training is to be conducted"

Representatives Rust and Reams spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative D. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2033.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2033, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Vloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Dickerson, Fisher, G., Patterson, Poulsen and Valle - 5.

Engrossed House Bill No. 2033, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4008, by Representatives Basich, Pennington, Johnson, Quall, Kremen, Fuhrman, Chappell, Hatfield, Backlund and Sheldon

Requesting modification of the federal Marine Mammal Protection Act.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Basich spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of House Joint Memorial No. 4008

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4008, and the memorial passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria and Mr. Speaker - 90.

Voting nay: Representatives Chopp, Fisher, R., Kessler, Reams, Romero, Rust, Thibaudeau and Wolfe - 8.

House Joint Memorial No. 4008, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4009, by Representatives Mastin, Ballasiotes, Patterson, Backlund, Campbell, Sherstad, Elliot, Robertson and Costa

Asking Congress to consider various options regarding alien offenders.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Mastin and Ballasiotes spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of House Joint Memorial No. 4009.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4009, and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster,

Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

House Joint Memorial No. 4009, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4010, by Representatives Lisk, Chandler, Veloria, Wolfe and Conway; by request of Joint Task Force on Unemployment Insurance

Requesting that unemployment benefits be removed from the IRS definition of taxable income.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Lisk spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of House Joint Memorial No. 4010.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4010, and the memorial passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Rust - 1.

House Joint Memorial No. 4010, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SPEAKER SIGNED

The Speaker announced he was signing:

HOUSE CONCURRENT NO. 4405,

There being no objection, House Bill No. 1045 was referred to the Rules Committee.

HOUSE BILL NO. 1052, by Representatives Horn and Silver

Reviewing nonappropriated funds.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Horn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1052.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1052, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1052, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1060, by Representatives Lisk and Sheldon; by request of Liquor Control Board

Improving the licensing sections of the Washington state liquor act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1060.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1060, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1060, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1062, by Representatives Ballasiotes, Koster, Cooke, Costa, Schoesler, Morris, Boldt, Benton, Foreman, Sheldon, Kremen, Mastin, Lisk, Chandler and Carlson

Using juvenile serious violent offenses as criminal history for adult sentencing.

The bill was read the second time. There being no objection, Substitute House Bill No. 1062 was substituted for House Bill No. 1062 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1062 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1062.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1062, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1062, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1076, by Representatives Sehlin and Ogden; by request of Interagency Committee for Outdoor Recreation

Revising account names and accounting procedures of the IAC.

The bill was read the second time. There being no objection, Substitute House Bill No. 1076 was substituted for House Bill No. 1076 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1076 was read the second time.

Representative Sehlin moved adoption of the following amendment by Representative Sehlin:

On page 5, line 7, after "disbursement." insert "The committee shall include a list of prioritized state agency projects to be funded from the recreation resource account with its biennial budget request."

Representative Sehlin spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Ogden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1076.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1076, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1076, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1078, by Representatives Ogden, Carlson, Casada, Cole, Quall, Benton, Pennington, Thibaudeau, Cooke, Boldt and Huff

Changing provisions relating to instruction in Braille.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1078 was substituted for House Bill No. 1078 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1078 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden, Carlson and Casada spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1078.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1078, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Second Substitute House Bill No. 1078, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1083 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1093, by Representatives K. Schmidt, Johnson, Romero and Wolfe; by request of Department of General Administration

Revising bidding procedures for public agencies.

The bill was read the second time. There being no objection, Substitute House Bill No. 1093 was substituted for House Bill No. 1093 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1093 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Romero was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1093.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1093, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Romero - 1.

Substitute House Bill No. 1093, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1107, by Representatives Reams, Rust, Goldsmith, Kremen, Wolfe, R. Fisher and Chopp; by request of Governor Lowry

Eliminating and consolidating boards and commissions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1107 was substituted for House Bill No. 1107 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1107 was read the second time.

Representative Lambert moved adoption of the following amendment by Representative Lambert:

On page 7, beginning on line 17, strike all of Part 4 (sections 401 and 402) of the bill

On page 56, line 29, after "303," strike "401, 402,"

Representative Lambert spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1107.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1107, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1107, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1130, by Representatives Crouse, Dellwo, Padden, Brown, Silver, Johnson, McMorris, Elliot, Stevens, Koster and Schoesler

Restricting the ringing of bells or sounding of whistles on locomotives.

The bill was read the second time.

Representative Skinner moved adoption of the following amendment by Representative Skinner:

On page 1, line after "cities" insert" _."

On page 1, beginning on line 10 strike "gated crossings located within urban areas" and insert the following:

"crossings equipped with supplemental safety measures as defined in Public Law 103-440"

Representatives Skinner, R. Fisher, Elliot, K. Schmidt, Robertson and Chopp spoke in favor of the adoption of the amendment.

Representatives Crouse, Padden, Dellwo spoke against the adoption of the amendment.

POINT OF INQUIRY

Representative Padden yielded to a question by Representative Robertson.

Representative Robertson: Yes sir, in the public law 103-440 we've heard testimony from yourself and the prime sponsor of this bill that we require bureaucrats back in Washington D. C. to authorize these standards or actually authorize the county or city to give you permission to enter into this. Reading what was passed out by your seat mate I find no where, where it says that the public law 103-440 adopted in 1994 would require that. The only thing that I find is that it has a certain safety standard established by the feds. Can you point in public law 103-440 where it says that it is a requirement for the Secretary to authorize these different changes or additions in the States?

Representative Padden: Thank you very much Representative Robertson. In sub section 3 about the fourth line down it says that is determined by the Secretary and further in that later on it says "and that conforms to standards prescribed by the Secretary" and it certainly is my feeling that those are additional items that aren't determined now. Everything else that is in Public Law 103-440 is also in the Amendment offered by the other gentlemen from the fourth District.

Representative Padden again spoke against the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-48; NAY-49.

The amendment was not adopted.

Representative Crouse moved adoption of the following amendment by Representative Crouse:

On page 1, line 9 after "cities" insert" _."

On page 1, beginning on line 10 strike "gated crossings located within urban areas" and insert the following:

"crossings equipped with supplemental safety measures as defined in Section2."

On page 1 after line 12, insert the following:

"NEW SECTION. Sec. 2. "Supplemental safety measures" means a safety system or procedure that is an effective substitute for the locomotive horn in the prevention of highway-rail

casualties. A traffic control arrangement that prevents careless movement over the crossing (e.g., as where adequate median barriers prevent movement around crossing gates extending over the full width of the lanes in the particular direction of travel) shall be deemed to constitute a supplemental safety measure. The following do not, individually or in combination, constitute supplemental safety measures within the meaning of this section: standard traffic control devices or arrangements such as reflectorized crossbucks, stop signs, flashing lights with gates that do not completely block travel over the line of the railroad, or traffic signals."

Representative Crouse spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse, Dellwo and Padden spoke in favor of passage of the bill.

Representatives Skinner and Clements spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1130.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1130, and the bill failed to pass the House by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Beeksma, Benton, Boldt, Brown, Buck, Carlson, Casada, Chandler, Cooke, Crouse, Dellwo, Delvin, Fisher, G., Foreman, Fuhrman, Grant, Hargrove, Kessler, Koster, Mastin, McMahan, McMorris, Mielke, Morris, Padden, Pelesky, Radcliff, Reams, Schmidt, D., Schoesler, Scott, Sheahan, Sherstad, Silver, Stevens, Talcott and Mr. Speaker - 38.

Voting nay: Representatives Appelwick, Ballasiotes, Basich, Blanton, Brumsickle, Cairnes, Campbell, Carrell, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Goldsmith, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kremen, Lambert, Lisk, Mason, Mitchell, Mulliken, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Robertson, Romero, Rust, Schmidt, K., Sehlin, Sheldon, Skinner, Smith, Sommers, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Wolfe - 60.

Engrossed House Bill No. 1130, not having received the constitutional majority, was declared failed.

HOUSE BILL NO. 1133, by Representatives Campbell, Stevens, Padden, Benton, Sheldon, Crouse, Carlson and Sherstad

Revising provisions relating to firearm dealers' licenses.

The bill was read the second time. There being no objection, Substitute House Bill No. 1133 was substituted for House Bill No. 1133 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1133 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Campbell spoke in favor of passage of the bill.

Representative Appelwick spoke against passage of the bill.

Representative Campbell again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1133.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1133, and the bill passed the House by the following vote: Yeas - 80, Nays - 18, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 80.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Costa, Dickerson, Fisher, R., Jacobsen, Mason, Regala, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle and Veloria - 18.

Substitute House Bill No. 1133, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1147 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1157, by Representatives Van Luven and Sheldon; by request of Department of Revenue

Modifying sales and use tax exemptions regarding motor vehicles and trailers used for transporting persons or property for hire.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1157.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1157, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster,

Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1157, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1172 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1189, by Representatives Robertson, Chappell, Padden, Thompson, Blanton, Sheahan, Basich, McMahan and Dickerson; by request of Washington State Patrol

Revising provisions relating to dissemination of criminal history information by the Washington state patrol.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Robertson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1189.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1189, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1189, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1209 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1214, by Representatives Mitchell, Carrell, Lambert, Sheahan, McMahan, Huff, Buck, Hickel, Padden, Elliot, Delvin, Kremen, Johnson, Casada, Thompson, Backlund, Honeyford, Mulliken, Boldt and Van Luven

Revising provision for registration of sex offenders.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1214 was substituted for House Bill No. 1214 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1214 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mitchell and Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1214.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1214, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Second Substitute House Bill No. 1214, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1224, by Representatives Brumsickle, Cole, Silver and Carlson; by request of Board of Education and Superintendent of Public Instruction

Authorizing waivers for educational restructuring.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1224.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1224, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1224, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1231, by Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp
Promoting the recycled content of products and buildings.

The bill was read the second time. There being no objection, Substitute House Bill No. 1231 was substituted for House Bill No. 1231 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1231 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rust and Mastin spoke in favor of passage of the bill.

Representative Honeyford spoke against passage of the bill.

Representative Pennington moved that the House defer further consideration of Substitute House Bill No. 1231. The motion was carried.

HOUSE BILL NO. 1249, by Representatives Brumsickle and Cole; by request of Office of Financial Management and Superintendent of Public Instruction

Extending the time for developing essential academic learning requirement Goal 2 assessments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1249.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1249, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

House Bill No. 1249, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1287, by Representatives McMorris, Horn, Chandler, Regala, Mastin, Clements, Koster, Robertson, Johnson, Boldt, Chappell, Schoesler and Rust

Authorizing silvicultural burning to correct a forest health problem under certain circumstances.

The bill was read the second time. There being no objection, Substitute House Bill No. 1287 was substituted for House Bill No. 1287 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1287 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McMorris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1287.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1287, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1287, having received the constitutional majority, was declared passed.

NOTICE OF RECONSIDERATION

Representative Pennington: Having voted on the prevailing side I now give notice of intent to reconsider the vote by which Engrossed House Bill No. 1130 failed to pass the House.

There being no objection, the House considered House Bill No. 1044 on the second reading calendar.

HOUSE BILL NO. 1044, by Representatives Hickel, Delvin, Smith, Crouse, Padden, Dyer, Costa, Schoesler, Johnson, Thompson, Beeksma, Radcliff, Cairnes, Mastin, Carrell, Chappell, Foreman, Fuhrman, Campbell, Morris and Casada

Providing of payment of attorneys' fees, costs, and expenses in actions against governmental units.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1044 was substituted for House Bill No. 1044 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1044 was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 2, after line 25, strike all matter through "association" on page 2, line 37, and insert:
" (a) An individual whose gross income, as reported on the individual's most recent federal income tax return, does not exceed two hundred fifty thousand dollars;
 (b) A partnership, corporation, limited liability company, sole proprietorship, or unincorporated business whose gross income during the four quarters preceding the action, as reported to the Washington state department of revenue, did not exceed one million dollars; or
 (c) Any other association or organization whose gross income during the year preceding the action did not exceed one million dollars"

Representative Appelwick spoke in favor of the adoption of the amendment.

Representatives Hickel and Padden spoke against the adoption of the amendment.

Representative Appelwick again spoke in favor of the adoption of the amendment.

A division has been called. The Speaker called on the House to divide. The results of the division was: YEAS-40; NAYS-57.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hickel, Padden and Campbell spoke in favor of passage of the bill.

Representatives Appelwick, Mastin and Cody spoke against passage of the bill.

MOTIONS

On motion of Representative Talcott, Representative Blanton was excused.

On motion of Representative Grant, Representative Brown was excused.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1044.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1044, and the bill passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Poulsen, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Basich, Chopp, Cody, Cole, Conway, Costa, Dickerson, Fisher, R., Grant, Jacobsen, Kessler, Mason, Mastin, Ogden, Patterson, Qual, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representatives Blanton and Brown - 2.

Second Substitute House Bill No. 1044, having received the constitutional majority, was declared passed.

There being no objection, House Bill No. 1288 was referred to the Rules Committee.

There being no objection, the House considered the following bills in the following order: House Bill No. 1058, Substitute House Bill No. 1065 and House Bill No. 1024.

HOUSE BILL NO. 1058, by Representatives Horn and Sheldon; by request of Liquor Control Board

Affecting the repeal of liquor vendors' appeals as authorized by RCW 41.06.150.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Horn and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1058.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1058, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Brown - 2.

House Bill No. 1058, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute House Bill No. 1065.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.17 RCW to read as follows:

The safety and health standards that apply under this chapter for the agricultural industry shall consist of the safety standards for agriculture, including the exemptions for the agricultural industry from other safety and health standards under this chapter, that were in effect as of January 1, 1993, as modified by the following provisions:

(1) WAC 296-306-060 (regarding personal protective equipment) as filed March 5, 1993, and published in WSR 93-07-012.

(2) WAC 296-306-400 and 296-306-40003 (regarding pesticide posting and records) as filed March 5, 1993, and published in WSR 93-07-012.

This section does not limit the authority of the director to adopt rules that are specifically required by federal law, and only to the extent specifically required, for the standards in this section to be as effective as the standards adopted or recognized by the United States secretary of labor under the authority of the occupational safety and health act of 1970 (Public Law 91-596; 84 Stat. 1590).

Sec. 2. RCW 49.17.060 and 1973 c 80 § 6 are each amended to read as follows:

Each employer:

(1) Shall furnish to each of his employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his employees: PROVIDED, That no citation or order assessing a penalty shall be issued to any employer solely under the authority of this subsection except where no applicable rule or regulation has been adopted by the department covering the unsafe or unhealthful condition of employment at the work place; and

(2) Shall comply with the rules, regulations, and orders ((promulgated)) adopted under this chapter, or, in the case of agricultural employers, comply with section 1 of this act and rules adopted under section 1 of this act.

NEW SECTION. **Sec. 3.** A new section is added to chapter 17.21 RCW to read as follows:

(1) The director shall exercise the authority granted by RCW 17.21.030 to adopt as rules the worker protection standard for agricultural workers and handlers of agricultural pesticides adopted by the United States environmental protection agency in 40 C.F.R., part 170, as it exists on the effective date of this act.

(2) Subsection (1) of this section does not limit in any manner the authority of the director to adopt rules under RCW 17.21.030 including, but not limited to, rules amending the rules adopted under subsection (1) of this section.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Clements moved adoption of the following amendment to the striking amendment by Representative Clements:

On page 1, after line 17 of the striking amendment, insert the following:

"(3) WAC 296-306-120(1) through (10), (11)(a), and (12) (aerial manlift equipment), as filed October 19, 1994, and published in WSR 94-21-099.

(4) WAC 296-306-165 (general requirements for all agricultural equipment), as filed March 4, 1993, and published in WSR 93-07-012.

(5) WAC 296-306-170 (auger conveying equipment), as filed October 19, 1994, and published in WSR 94-21-099."

Representative Clements spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Chappell moved adoption of the following amendment to the striking amendment by Representative Chappell:

On page 1, after line 17 of the striking amendment, insert the following:

"(3) WAC 296-306-08503 (general requirements for fire extinguishers), as filed October 19, 1994, and published in WSR 94-21-099.

(4) WAC 296-306-08507 (inspection, maintenance, and testing of fire extinguishers), as filed October 19, 1994, and published in WSR 94-21-099."

Representative Chappell spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Mastin moved adoption of the following amendment to the striking amendment by Representative Mastin:

On page 1, after line 17 of the striking amendment, insert the following:

"(3) The following additional requirements shall apply:

(a) Hazardous materials must be stored in containers designed for such storage and must be labelled according to WAC 296-62-05411. Each employer must determine that compressed gas cylinders under his or her control are in a safe condition to the extent that this can be determined by visual inspection.

(b) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and in addition, tractors, shall be shut down during refueling.

(c) The employee or any part of agricultural aerial manlift equipment shall not come within a radius of ten feet from energized high voltage conductors, or into any part of the zone any distance above such a radius (see WAC 296-306-14511, as in effect on March 1, 1994).

(d)(i) To insure safety and serviceability the following precautions on the care of ladders shall be observed:

(A) Ladders shall be maintained in good condition at all times. Joints between steps and side rails shall be tight. All hardware and fittings shall be securely attached, and the moveable parts shall operate freely without binding or undue play.

(B) Ladders shall be inspected prior to being used. Ladders which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "dangerous, do not use."

(C) Complete ladder inspection shall be periodical. If a ladder is involved in any of the following, immediate inspection is necessary:

(I) If ladders tip over, inspect ladder for side rails dents or bends, or excessively dented rungs; check all rung-to-side-rail connections; check hardware connections; check rivets for shear.

(II) If ladders are exposed to excessive heat as in the case of fire, the ladder should be inspected visually for damage and tested for deflection and strength characteristics. In doubtful cases, refer to manufacturer.

(D) Ladders shall be stored in a manner designed to protect ladders when not in use.

(E) Ropes or cables shall be inspected frequently and replaced if defective.

(ii) The following safety precautions shall be observed in connection with the use of ladders:

(A) Orchard ladders longer than sixteen feet shall not be used.

(B) Ladders, shall be handled with care and not subject to unnecessary dropping, jarring, or misuse. Ladders are designed for a specific purpose or use; therefore, any variation from this use constitutes a mishandling of the equipment.

(C) Employers shall not require or direct employees to stand on the top two steps of the orchard ladder.

(D) Rungs shall be kept reasonably free of any substance which would make them hazardous.

(E) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(F) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load.

(G) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.

(H) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.

(I) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(J) Ladders made by fastening cleats across a single rail shall not be used.

(K) Stepladders shall not be used as single ladders.

(L) When working from a ladder over twenty-five feet from the ground or floor, the ladder shall be secured at both top and bottom.

(M) No type of work shall be performed on a ladder over twenty-five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(N) The ladder base section must be placed with a secure footing. Safety feet of good substantial design should be installed on all ladders except orchard ladders. Where ladders with no safety shoes or spikes are used on hard, slick surfaces, a foot-ladder board should be employed.

(iii) Training and instruction on the use of ladders:

(A) At the beginning of employment, employers shall provide employees with orientation and training on the proper use of ladders including how to set a ladder and properly dismount with a full load.

(B) Employers shall instruct employees to not stand on the top two steps (the top cap and the next step down) of the ladder.

(C) Employers shall instruct employees to not step off the ladder onto branches of trees except onto the main crotch of the tree.

(D) Employers shall instruct employees to not overreach while standing on the ladder to prevent ladder upset.

(E) Employers shall instruct employees that before climbing ladders, shoes and/or boots shall be free and clean of greasy or slippery substances."

Representative Mastin spoke in favor of the adoption of the amendment to the striking amendment.

The amendment was adopted.

Representative Kremen moved adoption of the following amendment to the striking amendment by Representative Kremen:

On page 1, after line 17 of the striking amendment, insert the following:

"(3) WAC 296-306-14501 to 296-306-14511 (regarding electrical protection) as filed February 28, 1994, (as emergency rules), and published in WSR 94-06-044.

(4) WAC 296-306-061 to 296-306-06109 (regarding machine guarding) as filed September 1, 1994, and published in WSR 94-18-067."

Representative Kremen spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Schoesler moved adoption of the following amendment to the striking amendment by Representative Schoesler:

On page 1, after line 17 of the striking amendment, insert the following:

"(3) WAC 296-306-090 (storage and handling of anhydrous ammonia), as filed October 19, 1994, and published in WSR 94-21-099.

(4) WAC 296-306-09001(2) (liquefied petroleum gases installations), as filed October 19, 1994, and published in WSR 94-21-099."

Representative Schoesler spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representatives Chandler and Mastin spoke in favor of the adoption of the striking amendment as amended.

Representative Romero spoke against the adoption of the striking amendment as amended.

The striking amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Morris spoke in favor of passage of the bill.

Representatives Cole and Conway spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1065.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1065, and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1065, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1024, by Representatives Van Luven, Foreman, B. Thomas, Lisk, Horn, Chandler, Casada, Dyer, Ballasiotes, Silver, Cooke, Brumsickle, Carlson, Sehlin, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Costa, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Mitchell, Conway, Quall, Ogden, Chappell, Regala, G. Fisher, Basich, Grant, Campbell, Smith, Robertson, Honeyford, Pelesky, Hankins, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Sheldon, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Morris and Hymes

Providing tax exemptions for manufacturing and processing.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1024 was substituted for House Bill No. 1024 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1024 was read the second time.

Representative Veloria moved adoption of the following amendment by Representative Veloria:

On page 2, line 25, after "but only" insert "if the recipient of the exemption under this section offers family wage employment and"

On page 4, after line 2, insert:

"(3) As used in this section:

(a) "Family wage employment" means a wage that is equal to or greater than the average wage for the county where the manufacturing operation is conducted; and

(b) "Average wage" means the total remuneration reported by the taxpayer under Title 50 RCW during the previous calendar year, divided by the average number of workers reported under Title 50 RCW for all months during the previous calendar year."

Representative Veloria spoke in favor of the adoption of the amendment.

Representative B. Thomas spoke against the adoption of the amendment.

Representative Veloria again spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Delvin moved adoption of the following amendment by Representative Delvin:

Beginning on page 14, line 19, strike all of section 11 and insert the following:

"**Sec. 11.** RCW 82.63.010 and 1994 sp.s. c 5 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~(1) ("Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.~~

~~(2) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.~~

~~(3))~~ "Applicant" means a person applying for a tax deferral under this chapter.

~~((4) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.~~

~~(5))~~ (2) "Department" means the department of revenue.

~~((6) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optic-electrical devices; and data and digital communications and imaging devices.~~

~~(7))~~ (3) "Eligible investment project" means ~~((that portion of))~~ an investment project which either initiates a new operation, or expands or diversifies a current operation by expanding, renovating, or equipping an existing facility ~~((with costs in excess of twenty-five percent of the true and fair value of the facility prior to improvement))~~. The lessor or owner of the qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

~~((8) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.~~

~~(9))~~ (4) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction or improvement of the project.

~~((10))~~ (5) "Person" has the meaning given in RCW 82.04.030.

~~((11))~~ (6) "Pilot scale manufacturing" means design, construction, and testing of preproduction prototypes and models ~~((in the fields of biotechnology, advanced computing, electronic device technology, advanced materials, and environmental technology))~~ other than for commercial

sale. As used in this subsection, "commercial sale" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

~~((12))~~ (7) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for pilot scale manufacturing or ~~((qualified))~~ research and development, including plant offices and other facilities that are an essential or an integral part of a structure used for pilot scale manufacturing or ~~((qualified))~~ research and development. If a building is used partly for pilot scale manufacturing or ~~((qualified))~~ research and development, and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

~~((13))~~ (8) "Qualified machinery and equipment" means fixtures, equipment, and support facilities that are an integral and necessary part of a pilot scale manufacturing or ~~((qualified))~~ research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment, instrumentation, and other devices used in a process of experimentation to develop a new or improved pilot model, plant process, product, formula, invention, or similar property; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; vats, tanks, and fermenters; operating structures; and all other equipment used to control, monitor, or operate the machinery. For purposes of this chapter, qualified machinery and equipment must be either new to the taxing jurisdiction of the state or new to the certificate holder, except that used machinery and equipment may be treated as qualified machinery and equipment if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

~~((14))~~ "Qualified research and development" means research and development performed within this state in the fields of advanced computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

~~(15))~~ (9) "Recipient" means a person receiving a tax deferral under this chapter.

~~((16))~~ (10) "Research and development" means activities performed to discover technological information, and technical and nonroutine activities concerned with translating technological information into new or improved products, processes, techniques, formulas, inventions, or software. The term includes exploration of a new use for an existing drug, device, or biological product if the new use requires separate licensing by the federal food and drug administration under chapter 21, C.F.R., as amended. The term does not include adaptation or duplication of existing products where the products are not substantially improved by application of the technology, nor does the term include surveys and studies, social science and humanities research, market research or testing, quality control, sale promotion and service, computer software developed for internal use, and research in areas such as improved style, taste, and seasonal design."

On page 17, line 15, strike "qualified"

On page 19, after line 5, insert the following:

"**Sec. 15.** RCW 82.04.4452 and 1994 sp.s. c 5 s 2 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the rate of 0.515 percent in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and 2.5 percent for every other person.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under

subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) Any person taking the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

(6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an affidavit form prescribed by the department which shall include the amount of the credit claimed, an estimate of the anticipated qualified research and development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe.

(7) A person claiming the credit shall agree to supply the department with information necessary to measure the results of the tax credit program for qualified research and development expenditures.

(8) The department shall use the information required under subsection (7) of this section to perform three assessments on the tax credit program authorized under this section. The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(9) For the purpose of this section:

(a) "Advanced computing" means technologies used in the designing and developing of computing hardware and software, including innovations in designing the full spectrum of hardware from hand-held calculators to super computers, and peripheral equipment.

(b) "Advanced materials" means materials with engineered properties created through the development of specialized processing and synthesis technology, including ceramics, high value-added metals, electronic materials, composites, polymers, and biomaterials.

(c) "Biotechnology" means the application of technologies, such as recombinant DNA techniques, biochemistry, molecular and cellular biology, genetics and genetic engineering, cell fusion techniques, and new bioprocesses, using living organisms, or parts of organisms, to produce or modify products, to improve plants or animals, to develop microorganisms for specific uses, to identify targets for small molecule pharmaceutical development, or to transform biological systems into useful processes and products or to develop microorganisms for specific uses.

(d) "Electronic device technology" means technologies involving microelectronics; semiconductors; electronic equipment and instrumentation; radio frequency, microwave, and millimeter electronics; optical and optic-electrical devices; and data and digital communications and imaging devices.

(e) "Environmental technology" means assessment and prevention of threats or damage to human health or the environment, environmental cleanup, and the development of alternative energy sources.

(f) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

~~((b))~~ (g) "Qualified research and development" ((shall have the same meaning as in RCW 82-63-010)) means research and development performed within this state in the fields of advanced

computing, advanced materials, biotechnology, electronic device technology, and environmental technology.

~~((e))~~ (h) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

~~((d))~~ (i) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

(10) This section shall expire December 31, 2004."

Representatives Delvin, Morris and B. Thomas spoke in favor of the adoption of the amendment.

Representative Mason asked Representative Veloria to yield to a question and it was denied.

POINT OF INQUIRY

Representative Mason: I would like to know if the jobs that are indeed with supply would be also \$30,000 a year jobs? And that's the question. Would they also be supporting that type of salary?

Representative Van Luven: Thank you. Representative Mason. I'm just a small little old town business man, from what I know about business I can almost guarantee you as sure as I'm standing here that these business that are involved in research and development, if they can afford research and development. I can just about guarantee you that they're probably are paying family wage jobs. That's nothing more than my personal guarantee and my observation from being in business as a small person.

The amendment was adopted.

Representative Dickerson moved adoption of the following amendment by Representative Dickerson:

On page 19, line 12, strike all of section 16 and insert the following:

"**NEW SECTION. Sec. 16.** The department of revenue, in consultation with an advisory committee composed of two business and two labor members, shall perform an assessment of the results of the tax exemption authorized under this act and deliver a report to the governor and the legislature by December 15, 1997. Similar reports will be delivered to the governor and the legislature on the 15th day of the month preceding the beginning of each biennial legislative session. The assessment shall measure the effect of the exemption on the creation or retention of family wage jobs, diversification of the state's economy, and other factors the advisory committee may select. As used in this section, "family wage jobs" means those with wages of at least twenty-four thousand dollars per year plus health care and pension benefits."

Representatives Dickerson and Conway spoke in favor of the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

Representative B. Thomas spoke against the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 19 line 12 to Second Substitute House Bill No. 1024, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 57, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Robertson, Romero, Rust, Scott, Smith, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 40.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 57.

Excused: Representative Blanton - 1.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven, Morris, Pennington, Sheldon, Benton and Foreman spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Foreman yielded to a question by Representative Van Luven.

Representative Foreman: I sat as a member of the Manufacturing Tax Study Committee this summer that resulted in the recommendation of this legislation. In determining the fiscal impact of this proposal, several assumptions were made regarding the scope of manufacturing and processing included in the recommendation. The scope of manufacturing and processing was described to include all business activities identified in two-digit Standard Industrial Codes 20 through 39 and those businesses activities identified in the three digit Standard Industrial Code 737.

Is it intended that Engrossed Second Substitute House Bill No. 1024 apply to all business activities identified in two-digit Standard Industrial Codes 20 through 39 and those businesses activities identified in the three digit Standard Industrial Code 737?

Representative Van Luven: Yes. Engrossed Second Substitute House Bill No. 1024 is intended to apply to all business activities identified in two-digit Standard Industrial Codes 20 through 39 and those businesses activities identified in the three digit Standard Industrial Code 737.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1024.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1024, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Chopp, Cole, Dickerson, Mason, Rust and Sommers - 6.
Excused: Representative Blanton - 1.

Engrossed Second Substitute House Bill No. 1024, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 8, 1995

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4405,

and the same is herewith transmitted.

Marty Brown, Secretary

March 8, 1995

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4405,

and the same is herewith transmitted.

Marty Brown, Secretary

March 7, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5017,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SENATE BILL NO. 5130,
SUBSTITUTE SENATE BILL NO. 5209,
SECOND SUBSTITUTE SENATE BILL NO. 5235,
SENATE BILL NO. 5273,
SENATE BILL NO. 5274,
SUBSTITUTE SENATE BILL NO. 5281,
SENATE BILL NO. 5292,
SUBSTITUTE SENATE BILL NO. 5308,
SUBSTITUTE SENATE BILL NO. 5326,
SENATE BILL NO. 5330,
SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5333,
SUBSTITUTE SENATE BILL NO. 5335,
SUBSTITUTE SENATE BILL NO. 5343,
SUBSTITUTE SENATE BILL NO. 5350,
SENATE BILL NO. 5351,

SENATE BILL NO. 5355,
SUBSTITUTE SENATE BILL NO. 5419,
SUBSTITUTE SENATE BILL NO. 5431,
SENATE BILL NO. 5432,
SENATE BILL NO. 5433,
SUBSTITUTE SENATE BILL NO. 5463,
SUBSTITUTE SENATE BILL NO. 5551,
SUBSTITUTE SENATE BILL NO. 5568,
SENATE BILL NO. 5575,
SUBSTITUTE SENATE BILL NO. 5588,
SUBSTITUTE SENATE BILL NO. 5799,
SENATE BILL NO. 5819,
SENATE BILL NO. 5824,
SUBSTITUTE SENATE BILL NO. 5957,
ENGROSSED SENATE BILL NO. 6034,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6047,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8019,
and the same are herewith transmitted.

Marty Brown, Secretary

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

HB 2075 by Representatives Costa, Lambert, Veloria, Ballasiotes, Scott, Chappell, Patterson, Kessler, Sommers, Appelwick, Romero, Morris and Tokuda

AN ACT Relating to the finding of aggravating circumstances for the commission of violent offenses against pregnant women; amending RCW 9.94A.390; and declaring an emergency.

Referred to Committee on Law & Justice.

HJM 4031 by Representative Foreman

Requesting the United States Forest Service to help preserve the War Creek Cabin.

Referred to Committee on Natural Resources.

SSB 5017 by Senate Committee on Natural Resources (originally sponsored by Senator Snyder)

Establishing commercial fishery license fee and renewal provisions for years with no fishing season.

Referred to Committee on Natural Resources.

ESSB 5121 by Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Snyder, Newhouse, Loveland, A. Anderson, Hochstatter, Haugen and Deccio)

Providing for agricultural safety standards.

Referred to Committee on Transportation.

SB 5130 by Senators Fraser, Oke, Owen, Heavey, Prince, Morton, Rasmussen, Sellar, Franklin, Spanel, Snyder, Fairley, Kohl and Drew

Freeing the base for transfers of marine and nonhighway fuel taxes.

Referred to Committee on Transportation.

SSB 5209 by Senate Committee on Government Operations (originally sponsored by Senators McCaslin, Haugen, Swecker, Drew, Schow, Heavey and Winsley)

Authorizing the extension of water or sewer service within an approved coordinated water system plan service area.

Referred to Committee on Government Operations.

2SSB 5235 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Sutherland, Palmer and Smith)

Adding a superior court judge in Clark county.

Referred to Committee on Law & Justice.

SB 5273 by Senators Hale, Haugen, Winsley and Franklin; by request of Secretary of State

Avoiding conflicts of interest on election canvassing boards.

Referred to Committee on Government Operations.

SB 5274 by Senators Haugen, McCaslin, Winsley, Wood and Palmer

Clarifying the funding formula for the municipal research council.

Referred to Committee on Government Operations.

SSB 5281 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Heavey, Pelz, Roach, Deccio, Kohl, West, Drew and Rasmussen)

Promoting horse racing.

Referred to Committee on Commerce & Labor.

SB 5292 by Senators Sutherland and Finkbeiner

Revising the level of civil penalties for violation of gas pipeline safety regulations.

Referred to Committee on Energy & Utilities.

SSB 5308 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Moyer, Franklin and Deccio; by request of Department of Health)

Changing certain health professional examination procedures.

Referred to Committee on Health Care.

SSB 5326 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Fairley, Roach, Hargrove, West, Oke and Winsley)

Revising provision for registration of sex offenders.

Referred to Committee on Corrections.

SB 5330 by Senators Smith and Franklin; by request of Washington State Patrol

Regulating background checks.

Referred to Committee on Law & Justice.

SB 5332 by Senators Prentice, Hale, Fraser and Winsley; by request of Department of Financial Institutions

Regulating securities.

Referred to Committee on Financial Institutions & Insurance.

SSB 5333 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Long and Johnson)

Revising regulations for the investment of trust funds.

Referred to Committee on Law & Justice.

SSB 5335 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Smith, Long and Johnson)

Updating uniform commercial code provisions on investment securities.

Referred to Committee on Law & Justice.

SSB 5343 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fairley, Swecker, Pelz, Fraser, Prentice, Kohl, Winsley and Franklin)

Promoting the recycled content of products and buildings.

Referred to Committee on Agriculture & Ecology.

SSB 5350 by Senate Committee on Government Operations (originally sponsored by Senators Wojahn, Winsley, Haugen, McCaslin, Drew and Kohl)

Providing for counties' powers over family day-care providers.

Referred to Committee on Government Operations.

SB 5351 by Senators Wojahn, Winsley, Haugen, McCaslin and Drew

Allowing cities to require family day-care provider's home facilities loading areas to be certified by the office of child care policy licensor.

Referred to Committee on Government Operations.

SB 5355 by Senators Drew, Morton and Rasmussen

Providing for payment of claims for damages caused by deer or elk.

Referred to Committee on Natural Resources.

SSB 5419 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley and Quigley; by request of Department of Social and Health Services)

Modifying federal financial participation related to health insurer's and children's health care.

Referred to Committee on Health Care.

SSB 5431 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Prentice and Hale; by request of Insurance Commissioner)

Repealing rural health care statutes.

Referred to Committee on Health Care.

SB 5432 by Senators Prentice and Hale; by request of Insurance Commissioner

Regulating unearned premium, loss, and loss expense reserves.

Referred to Committee on Financial Institutions & Insurance.

SB 5433 by Senators Prentice, Hale and Fraser; by request of Insurance Commissioner

Regulating investments by insurers.

Referred to Committee on Financial Institutions & Insurance.

SSB 5463 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Newhouse, Prentice and Franklin)

Requiring alcohol servers to have alcohol servers permits.

Referred to Committee on Commerce & Labor.

SSB 5551 by Senate Committee on Ways & Means (originally sponsored by Senators Sellar and Snyder)

Authorizing special taxation of lodging.

Referred to Committee on Finance.

SSB 5568 by Senate Committee on Transportation (originally sponsored by Senator Heavey)

Limiting weight of tire studs.

Referred to Committee on Transportation.

SB 5575 by Senators Sheldon, Gaspard, Moyer, Wood, Finkbeiner and Winsley; by request of Governor Lowry

Allowing persons at least sixteen years of age to make anatomical gifts if a parent or guardian signs the document of gift.

Referred to Committee on Health Care.

SSB 5588 by Senate Committee on Law & Justice (originally sponsored by Senators C. Anderson, Smith, Long, Prince, Haugen and Schow)

Clarifying protection of private communications.

Referred to Committee on Law & Justice.

SSB 5799 by Senate Committee on Human Services & Corrections (originally sponsored by Senators McDonald, Wojahn, Cantu and West)

Modifying adult family homes licensure.

Referred to Committee on Health Care.

SB 5819 by Senators Spanel, Rasmussen, Owen, Haugen and Oke

Providing for property tax deferrals for seniors and persons retired because of physical disability.

Referred to Committee on Finance.

SB 5824 by Senators Haugen and Winsley

Changing appointment provisions for the director of a combined city and county health department.

Referred to Committee on Government Operations.

SSB 5957 by Senate Committee on Government Operations (originally sponsored by Senator Cantu)

Amending plats.

Referred to Committee on Government Operations.

ESB 6034 by Senators Quigley, Winsley, Gaspard, Wood, Deccio, Snyder, Rinehart, Sheldon, Spanel, Loveland, Bauer, Owen, Haugen, Heavey, Franklin, Kohl, Prentice, Fraser, Drew, Wojahn, Rasmussen, McAuliffe, Hargrove, Oke and Sutherland

Repealing the health insurance coverage mandate for individuals and employers.

Referred to Committee on Health Care.

ESSB 6047 by Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, McCaslin, Wojahn, Prentice, C. Anderson, Rinehart, Heavey, Spanel, Smith, Sheldon, Drew, Fraser, Loveland, Fairley, Sutherland, McAuliffe, Snyder, Quigley, Hargrove, Franklin, Kohl, Bauer, Rasmussen, Haugen, Owen, Pelz and Winsley)

Providing sales and use tax exemptions for medical care products.

Referred to Committee on Finance.

SSJM 8019 by Senate Committee on Natural Resources (originally sponsored by Senators Oke, Owen, Snyder, A. Anderson, Haugen, Bauer, Gaspard, McDonald, Swecker, Roach, Strannigan, Palmer, Hochstatter, Morton, West, Rasmussen and Spanel)

Requesting federal assistance to facilitate the implementation of judicial decisions concerning the harvest of fish and shellfish.

Referred to Committee on Natural Resources.

Representative Appelwick moved that Engrossed Senate Bill No. 6034 be placed on the second reading calendar.

Representatives Appelwick, Morris and Ebersole spoke in favor of the motion.

Representatives Dyer, Lisk and Padden spoke against the motion.

Representative Appelwick again spoke in favor of the motion.

Representative Dyer again spoke against the motion.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to place Engrossed Senate Bill No. 6034 on the second reading calendar and the motion failed the House by the following vote: Yeas - 36, Nays - 60, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 36.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luvan and Mr. Speaker - 60.

Absent: Representative Brown - 1.

Excused: Representative Blanton - 1.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on the motion to advance Engrossed Senate Bill No. 6034 to the second reading calendar.

LISA BROWN, 3rd District

MOTION

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

With the consent of the House, House Bill No. 1550, House Bill No. 1876, House Bill No. 1922, House Bill No. 2005 and House Bill No. 1131 from the Suspension Calendar were placed on the second reading calendar.

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

MOTION

On motion of Representative Foreman, the House adjourned until 8:30 a.m., Thursday, March 9, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIFTY-NINTH DAY, MARCH 8, 1995

JOURNAL OF THE HOUSE

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

SIXTIETH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 9, 1995

The House was called to order at 8:30 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tiffany Sande and Michelle James. Prayer was offered by Pastor Nell Carlson, First Christian Church of Olympia.

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

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

SECOND READING

There being no objection, the House will consider the bills on the Suspension Calendar.

HOUSE BILL NO. 1866, by Representatives Elliot, K. Schmidt and Benton

Revising certain aeronautics statutes.

The bill was read the second time.

There being no objection the committee recommendation be adopted and the bill be advanced to third reading.

Representative Elliot spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representatives Patterson, Ogden and Costa were excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1866.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1866, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 3, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 92.

Absent: Representatives Dyer, Mielke and Veloria - 3.

Excused: Representatives Blanton, Ogden and Patterson - 3.

House Bill No. 1866, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative Benton: Having voted on the prevailing side moved that the House immediately reconsider the vote on House Bill No. 1866.

RECONSIDERATION

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1866 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1866 on reconsideration, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Patterson - 2.

House Bill No. 1866 on reconsideration, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1872, by Representatives Crouse, Dyer, Dellwo, Wolfe, Morris, Sherstad, Conway, Cody and Padden

Modifying the authority of the board of physical therapy.

The bill was read the second time.

There being no objection the committee recommendation be adopted and the bill be advanced to third reading.

Representative Crouse spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1872.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1872, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

House Bill No. 1872, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1891, by Representatives Smith, Wolfe and L. Thomas

Providing parity among financial institutions.

The bill was read the second time.

There being no objection the committee recommendation be adopted and the bill be advanced to third reading.

Representatives Smith and Wolfe spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1891.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1891, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

House Bill No. 1891, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1964, by Representatives K. Schmidt, R. Fisher, Robertson, Cairnes, Ogden, Hankins, Elliot, Johnson, Chandler, Scott, Tokuda, Quall, Backlund, Chopp, Horn, Koster, McMahan, Mitchell, Skinner, Benton, D. Schmidt and Stevens

Simplifying accident report record-keeping.

The bill was read the second time.

There being no objection the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1964.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1964, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1964, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1995, by Representatives Mielke, Morris and Dyer

Providing an exemption and an offset for insurance premium and prepayment obligations for the high risk pool.

The bill was read the second time.

There being no objection the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Mielke spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1995.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1995, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden,

Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1995, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2034, by Representatives Silver, Quall, Sommers and Basich; by request of State Board for Community and Technical Colleges

Changing community and technical college tuition refund and fee cancellation provisions.

The bill was read the second time.

There being no objection the committee recommendation be adopted and the substitute bill be advanced to third reading.

Representative Silver spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 2034.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2034, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Substitute House Bill No. 2034, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2039, by Representatives Kremen and Chandler

Prescribing rights for certain applications for water rights or water transfers.

The bill was read the second time.

There being no objection the committee recommendation be adopted and the bill be advanced to third reading.

Representatives Kremen and Chandler spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2039.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2039, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

House Bill No. 2039, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4017, by Representatives Thompson, Fuhrman, Stevens, G. Fisher, Elliot, Sheldon, Cairnes, B. Thomas, Beeksmas, Schoesler and Horn

Requesting Congress to control or eradicate nonnative noxious weeds.

The memorial was read the second time.

There being no objection the committee recommendation be adopted and the memorial be advanced to third reading.

Representative Thompson spoke in favor of passage of the memorial.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Joint Memorial No. 4017.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4017, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

House Joint Memorial No. 4017, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4018, by Representatives Casada, Chappell, Brumsickle, Kessler, Huff, Hankins, Kremen, Grant, L. Thomas and Mastin

Requesting a variance in order to preserve man-made wetlands.

The memorial was read the second time.

There being no objection the committee recommendation be adopted and the memorial be advanced to third reading.

Representatives Casada and Rust spoke in favor of passage of the memorial.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Joint Memorial No. 4018.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4018, and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Cody - 1.

Excused: Representative Blanton - 1.

House Joint Memorial No. 4018, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

It was my intention to vote YEA on House Joint Memorial No. 4018.

EILEEN CODY, 11th District

HOUSE JOINT MEMORIAL NO. 4030, by Representatives Hankins, Honeyford, Delvin, Grant and Kessler

Concerning federal funds for the cleanup of the Hanford waste disposal site.

The memorial was read the second time.

There being no objection the committee recommendation was adopted and the memorial was advanced to third reading.

Representatives Hankins, Delvin and Ebersole spoke in favor of passage of the memorial.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Joint Memorial No. 4030.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4030, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

House Joint Memorial No. 4030, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1209, by Representatives K. Schmidt, Mielke, Johnson, Quall, Mitchell, Buck, Romero, Horn and Huff

Regulating commercial vehicle safety.

The bill was read the second time. There being no objection, Substitute House Bill No. 1209 was substituted for House Bill No. 1209 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1209 was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.32 RCW to read as follows:

(1) The Washington state patrol is responsible for enforcement of safety requirements for commercial motor vehicles, including but not limited to terminal safety audits. Those carriers that have terminal operations in this state are subject to the patrol's terminal safety audits.

(2) This section does not apply to:

(a) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard, or dairy products, including livestock and plant or animal wastes, from point of production to market or disposal; or supplies or commodities to be used on the farm, orchard, or dairy;

(b) Commercial motor vehicles regulated under chapters 81.68 (auto transportation companies), 81.70 (passenger charter carriers), 81.77 (solid waste collection companies), 81.80 (motor freight carriers), and 81.90 (limousine charter carriers) RCW; and

(c) Vehicles exempted from registration by RCW 46.16.020.

NEW SECTION. Sec. 2. A new section is added to chapter 46.32 RCW to read as follows:

The department shall collect a fee of ten dollars, in addition to all other fees and taxes, for each motor vehicle base plated in the state of Washington that is subject to highway inspections and terminal audits under section 1 of this act, at the time of registration and renewal of registration under chapter 46.16 or 46.87 RCW. Refunds will not be provided for fees paid under this section when the vehicle is no longer subject to section 1 of this act. The department may deduct an amount equal to the cost of administering the program. All remaining fees shall be deposited with the state treasurer and credited to the state patrol highway account of the motor vehicle fund.

NEW SECTION. Sec. 3. A new section is added to chapter 46.32 RCW to read as follows:

In addition to all other penalties provided by law, a commercial motor vehicle that is subject to terminal safety audits under this chapter and an officer, agent, or employee of a company operating a commercial motor vehicle who violates or who procures, aids, or abets in the violation of this title or any order or rule of the state patrol is liable for a penalty of one hundred dollars for each violation. Each violation is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the patrol describing the violation and advising the person that the penalty is due. The patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue a prosecution to recover the penalty upon such terms it deems proper and may ascertain the facts upon all such applications in such manner and under such rules as it deems proper. If the amount of the penalty is not paid to the patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which the violator does business, to recover the penalty. In all such actions the procedure and rules of evidence are the same as an ordinary civil action except as otherwise provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund.

NEW SECTION. Sec. 4. (1) All powers, duties, and functions of the utilities and transportation commission pertaining to safety inspections of commercial vehicles, including but not limited to terminal safety audits, except for those carriers subject to the economic regulation of the commission, are transferred to the Washington state patrol.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the Washington state patrol. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the Washington state patrol. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the Washington state patrol.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall, on the effective date of this act, be transferred and credited to the Washington state patrol.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) In filling new merit system terminal auditor positions, the Washington state patrol shall give preferential consideration to employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the Washington state patrol. All existing contracts and obligations remain in full force and shall be performed by the Washington state patrol.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission does not affect the validity of any act performed before the effective date of this act.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section alters an existing collective bargaining unit or the provisions of an existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 5. RCW 81.80.330 and 1980 c 132 s 3 are each amended to read as follows:

The commission is hereby empowered to administer and enforce all provisions of this chapter and to inspect the vehicles, books, and documents of all "motor carriers" and the books, documents, and records of those using the service of the carriers for the purpose of discovering all discriminations and rebates and other information pertaining to the enforcement of this chapter and shall prosecute violations thereof. The commission shall employ such auditors, inspectors, clerks, and assistants as it may deem necessary for the enforcement of this chapter ~~((, and it shall be the duty of))~~. The Washington state patrol ~~((to assist in the enforcement of))~~ shall perform all motor carrier safety inspections required by this chapter, ~~((and the duty of))~~ including terminal safety audits, except for (1) those carriers subject to the economic regulation of the commission, or (2) a vehicle owned or operated by a carrier affiliated with a solid waste company subject to economic regulation by the commission. The attorney general ~~((tø))~~ shall assign at least one assistant to the exclusive duty of assisting the commission in the enforcement of this chapter, and the prosecution of persons charged with the violation thereof. It shall be the duty of the Washington state patrol and the sheriffs of the counties to make arrests and the county attorneys to prosecute violations of this chapter.

NEW SECTION. **Sec. 6.** RCW 81.80.145 and 1993 c 359 s 1 are each repealed.

NEW SECTION. **Sec. 7.** This act takes effect January 1, 1996."

In line 2 of the title, after "patrol;" strike the remainder of the title and insert "amending RCW 81.80.330; adding new sections to chapter 46.32 RCW; creating a new section; repealing RCW 81.80.145; prescribing penalties; and providing an effective date."

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was order engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt, R. Fisher and Chandler spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative K. Schmidt yielded to a question by Representative Chandler.

Representative Chandler: Is it the intent of Substitute House Bill No. 1209 to transfer to the Washington State Patrol responsibility for enforcement of all safety requirements for all commercial motor vehicles that are no longer subject to economic regulation by the Washington Utilities and Transportation Commission?

Representative K. Schmidt: Yes.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1209.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1209, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer,

Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1209, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1317, by Representatives Robertson, Cairnes, B. Thomas, Mitchell, Van Luven, Dyer, Lambert, Radcliff, D. Schmidt, Backlund, Cooke, Reams, Campbell, Stevens, L. Thomas and Koster

Revising the selection process for transportation systems and facilities demonstration projects.

The bill was read the second time. There being no objection, Substitute House Bill No. 1317 was substituted for House Bill No. 1317 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1317 was read the second time.

Representative D. Schmidt moved adoption of the following amendment by Representative D. Schmidt:

On page 6, after line 9, insert the following:

"**Sec. 4.** RCW 47.46.050 and 1993 c 370 s 5 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied to payment of the private entity's capital outlay costs for the project, including interest expense, the costs associated with operations, toll collection, maintenance and administration of the facility, reimbursement to the state for the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. The use of any excess toll revenues or user fees may be negotiated between the parties, but a negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection.

~~((After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and~~

~~maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.)"~~

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, strike "and 47.46.040" and insert ", 47.46.040, and 47.46.050"

Representative D. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Backlund moved adoption of the following amendment by Representative Backlund:

On page 7, line 20, after "segment." insert "Any action taken by the secretary regarding the disposition of the agreement for such project, phase, or segment that is contrary to the recommendation of the legislative transportation committee shall be presented to the legislature during the ensuing legislative session for approval and final disposition."

Representatives Backlund and Appelwick spoke in favor of the adoption of the amendment.

Representatives R. Fisher and K. Schmidt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative D. Schmidt moved adoption of the following amendment by Representative D. Schmidt:

Beginning on page 6, line 28, strike all material through "segment." on page 7, line 20, and insert the following:

"(2) In seeking public participation, the private entity shall establish a committee comprised of individuals who represent cities and counties in the vicinity of and that are impacted by the project, phase, or segment; organizations formed to support or oppose the project, phase, or segment; and users of the project, phase, or segment. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

The members of the local involvement committee shall be: (a) An elected official from each city within the project, phase, or segment area as defined by the department and the private entity under the requirements of subsection (3) of this section; (b) an elected official from each county within the project, phase, or segment area as defined under the requirements of subsection (3) of this section; two representatives from an organization formed in support of the project, phase, or segment; two representatives of an organization formed to oppose the project, phase, or segment; and two public members active in a state-wide transportation organization. If the appointments result in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project, phase, or segment is located.

All members of the local involvement committee shall be appointed by the secretary of the department by August 1, 1995. City and county appointees shall be chosen from a list nominated by the association of Washington cities for city members and by the Washington state association of counties for county members. Persons representing organizations in support of or opposed to the project, phase, or segment shall be selected from a list submitted by the chair of such organizations. Public members shall be chosen from a list submitted by the governor.

The local involvement committee shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(3) The department and the private entity, in consultation with the legislative transportation committee and the local involvement committee, shall, by August 1, 1995, determine and define the geographical boundaries of the project, phase, or segment, known as the project, phase, or segment

area. The definition of such project, phase, or segment area shall, at a minimum, identify and include users of the project, phase, or segment; cities and counties in the vicinity of the project, phase, or segment; and cities and counties impacted by the project, phase, or segment. In formulating such definition, the department and the private entity shall identify areas with the largest percentage of normal, daily usage by residents of communities in the vicinity of the project, phase, or segment and residents of communities impacted by the project, phase, or segment.

(4) The private entity shall cause to be conducted on one or more occasions, a comprehensive inventory of public positions of users and of residents of communities in the vicinity of and impacted by such project, phase, or segment as identified under the definition of the project, phase, or segment area established by the department and the private entity. The comprehensive inventory of public positions may include an advisory vote by users of the project, phase, or segment and by residents in the project, phase, or segment area.

The comprehensive inventory of public positions shall be conducted by an independent accountant or other independent professional jointly selected and supervised by the private entity and the department in consultation with the local involvement committee and the legislative transportation committee. The independent accountant or other independent professional must have a proven history and expertise in assessing public opinion and shall not have a direct or indirect interest in such project. The results of the inventory of public positions shall be made available for public review and comment.

(5) The department and the private entity shall provide the legislative transportation committee and the local involvement committee with progress reports on the status of the public involvement process and the inventory of public positions. The results of the inventory of public positions, including public comment on such inventory of public positions, shall be forwarded to the legislative transportation committee and the local involvement committee for their review.

Within fifteen calendar days of submission of such information for a project, phase, or segment, the local involvement committee shall submit a report to the department and the legislative transportation committee supporting or opposing the results of the inventory of public positions. Within forty-five calendar days of submission of the report of the local involvement committee, the legislative transportation committee shall conduct a public hearing regarding the results of the inventory and the report of the local involvement committee.

Taking into account the information submitted, the legislative transportation committee may adopt a resolution making a recommendation to the secretary regarding the disposition of the agreement for such project, phase, or segment. Any action by the secretary in response to the recommendation of the legislative transportation committee shall be taken within thirty calendar days of receipt of such recommendation and shall be carried out in accordance with the terms and conditions established in the agreement for such project, phase, or segment."

Representatives D. Schmidt, Campbell and Chopp spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The following acts or parts of acts are each repealed:

- (1) RCW 47.46.010 and 1993 c 370 s 1;
- (2) RCW 47.46.020 and 1993 c 370 s 2;
- (3) RCW 47.46.030 and 1993 c 370 s 3;
- (4) RCW 47.46.040 and 1993 c 370 s 4;
- (5) RCW 47.46.050 and 1993 c 370 s 5; and
- (6) RCW 47.46.900 and 1993 c 370 s 7.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title, after "facilities;" strike the remainder of the title and insert "repealing RCW 47.46.010, 47.46.020, 47.46.030, 47.46.040, 47.46.050, and 47.46.900; and declaring an emergency."

Representatives Van Luven, Chopp, Smith, Backlund and Thibaudeau spoke in favor of the adoption of the amendment.

Representatives R. Fisher, K. Schmidt and Sheldon spoke against the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the striking amendment to Substitute House Bill No. 1317, and the amendment was not adopted by the following vote: Yeas - 28, Nays - 67, Absent - 2, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Boldt, Campbell, Casada, Chappell, Chopp, Crouse, Fisher, G., Goldsmith, Hargrove, Hymes, Jacobsen, Koster, Kremen, Lambert, Mason, Patterson, Pennington, Radcliff, Reams, Schmidt, D., Sherstad, Smith, Stevens, Thibaudeau, Valle and Van Luven - 28.

Voting nay: Representatives Ballasiotes, Basich, Beeksma, Benton, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Chandler, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Johnson, Kessler, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Poulsen, Quall, Regala, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Sommers, Talcott, Thomas, B., Thomas, L., Tokuda, Veloria, Wolfe and Mr. Speaker - 67.

Absent: Representatives Mastin and Thompson - 2.

Excused: Representative Blanton - 1.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robertson, D. Schmidt, Chopp, Van Luven, Reams and K. Schmidt spoke in favor of passage of the bill.

Representative R. Fisher spoke against passage of the bill.

POINT OF INQUIRY

Representative K. Schmidt yielded to a question by Representative Van Luven.

Representative Van Luven: This bill, Engrossed Substitute House Bill No. 1317, does it apply to the five projects currently selected for a private-public partnership, as well as any project selected in the future?

Representative K. Schmidt: Yes, all five projects currently selected are included in this bill.

POINT OF INQUIRY

Representative K. Schmidt yielded to a question by Representative Robertson.

Representative Robertson: Is the purpose of changes in Engrossed Substitute House Bill No. 1317, to the intent section of the existing law governing public-private initiatives in transportation, to emphasize that the execution of agreements, by the department of transportation with the private sector, does not guarantee the immediate construction of projects selected under this program?

Representative K. Schmidt: Yes. Language added to the Intent section of Chapter 47.46 RCW clarifies that signing the agreements does not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, private entities are provided an opportunity to study and design and to complete all the planning and permitting processes required by law in order to obtain a future decision from state and local agencies to proceed with the project.

The agreements establish the conditions under which private developers may achieve the right to develop and operate the proposed transportation facilities. These conditions must be met prior to construction and operation of a project. If they are not met, the project cannot go forward. The added legislative intent language illuminates this point.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1317.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1317, and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cole, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven and Mr. Speaker - 86.

Voting nay: Representatives Brown, Cody, Conway, Dellwo, Ebersole, Fisher, R., Regala, Romero, Sommers, Voloria and Wolfe - 11.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1317, having received the constitutional majority, was declared passed

STATEMENT FOR THE JOURNAL

I would have voted YEA on Engrossed Substitute House Bill No. 1317.

BILL THOMPSON, 44th District

HOUSE BILL NO. 1318, by Representatives Carlson, Mulliken and Mastin; by request of Higher Education Coordinating Board

Revising provisions for the Washington scholars program.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1318 was substituted for House Bill No. 1318 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1318 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1318.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1318, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Second Substitute House Bill No. 1318, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1330, by Representatives Dyer, Dellwo and Backlund; by request of Department of Health

Modifying health facility and services provisions.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1330 was substituted for House Bill No. 1330 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1330 was read the second time.

Representative Schoesler moved adoption of the following amendment by Representative Schoesler:

On page 2, line 34, strike the amendatory language and insert "except a home health agency operated by the smaller public hospital district based on assessed valuation in a county with a population of under 20,000 with two public hospital districts serving the entire county"

Representatives Schoesler and Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 187 to Second Substitute House Bill No. 1330 was withdrawn.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 12, after line 29, insert the following:

"**NEW SECTION. Sec. 12.** The legislature finds that ambulatory surgical centers have provided the citizens of Washington state access to various routine surgical and similar invasive medical procedures not requiring hospitalization, resulting in reduced health care costs consistent with

the intent of health care reform. However, the delivery of these services may put patients at risk due to the invasive nature of the procedures performed or the use of general anesthesia and the short patient recovery time prior to discharge.

It is the intent of the legislature to protect the citizens of Washington state by licensing ambulatory surgical centers and by adopting and enforcing minimum standards for ambulatory surgical centers. Standards established are intended to be the minimum necessary to ensure a safe environment for the performance of surgical procedures and to ensure safe and competent care of patients.

NEW SECTION. Sec. 13. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Ambulatory surgical center" means any freestanding distinct entity that operates primarily for the purpose of performing surgical procedures to treat patients not requiring in-patient hospital care under normal circumstances, except:

(a) A health care facility otherwise licensed and regulated by the department to provide surgical services, including an ambulatory surgical facility operated by a hospital and regulated by the department according to chapter 70.41 RCW;

(b) A facility in the offices of either an individual or group practice of physicians licensed under chapter 18.71 RCW, osteopathic physicians or surgeons licensed under chapter 18.57 RCW, or podiatric physicians or surgeons licensed under chapter 18.22 RCW, including where the facility is physically separate from such a practice, if the privilege of using such a facility is not extended to such licensed practitioners outside the individual or group practice. However, such a facility may request licensure as an ambulatory surgical center if the facility meets the requirements of this chapter and rules adopted under this chapter; and

(c) A facility in which the services are provided solely by dentists licensed under chapter 18.32 RCW and persons assisting or under the supervision of dentists. However, such a facility may request licensure as an ambulatory surgical center if the facility meets the requirements of this chapter and rules adopted under this chapter.

(2) "Department" means the department of health.

(3) "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, and the legal successor thereof.

(4) "Surgical procedure" means an invasive medical procedure that:

(a) Utilizes a knife, laser, cautery, cryogenics, or chemicals; and

(b) Removes, corrects, or facilitates the diagnosis or cure of a disease, process, or injury through that branch of medicine that treats diseases, injuries, and deformities by manual or operative methods.

NEW SECTION. Sec. 14. (1) Nothing in this chapter shall be construed in any manner to change or expand the scope of practice of a health care practitioner.

(2) Nothing in this chapter shall be construed to limit an ambulatory surgical center to performing only surgical procedures.

NEW SECTION. Sec. 15. After June 30, 1996, no person shall operate or maintain an ambulatory surgical center or advertise by using the term "licensed ambulatory surgery center," "licensed day surgery center," "licensed surgical center," "licensed surgery center," or other words conveying similar meaning without first obtaining an ambulatory surgical center license from the department.

NEW SECTION. Sec. 16. An applicant for an ambulatory surgical center license shall:

(1) Submit to the department a written application on a form provided by the department, including a list of surgical specialties offered;

(2) Submit to the department for review and approval building plans for new construction, alterations other than minor alterations, and additions to existing facilities prior to licensure and occupancy as prescribed by the department;

(3) Demonstrate ability to comply with this chapter and rules adopted under this chapter;

(4) Cooperate with the department during on-site surveys prior to licensure or renewal of licensure;

- (5) Provide such proof as the department may require concerning organizational and governance structure, and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;
- (6) Pay to the department a license fee and building plan review fee as prescribed by the department under the authority of RCW 43.70.110 and 43.70.250; and
- (7) Provide any other information the department may reasonably require.

NEW SECTION. Sec. 17. If the department determines that an applicant complies with the provisions of this chapter and rules adopted under this chapter, the department shall issue a license to the applicant. A license, unless suspended or revoked, is effective for a period of two years, however an initial license is only effective for twelve months. The department shall conduct at least one on-site survey within each licensure period, except as provided for in section 21 of this act.

NEW SECTION. Sec. 18. The department shall establish and adopt such minimum standards and rules pertaining to the construction, maintenance, and operation of ambulatory surgical centers as are necessary for the safe and adequate care and treatment of patients: PROVIDED, That such minimum standards are no greater than federal medicare program standards as they existed on January 1, 1995, unless authorized by other state statute. The department shall adopt standards that are at least equal to recognized applicable national standards pertaining to medical gas piping systems. The department shall rescind, amend, or modify the rules as necessary.

NEW SECTION. Sec. 19. The department may, at any time, conduct an on-site survey of a licensee in order to determine compliance with this chapter and rules adopted under this chapter.

NEW SECTION. Sec. 20. The department may deny, suspend, or revoke a license under this chapter or, in lieu thereof or in addition thereto, assess civil monetary penalties in any case in which it finds the applicant or licensee:

- (1) Failed or refused to comply with the requirements of this chapter or rules adopted under this chapter;
- (2) Was the holder of a license issued according to this chapter that was revoked for cause and never reissued by the department, or that was suspended for cause and the terms of the suspension were not fulfilled, and the licensee has continued to operate;
- (3) Has knowingly or with reason to know made a false statement of material fact in the application for the license or any data attached thereto or in any record required by this chapter or matter under investigation by the department;
- (4) Refused to allow representatives of the department to inspect any portion of the licensee's premises, or any book, record, or file required by this chapter to be maintained;
- (5) Willfully prevented, interfered with, or attempted to impede in any way the work of any representative of the department and the lawful enforcement of any provision of this chapter;
- (6) Willfully prevented, interfered with, or attempted to impede in any way any representative of the department in the preservation of evidence of any violation of this chapter or rules adopted under this chapter;
- (7) Failed to pay any civil monetary penalty assessed by the department according to this chapter within ten days after the assessment becomes final;
- (8) Used advertising that is false, fraudulent, or misleading;
- (9) Has repeated incidents of personnel performing services beyond their scope of practice; or
- (10) Misrepresented or was fraudulent in any aspect of the conduct of the licensee's business.

NEW SECTION. Sec. 21. (1) An ambulatory surgical center that is certified or accredited as an ambulatory surgical center by the federal medicare program or any private accrediting organization shall be granted the applicable renewal license without the necessity of an on-site state licensure survey if:

- (a) The department determines that the applicable survey standards of the certification or accreditation program are substantially equivalent to those required by this chapter;
- (b) An on-site survey has been conducted for the purposes of certification or accreditation during the previous twenty-four months; and

(c) The department receives directly from the certifying or accrediting entity or from the licensee or applicant copies of the initial and subsequent survey reports and other relevant reports or findings that indicate compliance with licensure requirements.

(2) In reviewing whether the federal medicare program or any private accrediting organization has survey standards that are of substantial equivalency to those set forth in this chapter, the department is directed to provide the most liberal interpretation consistent with the intent of this chapter. In the event the department determines at any time that the survey standards are not substantially equivalent to those required by this chapter, the department is directed to notify the affected licensees. The notification shall contain a detailed description of the deficiencies in the alternative survey process, as well as an explanation concerning the risk to the consumer. The determination of substantial equivalency for an alternative survey process and lack of substantial equivalency are agency actions and subject to the provisions of chapter 34.05 RCW.

(3) Ambulatory surgical centers receiving a license without an on-site survey by the department under this chapter shall pay the same licensure fee as other ambulatory surgical centers.

(4) This section does not affect the department's enforcement authority for licensed ambulatory surgical centers.

Sec. 22. RCW 18.106.010 and 1983 c 124 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Advisory board" means the state advisory board of plumbers;

(2) "Department" means the department of labor and industries;

(3) "Director" means the director of department of labor and industries;

(4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;

(5) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;

(6) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to installation, maintenance, and repair of the plumbing of single family dwellings, duplexes, and apartment buildings which do not exceed three stories;

~~((6))~~ (7) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems ~~((and))~~, liquid waste systems, and medical gas piping systems within a building: PROVIDED, That installation in a water system of water softening or water treatment equipment shall not be within the meaning of plumbing as used in this chapter.

NEW SECTION. Sec. 23. Sections 12 through 22 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

NEW SECTION. Sec. 24. Sections 12 through 21 of this act shall constitute a new chapter in Title 70 RCW."

Correct internal references and correct the title.

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Dellwo spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1330.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1330, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Ebersole - 2.

Engrossed Second Substitute House Bill No. 1330, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1357 and House Bill No. 1421 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1430, by Representatives Carlson, Sehlin, Cooke, Sommers, Dellwo and Basich; by request of Joint Committee on Pension Policy

Exempting certain employers from additional retirement contributions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1430 was substituted for House Bill No. 1430 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1430 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1430.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1430, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Ebersole - 2.

Substitute House Bill No. 1430, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1431 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1432, by Representatives Brumsickle and Reams

Providing for notice statements regarding county financial matters.

The bill was read the second time. There being no objection, Substitute House Bill No. 1432 was substituted for House Bill No. 1432 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1432 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1432.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1432, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 95.

Absent: Representative Veloria - 1.

Excused: Representatives Blanton and Ebersole - 2.

Substitute House Bill No. 1432, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1437, by Representatives Foreman, Chandler, Mastin and B. Thomas

Revising lease rates for amateur radio electronic repeater sites.

The bill was read the second time. There being no objection, Substitute House Bill No. 1437 was substituted for House Bill No. 1437 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1437 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Foreman spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Brumsickle was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1437.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1437, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Brumsickle and Ebersole - 3.

Substitute House Bill No. 1437, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1459, by Representatives Van Luven and Sheldon

Exempting from business and occupation tax reimbursements and advances received by property management companies for the payment of wages and benefits to on-site employees.

The bill was read the second time. There being no objection, Substitute House Bill No. 1459 was substituted for House Bill No. 1459 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1459 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1459.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1459, and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin,

McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Chopp, Cole, Rust and Sommers - 4.

Excused: Representatives Blanton, Brumsickle and Ebersole - 3.

Substitute House Bill No. 1459, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1465, by Representatives Silver and Sommers; by request of Secretary of State

Concerning the employee suggestion program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1465.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1465, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Brumsickle and Ebersole - 3.

House Bill No. 1465, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1471, by Representatives Padden and Appelwick

Regulating homeowners' associations.

The bill was read the second time. There being no objection, Substitute House Bill No. 1471 was substituted for House Bill No. 1471 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1471 was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 2, line 4, strike "An" and insert "Unless otherwise provided in the governing documents, an"

On page 3, line 15, after "adoption" insert "by the board of directors"

On page 3, line 15, strike "of directors"

On page 6, line 9, strike "an annual budget" and insert "annual assessments"

Representatives Appelwick and Padden spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 4, beginning on line 21, after "(2)" strike all matter through "directors." on page 4, line 22

Representatives Appelwick and Padden spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 1, at the beginning of line 9, insert "unincorporated association, or other legal entity,"

On page 1, line 9, after "owner of" insert "residential"

On page 1, line 10, strike "association boundaries" and insert "association's jurisdiction, as described in the governing documents,"

On page 1, line 15, after "incorporation," strike all matter through "association" on page 1, line 17, and insert "bylaws, plat, declaration of covenants, conditions, and restrictions, rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction"

On page 1, after line 17, insert:

"(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes."

The amendment was adopted.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 6, after line 18, insert:

"NEW SECTION. **Sec. 11.** Any violation of the provisions of this chapter shall entitle an aggrieved party to any remedy provided by law or in equity. The court in an appropriate case may award reasonable attorneys' fees to the prevailing party."

On page 6, line 19, strike "10" and insert "11"

Representatives Appelwick and Padden spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

Representative McMahan spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1471.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1471, and the bill passed the House by the following vote: Yeas - 82, Nays - 13, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Boldt, Brown, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Mason, Mastin, Mielke, Morris, Ogden, Padden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 82.

Voting nay: Representatives Benton, Fuhrman, Goldsmith, Hargrove, Koster, Lisk, McMahan, McMorris, Mitchell, Mulliken, Pennington, Sherstad and Stevens - 13.

Excused: Representatives Blanton, Brumsickle and Ebersole - 3.

Engrossed Substitute House Bill No. 1471, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: House Bill No. 1632, House Bill No. 1903, House Joint Memorial No. 4001, House Joint Memorial No. 4020, House Bill No. 1431 and House Bill No. 1476.

HOUSE BILL NO. 1632, by Representatives Horn, Basich and Fuhrman

Exchanging certain public lands.

The bill was read the second time. There being no objection, Substitute House Bill No. 1632 was substituted for House Bill No. 1632 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1632 was read the second time.

With the consent of the House, amendment number 112 to Substitute House Bill No. 1632 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Horn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1632.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1632, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Brumsickle and Ebersole - 3.

Substitute House Bill No. 1632, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1903, by Representatives Clements, Casada, Chandler and Schoesler

Establishing new procedures for rule adoption by administrative agencies.

The bill was read the second time. There being no objection, Substitute House Bill No. 1903 was substituted for House Bill No. 1903 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1903 was read the second time.

Representative Clements moved adoption of the following amendment by Representative Clements:

On page 12, after line 8, strike all of section 302 and insert the following:
"Sec. 302. RCW 17.21.040 and 1989 c 380 § 35 are each amended to read as follows:
All rules adopted under the provisions of this chapter shall be subject to the provisions of chapter 34.05 RCW ((as enacted or hereafter amended,)) and section 104 of this act concerning the adoption of rules."

Representatives Clements and Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

MOTION

On motion of Representative Talcott, Representative Horn was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Mastin spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

MOTION

Representative Appelwick moved that the House refer Engrossed Substitute House Bill No. 1903 to the Committee on Government Operations.

Representative Appelwick spoke in favor of the motion.

The motion failed.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1903.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1903, and the bill passed the House by the following vote: Yeas - 74, Nays - 22, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 74.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dickerson, Fisher, R., Mason, Ogden, Patterson, Poulsen, Regala, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 22.

Excused: Representatives Blanton and Horn - 2.

Engrossed Substitute House Bill No. 1903, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4001, by Representatives Campbell, B. Thomas, Chappell, Schoesler, Talcott, Dyer, Mastin, Chandler, Casada, Kremen, Sheahan, Backlund, Beeksma, Pennington, Lambert, Smith, Delvin, Robertson, Buck, Elliot, Mulliken, Blanton, Benton, McMahan, Hargrove, Radcliff, Koster, Scott, Cooke, Johnson, Thompson, Goldsmith, Crouse, Brumsickle, G. Fisher, Basich, Grant, Sehlin, Van Luven, Hankins, McMorris, Fuhrman, Sheldon, Huff, Silver and Hymes

Petitioning the federal government to cease and desist mandates that are beyond the scope of its powers.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Campbell, Foreman, Elliot, Sherstad, Sheldon, Koster, Johnson, Smith and Padden spoke in favor of passage of the memorial.

Representatives Appelwick, Jacobsen and Benton spoke against passage of the memorial.

Representative Appelwick again spoke against passage of the memorial.

Representative Campbell again spoke in favor of passage of the memorial.

MOTIONS

Representative McMahan moved that the remarks by Representative Campbell to House Joint Memorial No. 4001 be spread upon the Journal.

Representative Campbell moved that the remarks by Representative Appelwick to House Joint Memorial No. 4001 be spread upon the Journal.

Representative McMahan withdrew the motion to spread the remarks by Representative Campbell on the Journal.

Representative Campbell withdrew the motion to spread the remarks by Representative Appelwick on the Journal.

The Speaker stated the question before the House to be final passage of House Joint Memorial No. 4001.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4001, and the memorial passed the House by the following vote: Yeas - 71, Nays - 25, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 71.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Ogden, Poulsen, Regala, Romero, Rust, Scott, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 25.

Excused: Representatives Blanton and Horn - 2.

House Joint Memorial No. 4001, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4020, by Representatives Campbell, Hatfield, Wolfe, B. Thomas, McMorris, Brumsickle, Morris, Radcliff, Elliot, Beeksma, Kessler, Carrell and L. Thomas

Encouraging schools to provide an elementary gun safety program.

The memorial was read the second time.

Representative Costa moved adoption of the following amendment by Representative Costa:

On page 1, after line 18, strike all material down to and including "State." on page 2, line 25 and insert the following:

"WHEREAS, Fortunately, education professionals, firearms safety experts, and others have developed gun safety programs designed for children in the early grades; and

WHEREAS, The Eddie Eagle Gun Safety Program developed by the National Rifle Association and the STAR program (Straight Talk about Risks) developed by the Center to Prevent Handgun Violence are two such programs that teach the fundamentals of firearms safety to children in an effective and enjoyable way, emphasizing the need to stay away from guns and to report guns to a responsible adult; and

WHEREAS, These worthwhile programs are available at nominal costs; and

WHEREAS, Teaching children to act safely around firearms is a critical step in the effort to reduce the number of firearms accidents among children;

NOW, THEREFORE, Your Memorialists respectfully pray that the school districts of the State of Washington promote the use of gun safety programs in our schools to help prevent firearms accidents among children.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Judith Billings, Superintendent of Public Instruction, and to the Superintendent of each public school district in Washington State."

Representative Costa spoke in favor of the adoption of the amendment.

Representative Campbell spoke against the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

Representative Costa again spoke in favor of the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 1, after line 18, to House Joint Memorial No. 4020 and the memorial was not adopted by the following vote: Yeas - 35, Nays - 61, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Excused: Representatives Blanton and Horn - 2.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Campbell, Brumsickle, K. Schmidt, Cole and Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Joint Memorial No. 4020.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4020, and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Horn - 2.

House Joint Memorial No. 4020, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1431, by Representative Silver; by request of Department of Retirement Systems

Paying for department of retirement system expenses.

The bill was read the second time. There being no objection, Substitute House Bill No. 1431 was substituted for House Bill No. 1431 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1431 was read the second time.

Representative Beeksma moved adoption of the following amendment by Representative Beeksma:

On page 2, beginning on line 13, strike section 2

Renumber the remaining section consecutively and correct the title reference accordingly.

Representative Beeksma spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Lambert moved adoption of the following amendment by Representative Lambert:

On page 2, line 28, strike "department" and insert "office of financial management"

POINT OF ORDER

Representative Beeksma: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

Representative Lambert withdrew amendment number 83 to Substitute House Bill No. 1431.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1431.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1431, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Horn - 2.

Engrossed Substitute House Bill No. 1431, having received the constitutional majority, was declared passed.

There being no objection, all bills passed today will be transmitted to the Senate.

HOUSE BILL NO. 1476, by Representative Dyer; by request of Department of Social and Health Services

Modifying federal financial participation related to health insurer's and children's health care.

The bill was read the second time. There being no objection, Substitute House Bill No. 1476 was substituted for House Bill No. 1476 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1476 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1476.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1476, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell,

Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Horn - 2.

Substitute House Bill No. 1476, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1483, by Representatives Pennington, Elliot, Stevens, Huff, Mielke, Johnson, L. Thomas, McMahan and Sheahan

Revising provisions on the prevention and suppression of forest wild fires.

The bill was read the second time. There being no objection, Substitute House Bill No. 1483 was substituted for House Bill No. 1483 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1483 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pennington spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1483.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1483, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Horn - 2.

Substitute House Bill No. 1483, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1485, by Representatives Morris, Pennington, Brumsickle, Robertson, Campbell, Mastin, Schoesler, Basich, Chandler, Sheldon, Kremen, Thompson, Costa, McMahan and Quall

Exempting from sales and use tax sales to volunteer fire departments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morris spoke in favor of passage of the bill.

Representative Foreman moved that the House defer further consideration of House Bill No. 1485 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1507, by Representatives Ogden, Radcliff, Jacobsen, Brumsickle, Chopp and Dickerson; by request of Washington State Historical Society

Requiring a process to solicit proposals for and prioritize heritage capital projects.

The bill was read the second time. There being no objection, Substitute House Bill No. 1507 was substituted for House Bill No. 1507 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1507 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden, Sehlin, Jacobsen and Chopp spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1507.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1507, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Horn - 2.

Substitute House Bill No. 1507, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1524, by Representatives Chandler, Mastin and McMorris

Changing weights and measures regulations.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1524 was substituted for House Bill No. 1524 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1524 was read the second time.

With the consent of the House, amendment number 236 to Substitute House Bill No. 1524 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mastin and Chandler spoke in favor of passage of the bill.

Representatives Rust and Jacobsen spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1524.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1524, and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 77.

Voting nay: Representatives Appelwick, Cole, Conway, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 20.

Excused: Representative Blanton - 1.

Second Substitute House Bill No. 1524, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1527, by Representatives Benton, Clements, Koster, Dellwo, Campbell, Boldt, Kessler, Wolfe, Mielke, Thompson, Delvin, Carlson, Pelesky, D. Schmidt, Chopp, Van Luven, R. Fisher, Hickel, Sehlin, Costa, Ballasiotes, Pennington, Radcliff, Carrell, Hatfield, Romero, B. Thomas, Beeksma, Cody, Cooke, Dickerson, Conway, Jacobsen, Basich, Hargrove, L. Thomas, Chandler, Kremen, Robertson, Johnson, K. Schmidt, Smith, Dyer, Elliot, Blanton, Goldsmith, Mulliken, Schoesler and Brumsickle

Recognizing veterans of World War II.

The bill was read the second time. There being no objection, Substitute House Bill No. 1527 was substituted for House Bill No. 1527 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1527 was read the second time.

Representative Benton moved adoption of the following amendment by Representative Benton:

On page 1, line 15, strike "twenty-five thousand"
On page 1, line 15, after "of" insert "fifty thousand"

Representative Benton spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benton, Basich and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1527.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1527, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1527, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1536, by Representative Dyer

Revising the Washington long-term care partnership.

The bill was read the second time. There being no objection, Substitute House Bill No. 1536 was substituted for House Bill No. 1536 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1536 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Dellwo spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1536.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1536, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1536, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1540, by Representatives Fuhrman, Jacobsen, Buck, Campbell, Basich, Hargrove, L. Thomas, Chandler, Robertson, Honeyford, Johnson, Thompson, Dyer, Delvin, Elliot, Mielke, Blanton, McMorris, McMahan, Mulliken, Clements, Cooke, Brumsickle and Stevens

Expanding the authority of the fish and wildlife commission.

The bill was read the second time. There being no objection, Substitute House Bill No. 1540 was substituted for House Bill No. 1540 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1540 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Fuhrman spoke in favor of passage of the bill.

Representative Basich spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1540.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1540, and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beekma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria and Mr. Speaker - 86.

Voting nay: Representatives Basich, Brown, Cole, Dellwo, Dickerson, Fisher, R., Mason, Regala, Rust, Sommers and Wolfe - 11.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1540, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1542, by Representatives Brown, Cooke, Dickerson and Costa; by request of Department of Social and Health Services

Modifying placement of juveniles, specifically addressing independent living.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brown and Cooke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1542.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1542, and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Koster, McMahan, Mulliken, Padden, Pennington, Schoesler, Sherstad, Smith and Stevens - 9.

Excused: Representative Blanton - 1.

House Bill No. 1542, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1553, by Representative L. Thomas; by request of Attorney General

Concerning the proper form of certain ballot titles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1553.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1553, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer,

Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

House Bill No. 1553, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1555, by Representatives McMorris, Foreman, Mastin, Chandler, Chappell, Koster, Boldt, Schoesler, Johnson, Honeyford, Clements, Regala, Basich, Hargrove, L. Thomas, Thompson, Delvin, Elliot, Goldsmith, McMahan, Mulliken, Fuhrman, Stevens and Lisk

Revising department of ecology entry authority for water quality complaints caused by agricultural activity.

The bill was read the second time. There being no objection, Substitute House Bill No. 1555 was substituted for House Bill No. 1555 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1555 was read the second time.

Representative Schoesler moved adoption of the following amendment by Representative Schoesler:

On page 1, line 7, strike "private"
On page 1, line 12, strike "private"
On page 1, line 16, strike "private"
On page 1, line 18, strike "private"
On page 2, line 15, strike "private"
On page 3, line 5, strike "private"
On page 3, line 9, strike "private"

Representative Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Mastin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1555.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1555, and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman,

Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 82.

Voting nay: Representatives Appelwick, Chopp, Cole, Dellwo, Dickerson, Fisher, R., Jacobsen, Mason, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 15.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1555, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1556, by Representatives Wolfe, Boldt, Scott, Romero, B. Thomas, Johnson, Talcott, Delvin, Carrell, Campbell, Van Luven, Cooke, Dickerson, Kessler, Basich, Conway, Smith and Costa

Creating a presumption that visitation by relatives such as grandparents is in a child's best interests.

The bill was read the second time. There being no objection, Substitute House Bill No. 1556 was substituted for House Bill No. 1555 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1556 was read the second time.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

On page 1, line 15, after "proceeding." insert "A person other than a parent may not petition for visitation under this section unless the child's parent or parents have commenced an action under this chapter."

On page 3, after line 11, strike all of subsection (11).

Representatives McMahan, Wolfe and Padden spoke in favor of the adoption of the amendment.

Representatives Appelwick spoke against the adoption of the amendment.

Representative Wolfe again spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wolfe, Appelwick, Robertson and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1556.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1556, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1556, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1594, by Representatives Foreman, Sherstad, Campbell, Benton, McMahan, Elliot, Chandler and Hargrove

Requiring blood tests of injured persons if persons rendering aid came in contact with their blood.

The bill was read the second time. There being no objection, Substitute House Bill No. 1594 was substituted for House Bill No. 1594 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1594 was read the second time.

With the consent of the House, amendment number 160 to Substitute House Bill No. 1594 was withdrawn.

Representative Smith moved adoption of the following amendment by Representative Smith:

On page 2, line 7, after "disclose" strike "the test result" and insert "the identity of the person whose blood was tested"

Representative Smith spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Foreman and Campbell spoke in favor of passage of the bill.

Representatives Cody and Thibaudeau spoke against the passage of the bill.

Representative Campbell again spoke in favor of passage of the bill.

MOTION

On motion of Representative Grant, Representative Brown was excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1594.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1594, and the bill passed the House by the following vote: Yeas - 72, Nays - 24, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 72.

Voting nay: Representatives Chopp, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Hatfield, Kessler, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 24.

Excused: Representatives Blanton and Brown - 2.

Engrossed Substitute House Bill No. 1594, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1594.

EILEEN CODY, 11th District

HOUSE BILL NO. 1625, by Representatives Reams, Brumsickle, Casada, Morris, Hargrove, Buck, Radcliff, Benton, Grant, Talcott, Hymes, Thompson, Elliot and Huff

Regulating payment of impact fees.

The bill was read the second time. There being no objection, Substitute House Bill No. 1625 was substituted for House Bill No. 1625 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1625 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Reams spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1625.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1625, and the bill passed the House by the following vote: Yeas - 70, Nays - 26, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements,

Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 26.

Excused: Representatives Blanton and Brown - 2.

Substitute House Bill No. 1625, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1639, by Representatives B. Thomas, Van Luven, Morris, Horn, Campbell, Kremen and Sheldon

Exempting vessel manufacturers and dealers from the use tax.

The bill was read the second time. There being no objection, Substitute House Bill No. 1639 was substituted for House Bill No. 1639 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1639 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1639.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1639, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Brown - 2.

Substitute House Bill No. 1639, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1663, by Representatives Schoesler, Carlson, Brumsickle, Morris, Chopp, Tokuda, Dickerson, Campbell, Costa, Benton, Robertson, D. Schmidt, Thompson, Cooke, Mason and Dyer

Concerning the taxation of property donated to a nonprofit entity.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1663.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1663, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Brown - 2.

House Bill No. 1663, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1665, by Representatives McMorris, Campbell, Honeyford, Koster, Johnson, Huff, Cairnes, Fuhrman, D. Schmidt, Padden and Thompson

Limiting review or approval of on-site sewage disposal systems by the department of ecology.

The bill was read the second time. There being no objection, Substitute House Bill No. 1665 was substituted for House Bill No. 1665 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1665 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Mastin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1665.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1665, and the bill passed the House by the following vote: Yeas - 71, Nays - 25, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon,

Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 71.

Voting nay: Representatives Appelwick, Basich, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 25.

Excused: Representatives Blanton and Brown - 2.

Substitute House Bill No. 1665, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1673, by Representatives Dickerson, Mason, Morris, Chappell, Wolfe, Kessler, Hatfield, Conway, Benton, Kremen, Cody and Mastin

Expanding property tax deferrals for senior citizens and persons retired by reason of physical disability.

The bill was read the second time. There being no objection, Substitute House Bill No. 1673 was substituted for House Bill No. 1673 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1673 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Pennington spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1673.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1673, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Brown - 2.

Substitute House Bill No. 1673, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1704, by Representatives Lisk, L. Thomas, Ballasiotes, Kremen, Chappell, Cooke, Goldsmith, Padden, Radcliff, Mulliken, Pennington, McMorris, Smith, Delvin, Hickel, Mastin, Sehlin, Beeksma, Robertson, Cairnes, Koster, Brumsickle, D. Schmidt, Horn, Reams, Campbell, Chandler, Backlund, McMahan and Elliot

Eliminating registration requirements for sellers of travel.

The bill was read the second time. There being no objection, Substitute House Bill No. 1704 was substituted for House Bill No. 1704 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1704 was read the second time.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 3, line 32, after "advertisement" strike "brochure" and insert ", brochure."

Representative Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 6, line 3, strike "approved" and insert "((~~approved~~))"

Representative Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 10, line 9, strike "section" and insert "chapter"

Representative Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 12, line 20, strike all of line 20
Renumber remaining subsections consecutively and correct the title accordingly.

Representative Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

Representative Cole spoke against passage of the bill.

MOTION

On motion of Representative Grant, Representative Dellwo was excused.

POINT OF PERSONAL INQUIRY

Representative K. Schmidt: Thank you Mr. Speaker. This bill regulates travels agents, in my private life I do own a travel agency I would like a ruling from the Speaker whether I should vote or not vote on this bill.

Mr. Speaker: Thank you, Representative K. Schmidt. Under the rules of the House, under voting rule 19 Sub. Sec. D no member should vote on any question which effects that member privately and particularly. This would effect many other people similarly. And it would not be you privately and particularly. So the rules say you should vote.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1704.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1704, and the bill passed the House by the following vote: Yeas - 74, Nays - 21, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 74.

Voting nay: Representatives Appelwick, Basich, Cody, Cole, Conway, Dickerson, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 21.

Excused: Representatives Blanton, Brown and Dellwo - 3.

Engrossed Substitute House Bill No. 1704, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1705, by Representatives Huff, Casada, Kremen, Patterson, Grant, Kessler, G. Fisher, Mielke, Crouse, Chandler, Hankins, Mitchell, Hatfield, Campbell, Smith, L. Thomas, Horn and Benton

Excluding utility line clearing from the definition of retail sale.

The bill was read the second time. There being no objection, Substitute House Bill No. 1705 was substituted for House Bill No. 1705 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1705 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff, Beeksma and Kessler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1705.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1705, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Brown and Dellwo - 3.

Substitute House Bill No. 1705, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1707, by Representatives Hargrove, Sheahan and Pelesky

Correcting references to classification of cities and towns.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hargrove spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1707.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1707, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Brown and Dellwo - 3.

House Bill No. 1707, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1709, by Representatives Carrell, Padden, Campbell, Backlund, Costa, Conway, Delvin, Robertson, Thompson, McMahan, Benton and Elliot

Limiting certain offenses to no more than fifteen percent good time credits.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell, Reams, Padden and Casada spoke in favor of passage of the bill.

Representative B. Thomas spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1709.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1709, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehnlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Brown and Dellwo - 3.

House Bill No. 1709, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1719 and House Bill No. 1729 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1739, by Representatives Hymes, L. Thomas, Mielke, Fuhrman, G. Fisher, Grant and Reams

Delegating to local municipal jurisdictions of hydraulic project approval authority.

The bill was read the second time. There being no objection, Substitute House Bill No. 1739 was substituted for House Bill No. 1739 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1739 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hymes and Reams spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

MOTION

On motion of Representative Grant, Representative Tokuda was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1739.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1739, and the bill passed the House by the following vote: Yeas - 75, Nays - 19, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Raddliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 75.

Voting nay: Representatives Appelwick, Chopp, Cody, Cole, Dickerson, Ebersole, Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Valle and Wolfe - 19.

Excused: Representatives Blanton, Brown, Dellwo and Tokuda - 4.

Substitute House Bill No. 1739, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1741, by Representatives Chandler and Mastin

Providing moneys for wine and wine grape research.

The bill was read the second time. There being no objection, Substitute House Bill No. 1741 was substituted for House Bill No. 1741 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1741 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler, Mastin, Dyer and G. Fisher spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1741.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1741, and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Benton, Fisher, G., McMahan, Patterson and Smith - 5.

Excused: Representatives Blanton, Brown, Dellwo and Tokuda - 4.

Substitute House Bill No. 1741, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1742, by Representatives Mitchell, Casada and K. Schmidt

Providing that the department of community, trade, and economic development provide support for the energy facility site evaluation council.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1742.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1742, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Blanton, Brown, Dellwo and Tokuda - 4.

House Bill No. 1742, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1749, by Representatives Clements, Lisk, Blanton, Chandler, Lambert, Honeyford, Sheldon, Horn, Skinner, Hargrove, Fuhrman, Stevens, Radcliff, Huff, Schoesler and Backlund

Defining misconduct for unemployment insurance purposes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Lisk spoke in favor of passage of the bill.

Representatives Romero, Conway, Kremen, Campbell and Ballasiotes spoke against passage of the bill.

Representative Clements again spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Clements yielded to a question by Representative Ballasiotes.

Representative Ballasiotes: Does it indeed address the issue, if your employer has a no smoking policy and you smoke off the job in your home, in your car; wherever, is this off duty misconduct.

Representative Clements: I don't think the intent of this is to deal with smoking. I would say that if you worked in a place where smoking could be a problem and it was written down as part of the job description as misconduct whatever the circumstances you'd understand that because it was

written. The problem we have is when things aren't written and people don't understand. That's about the best way I can answer that question.

The Speaker stated the question before the House to be final passage of House Bill No. 1749.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1749, and the bill failed to pass the House by the following vote: Yeas - 43, Nays - 52, Absent - 0, Excused - 3.

Voting yea: Representatives Beeksma, Benton, Boldt, Cairnes, Casada, Chandler, Clements, Cooke, Delvin, Dyer, Elliot, Foreman, Goldsmith, Hickel, Honeyford, Horn, Huff, Hymes, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Pelesky, Quall, Radcliff, Reams, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 43.

Voting nay: Representatives Appelwick, Backlund, Ballasiotes, Basich, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Chappell, Chopp, Cody, Cole, Conway, Costa, Crouse, Dickerson, Ebersole, Fisher, G., Fisher, R., Fuhrman, Grant, Hankins, Hargrove, Hatfield, Jacobsen, Johnson, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Padden, Patterson, Pennington, Poulsen, Regala, Robertson, Romero, Rust, Schmidt, K., Scott, Sheldon, Smith, Sommers, Thibaudeau, Valle, Veloria and Wolfe - 52.

Excused: Representatives Blanton, Dellwo and Tokuda - 3.

House Bill No. 1749, not having received the constitutional majority, was declared failed.

HOUSE BILL NO. 1758, by Representatives Backlund, Sherstad, Dyer, Morris and Cody

Creating the health professional data information system.

The bill was read the second time. There being no objection, Substitute House Bill No. 1758 was substituted for House Bill No. 1758 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1758 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Backlund spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1758.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1758, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Dellwo and Tokuda - 3.

Substitute House Bill No. 1758, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1761, by Representatives Casada, Hankins, Patterson, Crouse, Huff, Carlson, Morris, Mielke, Mitchell and Kessler

Clarifying physical conditions for determining the output of major energy projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Casada spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Casada yielded to a question by Representative Hankins.

Representative Hankins: For purposes of clarification, does the term "continuous" include a thermal power plant's planned or unplanned shutdown periods? For example would the shutdown of a plant for maintenance interrupt the "continuous" nature of the power rating for purposes of the measurement?

Representative Casada: No. The term "continuous" means or refers to what the plant can sustain over a continuous period of time. This is the performance level which would be certified by the manufacturer for continuous operation of the plant for an extended period of time. So, to respond to your example, planned or unplanned shutdowns for maintenance or other operational reasons would not affect the calculation of the two hundred fifty thousand kilowatts, as that term is defined under this amendment, which would be measured using the continuous power rating, less minimum auxiliary load, at average ambient temperature and pressure.

Representative Hankins: Does then that whole phrase, "maximum continuous electric generating capacity", mean the highest possible amount of electric generation the plant is capable of achieving?

Representative Casada: No. The phrase "maximum continuous electric generation capacity" means the electric generating level that the plant can sustain when operated at the performance level guaranteed by the electric generating equipment manufacturer for continuous operation of the plant for an extended period of time.

Representative Hankins: Also for purposes of clarification, does the term "plant" mean only the electric generating equipment?

Representative Casada: No. The term "plant" means the entire electric generation facility, including all associated facilities, together with all integrated control devices.

Representative Hankins: For further clarification, is there a specific location at which the electric generation capacity is "measured" as referenced in the statute?

Representative Casada: Yes. The term "measured" means at the plant interconnect with the electric distribution system to which the plant supplies electricity.

Representative Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1761.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1761, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Boldt, Ogden and Romero - 3.

Excused: Representatives Blanton, Dellwo and Tokuda - 3.

House Bill No. 1761, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1773 and House Bill No. 1791 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1814, by Representative Carlson

Changing provisions relating to the Washington award for vocational excellence.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1814 was substituted for House Bill No. 1814 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1814 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1814.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1814, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Tokuda - 2.

Second Substitute House Bill No. 1814, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1818 and the bill held it's place on the second reading calendar.

NOTICE OF RECONSIDERATION

Representative K. Schmidt: Having voted on the prevailing side I move to reconsider the vote by which Second Substitute House Bill No. 1749 failed to pass the House on the next working day.

HOUSE BILL NO. 1843, by Representatives Lisk, Cole, Hargrove, Romero, Horn and Conway

Clarifying the terms of the members of the advisory board of plumbers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1843.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1843, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Tokuda - 2.

House Bill No. 1843, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1862, by Representatives Reams, K. Schmidt, Horn, Hankins and Blanton

Promoting the development of model home-matching programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 1862 was substituted for House Bill No. 1862 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1862 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1862.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1862, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Absent: Representative Appelwick - 1.

Excused: Representatives Blanton and Tokuda - 2.

Substitute House Bill No. 1862, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1871, by Representatives Sheahan and Schoesler

Providing equalization for transit systems imposing an utility tax.

The bill was read the second time. There being no objection, Substitute House Bill No. 1871 was substituted for House Bill No. 1871 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1871 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1871.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1871, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Tokuda - 2.

Substitute House Bill No. 1871, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1910, by Representatives Goldsmith, Cairnes, Hargrove and Lisk

Providing for industrial insurance self-insurers to determine benefits for permanent disability.

The bill was read the second time. There being no objection, Substitute House Bill No. 1910 was substituted for House Bill No. 1910 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1910 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith, Campbell, Cairnes and Mastin spoke in favor of passage of the bill.

Representatives Romero and Conway spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1910.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1910, and the bill passed the House by the following vote: Yeas - 68, Nays - 28, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Morris, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria and Wolfe - 28.

Excused: Representatives Blanton and Tokuda - 2.

Substitute House Bill No. 1910, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1911 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1938, by Representatives L. Thomas, Mielke, Horn and Reams

Modifying the administration of the responsibilities of self-insurers.

The bill was read the second time. There being no objection, Substitute House Bill No. 1938 was substituted for House Bill No. 1938 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1938 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1938.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1938, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Tokuda - 2.

Substitute House Bill No. 1938, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1977, by Representatives Mielke, Casada, Grant, Appelwick, Basich, Smith and L. Thomas

Penalizing theft of telecommunication and cable services.

The bill was read the second time. There being no objection, Substitute House Bill No. 1977 was substituted for House Bill No. 1977 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1977 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1977.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1977, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove,

Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Tokuda - 2.

Substitute House Bill No. 1977, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1991, by Representatives Silver, Ogden, Sommers, Valle, Chandler, Stevens and Fuhrman; by request of Legislative Budget Committee

Reimbursing the legislative budget committee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Silver and Ogden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1991.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1991, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Tokuda - 2.

House Bill No. 1991, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 2004 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 2022, by Representative Fuhrman

Making mining claims.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fuhrman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2022.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2022, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Ebersole and Tokuda - 3.

House Bill No. 2022, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2032, by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Brown, Backlund, Romero, Johnson, D. Schmidt, Elliot, Benton and Blanton

Depositing certain sales or use tax revenue into the transportation fund.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2032.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2032, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representative Rust - 1.

Excused: Representatives Blanton, Ebersole and Tokuda - 3.

House Bill No. 2032, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2036, by Representative L. Thomas

Concerning the sale of consumer credit unemployment insurance.

The bill was read the second time. There being no objection, Substitute House Bill No. 2036 was substituted for House Bill No. 2036 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2036 was read the second time.

Representative Smith moved adoption of the following amendment by Representative Smith:

On page 1, beginning on line 14, after "life" strike all material through "lines" on line 17, and insert "~~((and credit disability insurance in connection with an extension of credit and such other credit life or disability insurance lines))~~ and credit disability insurance or credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations in connection with an extension of credit and such other credit life and disability insurance or credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations"

On page 2, beginning on line 18, after "life" strike all material through "insurance" on line 19, and insert "~~((and credit accident and health insurance))~~ and credit accident and health insurance and credit casualty insurance against loss or damage resulting from failure of debtors to pay their obligations"

Representatives Smith and L. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2036.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2036, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Ebersole and Tokuda - 3.

Engrossed Substitute House Bill No. 2036, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: House Bill No. 1104, House Bill No. 1775, Substitute House Bill No. 1231 and Engrossed House Bill No. 1130.

HOUSE BILL NO. 1104, by Representatives McMorris, Campbell, Pennington, Mulliken, Koster, Sheldon, Padden, Kremen, Smith, Chandler, Honeyford, Hargrove, McMahan, Benton, D. Schmidt, Chappell, Thompson, Fuhrman, Delvin, Schoesler, Casada, Blanton, Stevens, Johnson, Huff, Foreman, Hymes, Sherstad, Robertson, Backlund, L. Thomas, Mielke, Cairnes, Elliot, Goldsmith and Buck

Removing requirements relating to carrying firearms unloaded and enclosed in an opaque case or wrapper.

The bill was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

Strike everything after the enacting clause and insert the following:

" **Sec. 1.** RCW 9.41.050 and 1994 sp.s. c 7 s 405 are each amended to read as follows:

(1) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.

(2) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and: (a) The pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

(3) A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(4) Any city or town may enact an ordinance that provides that except as otherwise provided in this chapter, no person may carry a firearm unless it is unloaded and enclosed in an opaque case or secure wrapper or the person is:

(a) Licensed under RCW 9.41.070 to carry a concealed pistol;

(b) In attendance at a hunter's safety course or a firearms safety course;

(c) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(d) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;

~~(e) ((Hunting or trapping under a valid license issued to the person under Title 77 RCW;~~

~~(f) In an area where the discharge of a firearm is permitted, and is not trespassing;~~

~~(g) Traveling with any unloaded firearm in the person's possession to or from any activity described in (b), (c), (d), (e), or (f) of this subsection, except as provided in (h) of this subsection;~~

~~(h)) Traveling in a motor vehicle with a firearm, other than a pistol, that is unloaded and locked in the trunk or other compartment of the vehicle, secured in a gun rack, or otherwise secured in place in a vehicle;~~

~~((f)) (f) On real property under the control of the person or a relative of the person;~~

~~((g)) (g) At his or her residence;~~

~~((h)) (h) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty;~~

~~((i)) (i) Is a law enforcement officer; or~~

~~((j)) (j) Carrying a firearm from or to a vehicle for the purpose of taking or removing the firearm to or from a place of business for repair.~~

(5) Nothing in this section permits the possession of firearms illegal to possess under state or federal law.

~~((6) Any city, town, or county may enact an ordinance to exempt itself from the prohibition of subsection (4) of this section.)"~~

On page 1, line 1 of the title, after "firearm;" strike the remainder of the title and insert " and amending RCW 9.41.050."

Representative Appelwick spoke in favor of the adoption of the amendment.

Representative Campbell spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment number 127 to House Bill No. 1104 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris and Campbell spoke in favor of passage of the bill.

Representatives Appelwick and Cole spoke against passage of the bill.

POINT OF INQUIRY

Representative Appelwick yielded to a question by Representative Romero.

Representative Romero: Would Hunters who were in route to their hunting destination be exempt from current law?

Representative Appelwick: Yes.

The Speaker stated the question before the House to be final passage of House Bill No. 1104.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1104, and the bill passed the House by the following vote: Yeas - 69, Nays - 26, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Dellwo, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Raddcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Ballasiotes, Basich, Brown, Chopp, Cody, Cole, Costa, Dickerson, Fisher, G., Fisher, R., Horn, Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Valle, Veloria and Wolfe - 26.

Excused: Representatives Blanton, Ebersole and Tokuda - 3.

House Bill No. 1104, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1775, by Representatives Mulliken, Mastin, Schoesler, Chandler, McMorris, Robertson, Honeyford and Elliot

Specifying how water rights apply to conserved water and providing an appeal process for decisions regarding conserved water.

The bill was read the second time. There being no objection, Substitute House Bill No. 1775 was substituted for House Bill No. 1775 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1775 was read the second time.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.380 and 1991 c 347 s 15 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That ~~((said))~~ the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and ~~((said))~~ the application shall not be granted until notice of ~~((said))~~ the application ~~((shall be))~~ is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial or operational integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district. The board of directors may approve such a change if the board determines that the change: Will not adversely affect the district's ability to deliver water to other landowners; will not require the construction by the district of diversion or drainage facilities unless the board finds that the construction by the district is in the interest of the district; will not impair the financial or operational integrity of the district; and is consistent with the contractual obligations of the district.

(4) Subsections (1), (2), and (3) of this section do not apply to a change regarding a portion of the water governed by a water right that is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right. The use within an irrigation district of water supplied by the district and made surplus as provided in this subsection shall be regulated solely as provided by the board of directors of the irrigation district except as follows: Such a use requires the approval of the board of directors of the irrigation district or must otherwise be authorized by the board; the board may approve or authorize such a use only if the use does not impair the financial or operational integrity of the district; and water made surplus through a change in the crops grown with district-supplied water is not available for use as a matter of right by the individual water user making the change, but may be used by the board for the benefit of the district generally. The district's board of directors may approve or otherwise authorize under this subsection uses of such surplus water that result in the total irrigated acreage within the district exceeding the irrigated acreage recorded with the department for the district's water right if the board notifies the department of the change in the irrigated acreage within the district. Such a notification provides a change in the district's water right and, upon receiving the notification, the department shall revise its records for the district's right to reflect the change. The use of water other than irrigation district-supplied water that is made surplus as provided in this subsection is governed by section 2 of this act.

(5) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

(6) The department may not initiate relinquishment proceedings under chapter 90.14 RCW regarding a water right for which an application for a transfer or change is filed under this section for a period of two years after the date the department receives the filing.

NEW SECTION. Sec. 2. A new section is added to chapter 90.03 RCW to read as follows:

If a portion of the water governed by a water right is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right, the right to use the surplus water may be changed to use on other lands owned by the holder of the water right that are contiguous to the lands upon which the use of the water was authorized by the right before such a change. Such a change shall be made without loss of priority of the right. The holder of the water right shall notify the department of such a change. The notification provides a change in the holder's water right and, upon receiving the notification, the department shall revise its records for the water right to reflect the change.

This section does not apply to water supplied by an irrigation district.

Sec. 3. RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water (~~:- PROVIDED, HOWEVER, That such~~). An amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: ~~((4))~~ (a) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; ~~((2))~~ (b) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; ~~((3))~~ (c) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and ~~((4))~~ (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(2) This section does not apply to a change in use of a portion of the water governed by a ground water right that is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right. RCW 90.03.380(4) and section 2 of this act apply to water made surplus as provided in this subsection.

(3) The department may not initiate relinquishment proceedings under chapter 90.14 RCW regarding a water right for which an application for a transfer or change is filed under this section for a period of two years after the date the department receives the filing.

Sec. 4. RCW 90.03.290 and 1994 c 264 s 84 are each amended to read as follows:

When an application complying with the provisions of this chapter and with the rules and regulations of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public. If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically

canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit. The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance.

This section does not apply to changes made under section 2 of this act or to applications for transfers or changes made under RCW 90.03.380 or 90.44.100.

Sec. 5. RCW 90.44.445 and 1993 c 99 s 1 are each amended to read as follows:

In any acreage expansion program adopted by the department as an element of a ground water management program, the authorization for a water right certificate holder to participate in the program shall be on an annual basis for the first two years. After the two-year period, the department may authorize participation for ten-year periods. The department may authorize participation for ten-year periods for certificate holders who have already participated in an acreage expansion program for two years. The department may require annual certification that the certificate holder has complied with all requirements of the program. The department may terminate the authority of a certificate holder to participate in the program for one calendar year if the certificate holder fails to comply with the requirements of the program.

This section applies only in an area with a ground water area or subarea management program in effect on the effective date of this section. The provisions of section 2 of this act, RCW 90.03.380, and 90.44.100 apply to transfers, changes, and amendments to permits or rights for the beneficial use of ground water in any other area."

Correct the title accordingly.

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 168 to Substitute House Bill No. 1775 was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Mastin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1775.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1775, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representative Fisher, R. - 1.

Excused: Representatives Blanton, Ebersole and Tokuda - 3.

Engrossed Substitute House Bill No. 1775, having received the constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1231, by House Committee on Agriculture & Ecology (originally sponsored by Representatives Rust, Chandler, Valle, Cole, Mastin and Chopp)

Promoting the recycled content of products and buildings.

The bill was read the third time.

Representative Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1231.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1231, and the bill passed the House by the following vote: Yeas - 81, Nays - 13, Absent - 1, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner,

Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Veloria, Wolfe and Mr. Speaker - 81.

Voting nay: Representatives Beeksmas, Benton, Campbell, Goldsmith, Hankins, Honeyford, Koster, Lisk, Pennington, Sherstad, Smith, Stevens and Van Luven - 13.

Absent: Representative Valle - 1.

Excused: Representatives Blanton, Ebersole and Tokuda - 3.

Substitute House Bill No. 1231, having received the constitutional majority, was declared passed.

NOTICE OF RECONSIDERATION

Representative Pennington: Having previously given notice of reconsideration of Engrossed House Bill No. 1130 not move for immediately reconsideration of Engrossed House Bill No. 1130.

There being no objection, the rules were suspended, and Engrossed House Bill No. 1130 was returned to second reading for the purpose of an amendment.

ENGROSSED HOUSE BILL NO. 1130, by Representatives Crouse, Dellwo, Padden, Brown, Silver, Johnson, McMorris, Elliot, Stevens, Koster and Schoesler

Restricting the ringing of bells or sounding of whistles on locomotives.

The bill was read the second time.

Representative Crouse moved adoption of the following amendment by Representative Crouse:

On page 1, line 9, after "cities" insert " ."

On page 1, beginning on line 10 strike "gated crossings located within urban areas" and insert the following:

"crossings equipped with supplemental safety measures as provided in Section 2."

On page 1 after line 12, insert the following:

"NEW SECTION. Sec. 2. (1) The legislature hereby authorizes cities and counties to enact ordinances limiting or prohibiting the sounding of locomotive horns, provided the ordinance applies only at crossings equipped with supplemental safety measures. A supplemental safety measure is a safety device defined in Public Law 103-440, section 20153 (a) (3), as that law existed on November 2, 1994. A supplemental safety measure that prevents careless movement over the crossing (e.g., as where adequate median barriers prevent movement around crossing gates extending over the full width of the lanes in a particular direction of travel), shall be deemed to conform to those standards required under P. L. 103-440 unless specifically rejected by Emergency Order issued by the U. S. Secretary of the Department of Transportation.

(2) Prior to enacting the ordinance, the cities and counties shall provide written notification to the railroad companies affected by the proposed ordinance, and to the state utilities and transportation commission, for the purpose of providing an opportunity to comment on the proposed ordinance.

(3) Nothing in this section shall be construed as limiting the state's power, guaranteed by tenth amendment to the Constitution of the United States, to enact laws necessary for the health, safety or welfare of the people of the state of Washington.

Representatives Crouse and G. Fisher spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse and Appelwick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Engrossed House Bill No. 1130.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1130, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Ebersole and Tokuda - 3.

Second Engrossed House Bill No. 1130, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5182,
SENATE BILL NO. 5202,
SENATE BILL NO. 5251,
SENATE BILL NO. 5268,
ENGROSSED SENATE BILL NO. 5269,
SENATE BILL NO. 5378,
SUBSTITUTE SENATE BILL NO. 5421,
SENATE BILL NO. 5429,
SENATE BILL NO. 5430,
SENATE BILL NO. 5445,
SENATE BILL NO. 5488,
SUBSTITUTE SENATE BILL NO. 5513,

and the same are herewith transmitted.

Marty Brown, Secretary

March 9, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5520,
SUBSTITUTE SENATE BILL NO. 5521,
SENATE BILL NO. 5510,
SENATE BILL NO. 5626,
SENATE BILL NO. 5627,
SUBSTITUTE SENATE BILL NO. 5628,
SENATE BILL NO. 6004,
SENATE BILL NO. 6020,
SUBSTITUTE SENATE BILL NO. 6026,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8020,

and the same are herewith transmitted.

Marty Brown, Secretary

March 8, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5093,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,
SUBSTITUTE SENATE BILL NO. 5211,
SUBSTITUTE SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5404,
SUBSTITUTE SENATE BILL NO. 5567,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5592,

SUBSTITUTE SENATE BILL NO. 5743,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 9, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5275,
SUBSTITUTE SENATE BILL NO. 5278,
SUBSTITUTE SENATE BILL NO. 5742,
ENGROSSED SENATE BILL NO. 5837,
SENATE BILL NO. 5895,
SENATE BILL NO. 5898,
SENATE BILL NO. 5931,
SUBSTITUTE SENATE BILL NO. 5947,

SENATE JOINT MEMORIAL NO. 8012,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

INTRODUCTIONS AND FIRST READING

HB 2076 by Representatives Skinner, Honeyford, Clements and K. Schmidt

AN ACT Relating to disposition of drivers' license fees; and amending RCW 46.68.041.

Referred to Committee on Transportation.

ESSB 5001 by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon, Snyder, Haugen, Winsley, Quigley, Franklin, Rasmussen and Prentice)

Affecting the property taxation of senior citizens and persons retired because of physical disabilities.

Referred to Committee on Finance.

ESSB 5093 by Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Rasmussen and Drew)

Changing provisions relating to fire protection.

Referred to Committee on Government Operations.

ESSB 5156 by Senate Committee on Energy, Telecommunications & Utilities (originally sponsored by Senators Sutherland, Gaspard, Sellar, Hochstatter and Loveland)

Promoting competition for long distance telecommunications.

Referred to Committee on Energy & Utilities.

SSB 5182 by Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Hale, Deccio and Palmer)

Allowing county fiscal biennium budgets.

Referred to Committee on Government Operations.

SB 5202 by Senators Prentice and Hale

Lowering the number of items provided by banks for customers' examination of negotiable instruments.

Referred to Committee on Financial Institutions & Insurance.

SSB 5211 by Senate Committee on Government Operations (originally sponsored by Senators Winsley, Haugen, McCaslin, Sheldon, Drew and C. Anderson)

Revising guidelines for receipt and expenditure of federal and private funds by local governments.

Referred to Committee on Government Operations.

SB 5251 by Senators Rasmussen, Fraser, Oke, Wojahn, Franklin, Winsley, Schow, Swecker and Gaspard

Affecting the transportation authority of first class cities.

Referred to Committee on Transportation.

SB 5268 by Senators Owen, Wood and Prince

Restricting use of the department of licensing services account.

Referred to Committee on Transportation.

ESB 5269 by Senators Rasmussen, Pelz, Heavey, Winsley, Franklin, Oke and Deccio

Raising the maximum cost for raffle tickets to ten dollars.

Referred to Committee on Commerce & Labor.

SB 5275 by Senators Haugen, McCaslin and Winsley

Affecting the consolidation of cities and towns.

Referred to Committee on Government Operations.

SSB 5278 by Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, Oke, Gaspard, Winsley, Franklin, Long, Rasmussen and Wood)

Revising provisions relating to awards to persons found not guilty by reason of self defense.

Referred to Committee on Law & Justice.

SSB 5370 by Senate Committee on Government Operations (originally sponsored by Senators Hale, Winsley, Haugen and Wood)

Authorizing use of credit cards by local governments.

Referred to Committee on Government Operations.

SB 5378 by Senators Haugen, Morton and Winsley; by request of Department of Community, Trade, and Economic Development

Modifying border area fund distribution.

Referred to Committee on Government Operations.

SSB 5404 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Heavey, Deccio, Fraser, Newhouse, Kohl, Hale, Franklin, McCaslin, Palmer and Wojahn)

Creating a lien for real estate brokers.

Referred to Committee on Law & Justice.

SSB 5421 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Fraser)

Modifying the definition of "vulnerable adult" for background check purposes.

Referred to Committee on Children & Family Services.

SB 5429 by Senator Haugen; by request of Insurance Commissioner

Authorizing a deputy to vote on behalf of the insurance commissioner.

Referred to Committee on Financial Institutions & Insurance.

SB 5430 by Senators Prentice and Hale; by request of Insurance Commissioner

Regulating the capital and surplus requirements of insurance companies.

Referred to Committee on Financial Institutions & Insurance.

SB 5445 by Senators Owen, Sellar and Winsley

Clarifying responsibility for abandoned vehicles.

Referred to Committee on Transportation.

SB 5488 by Senators Smith, Oke, Wood, Winsley, Long, Hale, Moyer, Deccio, Palmer, Roach, Schow, Sellar and Snyder; by request of Governor Lowry

Making domestic violence an aggravating circumstance for purposes of sentencing decisions.

Referred to Committee on Law & Justice.

SB 5510 by Senators Smith, Roach and Quigley

Revising provisions relating to food stamp crimes.

Referred to Committee on Law & Justice.

SSB 5513 by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, McAuliffe, Bauer, Morton, Snyder, Fairley, Swecker, Drew, Wood, Haugen and Roach)

Clarifying the law regarding animals sold at public sale.

Referred to Committee on Agriculture & Ecology.

SB 5520 by Senators Hargrove, Long and Franklin

Modifying placement of juveniles, specifically addressing independent living.

Referred to Committee on Children & Family Services.

SSB 5521 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl and Quigley; by request of Department of Social and Health Services)

Modifying availability of child care subsidy programs.

Referred to Committee on Children & Family Services.

SSB 5567 by Senate Committee on Government Operations (originally sponsored by Senator Heavey)

Providing for preservation of single-family residential neighborhoods.

Referred to Committee on Government Operations.

ESSB 5592 by Senate Committee on Natural Resources (originally sponsored by Senators Spanel and Swecker)

Revising qualifications for coastal crab fishing licenses.

Referred to Committee on Natural Resources.

SB 5626 by Senators Winsley and Haugen; by request of Department of Community, Trade, and Economic Development

Modifying advisory council on historic preservation representation.

Referred to Committee on Government Operations.

SB 5627 by Senators Haugen and Winsley; by request of Attorney General

Concerning the proper form of certain ballot titles.

Referred to Committee on Government Operations.

SSB 5628 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, McCaslin and Wojahn; by request of Attorney General)

Regulating consumer leases.

Referred to Committee on Law & Justice.

SSB 5742 by Senate Committee on Education (originally sponsored by Senators Rasmussen, Hochstatter, McAuliffe and Loveland)

Establishing the Washington state vocational agriculture teacher recruitment program.

Referred to Committee on Education.

SSB 5743 by Senate Committee on Education (originally sponsored by Senators Rasmussen, Hochstatter and Loveland)

Establishing a pilot program to develop an integrated vocational agricultural educational program.

Referred to Committee on Education.

ESB 5837 by Senators Snyder, Gaspard, Haugen and Spanel

Removing the requirement for senate confirmation of certain gubernatorial appointments.

Referred to Committee on Government Operations.

SB 5895 by Senator Snyder

Permitting the exchange of state park lands within the Seashore Conservation Area.

Referred to Committee on Natural Resources.

SB 5898 by Senators Rasmussen, West, Loveland, Newhouse, Bauer and Morton

Providing that research studies for alternatives to grass burning be conducted by Washington State University.

Referred to Committee on Agriculture & Ecology.

SB 5931 by Senators Prentice and Hale

Providing parity among financial institutions.

Referred to Committee on Financial Institutions & Insurance.

SSB 5947 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Kohl, Moyer, Palmer, Prince, Sheldon, Gaspard, Snyder, Drew, Sutherland and Winsley; by request of State Board for Community and Technical Colleges)

Providing a specific funding mechanism for making additional community and technical college faculty salary increment awards.

Referred to Committee on Appropriations.

SB 6004 by Senators Sellar and Oke

Authorizing joint agreements between cities and counties for criminal justice purposes.

Referred to Committee on Government Operations.

SB 6020 by Senators Prentice, Fraser, Sellar and Sutherland

Educating consumers about insurance products.

Referred to Committee on Financial Institutions & Insurance.

SSB 6026 by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Loveland, A. Anderson, Morton, Bauer, Snyder, Newhouse, Winsley and Kohl)

Using "Washington state grown" for agricultural commodities.

Referred to Committee on Agriculture & Ecology.

SJM 8012 by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Fraser, Prentice, Prince and Oke; by request of Joint Task Force on Unemployment Insurance

Requesting that unemployment benefits be removed from the IRS definition of taxable income.

Referred to Committee on Commerce & Labor.

SSJM 8020 by Senate Committee on Ecology & Parks (originally sponsored by Senators Loveland, Hale, Rasmussen, A. Anderson, Newhouse, Bauer, Snyder, Morton, Sutherland, Finkbeiner, Hochstatter, Owen, Hargrove, Rinehart, Spanel, Drew, Sheldon, Fraser, Sellar and McDonald)

Concerning federal funds for the cleanup of the Hanford waste disposal site.

Referred to Committee on Agriculture & Ecology.

MOTION

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

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:00 a.m., Friday, March 10, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SIXTIETH DAY, MARCH 9, 1995

JOURNAL OF THE HOUSE

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

SIXTY-FIRST DAY

—————
MORNING SESSION

—————
House Chamber, Olympia, Friday, March 10, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding) . The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Daniel Jahn and Marcel Emerson. Prayer was offered by Pastor Ron Ulmen, Puyallup Community Baptist Church.

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

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

SECOND READING

HOUSE BILL NO. 1679, by Representatives Cole, Lisk, Horn, Cody, Romero, Ballasiotes, Conway, Jacobsen and Patterson

Revising regulation of security guards and private investigators.

The bill was read the second time. There being no objection, Substitute House Bill No. 1679 was substituted for House Bill No. 1679 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1679 was read the second time.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 10, after line 22, insert the following:

"The director shall establish ad hoc advisory committees consisting of no less than five representatives of the private security guard industry who shall consult with the Washington law enforcement executive forum or a similar broad based organization or association to assist in the development of policies to carry out the purposes of this chapter."

Representatives Lisk and Cole spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 233 to Substitute House Bill No. 1679 was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cole and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1679.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1679, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1679, having received the constitutional majority, was declared passed.

There being no objection, the House immediately considered House Bill No. 1417.

HOUSE BILL NO. 1417, by Representatives Carrell, Wolfe, Ballasiotes, Morris, Hymes, Conway, Pennington, Cooke, Lambert, Smith, McMorris, Sherstad, Elliot, Mitchell, McMahan, Regala, Basich, B. Thomas, Padden, Ebersole, Robertson, Schoesler, Patterson, Campbell, Mulliken, Johnson, Talcott, Thompson, Scott, Huff, Boldt and Chopp

Changing provisions relating to juveniles.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1417 was substituted for House Bill No. 1417 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1417 was read the second time.

Representative Wolfe moved adoption of the following amendment by Representative Wolfe:

On page 3, line 29, after "(5)" insert "Multidisciplinary team" means those persons involved in helping a child who meets the definition of an at-risk youth. This group shall include the parent, guardian, or custodian, a department case worker, a representative of the counties, and a member of the following disciplines: Mental health and substance abuse. This group may include, but is not limited to the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, a member of the child's cultural community, therapists,

medical personnel, social service providers, placement providers, and extended family members. Team members shall be volunteers who do not receive compensation for team activities unless an individual team member's employer chooses to provide such compensation.

(6)"

On page 4, after line 10, insert the following:

"**Sec. 5.** RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth may request family reconciliation services from the department. The department shall involve the local multidisciplinary teams in determining the services to be provided and in providing those services, if a local multidisciplinary team exists. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family. Upon a referral by a school or other appropriate agency, family reconciliation services may also include training in parenting, conflict management, and dispute resolution skills.

Sec. 6. RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended to read as follows:

(1) A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in the placement under the rules established for the center for a period not to exceed five consecutive days from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make ~~((a concerted))~~ every reasonable effort to protect the child and achieve a reconciliation of the family. If a reconciliation, using family reconciliation services, and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the ~~((person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of any alternative residential placement))~~ facility administrator or his or her designee shall immediately convene the multidisciplinary team, if one exists.

At no time shall information regarding a parent's or child's rights be withheld if requested. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

NEW SECTION. Sec. 7. A new section is added to chapter 13.32A RCW to read as follows:

(1) Each county shall have the authority to assemble a multidisciplinary team. To the extent possible, the multidisciplinary team shall draw upon existing community resources.

(2) The multidisciplinary team, if one exists, shall make every reasonable effort to protect the child and achieve a reconciliation of the family whenever possible. If a crisis residential center administrator or his or her designee makes a referral, the team must respond as soon as possible but no later than twelve hours after the referral is made. The team shall have the authority to assess the juvenile, and family members, if appropriate and agreed to, and shall:

(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;

(b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if appropriate;

(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or

(d) With the family's consent, work with the family on a longer-term basis to achieve reconciliation of the child and family, whenever possible.

(3) To the maximum extent possible, the members of the multidisciplinary team shall include members who are representative of the cultures in the family's community.

NEW SECTION. Sec. 8. A new section is added to chapter 13.32A RCW to read as follows:

(1) The purpose of the multidisciplinary team is to coordinate and communicate about services offered to the child and family.

(2) At the first meeting of the multidisciplinary team, it shall choose a member to act as case manager for the family. The parent member of the multidisciplinary team must agree with the choice of case manager. Thereafter, the team shall meet periodically.

Sec. 9. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read as follows:

~~((The department shall))~~ A juvenile, his or her parent, guardian, or custodian, or the case manager of the multidisciplinary team may file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 10. RCW 13.32A.150 and 1992 c 205 s 208 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents or the filing of an at-risk youth

petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment provided by the department shall involve the multidisciplinary team as provided in RCW 13.32A.040, if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under subsection (3) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

(3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

- (a) The child is an at-risk youth as defined in this chapter;
- (b) The petitioning parent has the right to legal custody of the child;
- (c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and
- (d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted. Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.

Sec. 11. RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the multidisciplinary team formed under chapter 13.32A RCW, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Wolfe and Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved adoption of the following amendment by Representative Carrell:

On page 8, after line 23, insert the following:

" **Sec. 12.** RCW 13.32A.196 and 1991 c 364 s 14 are each amended to read as follows:

(1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;

(c) Participation in a substance abuse treatment program;
(d) If ordered under subsection (3) of this section, placement in a secure facility or other secure program of treatment;

(e) Reporting on a regular basis to the department or any other designated person or agency;
and

~~((e))~~ (f) Any other condition the court deems an appropriate condition of supervision.

(3) If requested by a parent of an at-risk youth who is a habitual runaway, the court may include in its dispositional order or orders a requirement that the youth be placed, for up to one hundred eighty consecutive days, in a secure facility or other court-ordered secure program of treatment. The court may not include this requirement unless, at the disposition hearing, it finds that the placement is necessary in order to protect the at-risk youth and that a less-restrictive order or orders not requiring such placement would be inadequate to protect the youth, given the youth's age, maturity, propensity to run away from home, past exposure to serious risk when the youth ran away from home, and possible future exposure to serious risk should the youth run away from home again. For purposes of this section, an at-risk youth is a "habitual runaway" if the youth, on each of three or more occasions within the twelve-month period preceding the month in which the at-risk youth petition was filed, has been absent from home for more than seventy-two consecutive hours without parental consent; or if the youth during such twelve-month period has been absent from home without parental consent for more than thirty consecutive days. This subsection constitutes a method of placement or commitment that is in addition to methods prescribed under other laws and is not intended as the exclusive method for placement or commitment of children who qualify as at-risk youth.

(4) Except as provided in this section for habitual runaways, no dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

~~((4))~~ (5) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled. The parent may request dismissal of an at-risk youth proceeding at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

~~((5))~~ (6) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

Sec. 13. RCW 13.32A.198 and 1990 c 276 s 15 are each amended to read as follows:

(1) Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter on the calendar for review (~~within three months~~), advise the parties of the date thereof, appoint legal counsel for the child, advise the parent of the right to be represented by legal counsel at the review hearing at the parent's own expense, and notify the parties of their rights to present evidence at the hearing. The review hearing shall commence within ninety consecutive days after the date in which the dispositional order or orders are entered. However, if the order or orders provide for the placement of a habitual runaway in a secure facility or secure program of treatment, then the review hearing shall commence within thirty consecutive days after such date.

(2) At the review hearing, the court shall approve or disapprove the continuation of court supervision in accordance with the goal of assisting the parent to maintain the care, custody, and control of the child. The court shall determine whether the parent and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan. However, in the case of a habitual runaway placed in a secure facility or secure program of treatment, the court may continue the placement for an additional period only if requested by the parent and if the court finds that its findings under RCW 13.32A.196 are still accurate.

(3) Except for the placement of a habitual runaway in a secure facility or secure program of treatment, court supervision of the child may not be continued past one hundred eighty consecutive days from the day the review hearing commenced unless the court finds, and the parent agrees, that

there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection shall not exceed ninety days. The court may not require the placement of a habitual runaway for longer than a period of one hundred eighty consecutive days and may not provide for any extension of the placement beyond such period.

(4) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision, including the placement of a habitual runaway, would serve no useful purpose or that the parent is not cooperating with the court-ordered case plan. The court shall dismiss an at-risk youth proceeding if the child is the subject of a proceeding under chapter 13.34 RCW."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title accordingly.

Representatives Carrell and Wolfe spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Regala moved adoption of the following amendment by Representative Regala:

On page 26, after line 9, insert the following:

"**NEW SECTION. Sec. 29.** The sum of twenty-three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the general fund to the department of social and health services for the purposes of this act."

Representatives Regala, Costa, Kessler, Chopp, Morris, Sommers, Chappell, Cody, Patterson, Kremen, Brown and Ebersole spoke in favor of the adoption of the amendment.

Representatives Silver, Carrell, Foreman, Clements, Cooke, Smith, Padden, Robertson and Carlson spoke against the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the amendment on page 26, after line 9, to Second Substitute House Bill No. 1417, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 61, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 37.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell, Wolfe, Lambert, Conway, Cooke, Ballasiotes, Backlund, Regala, Beeksmas, Ebersole, Delvin, Mason Thibaudeau, Tokuda, Appelwick and Carrell spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Lisk was excused.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1417.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1417, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Engrossed Second Substitute House Bill No. 1417, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

MESSAGE FROM THE SENATE

March 9, 1995

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5003,
ENGROSSED SENATE BILL NO. 5019,
SUBSTITUTE SENATE BILL NO. 5129,
SUBSTITUTE SENATE BILL NO. 5141,
SUBSTITUTE SENATE BILL NO. 5166,
SENATE BILL NO. 5200,
SECOND SUBSTITUTE SENATE BILL NO. 5216,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5219,
SECOND SUBSTITUTE SENATE BILL NO. 5236,
SUBSTITUTE SENATE BILL NO. 5334,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5342,

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2004 was substituted for House Bill No. 2004 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2004 was read the second time.

Representative Regala moved adoption of the following amendment by Representative Regala:

On page 1, line 17, after "state forest" strike the remainder of the line and insert "consistent with the department's trust responsibilities."

Representative Regala spoke in favor of the adoption of the amendment.

Representative Thompson spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thompson and Sheldon spoke in favor of passage of the bill.

Representative Jacobsen spoke against passage of the bill.

MOTION

On motion of Representative Talcott, Representative Sherstad excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2004.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2004, and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Raddcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sheldon, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representative Sherstad - 1.

Second Substitute House Bill No. 2004, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2042, by Representatives Lisk, Horn, Sheldon, Mielke and L. Thomas

Revising exemptions from overtime compensation requirements.

The bill was read the second time. There being no objection, Substitute House Bill No. 2042 was substituted for House Bill No. 2042 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2042 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 2042.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2042, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Elliot - 1.

Excused: Representative Sherstad - 1.

Substitute House Bill No. 2042, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Substitute House Bill No. 2042.

IAN ELLIOT, 1st District

HOUSE BILL NO. 2058, by Representative Robertson

Defining employment.

The bill was read the second time. There being no objection, Substitute House Bill No. 2058 was substituted for House Bill No. 2058 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2058 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Robertson spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative K. Schmidt was excused.

POINT OF INQUIRY

Representative Robertson yielded to a question by Representative Lisk.

Representative Lisk: Thank you Mr. Speaker. I know that the substitute bill deletes any references to independent contractors that sell or arrange for travel services. Does this mean that services performed by independent contractors are not considered employment for the purposes of collecting unemployment insurance under this law?

Representative Robertson: Yes. Employment Security re-wrote the original bill in order to provide clarification on this specific issue as noted in the bill report services performed by independent contractors do not constitute employment for coverage under employment insurance under current law.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 2058.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2058, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Schmidt, K. and Sherstad - 2.

Substitute House Bill No. 2058, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2060, by Representative Foreman

Redefining budget document.

The bill was read the second time. There being no objection, Substitute House Bill No. 2060 was substituted for House Bill No. 2060 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2060 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Silver spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Silver yielded to a question by Representative Morris.

Representative Morris: Thank you Mr. Speaker. Does a disk replace the written material?

Representative Silver: No. We spoke about that because you still need one piece of all the written material. But for people who wish to use the more electronic type things, it'll be ready for them and much easier to use.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 2060.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2060, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Sherstad - 1.

Substitute House Bill No. 2060, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2070, by Representatives Beeksma, Talcott and Huff

Changing the name of the legislative budget committee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Beeksma spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2070.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2070, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Talcott - 1.

Excused: Representative Sherstad - 1.

House Bill No. 2070, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4005, by Representatives Hargrove, Cairnes, Pelesky, Goldsmith, Buck, Johnson, Clements, Carrell, McMahan, Campbell, Koster, Padden, Huff, Backlund, Reams, Pennington, Stevens, Fuhrman, Silver, Crouse, Casada, Thompson and Sherstad

Requesting federal assistance to obtain an equitable solution to the shellfish harvest issue in Washington State.

The memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4005 was substituted for House Joint Memorial No. 4005 and the substitute memorial was placed on the second reading calendar.

Substitute House Joint Memorial No. 4005 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Hargrove spoke in favor of passage of the memorial.

Representatives Jacobsen and Basich spoke against passage of the memorial.

MOTIONS

On motion of Representative Brown, Representative Sheldon was excused.

On motion of Representative Talcott, Representative Elliot was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Joint Memorial No. 4005.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4005, and the memorial passed the House by the following vote: Yeas - 77, Nays - 19, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 77.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Costa, Dellwo, Fisher, R., Jacobsen, Mason, Patterson, Regala, Romero, Rust, Scott, Thibaudeau, Tokuda, Veloria and Wolfe - 19.

Excused: Representatives Elliot and Sheldon - 2.

Substitute House Joint Memorial No. 4005, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4012, by Representatives Stevens, Cairnes, Elliot, Thompson, Koster, Sheahan, D. Schmidt, Delvin, McMorris, Robertson and Mielke

Requesting permission to use personal locator beacons.

The memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4012 was substituted for House Joint Memorial No. 4012 and the substitute memorial was placed on second reading.

Substitute House Joint Memorial No. 4012 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Stevens spoke in favor of passage of the memorial.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Joint Memorial No. 4012.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4012, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 97.

Absent: Representative Clements - 1.

Substitute House Joint Memorial No. 4012, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4013, by Representatives Thompson, Fuhrman, Horn, Cairnes, Goldsmith, Radcliff, Hargrove, Lisk, Koster, Beeksmas, D. Schmidt, Blanton, Stevens, McMahan, Sheldon, Pennington, B. Thomas, Buck, Benton, Smith, Mulliken and Honeyford

Removing the spotted owl from endangered or threatened species lists.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Thompson spoke in favor of passage of the memorial.

Representative Jacobsen spoke against passage of the memorial.

MOTION

On motion of Representative Brown, Representative Kessler was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Joint Memorial No. 4013.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4013, and the memorial passed the House by the following vote: Yeas - 68, Nays - 27, Absent - 2, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Van Luven - 68.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Veloria and Wolfe - 27.

Absent: Representatives Valle and Mr. Speaker - 2.

Excused: Representative Kessler - 1.

House Joint Memorial No. 4013, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4024, by Representatives Delvin, Chandler, Mastin, Blanton, Mielke, Schoesler, Honeyford, Hankins, Sheahan, Crouse, Clements, Grant, Foreman and Padden

Requesting the incorporation of salmon restoration demonstration projects.

The memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4024 was substituted for House Joint Memorial No. 4024 and the substitute memorial was placed on second reading.

Substitute House Joint Memorial No. 4024 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Delvin and Mastin spoke in favor of passage of the memorial.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Joint Memorial No. 4024.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4024, and the memorial passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver,

Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 82.

Voting nay: Representatives Appelwick, Chopp, Cody, Cole, Dickerson, Fisher, R., Jacobsen, Mason, Patterson, Romero, Rust, Thibaudeau, Tokuda, Veloria and Wolfe - 15.

Excused: Representative Kessler - 1.

Substitute House Joint Memorial No. 4024, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4027, by Representative Casada

Requesting that Congress transfer jurisdiction to regulate one-way video and audio communications to the states.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Casada spoke in favor of passage of the memorial.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Joint Memorial No. 4027.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4027, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Kessler - 1.

House Joint Memorial No. 4027, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4028, by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Hankins, Ogden, Johnson, D. Schmidt and Blanton

Urging passage of legislation authorizing the National Highway System.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the memorial.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Joint Memorial No. 4028.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4028, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Kessler - 1.

House Joint Memorial No. 4028, having received the constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4029, by Representatives K. Schmidt, R. Fisher, Hatfield, Cairnes, Hankins, D. Schmidt, Robertson, Brown, Ogden, Johnson, Elliot, Radcliff, Backlund, Benton, Sherstad and Blanton

Urging Congress to use transportation funds for transportation purposes.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the memorial.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Joint Memorial No. 4029.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4029, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Kessler - 1.

House Joint Memorial No. 4029, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1550, by Representatives Smith, Scott, Blanton, Benton, Campbell, Mielke, Huff, Lambert, Sheahan, Robertson, Carrell, McMahan, Padden, Delvin, Thompson and Kremen

Allowing warrantless arrest for criminal trespass.

The bill was read the second time.

Representative Smith moved adoption of the following amendment by Representative Smith:

On page 4, after line 6, insert:

"NEW SECTION. **Sec. 2.** This act shall take effect January 1, 1996. Prior to that date, law enforcement agencies, prosecuting authorities, and local governments are encouraged to develop and adopt arrest and charging guidelines regarding criminal trespass."

Correct the title accordingly.

Representative Smith spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Smith, Scott and Padden spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1550.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1550, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 98.

Engrossed House Bill No. 1550, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1876, by Representatives Dyer and Dellwo

Modifying provision of dental services by certified health plans.

The bill was read the second time.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 2, line 5, after "CHP." insert "The legislature does not intend by creating this designation to convey a market advantage over certified health plans providing coverage for dental services."

On page 3, beginning on line 2, after "with" strike all material through "(5)" on line 3, and insert "all applicable administrative rules prescribed by the health services commission, the insurance commissioner, and other state agencies governing certified health plans under RCW 43.72.100"

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Dellwo spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1876.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1876, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Engrossed House Bill No. 1876, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1922 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 2005, by Representatives Dyer and Dellwo

Modifying certified health plan provision of vision benefits.

The bill was read the second time.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 2, line 5, after "CHP." insert "The legislature does not intend by creating this designation to convey a market advantage over certified health plans providing coverage for vision services."

On page 3, beginning on line 2, after "with" strike all material through "(5)" on line 3, and insert "all applicable administrative rules prescribed by the health services commission, the insurance commissioner, and other state agencies governing certified health plans under RCW 43.72.100"

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dyer spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2005.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2005, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Engrossed House Bill No. 2005, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1911, by Representatives Lisk, Goldsmith, Hargrove and Cairnes

Expanding authority for retrospective rating plans.

The bill was read the second time. There being no objection, Substitute House Bill No. 1911 was substituted for House Bill No. 1911 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1911 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk, Thompson, Hargrove and Romero spoke in favor of passage of the bill.

Representatives Cole and Conway spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1911.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1911, and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 2, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Dickerson, Mason and Veloria - 7.
Absent: Representatives Costa and Scott - 2.

Substitute House Bill No. 1911, having received the constitutional majority, was declared passed.

With the consent of the House, all bills passed from the House today will be immediately transmitted to the Senate.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

HOUSE BILL NO. 1152, by Representatives Pennington, Buck, Smith, Sherstad, Beeksma, Hargrove, Campbell, Chappell, Basich, Sheldon, Backlund, L. Thomas, Thompson, Foreman, Benton, McMorris, Robertson, Goldsmith, McMahan, Chandler, Clements, Mulliken, Johnson, D. Schmidt, B. Thomas, Delvin, Koster, Hymes, Skinner, Mielke and Padden

Changing fees regarding concealed pistol licenses.

The bill was read the second time. There being no objection, Substitute House Bill No. 1152 was substituted for House Bill No. 1152 and the substitute bill was placed on second reading.

Substitute House Bill No. 1152 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington, Campbell and Robertson spoke in favor of passage of the bill.

Representative Appelwick spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1152.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1152, and the bill passed the House by the following vote: Yeas - 75, Nays - 22, Absent - 1, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster,

Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Wolfe - 75.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Fisher, G., Fisher, R., Jacobsen, Mason, Patterson, Poulsen, Regala, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle and Veloria - 22.

Absent: Mr. Speaker - 1.

Substitute House Bill No. 1152, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1156, by Representatives Dickerson, Brumsickle, Radcliff, Chopp, Mason, Cody, Hatfield, Poulsen, Veloria, Morris, Cole, Skinner, Tokuda, Costa, Elliot, Wolfe and Ogden

Requiring the SPI to provide support to individuals and organizations for the establishment of nonprofit education foundations.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1156 was substituted for House Bill No. 1156 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1156 was read the second time.

Representative Dickerson moved adoption of the following amendment by Representative Dickerson:

On page 2, line 6, after "(1) The" strike "superintendent of public instruction" and insert "department of community, trade, and economic development"

On page 2, line 12, after "(2) The" strike "superintendent" and insert "department"

On page 2, line 18, after "(3) The" strike "superintendent" and insert "department"

Representatives Dickerson and Brumsickle spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson, Brumsickle, Skinner, Quall and Radcliff spoke in favor of passage of the bill.

Representative Cooke spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1156.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1156, and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Cairnes, Chandler, Cooke, Hargrove, Honeyford, Lisk, Mielke and Mulliken - 8.

Engrossed Second Substitute House Bill No. 1156, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1162, by Representatives Schoesler and Mastin; by request of Department of Ecology and Department of Revenue

Changing collection of hazardous waste fees.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1162 was substituted for House Bill No. 1162 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1162 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler and Mastin spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1162.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1162, and the bill passed the House by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 83.

Voting nay: Representatives Appelwick, Chopp, Cole, Conway, Dickerson, Ebersole, Fisher, R., Jacobsen, Mason, Regala, Rust, Thibaudeau, Tokuda, Valle and Wolfe - 15.

Second Substitute House Bill No. 1162, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1200 and House Bill No. 1206 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1251, by Representatives Backlund, L. Thomas, Lisk, Mastin, McMorris, Sheldon, Basich, Hatfield, Fuhrman, Chandler, Elliot, Johnson, Hargrove, Clements, Hickel, Huff, Beeksma, Schoesler, Hymes, Boldt, Sheahan, Sherstad and Morris

Limiting standing to appeal actions under SEPA to those who are directly impacted.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Backlund and Reams spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1251.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1251, and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 72.

Voting nay: Representatives Appelwick, Brown, Chopp, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 26.

House Bill No. 1251, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1271 and House Bill No. 1274 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1286, by Representatives Buck, Pennington, Fuhrman, Pelesky, Johnson, McMorris, Sheldon, Cairnes, B. Thomas, Kessler, Stevens and Talcott

Regulating forest practices.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1286 was substituted for House Bill No. 1286 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1286 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck, Pennington, Sheldon, Johnson, Basich and Thompson spoke in favor of passage of the bill.

Representatives Romero, Regala and Jacobsen spoke against passage of the bill.

MOTIONS

On motion of Representative Grant, Representative Brown was excused.

On motion of Representative Talcott, Representative B. Thomas was excused.

POINT OF ORDER

Representative Stevens: Thank you Mr. Speaker (Representative Horn presiding). I would ask that in the future the folks on either side of the isle refrain from impugning the members on the other side of the aisle, if you would Mr. Speaker.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1286.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1286, and the bill passed the House by the following vote: Yeas - 69, Nays - 26, Absent - 1, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson and Van Luven - 69.

Voting nay: Representatives Appelwick, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 26.

Absent: Representative Mr. Speaker - 1.

Excused: Representatives Brown and Thomas, B. - 2.

Second Substitute House Bill No. 1286, having received the constitutional majority, was declared passed.

There being no objection, the House immediately considered House Bill No. 1111 on the second reading calendar.

MOTION

Representative Campbell moved that the House defer further consideration of House Bill No. 1111.

A division has been called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: YEAS-17; NAYS-76. The motion to defer House Bill No. 1111 failed.

The Speaker assumed the chair.

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

MESSAGE FROM THE SENATE

March 10, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5053,
ENGROSSED SENATE BILL NO. 5074,
SECOND SUBSTITUTE SENATE BILL NO. 5082,
ENGROSSED SENATE BILL NO. 5204,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5253,
SUBSTITUTE SENATE BILL NO. 5516,
SUBSTITUTE SENATE BILL NO. 5609,
SUBSTITUTE SENATE BILL NO. 5648,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5662,
SENATE BILL NO. 5698,
SENATE BILL NO. 5718,
SENATE BILL NO. 5787,
SENATE BILL NO. 5848,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5885,
SENATE BILL NO. 5986,
SUBSTITUTE SENATE BILL NO. 6028,

SENATE JOINT MEMORIAL NO. 8014,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

2SSB 5003 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Newhouse, Loveland, Sellar, Snyder, Hochstatter, Prince, Bauer, Morton, Haugen, Winsley and A. Anderson)

Providing criteria to be used in determining whether a fund or account receives interest earnings.

Referred to Committee on Agriculture & Ecology.

ESB 5019 by Senator Snyder

Relating to industrial developments.

Referred to Committee on Government Operations.

SSB 5129 by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon, McCaslin, West and Snyder; by request of Department of Revenue)

Excluding utility line clearing from the definition of retail sale.

Referred to Committee on Energy & Utilities.

SSB 5141 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Rasmussen, Quigley, C. Anderson and Bauer)

Revising provisions relating to offenses involving alcohol or drugs.

Referred to Committee on Law & Justice.

SSB 5166 by Senate Committee on Law & Justice (originally sponsored by Senator Smith)

Regarding the renewal of judgments and the extension of judgment liens.

Referred to Committee on Law & Justice.

SB 5200 by Senators Haugen, Winsley, Spanel, Sheldon, West, Roach and Oke; by request of Governor Lowry

Exempting from use tax naval equipment transferred due to base closure.

Referred to Committee on Finance.

2SSB 5216 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Swecker, C. Anderson, Spanel, McAuliffe, Oke, Drew, Owen, Winsley, Haugen and Kohl; by request of Parks and Recreation Commission)

Creating the state parks renewal and stewardship account.

Referred to Committee on Natural Resources.

ESSB 5219 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, C. Anderson, Long, Haugen, McCaslin, Spanel, Drew, Winsley, Kohl and Sheldon)

Changing domestic violence provisions.

Referred to Committee on Law & Justice.

2SSB 5236 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl, Hargrove, Long, Franklin, Prentice, Spanel and Fraser)

Providing a comprehensive treatment project for persons involved in prostitution.

Referred to Committee on Law & Justice.

SSB 5334 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Long and Johnson)

Amending the corporations act.

Referred to Committee on Law & Justice.

E2SSB 5342 by Senate Committee on Ways & Means (originally sponsored by Senators Snyder, Swecker, Hargrove, Owen, Spanel and Rasmussen; by request of Governor Lowry)

Redefining the program to aid rural natural resources impact areas.

Referred to Committee on Trade & Economic Development.

SSB 5365 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Deccio, Wojahn and Winsley; by request of Department of Health)

Revising the uniform disciplinary act.

Referred to Committee on Health Care.

ESSB 5386 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Quigley, Franklin, C. Anderson and Wojahn; by request of Health Care Authority)

Modifying provision of the basic health plan.

Referred to Committee on Health Care.

SSB 5467 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, McCaslin, Gaspard, Deccio, Wojahn, Snyder, Haugen, Morton, Long, Hale, Rinehart, Newhouse, Loveland, McDonald, Bauer, Oke and Winsley; by request of Supreme Court)

Reducing the size of the state supreme court.

Referred to Committee on Law & Justice.

2SSB 5476 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Winsley, Fraser, Haugen, Kohl, Wood, Drew, Bauer, Pelz, Prentice, Quigley, McAuliffe, Roach, Fairley, Franklin, Prince and Long)

Sharing leave and personal holiday time.

Referred to Committee on Government Operations.

SSB 5479 by Senate Committee on Education (originally sponsored by Senators Hargrove, Hochstatter and Oke)

Clarifying transfers under the public school open enrollment program with regard to home-schooled and private school students.

Referred to Committee on Education.

SB 5524 by Senators Smith, Johnson and C. Anderson

Decriminalizing certain traffic offenses.

Referred to Committee on Law & Justice.

2SSB 5557 by Senate Committee on Ways & Means (originally sponsored by Senators Sutherland, Bauer, Wood, Palmer and Kohl)

Creating a distance learning degree pilot program.

Referred to Committee on Higher Education.

ESB 5610 by Senators Smith, Deccio, Oke, Winsley, Roach and Schow

Penalizing false accusations of child abuse or neglect.

Referred to Committee on Law & Justice.

SSB 5647 by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Wood, Kohl, Drew, Haugen and Winsley; by request of State Board for Community and Technical Colleges)

Changing retention of leave provisions for employees of community and technical colleges.

Referred to Committee on Higher Education.

SB 5755 by Senators Loveland, Newhouse, Spanel, Rasmussen and Haugen

Concerning the taxation of property donated to a nonprofit entity.

Referred to Committee on Finance.

SSB 5764 by Senate Committee on Government Operations (originally sponsored by Senator Cantu)

Adjusting the procedures of the redistricting commission.

Referred to Committee on Government Operations.

SSB 5804 by Senate Committee on Law & Justice (originally sponsored by Senators Johnson and Long; by request of Secretary of State)

Clarifying procedures for release of a power of appointment.

Referred to Committee on Law & Justice.

SSB 5905 by Senate Committee on Law & Justice (originally sponsored by Senators Long, Hargrove, Roach, Smith, Winsley, Schow, Swecker, Haugen, Quigley, Hale, Strannigan, McCaslin, Finkbeiner, West, Bauer, Rasmussen and Oke)

Penalizing persistent prison misbehavior.

Referred to Committee on Corrections.

SSJM 8008 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Wojahn, Sellar, Snyder, Newhouse, Gaspard, Fairley, Swecker, Deccio, Palmer, Drew, McDonald, Oke, Sutherland and Schow)

Requesting the United States to advocate for the admission of Taiwan to the United Nations.

Referred to Committee on Trade & Economic Development.

SSJR 8210 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, McCaslin, Gaspard, Deccio, Wojahn, Snyder, Haugen, Morton, Long, Hale, Rinehart, Newhouse, Loveland, McDonald, Palmer, Bauer, Oke and Winsley; by request of Supreme Court)

Revising size and leadership of the state supreme court.

Referred to Committee on Law & Justice.

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

HB 2077 by Representatives Appelwick, Hankins, Ballasiotes, Mitchell, Hickel, Ebersole, Patterson, Sommers, Romero, Chopp, Cole, G. Fisher, Poulsen, Thibaudeau, Veloria, Cody, Dickerson, Regala, Costa, Valle, Ogden, Wolfe, Van Luven and Tokuda

AN ACT Relating to authority of local governments to prohibit weapons in buildings used for court proceedings; and amending RCW 9.41.300.

Referred to Committee on Law & Justice.

SSB 5053 by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Modifying real estate disclosure provisions.

Referred to Committee on Commerce & Labor.

ESB 5074 by Senator Fraser

Changing the limitations on the use of wood stoves.

Referred to Committee on Agriculture & Ecology.

2SSB 5082 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Owen and Loveland)

Providing for death investigations systems.

Referred to Committee on Law & Justice.

ESB 5204 by Senators Hargrove, Long, Franklin, Kohl, Oke and Winsley; by request of Department of Corrections

Revising provisions relating to work ethic camps.

Referred to Committee on Corrections.

ESSB 5253 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Quigley, Moyer, Hargrove and C. Anderson; by request of Department of Health)

Implementing the public health improvement plan.

Referred to Committee on Health Care.

SSB 5516 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Owen, Prentice, Deccio, Palmer, Sutherland, McDonald, Rinehart, Haugen, Sheldon, Heavey, Fraser, Franklin, Bauer, Roach and Rasmussen)

Providing for drug-free workplaces.

Referred to Committee on Commerce & Labor.

SSB 5609 by Senate Committee on Ecology & Parks (originally sponsored by Senators Loveland, Rasmussen, Prince, Snyder, Morton, West and A. Anderson)

Concerning the powers and duties of air pollution control authorities.

Referred to Committee on Agriculture & Ecology.

SSB 5648 by Senate Committee on Law & Justice (originally sponsored by Senators Smith and Owen; by request of Attorney General)

Penalizing fuel tax evasion.

Referred to Committee on Transportation.

ESSB 5662 by Senate Committee on Natural Resources (originally sponsored by Senators Owen, Swecker and Morton)

Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations.

Referred to Committee on Natural Resources.

SB 5698 by Senators Roach, Spanel and Smith

Providing for retrocession of criminal jurisdiction by the Muckleshoot Tribe.

Referred to Committee on Law & Justice.

SB 5718 by Senators Drew and Haugen

Authorizing fund-raising on state property to benefit public fish and wildlife programs.

Referred to Committee on Natural Resources.

SB 5787 by Senator Sutherland

Providing a comprehensive public drinking water system assistance program.

Referred to Committee on Agriculture & Ecology.

SB 5848 by Senator Smith

Providing for retrocession of criminal jurisdiction by the Tulalip Tribe.

Referred to Committee on Law & Justice.

ESSB 5885 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley)

Modifying services to families.

Referred to Committee on Children & Family Services.

SB 5986 by Senator Gaspard

Issuing school district bonds.

Referred to Committee on Education.

SSB 5997 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Palmer, Bauer, Owen and Newhouse)

Regulating fireworks.

Referred to Committee on Commerce & Labor.

SSB 6028 by Senate Committee on Law & Justice (originally sponsored by Senators Schow and Roach)

Concerning harassment of a child by a person over age eighteen.

Referred to Committee on Law & Justice.

SJM 8014 by Senators Fraser, Morton, Winsley and Rasmussen

Petitioning Congress regarding water adjudication.

Referred to Committee on Agriculture & Ecology.

MOTION

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

SPEAKER'S PRIVILEGE

The Speaker is pleased to announce the following appointments.

Joint Administrative Rules Committee

Representative Brian Thomas
Representative Todd Mielke
Representative Pete Kremen
Representative Cathy Wolfe

Council on Aging

Representative Don Carlson
Representative Julia Patterson

Arts Commission

Representative Mary Skinner

Correctional Industries Board

Representative Ida Ballasiotes

Legislative Committee on Economic Development

Representative John Pennington
Representative Jim Honeyford
Representative Bill Thompson
Representative Dawn Mason
Representative Tim Sheldon
Representative Velma Veloria

Election Administration and Certification Board

Representative Dave Schmidt
Representative Jeri Costa

Legislative Committee on Energy and Utilities

Representative Sara Casada
Representative Larry Crouse
Representative Pete Kremen
Representative Julia Patterson

Family Policy Council

Representative Suzette Cooke
Representative Pat Thibaudeau

Forestry Task Force

Representative Ken Jacobsen

Gambling Commission

Representative Karen Schmidt
Representative Ruth Fisher

Judicial Elections Commission

Representative Larry Sheahan
Representative Dennis Dellwo

Select Advisory Committee on K-12 Demonstration Projects

Representative Bill Brumsickle
Representative Peggy Johnson

Organized Crime Advisory Board

Representative Karen Schmidt
Representative Jim Horn
Representative Pat Scott
Representative Brian Ebersole

Pacific NW Economic Region Delegate Council & Executive Commission

Representative Clyde Ballard
Representative Dale Foreman
Representative Brian Ebersole
Representative Tim Sheldon

Pension Policy

Representative Don Carlson
Representative Barry Sehlin
Representative Suzette Cooke
Representative Kathy Lambert
Representative Steve Conway
Representative Dennis Dellwo
Representative Val Ogden
Representative Helen Sommers

Public Health Improvements Steering Committee

Representative Phil Dyer

Institute For Public Policy

Representative Steve Hargrove
Representative Steve Van Luven
Representative Helen Sommers
Representative Lisa Brown

Sentencing Guidelines Commission

Representative Ida Ballasiotes
Representative Betty Sue Morris

State Building Code Council

Representative Jim Horn

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

SECOND READING

HOUSE BILL NO. 1111, by Representatives Casada, Kessler, Chandler, Kremen, Horn, Patterson, Mielke, G. Fisher, Campbell, Mitchell, Grant, Huff and Basich

Promoting competition for long distance telecommunications.

The bill was read the second time. There being no objection, Substitute House Bill No. 1111 was substituted for House Bill No. 1111 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1111 was read the second time.

Representative Delvin moved adoption of the following amendment by Representative Delvin:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 80.36 RCW to read as follows:

The commission shall consider the impact on consumers, competition, and the public interest of any change in one plus dialing patterns for intra-LATA toll service and shall report its findings to the appropriate legislative committees before December 31, 1995. The commission shall not require a change in one plus dialing patterns for intra-LATA toll service before the end of the 1996 regular legislative session.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "telecommunications;" strike the remainder of the title and insert "adding a new section to chapter 80.36 RCW; providing an effective date; and declaring an emergency."

Representatives Delvin, Campbell and Jacobsen spoke in favor of the adoption of the amendment.

Representatives Casada, Kessler and Huff spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Casada, Kessler, Smith and Horn spoke in favor of passage of the bill.

Representative Hankins spoke against passage of the bill.

Representative Casada again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1111.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1111, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Brown, Fisher, R., Hankins, Jacobsen, Lisk and Rust - 6.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1111, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1292, by Representatives Pelesky, Carrell, McMahan, Huff, Campbell, L. Thomas, Smith, Crouse, Buck, Sherstad, Clements, Hymes, Thompson, Lambert, Mulliken, Padden, Radcliff, Johnson, Hickel, Mielke, Casada and Hargrove

Authorizing permanent expulsion for disruptive students.

The bill was read the second time. There being no objection, Substitute House Bill No. 1292 was substituted for House Bill No. 1292 and the substitute bill was placed on second reading.

Substitute House Bill No. 1292 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pelesky, L. Thomas, Carrell, Smith, Lisk and Clements spoke in favor of passage of the bill.

Representatives Cole, Quall, Mason, G. Fisher and Ebersole spoke against passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1292.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1292, and the bill passed the House by the following vote: Yeas - 58, Nays - 39, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Voting nay: Representatives Appelwick, Basich, Brown, Brumsickle, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Robertson, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 39.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1292, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1298 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1299, by Representatives Brumsickle, Cole and Dickerson; by request of Office of Financial Management

Changing provisions relating to student improvement grants.

The bill was read the second time. There being no objection, Substitute House Bill No. 1299 was substituted for House Bill No. 1299 and the substitute bill was placed on second reading.

Substitute House Bill No. 1299 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1299.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1299, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Beeksmas, Fuhrman, Goldsmith, Hargrove, Hickel, Koster, McMahan and Stevens - 8.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1299, having received the constitutional majority, was declared passed.

NOTICE OF RECONSIDERATION

Representative Foreman: Having voted on the prevailing side of Substitute House Bill No. 1299 move that the House reconsider the vote on the next working day.

HOUSE BILL NO. 1313, by Representatives Buck, Pennington, Fuhrman, Benton, Foreman, Sheldon, Honeyford, Johnson, Thompson, Hatfield, Hargrove and Elliot

Reviewing the management of certain state lands.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1313 was substituted for House Bill No. 1313 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1313 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck, Fuhrman, and Pennington spoke in favor of passage of the bill.

Representatives Romero, Jacobsen and Ogden spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1313.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1313, and the bill passed the House by the following vote: Yeas - 71, Nays - 26, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehnlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 71.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 26.

Excused: Representative Thomas, B. - 1.

Second Substitute House Bill No. 1313, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1327, by Representatives Chandler, Kremen, Clements, McMorris, Mastin, Johnson, Chappell, Schoesler, Lisk, Cairnes, Boldt, L. Thomas, Thompson, Sheldon, Campbell, Mulliken and Mielke

Reopening the water rights claim filing period.

The bill was read the second time. There being no objection, Substitute House Bill No. 1327 was substituted for House Bill No. 1327 and the substitute bill was placed on second reading.

Substitute House Bill No. 1327 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler, Mastin and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1327.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1327, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1327, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1342, by Representatives Fuhrman, Buck, Sehlin, Romero, Ogden, Regala, Jacobsen and Basich; by request of Parks and Recreation Commission

Creating the parks renewal and stewardship account.

The bill was read the second time. There being no objection, Substitute House Bill No. 1342 was substituted for House Bill No. 1342 and the substitute bill was placed on second reading.

Substitute House Bill No. 1342 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fuhrman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1342.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1342, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1342, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1359, by Representatives Van Luven and G. Fisher; by request of Department of Revenue

Affecting the administration and collection of the cigarette tax.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1359.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1359, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

House Bill No. 1359, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1370, by Representatives L. Thomas, Jacobsen and Dyer; by request of Insurance Commissioner

Regulating the capital and surplus requirements of insurance companies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative L. Thomas yielded to a question by Representative Backlund.

Representative Backlund: Does this bill effect health maintenance organizations and health care service contractors?

Representative L. Thomas: No, it does not.

The Speaker stated the question before the House to be final passage of House Bill No. 1370.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1370, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

House Bill No. 1370, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1373, by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen; by request of Insurance Commissioner

Amending licensing requirements of general agents.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1373.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1373, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson,

Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

House Bill No. 1373, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1374, by Representatives L. Thomas, Wolfe, Kessler, Dyer and Jacobsen; by request of Insurance Commissioner

Regulating unearned premium, loss, and loss expense reserves.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1374.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1374, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

House Bill No. 1374, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1375, by Representatives Lisk, Chandler, Fuhrman, Goldsmith, Hargrove, Horn and Honeyford

Canceling industrial insurance benefits during confinement in an institution.

The bill was read the second time. There being no objection, Substitute House Bill No. 1375 was substituted for House Bill No. 1375 and the substitute bill was placed on second reading.

Substitute House Bill No. 1375 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1375.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1375, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thiabaudau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1375, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1399, by Representatives Silver, Johnson, D. Schmidt, Carrell, Thompson, Goldsmith, McMahan, Robertson, Hargrove, Hymes, Clements, Pennington, Crouse, Lambert, Elliot, Hankins, Hickel, Honeyford, Smith, Delvin, Foreman, Lisk, Schoesler, Mielke, Sheahan, Van Luven, Sheldon, Chandler, Casada, Mulliken, B. Thomas, Backlund, Talcott, Dyer, Cooke, L. Thomas, Mitchell, Huff, Boldt and McMorris

Providing for a modified zero-based budget review.

The bill was read the second time. There being no objection, Substitute House Bill No. 1399 was substituted for House Bill No. 1399 and the substitute bill was placed on second reading.

Substitute House Bill No. 1399 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Silver and Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1399.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1399, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thiabaudau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1399, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1400, by Representatives Silver, Mulliken, Blanton, B. Thomas, Huff, Mielke, Honeyford, Hargrove and Boldt

Prohibiting the use of state funds or student operating fees for most remedial or precollege classes at institutions of higher education.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1400 was substituted for House Bill No. 1400 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1400 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Silver, Carlson and Goldsmith spoke in favor of passage of the bill.

Representatives Jacobsen, Basich and Mastin spoke against passage of the bill.

Representative Carlson again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1400.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1400, and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Voting nay: Representatives Appelwick, Basich, Brown, Brumsickle, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 37.

Excused: Representative Thomas, B. - 1.

Second Substitute House Bill No. 1400, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1416 and House Bill No. 1418 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1434, by Representatives Hankins, Casada, Mastin, Honeyford, Radcliff, Dyer, Grant, Blanton, Brumsickle, Delvin, L. Thomas and Chandler

Increasing the limit for public utility districts to use alternative bid procedures.

The bill was read the second time. There being no objection, Substitute House Bill No. 1434 was substituted for House Bill No. 1434 and the substitute bill was placed on second reading.

Substitute House Bill No. 1434 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hankins and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1434.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1434, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1434, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1447, House Bill No. 1448 and House Bill No. 1453 the bills held their place on the second reading calendar.

HOUSE BILL NO. 1460, by Representatives Honeyford, Cairnes, Clements, L. Thomas, Reams, Mulliken, Horn, Basich, Hargrove, McMorris, D. Schmidt and Thompson

Increasing categorical exemptions from SEPA.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Honeyford and Reams spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1460.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1460, and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, G., Fisher, R., Jacobsen, Kessler, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representative Thomas, B. - 1.

House Bill No. 1460, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1461 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1473, by Representatives Quall, Goldsmith, Kremen and Hymes

Requiring the county to take over roads within a homeowner's association in certain specified circumstances.

The bill was read the second time. There being no objection, Substitute House Bill No. 1473 was substituted for House Bill No. 1473 and the substitute bill was placed on second reading.

Substitute House Bill No. 1473 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Goldsmith, Hymes and Van Luven spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1473.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1473, and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 78.

Voting nay: Representatives Brown, Chopp, Cole, Conway, Dellwo, Dickerson, Ebersole, Fisher, R., Mason, Ogden, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 19.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1473, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1478 and House Bill No. 1486 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1508, by Representatives Goldsmith, Kremen, Cooke and Morris

Creating new funds under the control of the department of labor and industries.

The bill was read the second time. There being no objection, Substitute House Bill No. 1508 was substituted for House Bill No. 1508 and the substitute bill was placed on second reading.

Substitute House Bill No. 1508 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1508.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1508, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Poulsen - 1.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1508, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1517, by Representatives L. Thomas, Rust, Horn, Sommers and Ballasiotes

Revising guidelines for receipt and expenditure of federal and private funds by local governments.

The bill was read the second time. There being no objection, Substitute House Bill No. 1517 was substituted for House Bill No. 1517 and the substitute bill was placed on second reading.

Substitute House Bill No. 1517 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1517.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1517, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1517, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1539, by Representatives Buck, Ebersole, Fuhrman, Wolfe, Chandler, Chappell, Kremen, Grant, Kessler, Basich, Hargrove, L. Thomas, G. Fisher, Johnson, Dyer, Elliot, Goldsmith, McMahan, Clements, Cooke, Brumsickle and Mastin

Establishing a single-application process for watershed restoration projects.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1539 was substituted for House Bill No. 1539 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1539 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1539.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1539, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

Second Substitute House Bill No. 1539, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1545, by Representatives Mulliken, Boldt, Carrell, Chandler, McMorris, Koster, D. Schmidt, L. Thomas, Stevens, Beeksmas, Pelesky, Campbell, Mastin, McMahan, Hargrove, Hymes, Van Luven, Schoesler and Clements

Providing a business and occupation tax exemption for sale of out-of-state motor vehicles.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1545.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1545, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Chandler, Chopp, Dickerson, Rust, Sommers and Thibaudeau - 6.

Excused: Representative Thomas, B. - 1.

House Bill No. 1545, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

When voting on House Bill No. 1545 I inadvertently pushed the NAY button when I meant to vote YEA.

GARY CHANDLER, 13th District

There being no objection, the House considered the following bills in the following order: House Bill No. 1418, House Bill No. 1453 and House Bill No. 1247.

HOUSE BILL NO. 1418, by Representatives Mielke, Talcott, Huff, Hargrove, Hymes, Morris, Sehlin, Sheldon, Pelesky, K. Schmidt, Campbell, Johnson, Smith, Thompson and L. Thomas

Transferring regulatory authority over on-site sewage disposal systems to local boards of health.

The bill was read the second time. There being no objection, Substitute House Bill No. 1418 was substituted for House Bill No. 1418 and the substitute bill was placed on second reading.

Substitute House Bill No. 1418 was read the second time.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05 RCW to read as follows:
The local health officer may, with concurrence from the department, grant a waiver from specific requirements adopted by the state board of health for on-site sewage systems if:
(1) The on-site sewage system for which a waiver is requested is for sewage flows under three thousand five hundred gallons per day;
(2) The waiver request is evaluated by the local health officer on an individual, site-by-site basis;
(3) The local health officer determines that the waiver is consistent with the standards in, and the intent of, the state board of health rules; and
(4) The local health officer submits quarterly reports to the department regarding any waivers approved or denied."

In line 1 of the title, after "government;" strike the remainder of the title and insert "and adding a new section to chapter 70.05 RCW."

Representative Dellwo spoke in favor of the adoption of the amendment.

Representative Cairnes spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke, Cairnes, Hargrove and Costa spoke in favor of passage of the bill.

Representatives Hatfield and Conway spoke against passage of the bill.

Representative Mielke again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1418.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1418, and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Voting nay: Representatives Appelwick, Basich, Benton, Brown, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, R., Hatfield, Jacobsen, Kessler, Kremen, Mason, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 33.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1418, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I inadvertently pushed the wrong button on Substitute House Bill No. 1418. I intended to vote YEA.

DON BENTON, 17th District

HOUSE BILL NO. 1453, by Representatives Foreman, Ogden, Chappell, Costa, Dickerson, Schoesler, Stevens and Radcliff

Providing for reserve officers' retirement.

The bill was read the second time. There being no objection, Substitute House Bill No. 1453 was substituted for House Bill No. 1453 and the substitute bill was placed on second reading.

Substitute House Bill No. 1453 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Foreman and Ogden spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1453.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1453, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Thomas, B. - 1.

Substitute House Bill No. 1453, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1247, by Representatives L. Thomas, Lisk, G. Fisher, Robertson, Casada, Basich, Clements, Ebersole, Horn, Boldt, Mason, B. Thomas, Cairnes, Radcliff, Foreman, Cooke, Chandler, Mielke, Dyer, Mitchell, Schoesler, Skinner, Appelwick, Sheldon, Costa and Morris

Promoting horse racing.

The bill was read the second time. There being no objection, Substitute House Bill No. 1247 was substituted for House Bill No. 1247 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1247 was read the second time.

Representative Padden moved adoption of the following amendment by Representative Padden:

On page 1, after line 9, insert the following:

"**Sec. 2.** RCW 67.16.010 and 1991 c 270 s 1 are each amended to read as follows:

Unless the context otherwise requires, words and phrases as used herein shall mean:

"Commission" shall mean the Washington horse racing commission, hereinafter created.

"Operating race tracks" shall mean racing associations conducting parimutuel horse racing at the same time of day, such as afternoon against afternoon or nighttime against nighttime, as the racing association conducting the horse racing that is the subject of the in-state and/or out-of-state satellite wagering.

"Parimutuel machine" shall mean and include both machines at the track and machines at the satellite locations, that record parimutuel bets and compute the payoff.

"Person" shall mean and include individuals, firms, corporations and associations.

"Race meet" shall mean and include any exhibition of thoroughbred, quarter horse, paint horse, appaloosa horse racing, arabian horse racing, or standard bred harness horse racing, where the parimutuel system is used.

"Racing day" shall mean a full program of races at a specified operating race track on a specified day.

Singular shall include the plural, and the plural shall include the singular; and words importing one gender shall be regarded as including all other genders."

On page 1, line 1 of the title, after "RCW" insert "67.16.010 and"

POINT OF ORDER

Representative L. Thomas: Thank you Mr. Speaker. I would ask for a ruling on the scope and object of amendment number 145 to Substitute House Bill No. 1247.

SPEAKER'S RULING

Representative L. Thomas, The Speaker is prepared to Rule on your Point of Order which challenges amendment 145 to Substitute House Bill No. 1247 as being beyond the Scope and Object of the bill.

The title of Substitute House Bill No. 1247 is "AN ACT Relating to Washington thoroughbred racing"

The title is broad. The bill amends RCW 67.16.105

Amendment 145 to Substitute House Bill No. 1247 would add a new section to the bill amending RCW 67.16.010. The amendment would add new definitions to the chapter defining the operation of a race track and the meaning of "racing day". The Speaker finds that this amendment is within the scope of the broad title of Substitute House Bill No. 1247.

The object of Substitute House Bill No. 1247 is to continue a law which allows the retention of certain amounts of money from gross receipts and directs those amounts toward the construction of a new facility.

Amendment 145 is unrelated to the object of Substitute House Bill No. 1247

The Speaker finds that amendment 145 is beyond the scope and object of the bill

Representative L. Thomas, Your Point of Order is well taken.

Representative Padden moved adoption of the following amendment by Representative Padden:

On page 3, line 15, after "**Sec. 3.**" insert "(1)"

On page 3, after line 23, insert the following:

"(2) The Washington state horse racing commission shall study the feasibility, costs to the state, broad fiscal impacts, and necessary statutory changes for implementing dual card satelliting, as it is commonly known, at Washington horse race tracks. The review of necessary statutory changes shall include, but is not limited to compliance with federal definitions of "operating race tracks" and "racing day." This report shall be submitted to the senate and house of representatives no later than January 1, 1996."

POINT OF ORDER

Representative L. Thomas: Thank you Mr. Speaker. I would ask for a ruling on the scope and object of amendment number 113 to Substitute House Bill No. 1247.

SPEAKER'S RULING

Representative L. Thomas, The Speaker is prepared to Rule on your Point of Order which challenges amendment 213 to Substitute House Bill No. 1247 as not being beyond the Scope and Object of the bill.

The title of Substitute House Bill No. 1247 is "AN ACT Relating to Washington thoroughbred racing"

The title is broad. The bill amends RCW 67.16.105

Amendment 213 to Substitute House Bill No. 1247 would add a new sub section to the bill requiring the state horse racing commission to study the feasibility for implementing dual card satelliting in Washington. The Speaker finds that this amendment is within the scope and object of the broad title of Substitute House Bill No. 1247.

The object of Substitute House Bill No. 1247 is to continue a law which allows the retention of certain amounts of money from gross receipts and directs those amounts toward the construction of a new facility.

Amendment 213 and the study it directs relate to the object of opening a new track in Western Washington. The Speaker is unable to conclude that amendment 213 is beyond the scope and object of Substitute House Bill No. 1247.

The Speaker finds that amendment 213 is not beyond the scope and object of the bill.

Representative L. Thomas your Point of Order is not well taken.

Representative Padden, please continue.

Representatives Padden, Schoesler, Van Luven and Crouse spoke in favor of the adoption of the amendment.

Representatives L. Thomas, Lisk, Robertson, Kremen, Brown and Honeyford spoke against the adoption of the amendment.

Representative Padden again spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative L. Thomas moved adoption of the following amendment by Representative L. Thomas:

On page 3, beginning on line 15, strike all of section 3 and renumber the remaining sections consecutively.

Representative L. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1247.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1247, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representatives Beeksma and Smith - 2.

Excused: Representative Thomas, B. - 1.

Engrossed Substitute House Bill No. 1247, having received the constitutional majority, was declared passed.

NOTICE OF RECONSIDERATION

Representative K. Schmidt, having voted on the prevailing side gave notice that the House immediately reconsider the vote on House Bill No. 1749.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-65; NAYS-32. The motion was adopted.

With the consent of the House, the House deferred consideration of House Bill No. 1749.

POINT OF PERSONAL PRIVILEGE

Representative Thibaudeau: Thank you, Mr. Speaker. My point is that while I'm not in our leadership, I think I can speak for all of us to invite you to come into our Caucus anytime with Mrs. Ballard's cookies.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:00 a.m., Saturday, March 11, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SIXTY-FIRST DAY, MARCH 10, 1995

JOURNAL OF THE HOUSE

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

SIXTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Saturday, March 11, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brandon Leifer and Eirene Beach. Prayer was offered by Pastor David Steen, The Lutheran Church of The Good Shepherd of Olympia.

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

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

MESSAGE FROM THE SENATE

March 10, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5065,
SECOND SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5757,
SUBSTITUTE SENATE BILL NO. 5818,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,
SUBSTITUTE SENATE BILL NO. 5899,

SUBSTITUTE SENATE BILL NO. 5992,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

SB 5065 by Senators Smith, Winsley and Schow; by request of Department of Corrections

Specifying sentencing conditions for felons who commit additional felonies.

Referred to Committee on Corrections.

2SSB 5157 by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Drew, Sutherland, Hargrove, Oke and Haugen)

Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon.

Referred to Committee on Natural Resources.

SSB 5757 by Senate Committee on Government Operations (originally sponsored by Senators McCaslin, Haugen, Winsley, Heavey and Sheldon)

Changing provisions relating to bidding requirements.

Referred to Committee on Government Operations.

SSB 5818 by Senate Committee on Ways & Means (originally sponsored by Senators Winsley, A. Anderson, C. Anderson and McAuliffe)

Paying benefits when a member dies before retirement.

Referred to Committee on Appropriations.

ESSB 5877 by Senate Committee on Transportation (originally sponsored by Senators Heavey, Haugen, Wood, Deccio and Rasmussen)

Regulating limousines, taxicabs, and other for hire vehicles.

Referred to Committee on Transportation.

SSB 5899 by Senate Committee on Transportation (originally sponsored by Senators Kohl, Owen, Prentice and Prince)

Encouraging proximate commuting.

Referred to Committee on Transportation.

SSB 5992 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Bauer, Pelz, Wood, Prince, Kohl, Deccio, Heavey and Rasmussen)

Clarifying the role of the work force training and education coordinating board.

Referred to Committee on Trade & Economic Development.

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

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

MOTION

Representative Padden moved that the House consider House Bill No. 1719 and House Bill No. 1298.

SECOND READING

HOUSE BILL NO. 1719, by Representatives Boldt, Koster, Cooke, Carlson, Stevens, Benton, Dyer, Padden and Thompson

Creating the office of inspector general within the department of social and health services.

The bill was read the second time. There being no objection, Substitute House Bill No. 1719 was substituted for House Bill No. 1719 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1719 was read the second time.

Representative Boldt moved adoption of the following amendment by Representative Boldt:

On page 2, beginning on line 18 after "investigations." strike "The inspector general shall be a member of the Washington state bar association."

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Thibaudeau spoke against the adoption of the amendment.

The amendment was adopted.

MOTION

On motion of Representative Talcott, Representative McMorris was excused.

Representative Appelwick moved adoption of the following amendment by Representative Sommers:

On page 3, beginning on line 21, after "shall" strike all material through "June 30th" on line 23, and insert "submit a report summarizing the activities of the office to the appropriate committees of the senate and house of representatives by January 1, 1996 and by January 1, 1997, and biennially thereafter"

On page 3, line 34, strike "annual"

On page 4, line 9, strike "annual"

Representatives Appelwick and Boldt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt, Ebersole, Koster and Thibaudeau spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1719.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1719, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 3, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen,

Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Absent: Representatives Patterson, Poulsen and Sommers - 3.

Excused: Representatives Fisher, G. and Reams - 2.

Engrossed Substitute House Bill No. 1719, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1298, by Representatives Cooke, Tokuda and Patterson; by request of Department of Social and Health Services

Enlarging the scope of the methadone treatment program to the opiate substitution treatment program.

The bill was read the second time. There being no objection, Substitute House Bill No. 1298 was substituted for House Bill No. 1298 and the substitute bill was placed on second reading.

Substitute House Bill No. 1298 was read the second time.

Representative Thibaudeau moved adoption of the following amendment by Representative Thibaudeau:

On page 3, beginning on line 17, strike all of subsection 6.

Representatives Thibaudeau, Tokuda, Cooke, Brown and Smith spoke in favor of the adoption of the amendment.

Representatives Lambert and Padden spoke against the adoption of the amendment.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: YEAS-51; NAYS-44. The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Tokuda spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Patterson was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1298.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1298, and the bill passed the House by the following vote: Yeas - 81, Nays - 14, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole,

Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lisk, Mason, Mastin, McMorris, Mielke, Morris, Mulliken, Ogden, Pelesky, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 81.

Voting nay: Representatives Benton, Boldt, Casada, Goldsmith, Hargrove, Koster, Lambert, McMahan, Mitchell, Padden, Pennington, Sherstad, Silver and Stevens - 14.

Excused: Representatives Fisher, G., Patterson and Reams - 3.

Engrossed Substitute House Bill No. 1298, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1357, by Representatives Ballasiotes, Sherstad, Cole, Costa, Blanton, Quall, Veloria, Radcliff, Campbell and Dickerson

Authorizing counties to supervise misdemeanor offenders placed on probation.

The bill was read the second time. There being no objection, Substitute House Bill No. 1357 was substituted for House Bill No. 1357 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1357 was read the second time.

Representative Ballasiotes moved adoption of the following amendment by Representative Ballasiotes:

On page 6, line 7, after "or 9.92.060." insert: "When pursuant to this section a county assumes responsibility for misdemeanor supervision, the county legislative authority will apply the standards adopted by the Washington state law and justice advisory council or will develop its own supervision and classification standards subject to approval by the department of corrections as a part of the contract for county supervision."

Representative Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1357.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1357, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Jacobsen, Patterson, Reams and Sehlin - 4.

Engrossed Substitute House Bill No. 1357, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: House Bill No. 1729, House Bill No. 1818, House Bill No. 1922, House Bill No. 1557 and House Bill No. 1610.

HOUSE BILL NO. 1729, by Representatives Horn, Chandler, Van Luven, Hargrove, Schoesler and Elliot

Establishing procedures by which owners of single-family residences may use lake water for noncommercial landscape irrigation.

The bill was read the second time.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 1, line 12, after "for" insert "stockwater"

On page 2, line 26, after "on" insert "stockwater"

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 3, line 13, strike "senior" and insert "existing"

On page 3, line 13, strike "permit"

On page 3, line 31, after "of" insert "existing water rights,"

On page 3, line 33, after "navigation," insert "and"

On page 3, line 33, strike "and existing water rights"

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Horn spoke in favor of passage of the bill.

Representative Mastin spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1729.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1729, and the bill passed the House by the following vote: Yeas - 63, Nays - 31, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Rust, Schmidt, D., Schmidt, K., Schoesler, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thompson, Van Luven and Mr. Speaker - 63.

Voting nay: Representatives Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Lambert, Mason, Mastin, Morris, Ogden, Poulsen, Quall, Regala, Robertson, Romero, Scott, Sommers, Thomas, L., Tokuda, Valle, Veloria and Wolfe - 31.

Excused: Representatives Jacobsen, Patterson, Reams and Sehlin - 4.

Engrossed House Bill No. 1729, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1818, by Representatives R. Fisher, Robertson, Scott, Costa, Mason, Ogden, Wolfe, Conway and Cody; by request of Washington State Patrol

Providing for criminal justice funding.

The bill was read the second time. There being no objection, Substitute House Bill No. 1818 was substituted for House Bill No. 1818 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1818 was read the second time.

With the consent of the House, amendment number 231 to Substitute House Bill No. 1818 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Robertson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1818.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1818, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Raddliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Jacobsen, Patterson, Reams and Sehlin - 4.

Substitute House Bill No. 1818, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1922, by Representatives K. Schmidt and R. Fisher

Regulating excursion vessels.

The bill was read the second time. There being no objection, Substitute House Bill No. 1922 was substituted for House Bill No. 1922 and the substitute bill was placed on second reading.

Substitute House Bill No. 1922 was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 81.84 RCW to read as follows:
As used in this chapter:

(1) "Excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(2) "Charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

NEW SECTION. Sec. 2. A new section is added to chapter 81.84 RCW to read as follows:

(1) Unless expressly exempted in section 3 of this act, no vessel may provide excursion service over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(2) Vessels providing excursion service must comply with all provisions of this chapter and rules of the commission adopted under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 81.84 RCW to read as follows:

This chapter does not apply to the following vessels or operations:

(1) Charter services;

(2) Vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;

(3) Vessels operated by not-for-profit or governmental entities that are replicas of historic vessels or that are recognized by the United States department of the interior as national historical landmarks;

(4) Excursion services that:

(a) Originate from a point of origin in the San Juan Islands and make one or more stops, all within the San Juan Islands, before returning to the point of origin;

(b) Do not depart from the point of origin on a regular published schedule;

- (c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;
- (d) Use vessels that do not return to the point of origin on the day of departure; or
- (e) Use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to thirty-five passengers or less.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

In line 1 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 81.84 RCW; and declaring an emergency."

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

MOTION

On motion of Representative Talcott, Representative Beeksma was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1922.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1922, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Beeksma, Jacobsen, Patterson, Reams and Sehlin - 5.

Engrossed Substitute House Bill No. 1922, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1557, by Representatives L. Thomas, Dellwo, Mielke, Wolfe, G. Fisher, Blanton and Poulsen; by request of Insurance Commissioner and Attorney General

Combatting insurance fraud.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1557 was substituted for House Bill No. 1557 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1557 was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Chappell:

On page 3, beginning on line 21, strike sections 3 through 10

On page 22, strike lines 12 and 13

On page 29, strike lines 5 and 6

Representative Appelwick spoke in favor of the adoption of the amendment.

Representative Mielke spoke against the adoption of the amendment.

Representative Appelwick withdrew amendment number 291 to Second Substitute House Bill No. 1557.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

On page 6, line 16, after "of the" strike "fees collected under RCW 48.14.010" and insert "moneys deposited into the insurance commissioner's regulatory account,"

On page 6, line 17, after "budget" insert ",,"

On page 7, line 15, after "prescribed in" strike "RCW 48.14.010" and insert "RCW 48.14.020"

On page 8, beginning on line 24, strike section 22 and insert the following:

"**Sec. 22.** RCW 48.14.020 and 1986 c 296 s 1 are each amended to read as follows:

(1) Subject to other provisions of this chapter, each authorized insurer except title insurers shall on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax on premiums; three tenths of one percent of the tax collected shall be deposited in the insurance antifraud account created in section 16 of this act, and the remainder shall be deposited in the general fund. Except as provided in subsection (2) of this section, such tax shall be in the amount of two percent of all premiums, excluding amounts returned to or the amount of reductions in premiums allowed to holders of industrial life policies for payment of premiums directly to an office of the insurer, collected or received by the insurer during the preceding calendar year other than ocean marine and foreign trade insurances, after deducting premiums paid to policyholders as returned premiums, upon risks or property resident, situated, or to be performed in this state. For the purposes of this section the consideration received by an insurer for the granting of an annuity shall not be deemed to be a premium.

(2) In the case of insurers which require the payment by their policyholders at the inception of their policies of the entire premium thereon in the form of premiums or premium deposits which are the same in amount, based on the character of the risks, regardless of the length of term for which such policies are written, such tax shall be in the amount of two percent of the gross amount of such premiums and premium deposits upon policies on risks resident, located, or to be performed in this state, in force as of the thirty-first day of December next preceding, less the unused or unabsorbed portion of such premiums and premium deposits computed at the average rate thereof actually paid or credited to policyholders or applied in part payment of any renewal premiums or premium deposits on one-year policies expiring during such year.

(3) Each authorized insurer shall with respect to all ocean marine and foreign trade insurance contracts written within this state during the preceding calendar year, on or before the first day of March of each year pay to the state treasurer through the commissioner's office a tax of ninety-five one-hundredths of one percent on its gross underwriting profit. Such gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and

premiums for reinsurance) on such ocean marine and foreign trade insurance contracts the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amounts refunded, or paid as participation dividends, by such insurers to the holders of such contracts.

(4) The state does hereby preempt the field of imposing excise or privilege taxes upon insurers or their agents, other than title insurers, and no county, city, town or other municipal subdivision shall have the right to impose any such taxes upon such insurers or their agents.

(5) If an authorized insurer collects or receives any such premiums on account of policies in force in this state which were originally issued by another insurer and which other insurer is not authorized to transact insurance in this state on its own account, such collecting insurer shall be liable for and shall pay the tax on such premiums."

Representatives Mielke and L. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas, Campbell and Smith spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative L. Thomas yielded to a question by Representative Campbell.

Representative Campbell: Is section 3 intended to affect referrals that are part of the usual business relationships regarding health practitioners or attorney's, where there is no intent to commit or participate in the commission of fraud.

Representative L. Thomas: No. Section 3 is intended to prohibit unethical conduct where there is a clear intent that the referral is part of an organized effort to commit fraud.

Representatives Wolfe and Chopp spoke against passage of the bill.

POINT OF INQUIRY

Representative L. Thomas yielded to a question by Representative Robertson.

Representative Robertson: What is the legislative intent of House Bill No. 1557, Section 3 as to its effect on insurance company claims cost containment efforts involving arrangements with preferred providers, including auto repair facilities, for services and the nonobligatory referral of insured with claims to these preferred providers?

Representative L. Thomas: The legislative intent of House Bill No. 1557 Section 3 is to impede criminal activities. There is no legislative intent to impair or prohibit insurance company efforts to pursue claims cost containment through the use of preferred provider arrangements. The legislative acknowledges and encourages these kinds of programs as a reasonable means of keeping insurance affordable for everyone in Washington.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1557.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1557, and the bill passed the House by the following vote: Yeas - 64, Nays - 29, Absent - 1, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Poulsen, Radcliff, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Voting nay: Representatives Appelwick, Basich, Brown, Casada, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Grant, Kessler, Mason, Morris, Ogden, Padden, Quall, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 29.

Absent: Representative Silver - 1.

Excused: Representatives Beeksma, Jacobsen, Patterson and Reams - 4.

Engrossed Second Substitute House Bill No. 1557, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1610, by Representatives Delvin, Costa, Ballasiotes, Padden, Tokuda, Kremen, Chappell, Morris, Campbell, Hatfield, Cody, Regala, Romero, Hickel, Sheldon, Robertson and Kessler

Increasing involvement of victims in criminal prosecutions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1610 was substituted for House Bill No. 1610 and the substitute bill was placed on second reading.

Substitute House Bill No. 1610 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Delvin and Costa spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1610.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1610, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Jacobsen, Patterson and Reams - 4.

Substitute House Bill No. 1610, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

With the consent of the House, the House considered House Bill No. 1147 and House Bill No. 1416 and continue with House Bill No. 1630.

HOUSE BILL NO. 1147, by Representatives Quall, B. Thomas, Mastin, Carlson, Basich, Backlund, Dyer and Sheldon

Authorizing charter schools.

The bill was read the second time. There being no objection, Substitute House Bill No. 1147 was substituted for House Bill No. 1147 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1147 was read the second time.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

On page 2, at the beginning of line 1, strike "(e) Encouraging performance-based education programs;"

On page 2, line 21, after "act" strike "and the student learning goals in RCW 28A.150.210"

On page 3, beginning on line 32, strike all of Subsection (2)

On page 4, beginning on line 16, after "28A.230.240" strike all material through "programs" on line 20.

Representatives McMahan, Quall and Ebersole spoke in favor of the adoption of the amendment.

Representative Cole spoke against the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-41; NAYS-51. The amendment was not adopted.

Representative Quall moved adoption of the following amendment by Representative Quall:

On page 2, line 35, after "approval" insert "or disapproval"

Representative Quall spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Quall moved adoption of the following amendment by Representative Quall:

On page 8, line 4, after "41.59 RCW" insert "or chapter 41.56 RCW"

On page 8, line 6, after "41.59 RCW" insert "or chapter 41.56 RCW"

Representatives Quall and Cole spoke in favor of the adoption of the amendment.

Representative McMahan spoke against the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-50; NAYS-44. The amendment was adopted.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

On page 8, beginning on line 13, strike all of section 12

Representatives Sommers and Quall spoke in favor of the adoption of the amendment.

Representative McMahan spoke against the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-38; NAYS-56. The amendment was not adopted.

Representative Silver moved adoption of the following amendment by Representative Silver:

On page 8, after line 16, insert "NEW SECTION. Sec. 13. If specific funding for this act, referencing this act by bill number, is not provided by June 30, 1995, in the biennial appropriations act, this act shall be null and void."

Representatives Silver and Quall spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 258 to Substitute House Bill No. 1147 was withdrawn.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this chapter is to allow for the establishment of charter schools. The purposes of charter schools are to:

- (1) Improve student learning;
- (2) Increase learning opportunities for pupils;
- (3) Encourage the use of different and innovative methods of teaching;
- (4) Require the measurement of learning standards and create different and innovative forms of measuring standards;
- (5) Establish new forms of accountability for schools; and
- (6) Create professional opportunities for teachers and other educators, including the opportunity to be responsible for the learning program at the school site.

NEW SECTION. Sec. 2. This chapter applies only to charter schools formed and operated under this chapter.

NEW SECTION. Sec. 3. (1) School districts may sponsor charter schools. A sponsor may authorize one or more individuals or an organization to form and operate a charter school. If a school board rejects an application for a charter school, the application may be submitted to the state board of education for approval or disapproval. The sponsor's authorization shall be in the form of a written contract between the sponsor and the board of directors of the charter school.

(2) The total number of charter schools operating in the state in any school year shall not exceed ten, with not more than one charter school in any single school district. For purposes of implementing this subsection, a school district shall notify the state board of education when it receives a charter school application, when it approves a charter school pursuant to this section, and when a

charter school contract expires or is terminated. Once ten charter schools are approved by school boards or the state board of education, the state board shall notify school districts. The state board also shall notify school districts when additional charter schools may be approved due to charter school contract expirations or terminations.

NEW SECTION. Sec. 4. The contract shall be in writing and contain at least the following:

(1) A description of a program that carries out one or more of the purposes in section 1 of this act;

- (2) Specific standards to be achieved by the pupils;
- (3) Admission policies and procedures;
- (4) Management and administration of the school;
- (5) Requirements and procedures for program and financial audits;
- (6) Assumption of liability by the charter school;
- (7) Types and amounts of insurance coverage to be obtained by the charter school; and
- (8) The term of the contract, which may be up to three years.

NEW SECTION. Sec. 5. Except as provided in this section, a charter school is exempt from all statutes and rules applicable to a school board or school district, although it may elect to comply with one or more provisions of such statutes or rules. However, a charter school shall meet the same health and safety requirements required of a school district.

NEW SECTION. Sec. 6. (1) The school location may not be prescribed or limited by a sponsor or other authority, except a zoning authority.

(2) The school must be nonsectarian in its programs, admission policies, employment practices, and all other operations.

(3) The primary focus of the school shall be to provide a comprehensive program of instruction for at least one grade or age group from five through eighteen years of age. Instruction may be provided to people younger than five years and older than eighteen years of age.

(4) The school may not charge tuition.

NEW SECTION. Sec. 7. Charter schools shall not discriminate in the admission of students, hiring practices, or otherwise on the basis of race, ethnicity, color, or national origin.

NEW SECTION. Sec. 8. (1) A school may limit admission in the following ways:

- (a) Pupils within an age group or grade level; or
 - (b) Pupils who have attributes designating them as at risk of failure.
- (2) The school shall not limit admission to students on the basis of athletic ability.

NEW SECTION. Sec. 9. A charter school shall design its programs to meet the standards contained in the contract with the sponsor.

NEW SECTION. Sec. 10. The school shall provide instruction each year for at least the number of days required of school districts.

NEW SECTION. Sec. 11. Transportation for students enrolled at a charter school shall be provided by the school district in which the school is located for a student who resides in the same school district in which the charter school is located. Transportation may be provided by the school district in which the school is located for a student residing in a different school district.

NEW SECTION. Sec. 12. If a teacher employed by a school district makes a written request for an extended leave of absence to teach at a charter school, the school district shall grant the leave.

NEW SECTION. Sec. 13. (1) The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to charter schools. The amount of state funding for charter schools shall be determined by the number of full-time equivalent students enrolled in the school multiplied by the estimated state-wide annual average per full-time equivalent student allocation under RCW 28A.150.260 and applicable rules.

(2) State funding for students who are eligible for special education under chapter 28A.155 RCW, the learning assistance program under chapter 28A.165 RCW, and the transitional bilingual instruction program under chapter 28A.180 RCW shall be determined in accordance with applicable statutes and rules that apply to school districts.

(3) For each annual full-time equivalent student enrolled in a charter school, the charter schools shall be entitled to an amount equal to the maintenance and operation excess tax levy rate per annual average full-time equivalent student of the district in which each full-time equivalent student who attends the charter school resides. These funds shall be paid to the charter school by the school district in which the student resides.

(4) The superintendent shall establish rules for the calculation and payment of funds to charter schools.

(5) The board of trustees may not levy taxes or issue bonds.

(6) Charter schools may receive funds from other governmental and private sources, excluding sectarian organizations.

(7) Money received from the state shall not be used to purchase land or buildings. The school may own land and buildings if obtained through nonstate sources. If school districts have excess classroom space, facilities, and buildings suitable for a charter school, the school district shall make such space and facilities available to the charter school.

NEW SECTION. Sec. 14. (1) The approving agency may unilaterally terminate a contract during the term of the contract for any reason in subsection (2) of this section. At least sixty days before not renewing or terminating a contract, the approving agency shall notify the board of trustees of the school of the proposed action in writing. The notice shall state the reasons for the proposed action in reasonable detail and the school's board of trustees may request in writing an informal hearing before the approving agency within fourteen days of receiving notice of nonrenewal or termination of the contract. Failure by the board of trustees to make a written request for a hearing within the fourteen-day period shall be treated as acquiescence to the proposed actions. Upon receiving a timely written request for a hearing, the approving agency shall give reasonable notice to the school's board of trustees of the hearing date. The approving agency shall conduct an informal hearing before taking final action.

(2) A contract may be terminated for the following reasons:

(a) The failure to meet the requirements for student performance contained in the contract;

(b) The failure to meet generally accepted standards of fiscal management;

(c) Violations of the law; or

(d) Other good cause shown.

(3) If a contract is terminated, the school shall be dissolved.

(4) If a contract is terminated or not renewed, students who attended the school may enroll in the resident district, or may submit an application to a nonresident district according to RCW 28A.225.220 through 28A.225.230. Applications and notices required by RCW 28A.225.220 through 28A.225.230 shall be processed and provided in a prompt manner.

NEW SECTION. Sec. 15. Sections 1 through 14 of this act shall constitute a new chapter in Title 28A RCW."

Representatives McMahan, Robertson, B. Thomas, Padden, Elliot, Carrell and Buck spoke in favor of the adoption of the amendment.

POINT OF PERSONAL PRIVILEGE

Representative Ebersole: Thank you Mr. Speaker. Mr. Speaker, as you and I know it's difficult to assert what a true Point of Order is or not, and perhaps it would be useful and maybe at this time or at some future time if the Speaker could review for the members what is actually impugning the members of a motive. We've heard numerous points of objection, points of orders raised that in my opinion are objectionable because people have heard objectionable or harsh language. Certainly harsh and objectionable language or a direct impugning of a members motive is not permissible under the rules under which we operate perhaps we can have a clarification of that Parliamentary Rule at this time or at some future time.

Representatives Quall, G. Fisher, B. Thomas, Cole, Ebersole, Radcliff, Chopp, Sehlin, Morris and Brumsickle spoke against the adoption of the amendment.

MOTION

On motion of Representative Talcott, Representatives Boldt and Silver were excused.

Representative McMahan again spoke in favor of adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall, Talcott, B. Thomas and Cole spoke in favor of passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1147.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1147, and the bill passed the House by the following vote: Yeas - 72, Nays - 19, Absent - 1, Excused - 6.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Benton, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Horn, Huff, Hymes, Johnson, Kessler, Kremen, Lambert, Mason, Mastin, Mielke, Mitchell, Morris, Ogden, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheldon, Sherstad, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 72.

Voting nay: Representatives Appelwick, Casada, Chandler, Clements, Fuhrman, Goldsmith, Hargrove, Honeyford, Koster, Lisk, McMahan, McMorris, Mulliken, Padden, Pelesky, Pennington, Schoesler, Skinner and Stevens - 19.

Absent: Representative Sheahan - 1.

Excused: Representatives Beeksma, Boldt, Jacobsen, Patterson, Reams and Silver - 6.

Engrossed Substitute House Bill No. 1147, having received the constitutional majority, was declared passed.

MOTION

Representative Padden moved that the House immediately consider Substitute House Bill No. 1299.

There being no objection, the House deferred consideration of Substitute House Bill No. 1299.

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Monday, March 13, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SIXTY-SECOND DAY, MARCH 11, 1995

JOURNAL OF THE HOUSE

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

SIXTY-FOURTH DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Monday, March 13, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Packer and Holly Johnston. Prayer was offered by Pastor Frank Brocker, Christ Lutheran Church of Lakewood.

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

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

MESSAGE FROM THE SENATE

March 10, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5199,
SUBSTITUTE SENATE BILL NO. 5207,
ENGROSSED SENATE BILL NO. 5344,
SECOND SUBSTITUTE SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5407,
SENATE BILL NO. 5434,
ENGROSSED SENATE BILL NO. 5437,
SUBSTITUTE SENATE BILL NO. 5442,
SENATE BILL NO. 5501,
SUBSTITUTE SENATE BILL NO. 5522,
SENATE BILL NO. 5523,
ENGROSSED SENATE BILL NO. 5529,
SENATE BILL NO. 5538,
SUBSTITUTE SENATE BILL NO. 5540,
SENATE BILL NO. 5548,
SUBSTITUTE SENATE BILL NO. 5556,
SENATE BILL NO. 5563,
SENATE BILL NO. 5581,
SUBSTITUTE SENATE BILL NO. 5606,

	SENATE BILL NO. 5625,
ENGROSSED SECOND SUBSTITUTE	SENATE BILL NO. 5633,
	SENATE BILL NO. 5655,
	SENATE BILL NO. 5699,
	SENATE BILL NO. 5705,
SUBSTITUTE	SENATE BILL NO. 5724,
SUBSTITUTE	SENATE BILL NO. 5727,
	SENATE BILL NO. 5748,
	SENATE BILL NO. 5759,
	SENATE BILL NO. 5767,
	SENATE BILL NO. 5771,
	SENATE BILL NO. 5802,
ENGROSSED	SENATE BILL NO. 5873,
SUBSTITUTE	SENATE BILL NO. 5918,
	SENATE BILL NO. 5956,
SUBSTITUTE	SENATE BILL NO. 5993,

SENATE BILL NO. 6011,
and the same are herewith transmitted.

Marty Brown, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

ESSB 5199 by Senate Committee on Government Operations (originally sponsored by Senators Quigley, Winsley, Haugen, Snyder, Sheldon, McAuliffe, Franklin and Drew; by request of Governor Lowry)

Eliminating and consolidating boards and commissions.

Referred to Committee on Government Operations.

SSB 5207 by Senate Committee on Government Operations (originally sponsored by Senators Winsley, Haugen and Rasmussen)

Clarifying annexation authority by municipal corporations providing sewer or water service of unincorporated territory.

Referred to Committee on Government Operations.

ESB 5344 by Senators Wojahn, Smith, Haugen and Kohl

Changing provisions relating to child support enforcement.

Referred to Committee on Law & Justice.

2SSB 5387 by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Winsley, Franklin, Haugen, Rasmussen, McCaslin and West)

Providing tax incentives for multiple-unit housing in urban centers.

Referred to Committee on Trade & Economic Development.

SSB 5407 by Senate Committee on Government Operations (originally sponsored by Senators Winsley, Haugen, Oke and Wojahn)

Allowing voters to protect a portion of metropolitan park district property taxes from prorationing.

Referred to Committee on Government Operations.

SB 5434 by Senators Prentice, Hale and Fraser; by request of Insurance Commissioner

Amending licensing requirements of general agents.

Referred to Committee on Financial Institutions & Insurance.

ESB 5437 by Senator Prentice; by request of Insurance Commissioner

Disclosing material transactions.

Referred to Committee on Financial Institutions & Insurance.

SSB 5442 by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Loveland, Prince, Snyder and Newhouse)

Directing the state weeds board to study weed control on state lands.

Referred to Committee on Agriculture & Ecology.

SB 5501 by Senators Bauer, Rinehart, Oke, Prince and Wojahn; by request of Legislative Budget Committee

Streamlining hospital regulation and inspection.

Referred to Committee on Health Care.

SSB 5522 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, C. Anderson and Johnson)

Regulating the use of pro tempore judges and court commissioners.

Referred to Committee on Law & Justice.

SB 5523 by Senators Smith and Johnson

Regulating payment of criminal defendants' costs.

Referred to Committee on Corrections.

ESB 5529 by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley; by request of Office of Financial Management

Changing school district levy provisions.

Referred to Committee on Appropriations.

SB 5538 by Senators McAuliffe, Pelz and Rasmussen; by request of Board of Education and Superintendent of Public Instruction

Changing state board of education staff provisions.

Referred to Committee on Education.

SSB 5540 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, C. Anderson, Schow, Franklin, Kohl and Winsley)

Authorizing drug-free zones around public housing authority facilities.

Referred to Committee on Law & Justice.

SB 5548 by Senators Fraser, Heavey, Hale, Newhouse, Deccio and Haugen

Changing the registration requirements relating to professional land surveyors and engineers.

Referred to Committee on Commerce & Labor.

SSB 5556 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice, Moyer and Haugen)

Revoking the license of a massage practitioner who has been convicted of prostitution.

Referred to Committee on Law & Justice.

SB 5563 by Senators West, Pelz and McCaslin

Relating to class H liquor licenses issued to hotels operating conference or convention centers or having banquet facilities on property owned or through leasehold interest by the licensed hotel.

Referred to Committee on Commerce & Labor.

SB 5581 by Senators Fraser, Sellar, Prentice, Roach, Snyder, Sutherland, Smith, Hale, Spanel, C. Anderson and Winsley

Extending the expiration date for the pollution liability insurance program.

Referred to Committee on Financial Institutions & Insurance.

SSB 5606 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Haugen, Owen, McCaslin, Swecker, Newhouse, Oke, Rasmussen, Winsley, Morton and Schow)

Providing for use of reclaimed water.

Referred to Committee on Agriculture & Ecology.

SB 5625 by Senators Haugen, Drew, Oke and Rasmussen

Clarifying hunting license requirements.

Referred to Committee on Natural Resources.

E2SSB 5633 by Senate Committee on Ways & Means (originally sponsored by Senators Snyder, Swecker, Hargrove, Haugen, Morton, Hochstatter, Owen and Rasmussen)

Attempting to limit the growth and spread of the noxious weed spartina.

Referred to Committee on Agriculture & Ecology.

SB 5655 by Senators Rasmussen and Sellar

Revising state freight rail service programs.

Referred to Committee on Transportation.

SB 5699 by Senators Fraser, Prince and Rasmussen; by request of Secretary of State

Revising provisions relating to international student exchange visitor placement organizations.

Referred to Committee on Education.

SB 5705 by Senators Newhouse, Prentice, Pelz, Wojahn, Hale, Heavey, Deccio, Palmer, Prince and Winsley; by request of Joint Task Force on Unemployment Insurance

Establishing requirements for work force development programs in the employment security department.

Referred to Committee on Commerce & Labor.

SSB 5724 by Senate Committee on Law & Justice (originally sponsored by Senators Quigley, Long and Haugen; by request of State Law Library)

Simplifying publication and distribution of court reports.

Referred to Committee on Law & Justice.

SSB 5727 by Senate Committee on Government Operations (originally sponsored by Senators Drew, Haugen, C. Anderson, Sheldon, Swecker, Winsley and Kohl; by request of Secretary of State)

Updating accessibility requirements for polling and registration places.

Referred to Committee on Government Operations.

SB 5748 by Senators Prentice, Fraser, Sellar, Rinehart, Prince, Smith, C. Anderson, Franklin, Kohl, Heavey, Pelz and Wojahn; by request of Human Rights Commission

Expanding the state law against discrimination.

Referred to Committee on Law & Justice.

SB 5759 by Senators Pelz, Smith, Prince, Rinehart, Winsley, Heavey, Quigley, Drew, Prentice, Finkbeiner, Fairley, Fraser, Spanel, C. Anderson, Kohl and Wojahn

Including crimes committed to obstruct or hinder legal abortions on the list of aggravating circumstances for the purposes of imposing exceptional sentences.

Referred to Committee on Law & Justice.

SB 5767 by Senators Deccio and McCaslin

Authorizing consolidation of municipal irrigation assessment districts.

Referred to Committee on Government Operations.

SB 5771 by Senators Pelz, Newhouse and Deccio; by request of Employment Security Department

Establishing unemployment insurance liability for third party employers.

Referred to Committee on Commerce & Labor.

SB 5802 by Senators Fraser and Sellar

Regulating housing authorities.

Referred to Committee on Government Operations.

ESB 5873 by Senators Fairley, Owen, Fraser, Smith, Prentice, Kohl and Oke

Raising the fine for parking in places reserved for physically handicapped persons.

Referred to Committee on Law & Justice.

SSB 5918 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Sheldon, Hargrove, Quigley, Prentice, Rasmussen and Kohl)

Revising provisions for a single system of accountability for the mental health service delivery system.

Referred to Committee on Children & Family Services.

SB 5956 by Senators Rasmussen, Strannigan, Rinehart, Hargrove, Smith, Schow, Prentice, Hochstatter, Wojahn, Haugen, Sheldon, Gaspard, Deccio, Spanel, Morton, Pelz, Franklin, Bauer, Kohl, Sutherland, Palmer, McDonald, Wood, A. Anderson, Owen, McAuliffe, Fraser, Long, West, Oke and Winsley

Collecting unpaid court obligations.

Referred to Committee on Law & Justice.

SSB 5993 by Senate Committee on Government Operations (originally sponsored by Senators Winsley, Finkbeiner, Swecker and Wood)

Providing for paid leaves of absence for state employees to provide disaster relief services.

Referred to Committee on Government Operations.

SB 6011 by Senator McAuliffe

Changing provisions relating to the purchase of liability insurance by school districts.

Referred to Committee on Education.

MOTION

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

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

SECOND READING

HOUSE BILL NO. 1560, by Representatives K. Schmidt and Blanton; by request of Attorney General

Penalizing fuel tax evasion.

The bill was read the second time. There being no objection, Substitute House Bill No. 1560 was substituted for House Bill No. 1560 and the substitute bill was placed on second reading.

Substitute House Bill No. 1560 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and R. Fisher spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1560.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1560, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 2, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Qual, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Absent: Representatives Appelwick and Fisher, G. - 2.

Excused: Representatives Blanton and Dyer - 2.

Substitute House Bill No. 1560, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

SPEAKER'S PRIVILEGE

Mr. Speaker: Before we start working this morning, with your indulgence, the Speaker would like to take a few minutes of your time.

I want to thank the members of the House for the time, effort, and dedication to service that you have brought to the House of Representatives. Working together, through some times of tension and some times of fun. We have done well, but much remains to be done.

The Minority Leader, and former Speaker, Representative Ebersole, has suggested that this would be a good time at which to discuss the matter of decorum in debate. I appreciate and welcome his wise recommendation.

I have asked the Chief Clerk of the House to put on every members desk a copy of Reed's Rule 212. Some of the language suggested for use in 1894, when Reed's Rules were first published, would be considered a comedy of manners if used in 1995. Modern customs and manners are less formal, but the need to respect each other and to respect the institution is no less today, than it was over 100 years ago.

Every member has a right to debate the issues that are put before the House of Representatives. Every member has a right to make as forceful and vigorous a defense of their position as their intellectual capacity enables them to develop.

With only this caveat, the debate must proceed in a manner that respects the dignity of every member of the House and the responsibility that all of us hold, individually and collectively, to protect this institution.

Well constructed appeals to passion move people, they can be effective and legitimate techniques of debate, but unless carefully employed, they can do more to raise heat than they do to shed light.

Remarks about past or future election results almost always serve to raise blood pressures and almost never serve to raise understanding about the issue being debated.

We live in a time of great anger and violence. As leaders, we must show the way to settle disputes without anger and without violence. We must show respect for one another and ourselves if we hope to lead others on that path.

Allow me to talk for a minute or two if you will, about the other side of the debate issue, the duty of those to whom remarks are addressed to really listen to the remarks that the Representative is making.

Is it all together unreasonable for the person speaking to make remarks that may push the limits of proper debate if employing that tactic is the only means to cause you to listen to their remarks?

Will raising a Point of Order each time a Representative goes near or slightly beyond the illusive line or proper debate, reduce or increase the tensions of debate?

A Point of Order, which alleges that a member of the House has gone too far in debate, and has in some manner violated the decorum expected of all members, is a serious charge, not to be lightly undertaken. While any member has the right to raise a Point of Order regarding decorum, custom has given that duty to the Speaker on his own volition, and to the senior elected leaders of the two caucus'.

The Speaker is fully aware of his right and duty to maintain an appropriate level of respect and decorum in debate. The Speaker is also aware that it is custom of our political process, regrettably not always followed, to vote when you have the votes and talk when you don't.

Those Representatives who find themselves in a Minority voting position on a measure, are often the members who seek to change hearts, minds, votes, and in a completely proper manner, how the story is told.

The Speaker has a duty to all members to maintain the dignity and decorum of this institution, to encourage respect for all members of his House, but he also has a special duty to protect the rights of the Minority, so that they have their say on the issues and have a chance to put their spin on the story.

Often when a Point of Order is raised regarding decorum, the Speaker is faced with the nearly impossible task of balancing the rights of all members to speak, especially those who are in the Minority position on the issue being discussed, and the duty of all members to respect one another in their debate.

The Speaker at times may remind the members of rules. Not to embarrass any member, but as a method of maintaining proper decorum.

The Speaker would like to share a personal observation about debate. A person who's goal is to make their political point to convince others, is usually most successful in dealing with the subject and relevant facts. The least successful method, if that is your intent, is to push the line with personal or partisan attacks.

However, the Speaker is quick to state that at times this may be the intent.

In cases of impugning a persons motives, either directly or by other comparisons is not acceptable.

I will ask these two things of all members:

(1) When you are speaking please be sensitive as to how your remarks may be perceived by other members; and

(2) To those to whom the remarks are directed, please listen, and if, because we are all human, the person speaking briefly allows their passion to exceed what you believe to be the proper limits of debate, forgive them, allow the transgression. The Speaker can and will take action without any motion from the floor.

Thank you for your attention, we have a lot of work to do, let's get started.

There being no objection, the House considered the following bills in the following order: House Bill No. 1451, House Bill No. 1821, House Bill No. 1421, House Bill No. 1518 and House Bill No. 1200.

HOUSE BILL NO. 1451, by Representatives Mielke, Lisk, McMorris, Sheldon, Mastin, Horn, Thompson, Hargrove, Sherstad and Basich

Expanding employer workers' compensation group self-insurance.

The bill was read the second time. There being no objection, Substitute House Bill No. 1451 was substituted for House Bill No. 1451 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1451 was read the second time.

With the consent of the House, amendment number 180 to Substitute House Bill No. 1451 was withdrawn.

Representative Mastin moved adoption of the following amendment by Representative Mastin:

On page 13, line 4, after "it," insert "requires claimants to submit to an unreasonable number of medical examinations as a condition of receiving benefits under this title, unreasonably interferes with the claimants' choice of health services providers to treat the injuries covered by this title,"

On page 13, after line 33, insert the following:

"**NEW SECTION. Sec. 22.** (1) It is unlawful for a self-insurance group representative, or employer member of the group or the employer's representative, or any person to:

(a) Induce or coerce an employee not to report an industrial accident;

(b) Induce or coerce an employee to treat an industrial accident as an off-the-job injury; or

(c) Unreasonably attempt to influence an employee's attending physician with regard to releasing the employee for return to work.

(2) A claimant or beneficiary of the claimant who is injured or damaged because of a violation of this section or a violation of a rule adopted by the director under this section may bring a civil action in superior court to enjoin further violations, and to recover the actual damages sustained by him or her, or both, together with the cost of suit, including a reasonable attorneys' fee to be set by the court.

(3) The prohibited practices set forth in this section apply to employers who are members of self-insurance groups, to administrative organizations maintained by self-insurance groups to manage their industrial insurance matters, and to self-insurance groups."

On page 14, after line 24, insert the following:

"**Sec. 25.** RCW 51.28.050 and 1984 c 159 s 1 are each amended to read as follows:

No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the rights of dependents or beneficiaries accrued, except as provided in RCW 51.28.055. If the failure to file the application or take action to enforce a claim under this section results from an act prohibited by section 22 of this act, then the time period for filing under this section shall commence from the date of the prohibited act.

Sec. 26. RCW 51.28.055 and 1984 c 159 s 2 are each amended to read as follows:

Claims for occupational disease or infection to be valid and compensable must be filed within two years following the date the worker had written notice from a physician: (1) Of the existence of his or her occupational disease, and (2) that a claim for disability benefits may be filed. The notice

shall also contain a statement that the worker has two years from the date of the notice to file a claim. The physician shall file the notice with the department. The department shall send a copy to the worker and to the self-insurer if the worker's employer is self-insured. However, a claim is valid if it is filed within two years from the date of death of the worker suffering from an occupational disease.

If the failure to file the application or take action to enforce a claim under this section results from an act prohibited by section 22 of this act, then the time period for filing under this section shall commence from the date of the prohibited act."

Representatives Mastin and Campbell spoke in favor of the adoption of the amendment.

Representative Mielke spoke against the adoption of the amendment.

Representative Mastin again spoke in favor of the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

MOTION

On motion of Representative Brown, Representative G. Fisher was excused.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 13, line 4 to Substitute House Bill No. 1451, and the amendment was adopted by the following vote: Yeas - 51, Nays - 43, Absent - 1, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Boldt, Brown, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Grant, Hatfield, Hymes, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, K., Scott, Sheldon, Smith, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Van Luven, Veloria and Wolfe - 51.

Voting nay: Representatives Beeksma, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Huff, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Reams, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, L., Thompson and Mr. Speaker - 43.

Absent: Representative Horn - 1.

Excused: Representatives Blanton, Dyer and Fisher, G. - 3.

The bill was ordered engrossed.

MOTION

Representative Mielke moved that the House defer further consideration of Substitute House Bill No. 1451 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1821, by Representatives Kessler, Buck, Quall, Carlson, Casada and Basich

Disqualifying from unemployment compensation persons whose public employment contract is bought out.

The bill was read the second time. There being no objection, Substitute House Bill No. 1821 was substituted for House Bill No. 1821 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1821 was read the second time.

Representative Kessler moved adoption of the following amendment by Representative Kessler:

On page 3, beginning on line 7, strike all of section 2

Correct the title.

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

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1821.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1821, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Dyer and Fisher, G. - 3.

Engrossed Substitute House Bill No. 1821, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1421, by Representatives Sheldon, Foreman, Johnson, Hatfield, Buck, Grant, Schoesler, Chappell, Basich, Kessler, Morris, Skinner, Thompson, Campbell, Costa, Hargrove, Chandler, Mastin, Wolfe and Quall

Providing business incentives for distressed areas.

The bill was read the second time. There being no objection, Substitute House Bill No. 1421 was substituted for House Bill No. 1421 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1421 was read the second time.

Representative Sheldon moved adoption of the following amendment by Representative Sheldon:

On page 2, line 24, strike "ten" and insert "twenty"

On page 2, line 25, after "section." insert "The total credits allowed under this section for a business shall not exceed five thousand dollars per calendar year."

On page 2, after line 31, insert:

"(5) This section only applies to training in respect to eligible business projects for which an application is approved on or after July 1, 1995."

Representatives Sheldon and Chopp spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheldon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1421.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1421, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Blanton, Dyer and Fisher, G. - 3.

Engrossed Substitute House Bill No. 1421, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1518, by Representatives Thompson, Lambert, Talcott, Brumsickle, Elliot, Radcliff, D. Schmidt, Pelesky, Padden, Veloria, Dickerson, McMahan, Quall, Johnson, Basich and Mason

Authorizing clock hours for teachers participating in internships.

The bill was read the second time. There being no objection, Substitute House Bill No. 1518 was substituted for House Bill No. 1518 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1518 was read the second time.

Representative Thompson moved adoption of the following amendment by Representative Thompson:

On page 2, line 6, after "each" strike "twenty-five"
On page 2, line 6, after "each" insert "forty":
On page 2, line 31, after "in" insert "uncompensated"
On page 3, line 1, strike "fifteen"
On page 3, line 1, after "of" insert "two"
On page 3, line 2, strike "five"

Representatives Thompson and Lambert spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Thompson and Cole spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

Representative Thompson again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1518.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1518, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Brown, Mason and Rust - 3.

Excused: Representatives Blanton and Fisher, G. - 2.

Engrossed Substitute House Bill No. 1518, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1200, by Representatives Basich, Kremen, Ballasiotes, Quall, Van Luven and Carlson

Protecting sports officials from civil actions and assaults.

The bill was read the second time. There being no objection, Substitute House Bill No. 1200 was substituted for House Bill No. 1200 and the substitute bill was placed on second reading.

Substitute House Bill No. 1200 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Basich and Hargrove spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1200.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1200, and the bill failed to pass the House by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Basich, Benton, Boldt, Brown, Brumsickle, Carlson, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Elliot, Grant, Hatfield, Hymes, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Padden, Patterson, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Scott, Sehlin, Sheahan, Sheldon, Sommers, Thibaudeau, Thompson, Tokuda, Valle, Van Luven, Veloria and Wolfe - 47.

Voting nay: Representatives Appelwick, Backlund, Ballasiotes, Beekma, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L. and Mr. Speaker - 49.

Excused: Representatives Blanton and Fisher, G. - 2.

Substitute House Bill No. 1200, not having received the constitutional majority, was declared failed.

There being no objection, the House considered the following bills in the following order: House Bill No. 1274, House Bill No. 1416, House Bill No. 1486, House Bill No. 1549, House Bill No. 1597 and House Bill No. 1630.

HOUSE BILL NO. 1274, by Representatives Reams, Sheldon, K. Schmidt, Hargrove, McMahan, Mulliken, Foreman, Sherstad, Elliot, Stevens, Johnson, Talcott and Huff

Revising growth management provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1274 was substituted for House Bill No. 1274 and the substitute bill was placed on second reading.

Substitute House Bill No. 1274 was read the second time.

Representative Pennington moved adoption of the following amendment by Representative Pennington:

On page 4, line 25, strike "seventy-five" and insert "one hundred"

On page 5, line 13, strike "seventy-five" and insert "one hundred"

Representative Pennington spoke in favor of the adoption of the amendment.

Representative Reams spoke against the adoption of the amendment.

Representative Pennington again spoke in favor of the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-35; NAYS-60. The amendment was not adopted.

Representative Chopp moved adoption of the following amendment by Representative Chopp:

On page 4, line 29, after "if" strike "this" and insert "~~(this)~~ both: (a) the governing bodies of at least sixty percent of the cities in a county, that include at least seventy-five percent of the city population in the county, adopt resolutions approving the removal; and (b) the county"

On page 5, line 17, strike "the" and insert "both: (a) the governing bodies of at least sixty percent of the cities in a county, that include at least seventy-five percent of the city population in the county, adopt resolutions approving the removal; and (b) the county"

Representative Chopp spoke in favor of the adoption of the amendment.

Representatives Reams and Rust spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 4, line 29 to Substitute House Bill No. 1274 and the amendment was not adopted by the following vote: Yeas - 29, Nays - 67, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Brown, Chandler, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Grant, Jacobsen, Mason, Mastin, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 29.

Voting nay: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 67.

Excused: Representatives Blanton and Fisher, G. - 2.

MOTION FOR RECONSIDERATION

Representative Van Luven: Having voted on the prevailing side moved that the House immediately reconsider the vote by which amendment number 285 to Substitute House Bill No. 1274 failed to pass the House.

Representatives Pennington and Morris spoke in favor of the adoption of the amendment.

Representatives Reams and Quall spoke against the adoption of the amendment.

Representative Pennington again spoke in favor of the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-45; NAYS-51. The amendment was not adopted.

Representative Reams moved adoption of the following amendment by Representative Reams:

On page 11, line 21, after "growth" insert "or is so situated in light of geographic, resource protection, affordable housing, or utility considerations as to be appropriate for urban growth within the succeeding twenty-year period"

Representative Reams spoke in favor of the adoption of the amendment.

Representative Rust spoke against the adoption of the amendment.

The amendment was adopted.

Representative Reams moved adoption of the following amendment by Representative Reams:

On page 12, line 17, after "geographic" insert ", resource protection, affordable housing,"

Representative Reams spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Reams moved adoption of the following amendment by Representative Reams:

On page 12, after line 37, insert:

"(6) Nothing in this chapter shall prevent a county from including as part of the urban growth area established under this section any area which prior to July 1, 1990, both: (a) Was designated for urban growth activity under an officially adopted county plan; and (b) had development permits submitted to the county implementing that urban designation."

Representative Reams spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Reams moved adoption of the following amendment by Representative Reams:

On page 20, after line 26, insert the following:

"(3) In lieu of the procedures under subsection (2) of this section to approve a fully contained community by altering an established urban growth area, a county may allocate initially part of its twenty-year growth management planning population projection to and include in its initial urban growth areas fully contained communities where the criteria stated under subsection (1) of this section will be met through project approval.

(4) The criteria for designating an urban growth area for fully contained communities are those set forth in this section, and not the criteria in RCW 36.70.110."

Representative Reams spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the House reverted to amendment number 253 to Substitute House Bill No. 1274.

There being no objection, an electronic roll call has been demanded.

ROLL CALL

The clerk called the roll on adoption of the amendment, on page 4, line 29 to Substitute House Bill No. 1274 and the amendment was not adopted by the following vote: Yeas - 29, Nays - 67, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Brown, Chandler, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Grant, Jacobsen, Mason, Mastin, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 29.

Voting nay: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Clements, Cooke, Crouse,

Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 67.

Excused: Representatives Blanton and Fisher, G. - 2.

Representative Rust moved adoption of the following amendment by Representative Rust:

On page 20, beginning on line 27, strike all of section 14 and insert:

"NEW SECTION. **Sec. 14.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county required or choosing to plan under RCW 36.70A.040 may establish, in consultation with cities under the provisions of RCW 36.70A.120, a process for reviewing and approving proposals to authorize the siting of specific major industrial developments outside urban growth areas in the county.

(2) A major industrial development may be approved outside an urban growth area in a county planning under this chapter if criteria including, but not limited to the following, are met:

(a) Infrastructure is provided and impact fees are established consistent with the requirements of RCW 82.02.060;

(b) Transit-oriented site planning and traffic demand management programs are implemented;

(c) Buffers are provided between the major industrial development and adjacent nonurban areas;

(d) Environmental protection including air and water quality has been addressed and provided for;

(e) Development regulations are established that discourage urban growth in adjacent nonurban area;

(f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;

(g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and

(h) Based upon an inventory of industrial sites available in the county that the county maintains, the county has determined and entered findings that land suitable to site the major industrial development is unavailable within the county. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area.

(3) "Major industrial development" means a master planned location for a specific manufacturing or industrial business that: (a) Requires a parcel of land so large that no suitable parcels, without critical areas, are available within any urban growth area located in the same county; or (b) is a natural-resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent."

Representative Rust spoke in favor of the adoption of the amendment.

Representative Reams spoke against the adoption of the amendment.

The amendment was not adopted.

Representative R. Fisher moved adoption of the following amendment by Representative R. Fisher:

On page 21, beginning on line 27, strike all of section 15, and insert:

"**Sec. 15.** RCW 43.62.035 and 1991 sp.s. c 32 s 30 are each amended to read as follows:

The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by

July 1st showing its determination. At least once every ten years the office of financial management shall prepare twenty-year growth management planning population projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such counties and the cities in those counties before final adoption. Each projection may be expressed as a range, the median of which shall represent the office's estimate of the most likely population projection for the county. The higher end of the range shall not exceed one hundred twenty percent of the lower end of the range. If any city or county believes that a projection does not accurately reflect actual population growth in a county, it may petition the office to revise the projection accordingly."

Representative R. Fisher spoke in favor of the adoption of the amendment.

Representative Reams spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Rust moved adoption of the following amendment by Representative Rust:

On page 22, beginning on line 13, strike all of section 16
Correct the title.

Representative Rust spoke in favor of the adoption of the amendment.

Representative Reams spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, the House deferred further consideration of Substitute House Bill No. 1274 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1416, by Representatives Skinner, Foreman, Schoesler and Huff

Modifying certificate of need provisions.

The bill was read the second time.

Representative Skinner moved adoption of the following amendment by Representative Skinner:

On page 5, beginning on line 30, after "without" strike all material through "(d)" on line 32, and insert "((being subject to the provisions of this chapter except under RCW 70.38.105(4)(d))) obtaining a certificate of need under this chapter"

On page 6, after line 23, insert the following:

"(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction."

Beginning on page 10, line 32, after "(13)" strike all material through "purposes" on page 11, line 6, and insert "((In the case of an application for a certificate of need to replace existing nursing home beds, all criteria must be met on the same basis as an application for a certificate of need for a new nursing home, except that the need criteria shall be deemed met if the applicant is an existing licensee who proposes to replace existing beds that the licensee has operated for at least one year with the same or fewer number of beds in the same planning area)) (a) Replacement of existing nursing home beds in the same planning area by an existing licensee who has operated the beds for at least one

year shall not require a certificate of need under this chapter. The licensee shall give written notice of its intent to replace the existing nursing home beds to the department and shall provide the department with information as may be required pursuant to rule. Replacement of the beds by a party other than the licensee is subject to certificate of need review under this chapter, except as otherwise permitted by subsection (14) of this section"

On page 11, beginning on line 7, after "operation," strike all material through "replacement" on line 8, and insert "~~((its beds shall be treated as existing nursing home beds for purposes of replacement))~~ the licensee or any other party who has secured an interest in the beds may reserve his or her interest in the beds"

On page 11, line 10, after "home" insert ", licensee, or any other party who has secured an interest in the beds"

On page 11, line 12, after "closure." insert "Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee."

(14) In the event that a licensee, who has provided the department with notice of his or her intent to replace nursing home beds under subsection (13)(a) of this section, engages in unprofessional conduct or becomes unable to practice with reasonable skill and safety by reason of mental or physical condition, pursuant to chapter 18.130 RCW, or dies, the building owner shall be permitted to complete the nursing home bed replacement project, provided the building owner has secured an interest in the beds."

Representatives Skinner and Dellwo spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Skinner, Dyer and Dellwo spoke in favor of passage of the bill.

MOTION

On motion of Representative Appelwick, Representative Ogden was excused.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1416.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1416, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representative Thibaudeau - 1.

Excused: Representatives Blanton, Fisher, G. and Ogden - 3.

Engrossed House Bill No. 1416, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would like my vote on Engrossed House Bill No. 1416 to be a YEA.

PAT THIBAudeau, 43rd District

There being no objection, the House reverted to Substitute House Bill No. 1274.

Representative Honeyford moved adoption of the following amendment by Representative Honeyford:

On page 4, beginning on line 15, strike all of section 2 and insert the following:

" **Sec. 2.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall ~~((conform with all of the requirements of this chapter))~~ plan under this section. ~~((However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.))~~

Once a county meets either of these sets of criteria, the requirement to ~~((conform with all of the requirements of this chapter))~~ plan under this section remains in effect, even if the county no longer meets one of these sets of criteria unless the county removes itself under subsection (6) of this section.

(2) The county legislative authority of any county that does not ~~((meet either of the sets of criteria established))~~ plan under ((subsection (1) of)) this section may adopt a resolution indicating its intention ~~((to have subsection (1) of this section apply to))~~ that the county plan under this section. Each city~~((,))~~ located in a county that ~~((chooses to plan))~~ adopts a resolution under this subsection~~((,))~~ shall ~~((conform with all of the requirements of this chapter))~~ plan under this section. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this ~~((chapter))~~ section unless the county removes itself under subsection (6) of this section.

(3) Any county or city that is initially required to ~~((conform with all of the requirements of this chapter))~~ plan under this section by subsection (1) of this section, and, where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (6) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of

less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department (~~(of community development)~~) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to (~~(conform with all the requirements of this chapter)~~) plan under this section, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, and, where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (6) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department (~~(of community development)~~) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that (~~(previously had not been required to)~~) does not plan under (~~(subsection (1) or (2) of)~~) this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department (~~(of community development)~~) of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) The county legislative authority of any county that is planning under this chapter may adopt a resolution removing the county, and the cities located within the county, from the requirements of this chapter. The removal shall be effective on the date the resolution is filed with the department.

(7) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption."

Representative Honeyford, Pennington and Padden spoke in favor of the adoption of the amendment.

Representative Reams spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reams spoke in favor of passage of the bill.

Representatives Rust, Romero, Chopp and R. Fisher spoke against passage of the bill.

Representative Reams again spoke in favor of passage of the bill.

MOTION

On motion of Representative Appelwick, the rules were suspended, and Engrossed Substitute House Bill No. 1247 was returned to second reading for the purpose of reconsideration of an amendment.

Representative Appelwick spoke in favor of the motion and Representative Foreman spoke against the motion.

The Speaker is in doubt. An electronic roll call vote has been called.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and return Engrossed Substitute House Bill No. 1274 to second reading for the purpose of reconsidering an amendment and the motion failed the House by the following vote: Yeas - 38, Nays - 58, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Patterson, Poulsen, Quall, Reams, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Excused: Representatives Blanton and Ogden - 2.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1274.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1274, and the bill passed the House by the following vote: Yeas - 62, Nays - 33, Absent - 1, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Clements, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Voting nay: Representatives Appelwick, Brown, Casada, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Jacobsen, Kessler, Mason, Mitchell, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 33.

Absent: Representative Schmidt, K. - 1.

Excused: Representatives Blanton and Ogden - 2.

Engrossed Substitute House Bill No. 1274, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I was in the wings when Engrossed Substitute House Bill No. 1274 was voted on. My vote would have been YEA.

KAREN SCHMIDT, 23rd District

HOUSE BILL NO. 1486, by Representatives Sherstad, Padden, Van Luven, Mielke, Koster, Morris, Hickel, Hargrove, Casada and Patterson

Regulating adult entertainment.

The bill was read the second time. Representative Padden moved to substitute House Bill No. 1486.

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. I would request a ruling on the scope and object of the substitute to House Bill No. 1486.

MOTIONS

Representative Padden moved that the House defer further consideration of House Bill No. 1486 and the bill held it's place on the second reading calendar.

On motion of Representative Padden, House Bill No. 1515, House Bill No. 1573, House Bill No. 1615, House Bill No. 1703 and House Bill No. 1845 were referred to the Rules Committee.

Representative Appelwick spoke in favor of the motion.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: House Bill No. 1549, House Bill No. 1597, House Bill No. 1630 and House Bill No. 1643.

HOUSE BILL NO. 1549, by Representatives Ballasiotes, Morris, Wolfe, Campbell, Quall, Backlund, Dyer and Blanton; by request of Sentencing Guidelines Commission

Creating a sentencing alternative for drug offenders.

The bill was read the second time. There being no objection, Substitute House Bill No. 1549 was substituted for House Bill No. 1549 and the substitute bill was placed on second reading.

Substitute House Bill No. 1549 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Ballasiotes and Ebersole spoke in favor of passage of the bill.

Representative Ballasiotes again spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Silver was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1549.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1549, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Benton, Boldt, Hargrove, Honeyford and Lisk - 5.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1549, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1597, by Representatives Johnson, Koster, Chandler, Boldt, Sheldon, Mastin, Basich, McMorris, Thompson, Beeksma, Kremen, Hatfield, McMahan, Hymes, Honeyford, D. Schmidt, Skinner, Clements, Buck, Stevens, Mielke and Kessler

Concerning the reduction of flood damage.

The bill was read the second time. There being no objection, Substitute House Bill No. 1597 was substituted for House Bill No. 1597 and the substitute bill was placed on second reading.

Substitute House Bill No. 1597 was read the second time.

Representative R. Fisher moved adoption of the following amendment by Representative R. Fisher:

On page 6, line 20, strike all of Section 5.

Renumber the remain sections consecutively and correct any internal references accordingly.

Representative R. Fisher spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Rust moved adoption of the following amendment by Representative Rust:

On page 9, beginning on line 16, strike all material through "season." on page 16, line 3.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Rust spoke in favor of the adoption of the amendment.

Representative Johnson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Regala moved adoption of the following amendment by Representative Regala:

On page 29, beginning on line 23, strike all material through "86.26 RCW;" on line 32

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Regala spoke in favor of the adoption of the amendment.

Representative Johnson spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson, Rust, Sheldon and Hymes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1597.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1597, and the bill passed the House by the following vote: Yeas - 72, Nays - 25, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 72.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 25.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1597, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1630, by Representatives Cairnes, Kremen, Ballasiotes, Cole, Conway, Cooke, Goldsmith, Quall, Cody, Elliot, Romero, Voloria and Thompson

Regulating the registration of contractors.

The bill was read the second time. There being no objection, Substitute House Bill No. 1630 was substituted for House Bill No. 1630 and the substitute bill was placed on second reading.

Substitute House Bill No. 1630 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cairnes, Kremen and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1630.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1630, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Campbell, Fuhrman, Koster and Smith - 4.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1630, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1643, by Representatives Stevens, Cairnes, Koster, L. Thomas, Dyer, Cooke, B. Thomas, Thompson, D. Schmidt, Boldt, Lambert and Backlund

Providing procedures for creating new counties.

The bill was read the second time. There being no objection, Substitute House Bill No. 1643 was substituted for House Bill No. 1643 and the substitute bill was placed on second reading.

Substitute House Bill No. 1643 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stevens, Koster and Van Luven spoke in favor of passage of the bill.

Representatives Rust, Chopp and Morris spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1643.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1643, and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan,

McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Horn, Jacobsen, Kessler, Mason, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 33.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1643, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1645, by Representatives K. Schmidt, R. Fisher and Mitchell

Enhancing transportation planning.

The bill was read the second time. There being no objection, Substitute House Bill No. 1645 was substituted for House Bill No. 1645 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1645 was read the second time.

Representative Valle moved adoption of the following amendment by Representative Valle:

On page 14, line 36, after "terminals," insert "airports that have scheduled air services,"

POINT OF ORDER

Representative K. Schmidt: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment number 315 to Substitute House Bill No. 1645.

There being no objection, the House deferred further consideration of Substitute House Bill No. 1645 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1647, by Representatives Goldsmith, Romero and Lisk; by request of Employment Security Department

Expanding the authority of the employment security department to share data.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1647.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1647, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove,

Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

House Bill No. 1647, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1659 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1687, by Representatives Lambert, Costa, Padden, Appelwick, Fuhrman, Grant, Sheahan, Tokuda, Chappell, Thibaudeau, Voloria, Morris, Hickel, Huff, Patterson and Mastin

Providing for distribution of appropriations for court-appointed special advocate programs.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert and Costa spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1687.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1687, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Fisher, R. - 1.

Excused: Representative Blanton - 1.

House Bill No. 1687, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1724 and House Bill No. 1732 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1738, by Representatives Pelesky, Cairnes, Stevens, L. Thomas, Beeksma, Silver, Thompson, Foreman, Radcliff, Fuhrman, Huff, Hargrove, Elliot, Mulliken and Goldsmith

Providing employees notice of rights regarding union security agreements.

The bill was read the second time. There being no objection, Substitute House Bill No. 1738 was substituted for House Bill No. 1738 and the substitute bill was placed on second reading.

Substitute House Bill No. 1738 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pelesky, Horn and L. Thomas spoke in favor of passage of the bill.

Representatives Cody, Conway, Mason, Cole, Romero, Chappell and G. Fisher spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1738.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1738, and the bill passed the House by the following vote: Yeas - 59, Nays - 38, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Robertson, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1738, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1770, by Representatives Mastin and Grant

Revising enforcement requirements for plumbing certificates of competency.

The bill was read the second time.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 1, line 6, after "industries" strike "shall"
On page 1, line 6, after "industries" insert "may"

Representative Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mastin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1770.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1770, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman, Schoesler and Sherstad - 3.

Excused: Representative Blanton - 1.

Engrossed House Bill No. 1770, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1774, by Representatives Chandler, Mastin, Basich and Honeyford

Altering appeal procedures for water-related actions of the department of ecology.

The bill was read the second time. There being no objection, Substitute House Bill No. 1774 was substituted for House Bill No. 1774 and the substitute bill was placed on second reading.

Substitute House Bill No. 1774 was read the second time.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 4, line 36, after "order," strike all material down to and including "RCW 34.05.425(3)" on line 38 and insert "or is an administrative law judge acting pursuant to RCW 34.05.425(3), the presiding officer or the administrative law judge shall enter a final order"

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1774.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1774, and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1774, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1787, by Representatives K. Schmidt, R. Fisher, Johnson, Elliot, Buck, Blanton, Robertson, D. Schmidt, Mitchell, Skinner, Tokuda, Benton, Romero, Brown, Hankins, Cairnes, Hatfield, Scott, Quall, Backlund, Ogden, McMahan, Horn, Koster, Schoesler and Mielke

Restoring certain provisions deleted in 1993.

The bill was read the second time. There being no objection, Substitute House Bill No. 1787 was substituted for House Bill No. 1787 and the substitute bill was placed on second reading.

Substitute House Bill No. 1787 was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

On page 4, after line 17, insert the following:

"**Sec. 2.** RCW 43.79A.040 and 1993 sp.s. c 8 s 2 and 1993 c 500 s 5 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The American Indian scholarship endowment fund, the energy account, the game farm alternative account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, and the local rail service assistance account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

In line 2 of the title, after "43.84.092" insert "and 43.79A.040"

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1787.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1787, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thiбаudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1787, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1788, by Representatives K. Schmidt, Chandler, Mitchell and Robertson

Providing for more flexibility in the motor vehicle fund distributions to cities and counties.

The bill was read the second time. There being no objection, Substitute House Bill No. 1788 was substituted for House Bill No. 1788 and the substitute bill was placed on second reading.

Substitute House Bill No. 1788 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

Representative R. Fisher spoke against passage of the bill.

The Speaker called on Representative Horn to preside.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1788.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1788, and the bill passed the House by the following vote: Yeas - 84, Nays - 12, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 84.

Voting nay: Representatives Basich, Cole, Fisher, R., Mason, Regala, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 12.

Absent: Representative Romero - 1.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1788, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1802, by Representatives Cooke, Lambert, Stevens, Thompson, Padden and Kessler

Changing adoption provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1802 was substituted for House Bill No. 1802 and the substitute bill was placed on second reading.

Substitute House Bill No. 1802 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Thibaudeau spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1802.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1802, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden,

Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1802, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1810, by Representatives Chandler, Honeyford, Thompson and L. Thomas

Changing the scope of cleanup standards for remedial actions under the model toxics control act.

The bill was read the second time. There being no objection, Substitute House Bill No. 1810 was substituted for House Bill No. 1810 and the substitute bill was placed on second reading.

Substitute House Bill No. 1810 was read the second time.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 3, after line 35, insert the following:

"(g) One representative of environmental restoration or remediation businesses, selected by the Washington environmental industry association;"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1810.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1810, and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington,

Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 86.

Voting nay: Representatives Chopp, Cole, Ebersole, Fisher, R., Mason, Romero, Rust, Thibaudeau, Tokuda, Valle and Wolfe - 11.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1810, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1813, by Representatives Mulliken, Mason, Sheahan, Blanton, Carlson, Goldsmith, Jacobsen and Delvin

Exempting financial disclosures by degree-granting private vocational schools from public disclosure laws.

The bill was read the second time. There being no objection, Substitute House Bill No. 1813 was substituted for House Bill No. 1813 and the substitute bill was placed on second reading.

Substitute House Bill No. 1813 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Jacobsen spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1813.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1813, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Fisher, R. - 1.

Excused: Representative Blanton - 1.

Substitute House Bill No. 1813, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1837, by Representatives Chandler and Dellwo

Establishing limitations on distributions from the water quality account for the period July 1, 1995, through June 30, 2000.

The bill was read the second time. There being no objection, Substitute House Bill No. 1837 was substituted for House Bill No. 1837 and the substitute bill was placed on second reading.

Substitute House Bill No. 1837 was read the second time.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 4, line 29, after "basis." insert "The dollar amount of extended grant payments paid by the department may not exceed seventeen and one-half million dollars during any one fiscal year."

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 279 to Substitute House Bill No. 1837 was withdrawn.

Representative Silver moved adoption of the following amendment by Representative Silver:

On page 5, line 7, after "terminate" strike all material through "biennium" and insert "June 30, 2010"

Representatives Silver and Dellwo spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ogden moved adoption of the following amendment by Representative Ogden:

On page 5, after line 7, insert the following:
" NEW SECTION. Sec 4. RCW 70.146.080 and 1994 1st sp.s. c 6 s 902, 1993 sp.s. c 24 s 924, 1991 sp.s. c 16 s 923, & 1986 c 3 s 11 are each repealed."

Renumber the remaining sections consecutively.

Representatives Ogden and Carlson spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1837.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1837, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky,

Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Appelwick, Ebersole, Fisher, R. and Rust - 4.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1837, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1858, by Representatives Ballasiotes, Costa, Robertson, Cody, Morris, Regala, Chopp, Ogden, Mitchell, Tokuda, Appelwick, Honeyford, Radcliff, Blanton, Dickerson, Campbell, Conway, Kessler and Ebersole

Establishing the office of crime victims advocacy in the department of community, trade, and economic development.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes, Costa and Rust spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1858.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1858, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Blanton - 1.

House Bill No. 1858, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1877, by Representatives McMahan, Brumsickle, Benton, Sheahan, Koster, Elliot, Pelesky, Johnson, Stevens, Casada, Silver and Thompson

Providing additional educational opportunities for students.

The bill was read the second time. There being no objection, Substitute House Bill No. 1877 was substituted for House Bill No. 1877 and the substitute bill was placed on second reading.

Substitute House Bill No. 1877 was read the second time.

Representative Cole moved adoption of the following amendment by Representative Cole:

On page 1, beginning on line 16, after "state" strike all material down to and including "program" on line 17 and insert "for school district students who are participating in the services authorized in subsection (1) of this section"

On page 2, line 2, after "criteria for" insert "school district"

On page 2, line 2, after "students" strike "enrolled" and insert "participating"

Representatives Cole and McMahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMahan and Brumsickle spoke in favor of passage of the bill.

Representative Mason spoke against passage of the bill.

POINT OF INQUIRY

Representative McMahan yielded to a question by Representative Ebersole.

Representative Ebersole: Representative McMahan, as used in this bill what does the word non sectarian mean?

Representative McMahan: I would refer to the dictionary definition, I believe it just means it doesn't have anything to do with, it's not a religious school or anything.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1877.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1877, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Hatfield - 1.

Excused: Representative Blanton - 1.

Engrossed Substitute House Bill No. 1877, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1878, by Representatives McMahan, Reams, Sheahan, Koster, Benton, Mielke, Blanton, Pelesky, Johnson, Stevens, Casada, Silver and Thompson

Encouraging sales of public real property.

The bill was read the second time. There being no objection, Substitute House Bill No. 1878 was substituted for House Bill No. 1878 and the substitute bill was placed on second reading.

Substitute House Bill No. 1878 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMahan and Reams spoke in favor of passage of the bill.

Representatives Rust, Cole and Sheldon spoke against passage of the bill.

Representative McMahan again spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Ogden was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1878.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1878, and the bill passed the House by the following vote: Yeas - 60, Nays - 36, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 60.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Honeyford, Jacobsen, Kessler, Mason, Mastin, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Van Luven, Vloria and Wolfe - 36.

Excused: Representatives Blanton and Ogden - 2.

Substitute House Bill No. 1878, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1878.

BETTY SUE MORRIS, 18th District

HOUSE BILL NO. 1890, by Representatives Padden, Morris, Campbell, Casada, Stevens, Johnson, Benton and Smith

Protecting property owners.

The bill was read the second time. There being no objection, Substitute House Bill No. 1890 was substituted for House Bill No. 1890 and the substitute bill was placed on second reading.

Substitute House Bill No. 1890 was read the second time.

Representative Padden moved adoption of the following amendment by Representative Padden:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 64.40.010 and 1982 c 232 s 1 are each amended to read as follows:

As used in this chapter, the terms in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Agency" means the state of Washington including any state agency, any of its political subdivisions, including any city, town, or county, and any other public body exercising regulatory authority or control over the use of real property in the state.

(2) "Permit" means any governmental approval required by law before an owner of a property interest may improve, sell, transfer, or otherwise put real property to use.

(3) "Property interest" means any interest or right in real property in the state.

(4) "Damages" means reasonable expenses and losses, other than speculative losses or profits, incurred between the time a cause of action arises and the time a holder of an interest in real property is granted relief as provided in RCW 64.40.020. Damages must be caused by an act, necessarily incurred, and actually suffered, realized, or expended, but are not based upon diminution in value of or damage to real property, or litigation expenses.

(5) "Regulation" means any ordinance, resolution, ~~((or other))~~ rule ~~((or))~~, regulation, or any other law adopted pursuant to the authority provided by state law, which imposes or alters restrictions, limitations, ~~((or))~~ conditions ~~((or))~~, or in any other manner relates to the use of real property.

(6) "Act" means a final decision by an agency which places requirements, limitations, or conditions upon the use of real property in excess of those allowed by applicable regulations in effect on the date an application for a permit is filed. "Act" also means the failure of an agency to act within time limits established by law in response to a property owner's application for a permit: PROVIDED, That there is no "act" within the meaning of this section when the owner of a property interest agrees in writing to extensions of time, or to the conditions or limitations imposed upon an application for a permit. "Act" shall not include lawful decisions of an agency which are designed to prevent a condition which would constitute a threat to the health, safety, welfare, or morals of residents in the area.

In any action brought pursuant to this chapter, a defense is available to a political subdivision of this state that its act was mandated by a change in statute or state rule or regulation and that such a change became effective subsequent to the filing of an application for a permit.

(7) "Legal action" means any action filed with a court enforcing this chapter and includes seeking relief in the form of damages.

Sec. 2. RCW 64.40.020 and 1982 c 232 s 2 are each amended to read as follows:

(1) Owners of a property interest who have filed an application for a permit have an action for damages or may bring any other legal action to obtain relief from acts of an agency which are arbitrary, capricious, unlawful, or exceed lawful authority, or relief from a failure to act within time limits established by law ~~((: PROVIDED, That the action is unlawful or in excess of lawful authority only if the final decision of the agency was made with knowledge of its unlawfulness or that it was in excess of lawful authority, or it should reasonably have been known to have been unlawful or in excess of lawful authority))~~.

(2) The prevailing party ~~((in))~~ who has commenced an action brought pursuant to this chapter may be entitled to reasonable costs, expenses of litigation, and attorney's fees.

(3) No cause of action is created for relief from unintentional procedural or ministerial errors of an agency.

(4) Invalidation of any regulation in effect prior to the date an application for a permit is filed with the agency shall not constitute a cause of action under this chapter.

NEW SECTION. **Sec. 3.** RCW 64.40.030 and 1982 c 232 s 3 are each repealed."

Representative Padden spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Padden spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1890.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1890, and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 79.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, R., Mason, Regala, Romero, Rust, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 17.

Excused: Representatives Blanton and Ogden - 2.

Engrossed Substitute House Bill No. 1890, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1906, by Representatives Lambert and Cooke

Changing child care licensing definitions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1906 was substituted for House Bill No. 1906 and the substitute bill was placed on second reading.

Substitute House Bill No. 1906 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lambert, Chandler and Cooke spoke in favor of passage of the bill.

Representatives Thibaudeau, Patterson, Mitchell, Brown, Mastin and Cole spoke against passage of the bill.

POINT OF INQUIRY

Representative Lambert yielded to a question by Representative Morris.

Representative Morris: I've read the bill, I've listened to debate, I've heard the pluses and minuses, I've read current law, I've heard what I know of the rule on it. Can you tell me exactly who

would be able to take care of a child under your legislation without a license who could not do it now without a license? And could they indeed keep as many as twelve children without a license?

Representative Lambert: Under the current law, lets see, it says stepmother, stepfather and then it talks about people who were once related to you by marriage and then through divorce you still wanted them to be a part of your family. It also says sister-in-laws, nieces and nephews, first and second cousins. And then it talks about provisions for Indian families also it just extends the number of family members who could do this as well as friends and neighbors on a long term basis. Friends and neighbors before could only do it on a short term non reoccurring basis.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1906.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1906, and the bill passed the House by the following vote: Yeas - 64, Nays - 32, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Voting nay: Representatives Ballasiotes, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Horn, Jacobsen, Kessler, Kremen, Mason, Mitchell, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Excused: Representatives Blanton and Ogden - 2.

Substitute House Bill No. 1906, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

There being no objection, the House deferred consideration on House Bill No. 1914 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1917, by Representatives Pennington, Fuhrman, Thompson, Goldsmith, McMorris and Kremen

Requiring that department of natural resources contract with private entities for emergency response equipment, supplies, and services.

The bill was read the second time. There being no objection, Substitute House Bill No. 1917 was substituted for House Bill No. 1917 and the substitute bill was placed on second reading.

Substitute House Bill No. 1917 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pennington spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1917.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1917, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Valle - 1.

Excused: Representatives Blanton and Ogden - 2.

Substitute House Bill No. 1917, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1957, by Representatives B. Thomas, Carrell, Mulliken, Campbell, Foreman, Van Luven, Benton, L. Thomas, Crouse, Backlund, Elliot, McMahan, Smith, Stevens and Schoesler

Reducing the state property tax levy.

The bill was read the second time. There being no objection, Substitute House Bill No. 1957 was substituted for House Bill No. 1957 and the substitute bill was placed on second reading.

Substitute House Bill No. 1957 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Thomas, Morris, Dyer, G. Fisher, Carrell and Elliot spoke in favor of passage of the bill.

Representative Sommers spoke against passage of the bill.

MOTION

On motion of Representative Talcott, Representative Ballasiotes was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1957.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1957, and the bill passed the House by the following vote: Yeas - 82, Nays - 13, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams,

Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 82.

Voting nay: Representatives Chopp, Cody, Cole, Dickerson, Fisher, R., Mason, Regala, Rust, Sommers, Thibaudeau, Tokuda, Valle and Veloria - 13.

Excused: Representatives Ballasiotes, Blanton and Ogden - 3.

Substitute House Bill No. 1957, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1968, by Representatives McMorris, Mastin, Koster, Chandler, Sheahan and R. Fisher

Adjusting requirements for regional transportation planning organizations.

The bill was read the second time. There being no objection, Substitute House Bill No. 1968 was substituted for House Bill No. 1968 and the substitute bill was placed on second reading.

Substitute House Bill No. 1968 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McMorris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1968.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1968, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Hatfield and Smith - 2.

Excused: Representatives Ballasiotes, Blanton and Ogden - 3.

Substitute House Bill No. 1968, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative R. Fisher: Having voted on the prevailing side of Substitute House Bill No. 1200 moved that the House immediately reconsider the vote.

A division was called. The Speaker called on the House to divide. The results of the division was: 50-YEAS, 45-NAYS. The motion was carried.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1200 on reconsideration.

Representatives Basich and Quall spoke in favor of passage of the bill.

Representatives Campbell, Hargrove, Cooke and Robertson spoke against passage of the bill.

Representative Basich again spoke in favor of passage of the bill.

Representative Hargrove again spoke against passage of the bill.

A division was called. The Speaker called on the House to divide. The results of the division on final passage of Substitute House Bill No. 1200 on reconsideration was: 49-YEAS, 46-NAYS.

Substitute House Bill No. 1200 on reconsideration, not having received the constitutional majority, was declared failed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 2009, by Representatives Casada, Huff, Campbell, Clements, Goldsmith, Elliot, Pelesky, Backlund, Reams, Smith, Delvin, Blanton and Beeksma

Eliminating the state energy office.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2009 was substituted for House Bill No. 2009 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 2009 was read the second time.

Representative Wolfe moved adoption of the following amendment by Representative Wolfe:

On page 2, beginning on line 22, strike all of section 3

On page 6, line 19, after "(3)" insert "All employees of the state energy office engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of transportation to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4)"

Renumber the remaining subsections consecutively.

On page 11, line 33, after "(3)" insert "All employees of the state energy office engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of community, trade, and economic development. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community, trade, and economic development to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representative Wolfe spoke in favor of the adoption of the amendment.

Representative Casada spoke against the adoption of the amendment.

Representative Appelwick demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the amendment on page 2, beginning on line 22, to Second Substitute House Bill No. 2009, and the amendment was not adopted by the following vote: Yeas - 38, Nays - 58, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Patterson, Poulsen, Quall, Regala, Robertson, Romero, Rust, Schoesler, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Schmidt, D., Schmidt, K., Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Excused: Representatives Blanton and Ogden - 2.

Representative Casada moved adoption of the following amendment by Representative Casada:

On page 2, line 27, after "transferred" insert "to the department"
On page 6, line 13, after "of any" strike "personnel,"

On page 6, after line 18, insert the following:

"The secretary of the department of transportation has the discretion to determine the extent to which state energy office employees will be hired to perform the functions transferred to the department by chapter . . . , Laws of 1995 (this act)."

On page 6, line 24, after "duties," strike "functions, and personnel" and insert "and functions"

Representative Casada spoke in favor of the adoption of the amendment.

The amendment was adopted.

MOTION

On motion of Representative Grant, Representative Brown was excused.

Representative Casada moved adoption of the following amendment by Representative Casada:

On page 2, after line 27, insert the following:

"The director shall direct the closure of the financial records of the state energy office."

On page 6, beginning on line 11, after "(c)" strike all material through "office." on line 12

Representative Casada spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Foreman moved adoption of the following amendment by Representative Foreman:

On page 22, line 24, after "limited to," insert "hydroelectric power,"

Representative Foreman spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

On page 24, beginning on line 3, after "independently" strike all material through "law,))" on line 5, and insert ", nd any other state agency acting through the department of general administration or as otherwise authorized by law,"

Representative B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Casada and Huff spoke in favor of passage of the bill.

Representatives Patterson, Kessler and Kremen spoke against passage of the bill.

Representative Casada again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2009.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2009, and the bill passed the House by the following vote: Yeas - 59, Nays - 36, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Voting nay: Representatives Appelwick, Basich, Brumsickle, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 36.

Excused: Representatives Blanton, Brown and Ogden - 3.

Engrossed Second Substitute House Bill No. 2009, having received the constitutional majority, was declared passed.

With the consent of the House, the House resumed consideration to Substitute House Bill No. 1200.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1200.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1200, and the bill passed the House by the following vote: Yeas - 53, Nays - 42, Absent - 0, Excused - 3.

Voting yea: Representatives Ballasiotes, Basich, Benton, Boldt, Brumsickle, Carlson, Casada, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hatfield, Honeyford, Horn, Jacobsen, Kessler, Kremen, Mason, Mastin, Mielke, Morris, Padden, Patterson, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Schmidt, D., Scott, Sehlin, Sheahan, Sheldon, Silver, Sommers, Thibaudeau, Thompson, Tokuda, Valle, Veloria and Wolfe - 53.

Voting nay: Representatives Appelwick, Backlund, Beeksmā, Buck, Cairnes, Campbell, Carrell, Chandler, Clements, Delvin, Dyer, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mitchell, Mulliken, Pelesky, Pennington, Robertson, Rust, Schmidt, K., Schoesler, Sherstad, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Van Luven and Mr. Speaker - 42.

Excused: Representatives Blanton, Brown and Ogden - 3.

Substitute House Bill No. 1200, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2057, by Representatives Appelwick and Foreman

Changing judicial retirement eligibility.

The bill was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 2, line 2, after "judge" insert "or federal magistrate"

Representative Appelwick spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Appelwick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2057.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2057, and the bill passed the House by the following vote: Yeas - 82, Nays - 14, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Veloria and Mr. Speaker - 82.

Voting nay: Representatives Chopp, Conway, Fisher, R., Goldsmith, Koster, Mason, Regala, Romero, Rust, Schoesler, Sheldon, Sherstad, Van Luven and Wolfe - 14.

Excused: Representatives Blanton and Ogden - 2.

Engrossed House Bill No. 2057, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2063, by Representatives Honeyford, Sehlin and Chopp

Accelerating the implementation of projects currently eligible for funding under the public works assistance program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Honeyford and Chopp spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2063.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2063, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Ogden - 2.

House Bill No. 2063, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2067, by Representatives Foreman and Mastin

Extending property tax exemptions for nonprofit arts, scientific, or historical organizations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2067 was substituted for House Bill No. 2067 and the substitute bill was placed on second reading.

Substitute House Bill No. 2067 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Foreman spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Foreman yielded to a question by Representative Ebersole.

Representative Ebersole: Thank you Mr. Speaker. The good gentleman, can you give us an assurance that at the Wenatchee Music Theater there will not be puppet performances?

Representative Foreman: I'm sure there will only be fine high quality musical and dramatic presentations. No puppets will probably ever darken the door of the place.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2067.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2067, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Ogden - 2.

Substitute House Bill No. 2067, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 2072, House Joint Resolution No. 4203, House Bill No. 1066 and House Bill No. 1135 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1155, by Representatives Carrell, Morris, Boldt, Huff, Pennington, Dyer, McMorris, Hymes, B. Thomas, Pelesky, Van Luven, Cooke, Carlson, McMahan, Costa, Chandler, Basich, Johnson, Kessler, Sherstad, Campbell, Quall, Romero, Talcott, Buck, Brumsickle, Scott, Ballasiotes, Benton, Valle, Hatfield, Mason, Grant, Kremen, Chappell, Ebersole, Mielke, Sheahan, Sheldon, Wolfe, Foreman, Horn, L. Thomas, Blanton, Backlund, Hargrove, Dickerson, Crouse, Mulliken, Elliot, Cody, Regala, Mastin, Fuhrman, Mitchell, Hickel, Thompson, Ogden, Dellwo, Clements, Patterson, Schoesler, D. Schmidt, Conway, Skinner and Padden

Compensating sellers for collecting sales tax.

The bill was read the second time.

With the consent of the House, amendment number 84 to House Bill No. 1155 was withdrawn.

Representative Carrell moved adoption of the following amendment by Representative Carrell:

On page 3, after line 3, insert:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:
This chapter does not apply to amounts retained by a seller for administration under RCW 82.08.050(2)."

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representative Carrell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell, Morris and Huff spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1155.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1155, and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Appelwick, Chopp, Fisher, R., Jacobsen, Romero, Rust and Sommers - 7.

Excused: Representatives Blanton and Ogden - 2.

Engrossed House Bill No. 1155, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

It was my intent to vote YEA on Engrossed House Bill No. 1155.

SANDRA ROMERO, 22nd District

HOUSE BILL NO. 1236, by Representatives Reams, R. Fisher, Talcott, Thompson, D. Schmidt, Huff, Scott, Regala, Costa, Robertson and Conway; by request of Secretary of State

Expediting processing of absentee ballots.

The bill was read the second time. There being no objection, Substitute House Bill No. 1236 was substituted for House Bill No. 1236 and the substitute bill was placed on second reading.

Substitute House Bill No. 1236 was read the second time.

Representative Rust moved that the House not adopt the substitute bill to House Bill No. 1236.

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. I would ask for a ruling on the scope and object of the substitute bill on House Bill No. 1236.

There being no objection, the House deferred further consideration of House Bill No. 1236.

HOUSE BILL NO. 1326, by Representatives Mulliken, Chandler, Sheahan, Carlson, Benton, Blanton and Delvin

Requiring institutions of higher education to revise their commercial activities policies.

The bill was read the second time. There being no objection, Substitute House Bill No. 1326 was substituted for House Bill No. 1326 and the substitute bill was placed on second reading.

Substitute House Bill No. 1326 was read the second time.

Representative Mulliken moved adoption of the following amendment by Representative Mulliken:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.63 RCW to read as follows:

(1) This section shall not apply to commercial activities operating in an institution of higher education before January 1, 1995.

(2) If a dispute arises regarding a proposed commercial activity exempt or nonexempt under this chapter, the institutional governing board shall at the official written request of a local chamber of commerce or the local city council conduct a public hearing. The request shall state with reasonable particularity the issue regarding (a) the institution's commercial activity; or (b) compliance with the policy development process in RCW 28B.63.030; or (c) exemptions to the commercial activity policy development process. The request shall include a statement of economic impact on the local area. The statement shall include a brief description of the commercial activity, the volume of business anticipated, the number of businesses in the community involved in the same or a similar commercial activity and the estimated fiscal impact of the activity on the local business community. Written notice and an opportunity to be heard shall be provided to all interested parties. Pending the outcome of the hearing the institution shall not proceed with the proposed commercial activity or act on the policy that is in question.

(3) If the dispute is not resolved after a governing board hearing held in accordance with subsection (2) of this section the governing board shall upon receipt of a petition opposing a proposed commercial activity that is signed by fifty percent of local business persons subject to taxation under chapter 82.04 RCW, direct the institution of higher education to cease the activity or refrain from engaging in a proposed activity.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Mulliken spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mulliken and Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1326.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1326, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Ogden - 2.

Engrossed Substitute House Bill No. 1326, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1401, by Representatives Brumsickle, Cole, Carlson, G. Fisher, Mastin, Poulsen, Elliot, Quall, Clements, Smith, Chandler, Patterson, Costa, Mielke, Campbell, Mulliken, Honeyford, Talcott, Cooke, Thompson, L. Thomas, Mitchell, Kremen, Scott, Wolfe, Boldt, Conway and McMorris

Allowing disclosure of juvenile records to affected school districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 1401 was substituted for House Bill No. 1401 and the substitute bill was placed on second reading.

Substitute House Bill No. 1401 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1401.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1401, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Mason - 1.

Excused: Representatives Blanton and Ogden - 2.

Substitute House Bill No. 1401, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1413 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1429, by Representatives Lisk, Morris, Chandler, Chappell, L. Thomas, Thompson, Hargrove, Casada and Silver

Lessening recreational vehicle regulation.

The bill was read the second time. There being no objection, Substitute House Bill No. 1429 was substituted for House Bill No. 1429 and the substitute bill was placed on second reading.

Substitute House Bill No. 1429 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

Representative Romero spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1429.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1429, and the bill passed the House by the following vote: Yeas - 85, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Mr. Speaker - 85.

Voting nay: Representatives Cole, Conway, Dickerson, Ebersole, Fisher, R., Jacobsen, Mason, Romero, Rust, Thibaudeau and Wolfe - 11.

Excused: Representatives Blanton and Ogden - 2.

Substitute House Bill No. 1429, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1436, by Representatives Dyer and B. Thomas

Supplementing emergency services resulting from the impact of tourism in small communities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1436.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1436, and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 79.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Dickerson, Fisher, R., Hargrove, Mason, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 17.

Excused: Representatives Blanton and Ogden - 2.

House Bill No. 1436, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1440 and the bill held it's place on the second reading calendar.

There being no objection, the House reverted to House Bill No. 1236.

Representative Appelwick withdrew the scope and object on the substitute to House Bill No. 1236.

Representative Rust moved that the House not adopt the substitute bill on House Bill No. 1236.

MOTION

Representative Reams moved to Substitute House Bill No. 1236.

Representatives Rust and R. Fisher spoke against the motion to substitute House Bill No. 1236.

Representatives Campbell, Talcott, Pelesky, Reams and Carrell spoke in favor of substituting House Bill No. 1236.

A division was called. The Speaker called the House to divide. The results of the division was: YEAS-59; NAYS-57. The motion to substitute House Bill No. 1236 was adopted.

Substitute House Bill No. 1236 was placed on the second reading calendar.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1236.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1236, and the bill passed the House by the following vote: Yeas - 62, Nays - 34, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Benton, Boldt, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Voting nay: Representatives Appelwick, Basich, Beeksma, Brown, Brumsickle, Buck, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Morris, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 34.

Excused: Representatives Blanton and Ogden - 2.

Substitute House Bill No. 1236, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1484, by Representative Pennington

Revising provisions relating to the landowner contingency forest fire suppression account.

The bill was read the second time. There being no objection, Substitute House Bill No. 1484 was substituted for House Bill No. 1484 and the substitute bill was placed on second reading.

Substitute House Bill No. 1484 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pennington spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1484.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1484, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell,

Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Ogden - 2.

Substitute House Bill No. 1484, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1495, by Representatives Basich, Hatfield, Fuhrman, Sheldon, Foreman and Chappell

Expanding timber excise tax small harvester option.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Basich spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1495.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1495, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Blanton and Ogden - 2.

House Bill No. 1495, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1497, by Representatives B. Thomas and Dyer

Facilitating electronic access to public records.

The bill was read the second time. There being no objection, Substitute House Bill No. 1497 was substituted for House Bill No. 1497 and the substitute bill was placed on second reading.

Substitute House Bill No. 1497 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Thomas and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1497.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1497, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Chopp - 1.

Excused: Representatives Blanton and Ogden - 2.

Substitute House Bill No. 1497, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: House Bill No. 1206, House Bill No. 1724, House Bill No. 1914 and House Bill No. 1791.

HOUSE BILL NO. 1206, by Representatives Carlson, Sommers, Cooke and Dellwo

Restructuring the retirement systems.

The bill was read the second time. There being no objection, Substitute House Bill No. 1206 was substituted for House Bill No. 1206 and the substitute bill was placed on second reading.

Substitute House Bill No. 1206 was read the second time.

Representative Carlson moved adoption of the following amendment by Representative Carlson:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature recognizes that teachers, principals, and district administrators need the ability to make transitions to other public or private sector careers, and that the retirement system should not be a barrier to exercise of employee choice. The legislature also recognizes that teachers, principals, and district administrators need a secure and viable retirement benefit, not only for their own financial protection, but also that public funds are spent prudently for their intended purpose.

It is the legislative intent to create a new public retirement system that balances flexibility with stability, provides both increased employee control of investments and responsible protection of the public's investment in employee benefits, and encourages the pursuit of public sector careers without preventing employees from transitioning into other public or private sector employment.

Therefore, the purpose of chapter . . . , Laws of 1995 (this act) is to continue to provide teachers, principals, and district administrators with a guaranteed pension at retirement age based on years of public service with an element of inflation protection. It is further the purpose of chapter . . . , Laws of 1995 (this act) to create a parallel retirement plan where employees have options regarding the investment of their retirement contributions and have the opportunity, along with the accompanying

risk, to receive a full rate of return on their investments and where employees who leave public employment prior to retirement receive a fair and reasonable value from the retirement system.

PART I
DEFINED BENEFIT--TRS III

Sec. 101. RCW 41.32.005 and 1992 c 72 s 4 are each amended to read as follows:
RCW 41.32.010 through 41.32.067 shall apply to members of plan I (~~and~~), plan II, and plan III.

Sec. 102. RCW 41.32.010 and 1994 c 298 s 3, 1994 c 247 s 2, and 1994 c 197 s 12 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan I members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan II members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan II and plan III members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan I members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan I members.

(10)(a) "Earnable compensation" for plan I members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(ii) "Earnable compensation" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(iii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(iv) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Earnable compensation" for plan II and plan III members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Earnable compensation" for plan II and plan III members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan I members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan I members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan I members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan I members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan I members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan II and plan III members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan I members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan II and plan III members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iv) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(v) When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(vi) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For

purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

- (A) Less than eleven days equals one-quarter service credit month;
- (B) Eleven or more days but less than twenty-two days equals one-half service credit month;
- (C) Twenty-two days equals one service credit month;
- (D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;
- (E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(viii) The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan II and plan III members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (24) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan II members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan II on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan I" means the teachers' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan II" means the teachers' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and prior to the effective date of this act.

(40) "Plan III" means the teachers' retirement system, plan III providing the benefits and funding provisions covering persons who first become members of the system on and after the effective date of this act or who transfer under section 303 of this act.

(41) "Education association" means an association organized to carry out collective bargaining activities, the majority of whose members are employees covered by chapter 41.59 RCW or academic employees covered by chapter 28B.52 RCW.

(42) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

~~((44))~~ (43) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

~~((42))~~ (44) "Index B" means the index for the year prior to index A.

~~((43))~~ (45) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

~~((44))~~ (46) "Adjustment ratio" means the value of index A divided by index B.

Sec. 103. RCW 41.32.032 and 1992 c 212 s 17 are each amended to read as follows:

(1) Any teacher, as defined under RCW 41.32.010, who is first employed by a public school on or after June 7, 1984, shall become a member of the retirement system ~~((as directed under RCW 41.32.780))~~ if otherwise eligible.

(2) Any person who before June 7, 1984, has established service credit under chapter 41.40 RCW while employed in an educational staff associate position and who is employed in such a position on or after June 7, 1984 has the following options:

(a) To remain a member of the public employees' retirement system notwithstanding the provisions of RCW 41.32.240 or 41.32.780; or

(b) To irrevocably elect to join the retirement system under this chapter and to receive service credit for previous periods of employment in any position included under RCW 41.32.010. This service credit and corresponding employee contribution shall be computed as though the person had then been a member of the retirement system under this chapter. All employee contributions credited to a member under chapter 41.40 RCW for service now to be credited to the retirement system under this chapter shall be transferred to the system and the member shall not receive any credit nor enjoy any rights under chapter 41.40 RCW for those periods of service. The member shall pay any difference between the employee contributions made under chapter 41.40 RCW and transferred under this subsection and what would have been required under this chapter, including interest as set by the director. The member shall be given until July 1, 1989, to make the irrevocable election permitted under this section. The election shall be made by submitting written notification as required by the department requesting credit under this section and by remitting any necessary proof of service or payments within the time set by the department.

Any person, not employed as an educational staff associate on June 7, 1984, may, before June 30 of the fifth school year after that person's return to employment as a teacher, request and establish membership and credit under this subsection.

PLAN III

NEW SECTION. **Sec. 104.** (1) Sections 104 through 117 of this act shall apply only to plan III members.

(2) Plan III shall consist of two separate elements: (a) A defined benefit portion covered under this subchapter; and (b) a defined contribution portion covered under chapter 41.-- RCW (sections 201 through 209 of this act). All contributions on behalf of the employer paid by an employee shall be made to the defined benefit portion of plan III and shall be nonrefundable when paid to the fund described in RCW 41.50.075(3).

(3) Unless otherwise specified, all references to "plan III" in this subchapter refer to the defined benefit portion of plan III.

NEW SECTION. **Sec. 105.** All teachers who become employed by an employer in an eligible position on or after the effective date of this act shall be members of plan III.

NEW SECTION. Sec. 106. A member of the retirement system shall receive a retirement allowance equal to one percent of such member's average final compensation for each service credit year.

NEW SECTION. Sec. 107. Retirement allowances paid under the defined benefit portion of plan III shall have a postretirement cost-of-living allowance calculated and paid as provided in RCW 41.32.770.

NEW SECTION. Sec. 108. (1) Upon retirement for service as prescribed in section 113 of this act or retirement for disability under section 114 of this act, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the retired member, all benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to the member's estate or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

NEW SECTION. Sec. 109. Any member or beneficiary eligible to receive a retirement allowance under the provisions of section 113, 114, or 117 of this act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 112 of this act shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. Sec. 110. (1) No retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030, except that a plan III retiree may work in eligible positions on a temporary basis for up to five months per calendar year.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

NEW SECTION. Sec. 111. (1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains

seniority rights with the employer during the period of leave. The earnable compensation reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if:

(a) The member makes the contribution on behalf of the employer, plus interest, as determined by the department; and

(b) The member makes the employee contribution, plus interest, as determined by the department, to the defined contribution portion.

The contributions required shall be based on the average of the member's earnable compensation at both the time the authorized leave of absence was granted and the time the member resumed employment.

(4) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to four years of military service if within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces.

The department shall bill the employer for its contribution required under this act for the period of military service, plus interest as determined by the department. Service credit under this subsection may be obtained only if the member makes the employee contribution plus interest to the defined contribution portion as determined by the department.

The contributions required shall be based on the average of the member's earnable compensation at both the time the member left the employ of the employer to enter the armed forces and the time the member resumed employment.

NEW SECTION. Sec. 112. (1) The director may pay a member eligible to receive a retirement allowance or the member's beneficiary a lump sum payment in lieu of a monthly benefit if the initial monthly benefit would be less than one hundred dollars. The one hundred dollar limit shall be increased by three percent compounded annually on January 1. The lump sum payment shall be the actuarial equivalent of the monthly benefit.

(2) Persons covered under the provisions of subsection (1) of this section may upon returning to member status reinstate all previous service by depositing the lump sum payment received, with interest as computed by the director, within two years of returning to service or prior to retiring again, whichever comes first. In computing the amount due, the director shall exclude the accumulated value of the normal payments the member would have received while in beneficiary status if the lump sum payment had not occurred.

(3) Any member who receives a settlement under this section shall be deemed to be retired from this system.

NEW SECTION. Sec. 113. (1) **NORMAL RETIREMENT.** Any member who has vested and attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 106 of this act.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 106 of this act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

NEW SECTION. Sec. 114. (1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department shall be eligible to receive an allowance under the provisions of plan III. The member shall receive a monthly disability allowance computed as provided for in section 106 of this act and shall have this allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to comprehensive medical examinations as required by the department. If these medical examinations reveal that a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, the member shall cease to be eligible for the allowance.

(2) If the recipient of a monthly retirement allowance under this section dies, any further benefit payments shall be conditioned by the payment option selected by the retiree as provided in section 108 of this act.

NEW SECTION. Sec. 115. (1) An active member shall become vested in the right to a benefit upon completing ten years of service or upon completing five years of service and attaining age fifty-five.

(2) A vested member who separates or has separated may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 113 of this act.

(3) The retirement allowance payable under section 113 of this act to a member who separates after having completed at least twenty years of service shall be increased by twenty-five one-hundredths of one percent, compounded for each month from the date of separation to the date that the retirement allowance commences.

NEW SECTION. Sec. 116. A nonvested member who leaves service and then reenters membership must earn an additional twelve service credit months to restore past service credit in the defined benefit portion of plan III.

NEW SECTION. Sec. 117. If a member who is vested dies prior to retirement, the surviving spouse or eligible child or children shall receive a retirement allowance computed as provided in section 108 of this act actuarially reduced to reflect a joint and one hundred percent survivor option and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 113(2) of this act.

If the surviving spouse who is receiving the retirement allowance dies leaving a child or children under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority.

If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike. The allowance shall be calculated with the assumption that the age of the spouse and member were equal at the time of the member's death.

NEW SECTION. Sec. 118. Sections 104 through 117 of this act are designated as a subchapter within chapter 41.32 RCW with the subchapter heading "Provisions Applicable to Plan III."

PART II DEFINED CONTRIBUTION PORTION OF PLAN III

NEW SECTION. Sec. 201. The purpose of chapter . . . , Laws of 1995 (this act) is to:

(1) Provide a fair and reasonable value from the retirement system for those who leave public employment before retirement;

(2) Increase flexibility for such employees to make transitions into other public or private sector employment;

(3) Increase employee options for addressing retirement needs, personal financial planning, and career transitions; and

(4) Continue the legislature's established policy of having employees contribute toward their retirement benefits.

NEW SECTION. Sec. 202. As used in this chapter, the following terms have the meanings indicated:

(1) "Actuary" means the state actuary or the office of the state actuary.

- (2) "Board" means the employee retirement benefits board authorized in chapter 41.50 RCW.
- (3) "Department" means the department of retirement systems.
- (4) "Compensation" for purposes of this chapter is the same as "earnable compensation" for plan III in chapter 41.32 RCW.
- (5) "Member" means any employee included in the membership of a retirement system as provided for plan III in chapter 41.32 RCW.
- (6) "Member account" means the sum of the contributions and earnings on behalf of the member.
- (7) "Retiree" means any member in receipt of an allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

NEW SECTION. Sec. 203. (1) This chapter applies only to members of plan III retirement systems created under chapters 41.32 and 41.40 RCW.

(2) Plan III consists of two separate elements: (a) A defined benefit portion covered under sections 101 through 117, chapter . . . , Laws of 1995 (sections 101 through 117 of this act); and (b) a defined contribution portion covered under this chapter. Unless specified otherwise, all references to "plan III" in this chapter refer to the defined contribution portion of plan III.

NEW SECTION. Sec. 204. (1) A member shall contribute from his or her compensation according to one of the following rate structures:

Option A	Contribution Rate
All Ages	5.0% fixed
Option B	
Up to Age 35	5.0%
Age 35 to 44	6.0%
Age 45 and above	7.5%
Option C	
Up to Age 35	6.0%
Age 35 to 44	7.5%
Age 45 and above	8.5%

(2) The board shall have the right to offer contribution rate options in addition to those listed in subsection (1) of this section, provided that no significant additional administrative costs are created. All options offered by the board shall conform to the requirements stated in subsections (3) and (4) of this section.

(3) Within ninety days of the date that an employee becomes a member of plan III, he or she has an irrevocable option to choose one of the above contribution rate structures. If the member does not select an option within this ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(4) Contributions shall begin the first day of the month immediately following the earlier of the selection of an option or the end of the ninety-day period.

NEW SECTION. Sec. 205. The legislature may authorize a contribution to the members' accounts for a biennium through budget appropriation.

NEW SECTION. Sec. 206. The member's account shall be invested by the state investment board unless the member elects to self direct investments as authorized by the board. Members who make this election shall pay the expenses for self-directed investment.

NEW SECTION. Sec. 207. (1) If the member retires, becomes disabled, or otherwise terminates employment, the balance in the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the board.

(2) If the member dies while in service, the balance of the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the board. The distribution shall be made to such person or persons as the

member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, the balance of the member's account in the retirement system, less any amount identified as owing to an obligee upon withdrawal of such account balance pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there is no surviving spouse, then to such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department.

(3) The distribution under subsections (1) or (2) of this section shall be less any amount identified as owing to an obligee upon withdrawal pursuant to a court order filed under RCW 41.50.670.

NEW SECTION. Sec. 208. (1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the various funds created by chapter . . . , Laws of 1995 (this act) and all moneys and investments and income thereof, is hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and that has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

NEW SECTION. Sec. 209. (1) The retirement plan created by this chapter shall be administered so as to comply with the federal Internal Revenue Code, Title 26 U.S.C., and specifically with plan qualification requirements imposed on governmental plans by section 401(a) of the Internal Revenue Code.

(2) Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy requirements imposed by section 401(a) of the Internal Revenue Code.

(3) If any section or provision of this chapter is found to be in conflict with the plan qualification requirements for governmental plans in section 401(a) of the Internal Revenue Code, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict, and such finding shall not affect the operation of the remainder of this chapter.

NEW SECTION. Sec. 210. Sections 201 through 209 of this act shall constitute a new chapter in Title 41 RCW.

PART III MISCELLANEOUS

NEW SECTION. Sec. 301. A new section is added to chapter 41.50 RCW to read as follows:

(1) The employee retirement benefits board is created within the department of retirement systems.

(2) The board shall be composed of eight members appointed by the governor and one ex officio member as follows:

(a) Three members representing the public employees' retirement system: One retired, two active. The members shall be appointed from a list of nominations submitted by organizations representing each category. The initial term of appointment shall be two years for the retired member, one year for one active member, and three years for the remaining active member.

(b) Three members representing the teachers' retirement system: One retired, two active. The members shall be appointed from a list of nominations submitted by organizations representing each category. The initial term of appointment shall be one year for the retired member, two years for one active member, and three years for the remaining active member.

(c) Two members with experience in defined contribution plan administration. The initial term for these members shall be two years for one member and three years for the remaining member.

(d) The director of the department shall serve ex officio and shall be the chair of the board.

(3) After the initial appointments, members shall be appointed to three-year terms.

(4) The board shall meet at least quarterly during the calendar year, at the call of the chair.

(5) Members of the board shall serve without compensation but shall receive travel expenses as provided for in RCW 43.03.050 and 43.03.060. Such travel expenses shall be reimbursed by the department from the retirement system expense fund.

(6) The board shall adopt rules governing its procedures and conduct of business.

(7) The actuary shall perform all actuarial services for the board and provide advice and support.

(8) The state investment board shall provide advice and support to the board.

NEW SECTION. Sec. 302. A new section is added to chapter 41.50 RCW to read as follows:

The board shall adopt rules as necessary and exercise all the powers and perform all duties prescribed by law with respect to:

(1) The preselection of options for members to choose from for self-directed investment deemed by the board to be in the best interest of the member. At the board's request, the state investment board may provide investment options for purposes of this subsection;

(2) The selection of optional benefit payment schedules available to members and survivors of members upon the death, disability, retirement, or termination of the member. The optional benefit payments may include but not be limited to: Fixed and participating annuities, joint and survivor annuities, and payments that bridge to social security or defined benefit plan payments;

(3) Approval of actuarially equivalent annuities that may be purchased from the combined plan II and plan III funds under RCW 41.50.075 (2) or (3);

(4) Determination of the basis for administrative charges to the self-directed investment fund to offset self-directed account expenses; and

(5) Selection of investment options for the deferred compensation program.

NEW SECTION. Sec. 303. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan II" to read as follows:

(1) Every plan II member employed by an employer in an eligible position may make an irrevocable option to transfer to plan III. For those who elect to transfer:

(a) All service credit in plan II shall be transferred to the defined benefit portion of plan III.

(b) The accumulated contributions in plan II shall be transferred to the member's account in the defined contribution portion established in sections 201 through 209 of this act, pursuant to procedures developed by the department and subject to section 209 of this act.

(c) A member vested on the effective date of this act under plan II shall be automatically vested in plan III upon transfer.

(d) Members employed by an employer in an eligible position on January 1, 1998, who request to transfer to plan III by January 1, 1998, shall have their account in the defined contribution portion of plan III, other than those accumulated contributions attributable to restorations made under RCW 41.50.165(2), increased by twenty percent of their plan II accumulated contributions as of January 1, 1996. If the member who requests to transfer dies before January 1, 1998, the additional payment provided by this subsection shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department.

- (e) The legislature reserves the right to discontinue the right to transfer under this section.
- (2) This subsection shall also apply to dual members as provided in section 319 of this act.
- (3) Any member who elects to transfer to plan III and has eligible unreturned withdrawn contributions in plan II, may subsequently restore such contributions under the provisions of RCW 41.32.825. The restored plan II service credit will be automatically transferred to plan III. Contributions restored will be transferred to the member's account in plan III.
- (4) Anyone previously retired from plan II is prohibited from transferring to plan III.

Sec. 304. RCW 41.45.010 and 1989 c 273 s 1 are each amended to read as follows:

It is the intent of the legislature to provide a dependable and systematic process for funding the benefits provided to members and retirees of the public employees' retirement system, chapter 41.40 RCW; the teachers' retirement system, chapter 41.32 RCW; the law enforcement officers' and fire fighters' retirement system, chapter 41.26 RCW; and the Washington state patrol retirement system, chapter 43.43 RCW.

The funding process established by this chapter is intended to achieve the following goals:

- (1) To continue to fully fund the public employees' retirement system plan II, the teachers' retirement system plans II and III, and the law enforcement officers' and fire fighters' retirement system plan II as provided by law;
- (2) To fully amortize the total costs of the public employees' retirement system plan I, the teachers' retirement system plan I, and the law enforcement officers' and fire fighters' retirement system plan I not later than June 30, 2024;
- (3) To establish predictable long-term employer contribution rates which will remain a relatively constant proportion of the future state budgets; and
- (4) To fund, to the extent feasible, benefit increases for plan I members and all benefits for plan II and III members over the working lives of those members so that the cost of those benefits are paid by the taxpayers who receive the benefit of those members' service.

Sec. 305. RCW 41.45.020 and 1989 c 273 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Council" means the economic and revenue forecast council created in RCW ~~((82-01-130))~~ 82.33.010.
- (2) "Department" means the department of retirement systems.
- (3) "Law enforcement officers' and fire fighters' retirement system plan I," and "law enforcement officers' and fire fighters' retirement system plan II" mean((s)) the benefits and funding provisions ~~((covering persons who first became members of the law enforcement officers' and fire fighters' retirement system prior to October 1, 1977.~~
- ~~(4) "Law enforcement officers' and fire fighters' retirement system plan II" means the benefits and funding provisions covering persons who first became members of the law enforcement officers' and fire fighters' retirement system on or after October 1, 1977))~~ under chapter 41.26 RCW.
- ~~((5))~~ (4) "Public employees' retirement system plan I" means the benefits and funding provisions covering persons who first became members of the public employees' retirement system prior to October 1, 1977.
- ~~((6))~~ (5) "Public employees' retirement system plan II" means the benefits and funding provisions covering persons who first became members of the public employees' retirement system on or after October 1, 1977.
- ~~((7))~~ (6) "Teachers' retirement system plan I," "teachers' retirement system plan II," and "teachers' retirement system plan III" mean((s)) the benefits and funding provisions ~~((covering persons who first became members of the teachers' retirement system prior to October 1, 1977.~~
- ~~(8) "Teachers' retirement system plan II" means the benefits and funding provisions covering persons who first became members of the teachers' retirement system on or after October 1, 1977))~~ under chapter 41.32 RCW.
- ~~((9))~~ (7) "Washington state patrol retirement system" means the retirement benefits provided under chapter 43.43 RCW.
- (8) "Unfunded liability" means the unfunded actuarial accrued liability of a retirement system.
- ~~((10))~~ (9) "Actuary" or "state actuary" means the state actuary employed under chapter 44.44 RCW.

~~((14))~~ (10) " State retirement systems" means the retirement systems listed in RCW 41.50.030.

Sec. 306. RCW 41.45.030 and 1993 c 519 s 17 are each amended to read as follows:

(1) Beginning September 1, 1989, and every six years thereafter, the state actuary shall submit to the council information regarding the experience and financial condition of each state retirement system. The council shall review this and such other information as it may require.

~~(2) ((The council shall review the information submitted by the state actuary and))~~ By December 31, 1995, and every six years thereafter, the council, by affirmative vote of five members, shall adopt the following long-term economic assumptions:

~~(a) Growth in system membership;~~

~~(b) Growth in salaries, exclusive of merit or longevity increases;~~

~~(c) Growth in inflation; and~~

~~(d) Investment rate of return.~~

~~(3) The assumptions adopted by the council shall be used by the state actuary in conducting valuation studies of the state retirement systems.~~

~~((3) The council may utilize information provided by the state actuary and such other information as it may request.)~~

Sec. 307. RCW 41.45.050 and 1989 c 273 s 5 are each amended to read as follows:

~~(1) ((Beginning September 1, 1990,))~~ Employers of members of the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall make contributions to those systems based on the rates established in RCW 41.45.060 and 41.45.070.

~~(2) ((Beginning September 1, 1990,))~~ The state shall make contributions to the law enforcement officers' and fire fighters' retirement system based on the rates established in RCW ~~((41.45.060))~~ 41.45.030 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

~~(3) ((Beginning September 1, 1990,))~~ The department shall bill employers, and the state shall make contributions to the law enforcement officers' and fire fighters' retirement system, using the combined rates established in RCW ~~((41.45.060))~~ 41.45.030 and 41.45.070 regardless of the level of pension funding provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

~~(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan I fund and public employees' retirement system plan II fund as follows: The contributions necessary to fully fund the public employees' retirement system plan II employer contribution required by RCW 41.40.650 shall first be deposited in the public employees' retirement system plan II fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan I fund.~~

~~(5) The plans II and III employer contributions for the teachers' retirement system ~~((, and the state contributions for the law enforcement officers' and fire fighters' retirement system))~~ shall be combined and allocated in the same manner as ~~((the public employees' retirement system and in accordance with the law enforcement officers' and fire fighters' retirement system plan II and the teachers' retirement system plan II contribution rates required by RCW 41.26.450 and 41.32.775 respectively))~~ subsection (4) of this section.~~

~~(6) The contributions received under RCW 41.26.450 for the law enforcement officers' and fire fighters' retirement system shall be allocated between the law enforcement officers' and fire fighters' retirement system plan I and the law enforcement officers' and fire fighters' retirement system plan II fund as follows: The contributions necessary to fully fund the law enforcement officers' and fire fighters' retirement system plan II employer contributions shall be first deposited in the law enforcement officers' and fire fighters' retirement system plan II fund. All remaining law enforcement officers' and fire fighters' retirement system employer contributions shall be deposited in the law enforcement officers' and fire fighters' retirement system plan I fund.~~

Sec. 308. RCW 41.45.060 and 1993 c 519 s 19 are each amended to read as follows:

(1) ~~((For the period of September 1, 1993, through August 31, 1995, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and the basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall be as determined in the 1991 valuations prepared by the office of the state actuary.))~~ The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, 1994, and every two years thereafter ~~((:~~
~~(a))~~, consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt ~~((the contributions to be used in the ensuing biennial period for the systems specified in subsection (1) of this section.~~

~~(b))~~ both: (a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system; and (b) basic employer contribution rates for the public employees' retirement system and the teachers' retirement system to be used in the ensuing biennial period.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan I, the teachers' retirement system plan I, the law enforcement officers' and fire fighters' retirement system plan I, and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024; and

(b) To also continue to fully fund the public employees' retirement system plan II, the teachers' retirement system plans II and III, and the law enforcement officers' and fire fighters' retirement system plan II in accordance with this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan II and III employer contribution rate.

(5) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted ~~((under (a) of this subsection)).~~

~~((e))~~ (6) The director of the department of retirement systems shall collect those rates adopted by the council ~~((under this chapter)).~~

Sec. 309. RCW 41.45.070 and 1990 c 18 s 2 are each amended to read as follows:

(1) ~~((Beginning September 1, 1991,))~~ In addition to the basic employer contribution rate established in RCW ~~((41.45.060))~~ 41.45.030, the department shall also charge employers of public employees' retirement system, teachers' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems ~~((after January 1, 1990)).~~ The supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) ~~((Beginning September 1, 1991,))~~ In addition to the basic state contribution rate established in RCW ~~((41.45.060))~~ 41.45.030 for the law enforcement officers' and fire fighters' retirement system the department shall also establish a supplemental rate to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and fire fighters' retirement system ~~((after January 1, 1990)).~~ This supplemental rate shall be calculated by the state actuary and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan I, the teachers' retirement system plan I, the law enforcement officers' and fire fighters' retirement system plan I, and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan II, the teachers' retirement system plan II and plan III, or the law enforcement officers' and fire fighters' retirement system plan II, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.40.650, 41.32.775, or 41.26.450, respectively.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay

needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan I and the teachers' retirement system plan I shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

NEW SECTION. Sec. 310. A new section is added to chapter 41.45 RCW to read as follows:

(1) The required contribution rates for members of the plan II public employees' retirement system and teachers' retirement system shall be fixed at the rates in effect on the effective date of this act, subject to the following:

(a) Beginning September 1, 1998, except as provided in (b) of this subsection, the employee contribution rate shall not exceed the employer plan II and III rates adopted under RCW 41.45.030 and 41.45.070 for the public employees' retirement system and teachers' retirement system and shall not exceed the sum of the employer and state rate in plan II of the law enforcement officers' and fire fighters' retirement system;

(b) In addition, the employee contribution rate for plan II shall be increased by fifty percent of the contribution rate increase caused by any plan II benefit increase passed after the effective date of this act.

(2) The required plan II and III contribution rates for employers shall be adopted in the manner described in RCW 41.45.030.

(3) The state shall pay twenty percent of the employer plan II cost of the law enforcement officers' and fire fighters' retirement system, except for port districts established under Title 53 RCW, institutions of higher education as defined in RCW 28B.10.016 and the Washington state patrol.

(4) The employer and employee contributions collected under this section for the law enforcement officers' and fire fighters' retirement system plan II shall be deposited in the law enforcement officers' and fire fighters' retirement system plan II fund.

(5) The employer and employee contributions collected under this section for the public employees' retirement system plan II and teachers' retirement system plans II and III shall be deposited in their respective plan II and III funds.

Sec. 311. RCW 41.50.075 and 1991 c 35 s 108 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' system plan I retirement fund, and the Washington law enforcement officers' and fire fighters' system plan II retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan II.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan I fund and the teachers' retirement system combined plan II and III fund. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan I, and the combined plan II and III fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan II and III.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan I fund and the public employees' (~~retirement system~~) retirement system plan II fund. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan II.

(4) There is hereby established in the state treasury the plan III defined contribution fund which shall consist of all contributions and earnings paid on behalf of members, except as otherwise provided.

Sec. 312. RCW 41.50.110 and 1990 c 8 s 3 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, the retirement system expense fund is hereby redesignated as the department of retirement systems expense fund from which shall be paid the expenses of the administration of the department and the expenses of administration of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.-- (sections 201 through 209 of this act), and 43.43 RCW.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

~~((3) All employers shall pay a standard fee to the department to cover the cost of administering the system.))~~ (5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses incurred pursuant to section 206 of this act shall be deducted from the defined contribution fund in accordance with rules established by the board under section 302 of this act.

NEW SECTION. Sec. 313. A new section is added to chapter 41.50 RCW to read as follows:

(1) "Employee" as used in this section and section 314 of this act includes all full-time, part-time, and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of the government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and of the superior and district courts; and members of the state legislature or of the legislative authority of any county, city, or town.

(2) The state, through the department, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the amount allowable under 26 U.S.C. Sec. 457, and deposit or invest such deferred portion in a credit union, savings and loan association, bank, or mutual savings bank or purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or any investment company licensed to contract business in this state.

(3) The department can provide such plans as the employee retirement benefits board, established under section 301 of this act, deems are in the interests of state employees. In addition to the types of investments described in this section, the department may invest the deferred portion of an employee's income, without limitation as to amount, in any of the class of investments described in RCW 43.84.150 as in effect on January 1, 1981. Any income deferred under such a plan shall

continue to be included as regular compensation, for the purpose of computing the state or local retirement and pension benefits earned by any employee.

(4) Coverage of an employee under a deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in any pension system for public employees.

NEW SECTION. Sec. 314. A new section is added to chapter 41.50 RCW to read as follows:

(1) The deferred compensation principal account is hereby created in the state treasury. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from that account over earnings of investments of balances credited to that account shall be eliminated by transferring moneys to that account from the deferred compensation principal account.

(2) The amount of compensation deferred by employees under agreements entered into under the authority contained in section 313 of this act shall be paid into the deferred compensation principal account and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by the department. The deferred compensation principal account shall be used to carry out the purposes of section 313 of this act. All eligible state employees shall be given the opportunity to participate in agreements entered into by the department under section 313 of this act. State agencies shall cooperate with the department in providing employees with the opportunity to participate.

(3) Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the department under section 313 of this act, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the deferred compensation principal account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein.

(4) All moneys in the deferred compensation principal account, all property and rights purchased therewith, and all income attributable thereto, shall remain (until made available to the participating employee or other beneficiary) solely the money, property, and rights of the state and participating counties, municipalities, and subdivisions (without being restricted to the provision of benefits under the plan) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately.

(5) The state investment board, at the request of the employee retirement benefits board as established under section 301 of this act, is authorized to invest moneys in the deferred compensation principal account in accordance with RCW 43.84.150. Except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation principal account.

(6) The deferred compensation administrative account is hereby created in the state treasury. All expenses of the department pertaining to the deferred compensation plan including staffing and administrative expenses shall be paid out of the deferred compensation administrative account. Any excess of earnings of investments of balances credited to this account over administrative expenses disbursed from this account shall be transferred to the deferred compensation principal account. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from this account over earnings of investments of balances credited to this account shall be transferred to this account from the deferred compensation principal account.

(7) In addition to the duties specified in this section and section 313 of this act, the department shall administer the salary reduction plan established in RCW 41.04.600 through 41.04.645.

(8) The department shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of any deferred compensation plans created under section 313 of this act and this section.

(9) The department shall file an annual report of the financial condition, transactions, and affairs of the deferred compensation plans under its jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

(10) Members of the employee retirement benefits board established under section 301 of this act shall be deemed to stand in a fiduciary relationship to the employees participating in the deferred

compensation plans created under section 313 of this act and this section and shall discharge the duties of their respective positions in good faith and with that diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

(11) The department may adopt rules necessary to carry out the purposes of section 313 of this act and this section.

Sec. 315. RCW 41.50.030 and 1975-'76 2nd ex. s. c 105 s 5 are each amended to read as follows:

(1) As soon as possible but not more than one hundred and eighty days after March 19, 1976, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

~~((4))~~ (a) The Washington public employees' retirement system ~~((and the retirement board thereof));~~

~~((2))~~ (b) The Washington state teachers' retirement system ~~((and the board of trustees thereof));~~

~~((3))~~ (c) The Washington law enforcement officers' and fire fighters' retirement system ~~((and the retirement board thereof));~~

~~((4))~~ (d) The Washington state patrol retirement system ~~((and the retirement board thereof));~~

~~((5))~~ (e) The Washington judicial retirement system ~~((and the retirement board thereof));~~ and

~~((6))~~ (f) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW.

(2) On the effective date of this act there is transferred to the department all powers, duties, and functions of the deferred compensation committee.

(3) The department shall administer sections 201 through 209 of this act.

Sec. 316. RCW 41.50.050 and 1993 c 61 s 1 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than ~~((three))~~ four divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department and inspect and audit the files and records as deemed necessary;

(3) Employ personnel to carry out the general administration of the department;

(4) Submit an annual written report of the activities of the department to the governor and the chairs of the appropriate legislative committees with one copy to the staff of each of the committees, including recommendations for statutory changes the director believes to be desirable;

(5) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.05 RCW.

Sec. 317. RCW 41.50.060 and 1975-'76 2nd ex. s. c 105 s 8 are each amended to read as follows:

The director may delegate the performance of such powers, duties, and functions, other than those relating to rule making, to employees of the department, but the director shall remain and be responsible for the official acts of the employees of the department.

The director shall be responsible for the public employees' retirement system, the teachers' retirement system, the judicial retirement system, the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system. The director shall also be responsible for the deferred compensation program.

Sec. 318. RCW 41.54.030 and 1990 c 192 s 2 are each amended to read as follows:

(1) A dual member ~~((-s))~~ may combine service in all systems ~~((may be combined))~~ for the ~~((sole))~~ purpose of:

(a) Determining the member's eligibility to receive a service retirement allowance; and

(b) Qualifying for a benefit under section 115(3) of this act.

(2) A dual member who is eligible to retire under any system may elect to retire from all the member's systems and to receive service retirement allowances calculated as provided in this section. Each system shall calculate the allowance using its own criteria except that the member shall be

allowed to substitute the member's base salary from any system as the compensation used in calculating the allowance.

(3) The service retirement allowances from a system which, but for this section, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

NEW SECTION. Sec. 319. A new section is added to chapter 41.54 RCW to read as follows:
Any dual member who elects to transfer under section 303 of this act may:

- (1) Similarly transfer any other prior plan II service credit to plan III of the same retirement system; or
- (2) Combine service credit in all systems for purposes of vesting pursuant to sections 303(1)(c) of this act.

NEW SECTION. Sec. 320. A new section is added to chapter 43.33A RCW to read as follows:

Pursuant to section 302 of this act, the state investment board, at the request of the employee retirement benefits board, is authorized to offer investment options for self-directed investment under plan III.

Sec. 321. RCW 41.04.440 and 1984 c 227 s 1 are each amended to read as follows:

(1) The sole purpose of RCW 41.04.445 and 41.04.450 is to allow the members of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, ~~41.--~~ (sections 201 through 209 of this act), and 43.43 RCW to enjoy the tax deferral benefits allowed under 26 USC 414(h). This act does not alter in any manner the provisions of RCW 41.26.450(~~, 41.32.775~~) and 41.40.650 which require that the member contribution rates shall be set so as to provide fifty percent of the cost((s) of the ((~~respective retirement plans~~)) law enforcement officers' and fire fighters' retirement system.

(2) Should the legislature revoke any benefit allowed under ((~~this act~~)) 26 U.S.C. 414(h), no affected employee shall be entitled thereafter to receive such benefit as a matter of contractual right.

Sec. 322. RCW 41.04.445 and 1992 c 212 s 15 are each amended to read as follows:

- (1) This section applies to all members who are:
 - (a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;
 - (b) Employees of the state under the retirement system established by chapter 41.32, 41.40, or 43.43 RCW;
 - (c) Employees of school districts under the retirement system established by chapter 41.32 or 41.40 RCW, except for substitute teachers as defined by RCW 41.32.010;
 - (d) Employees of educational service districts under the retirement system established by chapter 41.32 or 41.40 RCW; or
 - (e) Employees of community college districts under the retirement system established by chapter 41.32 or 41.40 RCW.

(2) Only for compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

- (a) RCW 2.10.090(1);
- (b) RCW 2.12.060;
- (c) RCW 2.14.090;
- (d) RCW 41.32.263;
- (e) RCW 41.32.350;
- (f) ((RCW 41.32.775;
- (g)) RCW 41.40.330 (1) and (3);
- ((~~(h)~~)) (g) RCW 41.40.650; ((~~and~~))
- ((~~(i)~~)) (h) Section 207 of this act;
- (i) RCW 43.43.300; and
- (j) Section 204 of this act.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump-sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

(a) A complete explanation of the effects of this section to all members; and

(b) Notification of such implementation to the director of the department of retirement systems.

Sec. 323. RCW 41.04.450 and 1985 c 13 s 3 are each amended to read as follows:

(1) Employers of those members under chapters 41.26 ~~((and))~~, 41.40, and 41.-- (sections 201 through 209 of this act) RCW who are not specified in RCW 41.04.445 may choose to implement the employer pick up of all member contributions without exception under RCW 41.26.080(1), 41.26.450, 41.40.330(1), ~~((and))~~ 41.40.650, and chapter 41.-- RCW (sections 201 through 209 of this act). If the employer does so choose, the employer and members shall be subject to the conditions and limitations of RCW 41.04.445 (3), (4), and (5) and RCW 41.04.455.

(2) An employer exercising the option under this section may later choose to withdraw from and/or reestablish the employer pick up of member contributions only once in a calendar year following forty-five days prior notice to the director of the department of retirement systems.

NEW SECTION. Sec. 324. The following acts or parts of acts are each repealed:

(1) RCW 41.04.250 and 1981 c 256 s 2, 1975 1st ex.s. c 274 s 2, 1973 1st ex.s. c 99 s 1, 1972 ex.s. c 19 s 1, & 1971 ex.s. c 264 s 1;

(2) RCW 41.04.255 and 1991 c 249 s 2 & 1982 c 107 s 2;

(3) RCW 41.04.260 and 1993 c 34 s 2 & 1991 sp.s. c 13 s 101;

(4) RCW 41.32.775 and 1990 c 274 s 9, 1989 c 273 s 19, 1986 c 268 s 2, 1984 c 184 s 11, & 1977 ex.s. c 293 s 6;

(5) RCW 41.45.040 and 1993 c 519 s 18 & 1989 c 273 s 4;

(6) RCW 41.45.0601 and 1993 c 519 s 20 & 1992 c 239 s 1;

(7) RCW 41.45.901 and 1989 c 273 s 33;

(8) RCW 41.50.032 and 1984 c 184 s 15 & 1982 c 163 s 9; and

(9) RCW 41.50.250 and 1991 c 35 s 72, 1989 c 273 s 21, 1981 c 3 s 32, 1969 c 128 s 4, 1963 c 174 s 6, 1955 c 220 s 2, 1953 c 200 s 3, 1949 c 240 s 5, & 1947 c 274 s 9.

NEW SECTION. Sec. 325. This act shall take effect July 1, 1996.

NEW SECTION. Sec. 326. Part headings and subchapter headings as used in this act constitute no part of the law."

Representatives Carlson, Sommers and B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson, Sommers and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1206.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1206, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Goldsmith - 1.

Excused: Representatives Blanton and Ogden - 2.

Engrossed Substitute House Bill No. 1206, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1724 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1914, by Representative Stevens

Changing provisions relating to child abuse and neglect.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stevens, Thibaudeau, Cooke and Carrell spoke in favor of passage of the bill.

Representatives Tokuda and Quall spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1914.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1914, and the bill passed the House by the following vote: Yeas - 62, Nays - 34, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Talcott, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 34.

Excused: Representatives Blanton and Ogden - 2.

House Bill No. 1914, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1791, by Representatives Chandler, Mastin, McMorris, Sheldon, Delvin, Kremen, Clements, Chappell, Crouse, Scott, Costa, Horn, Robertson, Quall, Hankins, Skinner,

Kessler, Schoesler, Grant, Sheahan, Brumsickle, Padden, Morris, Buck, Hatfield, Patterson, Cooke, Mulliken, Honeyford, Backlund and Basich

Revising water resource governance and planning.

The bill was read the second time. There being no objection, Substitute House Bill No. 1791 was substituted for House Bill No. 1791 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1791 was read the second time.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"PART I
WATER RESOURCE COMMISSIONS

NEW SECTION. Sec. 1. The legislature finds that balanced administration and management of the state water resources is of paramount importance to the citizens of the state. The legislature finds that regional differences in water resource conditions require greater consideration in the development and administration of water resource policy. The legislature finds that to effectively take regional differences into consideration, the decision-making authority needs to be based on water resource plans developed by local elected officials and interested persons from various regions of the state.

It is the intent of the legislature to establish two state water resources commissions. Further, it is the direction of the legislature that the commissions implement programs that are balanced with the interests of all sectors of the state's residents taken in account.

It is further the intent of the legislature that all existing water rights be protected and not diminished by the actions of the state and that the principles of the prior appropriation doctrine of western water law remain unchanged by this enactment (chapter . . . , Laws of 1995).

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter.

(1) "Commission" means the western or eastern Washington water resource commissions established pursuant to this chapter.

(2) "Water supply special purpose district" means a water, combined water-sewer, irrigation, reclamation, or public utility district that provides water to persons or other water users within the district.

(3) "State engineer" means the person hired by the commissions to administer the state engineer's office and the water resource programs and responsibilities assigned to that office.

(4) "WRIA" means a water resource inventory area established in WAC 173-500-030, as it exists on January 1, 1995.

NEW SECTION. Sec. 3. (1) There is hereby created and established two state commissions to be known and designated jointly as the Washington water resources commissions, hereinafter referred to as the commissions. One commission, to be known as the eastern Washington water resources commission, shall have jurisdiction throughout the area of the state east of the crest of the Cascade mountains and including all of Skamania county. One commission, to be known as the western Washington water resources commission, shall have jurisdiction throughout the area of the state west of the crest of the Cascade mountains, exclusive of Skamania county.

(2) The members of a commission shall serve four-year terms. Each of the commissioners shall hold office until his or her successor is appointed. The commissioners shall biennially choose a chair from among themselves.

(3) Each commission shall be composed of eight members nominated by the counties and appointed by the governor as provided in this section.

(a) The counties within the jurisdiction of the eastern Washington water resources commission are divided into two groups: (i) Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Klickitat, Okanogan, Skamania, and Yakima counties; and (ii) the remaining counties within the jurisdiction of the commission. The counties assigned to a particular group shall collectively nominate six persons for appointment to the eastern Washington water resources commission and submit this list of nominations to the governor. The governor shall appoint four members of the commission from each of the two lists submitted in this manner.

(b) The counties within the jurisdiction of the western Washington water resources commission are divided into four groups: (i) King, Pierce, and Snohomish counties; (ii) Island, San Juan, Skagit, and Whatcom counties; (iii) Clallam, Jefferson, Kitsap, Mason, and Grays Harbor counties; and (iv) the remaining counties within the jurisdiction of the commission. Nominations for appointment to the western Washington water resources commission from each group shall be submitted to the governor.

(c) Each of the counties listed in (b)(i) of this subsection shall nominate two persons and each of the cities of Seattle, Tacoma, and Everett shall nominate two persons for appointment to the commission and the governor shall appoint five members to the western Washington water resources commission from these nominations.

(d) The counties in (b)(ii) of this subsection shall collectively nominate three persons for appointment to the commission and the governor shall appoint one member to the western Washington water resources commission from these nominations. The counties in (b)(iii) of this subsection shall collectively nominate three persons for appointment to the commission and the governor shall appoint one member to the western Washington water resources commission from these nominations. The counties in (b)(iv) of this subsection shall collectively nominate three persons for appointment to the commission and the governor shall appoint one member to the western Washington water resources commission from these nominations.

(e) The members of the legislative authorities of the counties assigned to a group by (a) of this subsection or assigned to a group by (b) of this subsection shall convene to nominate persons for appointment to the eastern or western Washington water resources commission. The counties and the counties and cities in (c) of this subsection shall provide their lists of nominees to the governor not later than thirty days after the effective date of this section. If the counties assigned to a group do not provide nominations within the prescribed time, the governor may make the appointments allocated to the group without nominations. Each county assigned to a group by this subsection (3) for one or more collective nominations shall be entitled to three votes for each nomination and shall divide the votes equally among the members of the legislative authority of the county. Nominations shall be made by a majority vote of all of such members assigned to the group based on the votes allocated to them under this section. The governor shall make all appointments to the commissions within ninety days of the effective date of this section.

Nominations and appointments to fill vacancies on the commission shall be made as provided by this section for original appointments to the positions. Such nominations shall be made within sixty days of the date the vacancy is created or the appointment shall be made without nominations. The governor shall appoint a person to fill a vacancy within thirty days of the date the vacancy is created.

Nominations and appointments to fill expired terms of office of the members of the commission shall be made as prescribed for nominations and appointments for the initial membership of the commissions. The members of the county legislative authorities shall make nominations sixty days before the expiration of terms of office and the governor shall make appointments not later than the date of the expiration of the terms of office, which appointments shall take effect upon the expiration of those terms.

(4) Each person nominated for appointment to a commission shall be knowledgeable about state water law and have at least five years' experience in water resource matters.

(5) No elective state official, state officer, or state employee shall be a member of a commission nor may a member of the commission have been such an official, officer, or employee within two years of being appointed to the commission. At the time of their appointment and thereafter during their respective terms of office, the members of the eastern commission shall reside within the eastern jurisdiction and the members of the western commission shall reside within the western jurisdiction. No more than two members of each commission shall reside in the same county.

(6) The governor may remove any member of a commission for malfeasance or misfeasance in office or for having at least five unexcused absences during the person's term of office which constitute twenty percent or more of the meetings that have been conducted by the commission during the term.

A person's absence from a meeting may be excused: By the chair of the commission if a written request to do so is received by the chair before the meeting from which the member is to be absent; or by a majority vote of the members of the commission at the meeting during which the member is absent.

(7) Each member of the commissions may receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. Commissions shall operate on a part-time basis and each member shall receive compensation pursuant to RCW 43.03.250. The principal office of each commission shall be located within the jurisdictional boundaries of each commission.

NEW SECTION. Sec. 4. For actions taken by the commissions jointly, a majority of all of the commissioners shall constitute a quorum. A majority of the members of a commission shall constitute a quorum of the commission for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission. Any investigation, inquiry, or hearing that a commission has power to undertake or to hold may be undertaken or held by or before any commissioner. All investigations, inquiries, and hearings of a commission, and all findings, orders, or decisions, made by a commissioner, when approved and confirmed by the commission and filed in its office, shall be and be deemed to be the orders or decisions of the commission. All actions of a commission, the commissions jointly, or of a commissioner acting individually under the authority of this section shall be conducted in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 5. (1) In addition to the powers, duties, and functions in sections 23 and 24 of this act, the commissions have the following powers and duties:

- (a) Rule adoption for their joint operation;
 - (b) The commissions, acting jointly, shall appoint the state engineer. The state engineer shall serve at the pleasure of the commissions;
 - (c) The commissions, acting jointly, shall prepare and approve a proposed budget for the commissions and the office of the state engineer;
 - (d) Each commission shall appoint and employ staff as may be necessary for the direct support of the activities of the commission;
 - (e) Pursuant to section 12 of this act, the commissions shall review all water resource plans submitted from within their respective jurisdictions and shall provide advice as to whether the plans are in conflict with state or federal laws;
 - (f) Each commission shall approve or deny all interbasin transfers within its jurisdiction with the advice of the state engineer. The commissions, acting jointly, shall by rule adopt procedures for interbasin transfers, consistent with state law.
- (2) The commissions, jointly or severally, may adopt rules only: To the extent specifically required by federal law or a court order; to the extent explicitly authorized by state law; or to implement a specific objective of a state statute.
- (3) The state engineer shall administer the state's water quantity programs on behalf of the commissions through an office of the state engineer which is hereby created. The state engineer shall be the administrator of the office and the supervisor of the employees of the office.

NEW SECTION. Sec. 6. All proceedings of a commission or of the commissions acting jointly are subject to the open public meetings act, chapter 42.30 RCW. All public records in possession of the commissions and the state engineer shall be subject to chapter 42.17 RCW regarding public records. The commissions shall jointly make and submit to the governor and the legislature a biennial report beginning January 1997 containing a statement of the transactions and proceedings of its office, together with the information gathered by the commissions and the state engineer and such other facts, suggestions, and recommendations as the governor may require or the legislature request.

NEW SECTION. Sec. 7. In exercising the powers, duties, and functions transferred to the state engineer in sections 23 and 24 of this act, the state engineer is encouraged to collect data from available sources, conduct analyses and studies by contract, and conduct field investigations by means of memoranda of understanding with units of local government.

Notwithstanding any provision of law transferred to the jurisdiction of the state engineer by chapter . . . , Laws of 1995 (this act), the commissions, a commission, or the state engineer may not: Initiate or conduct WRIA management planning activities except as expressly authorized under section 12 of this act; or establish an instream flow except as required by a WRIA plan adopted under section 12 of this act.

NEW SECTION. Sec. 8. (1) It is the intent of the legislature that water resource planning be done locally, at the watershed level.

Of the counties located in whole or in part in a WRIA, the county with the largest population residing within the boundaries of the WRIA is the lead agency for any WRIA planning conducted for that WRIA under this chapter, except as provided in section 9 of this act. Such a county may convene a meeting of the members of the legislative authorities of the counties with territory within a WRIA for the appointment of a WRIA planning unit. The county shall also notify the cities, water supply special purpose districts, and conservation districts with territory within the WRIA that these groups are to meet to appoint their members of the WRIA planning unit. For the purposes of this section and sections 9 and 12 of this act, a county is considered to have territory within a WRIA only if the territory of the county located in the WRIA constitutes at least fifteen percent of the area of the WRIA.

(2)(a) One WRIA planning unit shall be appointed for the WRIA as provided by this section or by section 9 of this act for joint WRIA planning. The planning unit shall be composed of: One member from each county with territory in the WRIA representing the county and appointed by the county; one member for each county with territory in the WRIA, but not less than two members, representing cities with territory in the WRIA and appointed jointly by those cities; two members representing all water supply special purpose districts with territory within the WRIA and appointed jointly by those districts; one member representing all conservation districts with territory within the WRIA and appointed jointly by those districts; four members representing the general citizenry, of which at least two shall be holders of water rights, appointed jointly by the counties with territory within the WRIA; and six members representing various special interest groups appointed jointly by the counties with territory within the WRIA.

(b) In addition, for a WRIA located within Pierce, King, or Snohomish county, a representative of the largest water purveyor using water from the WRIA shall be an ex officio member of the planning unit whether the principal offices of the purveyor are or are not located within the WRIA.

(3) Except for a person who is an ex officio member of the planning unit under subsection (2)(b) of this section, each person appointed to a WRIA planning unit shall have been a resident of the WRIA for at least five years. No state employee or state official may be appointed to the planning unit. In appointing persons to the WRIA planning unit representing special interest groups, the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the WRIA, including tribal representatives.

(4) In voting to appoint the members of a WRIA planning unit, to approve a WRIA plan under section 12 of this act, or to elect to conduct multi-WRIA planning under section 9 of this act, each county with territory within the WRIA shall have three votes, divided equally among the members of the county's legislative authority and appointments shall be made by majority vote based on the votes allocated under this section. In voting to appoint members of a WRIA planning unit: Each city with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such cities; each water supply special purpose district with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts; and each conservation district with territory within the WRIA shall have one vote and appointments shall be made by majority vote of such districts. All appointments shall be made within sixty days of the date the county acting as lead agency in the WRIA notifies the other appointing authorities to convene to make appointments or the appointments shall be made by the counties with territory in the WRIA in the same manner the counties make other appointments. A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant.

NEW SECTION. Sec. 9. (1) Counties convened to make appointments to a WRIA planning unit under section 8 of this act may elect to conduct multi-WRIA planning with the counties with territory in one or more other WRIs. If the counties with territory in these other WRIs convene and

also elect to conduct such multi-WRIA planning, one planning unit shall be appointed for the multi-WRIA area.

(a) The planning unit shall be composed of: Up to one member, as that number is determined by the counties jointly, for each county with territory in the multi-WRIA area representing the counties and appointed by the counties jointly; up to one member, as that number is determined by the cities jointly, for each county with territory in the multi-WRIA area, representing cities with territory in the multi-WRIA area and appointed jointly by those cities; up to three members, as that number is determined by the districts, representing all water supply special purpose districts with territory within the multi-WRIA area and appointed jointly by those districts; up to two members, as that number is determined by the districts, representing all conservation districts with territory within the multi-WRIA area and appointed jointly by those districts; four members representing the general citizenry, of which at least two shall be holders of water rights, appointed jointly by the counties with territory within the multi-WRIA area; and six members representing various special interest groups appointed jointly by the counties with territory within the multi-WRIA area.

(b) In addition, for a WRIA located within Pierce, King, or Snohomish county, a representative of the largest water purveyor using water from the multi-WRIA area shall be an ex officio member of the planning unit whether the principal offices of the purveyor are or are not located within the multi-WRIA area.

(c) Except for a person who is an ex officio member of the planning unit under subsection (1)(b) of this section, each person appointed to a multi-WRIA planning unit shall have been a resident of the multi-WRIA area for at least five years. No state employee or state official may be appointed to the planning unit. In appointing persons to the multi-WRIA planning unit representing special interest groups the counties shall consider industrial water users, general businesses, hydroelectric and thermal power producers, and irrigated agriculture, nonirrigated agriculture, forestry, recreation, environmental, and fisheries interest groups and other groups with interests in the multi-WRIA area, including tribal representatives.

(2) The counties in the multi-WRIA area shall select a county as a lead agency from among those that would qualify as a lead agency in each WRIA. All appointments shall be made within sixty days of the date the county acting as lead agency in the multi-WRIA area notifies the other appointing authorities to convene to make appointments or the appointments shall be made by the counties with territory in the multi-WRIA area in the same manner the counties make other appointments. A vacancy on the planning unit shall be filled by appointment in the same manner prescribed for appointing the position that has become vacant.

(3) A planning unit for a multi-WRIA area shall perform all of the functions assigned by this chapter to a WRIA planning unit and is subject to all of the provisions of this chapter that apply to a WRIA planning unit.

NEW SECTION. Sec. 10. The lead agency shall provide staff support for the work of the WRIA planning unit. Each WRIA planning unit may establish its own methods of operation that are consistent with this chapter and may establish methods for reviewing the operations of its lead agency. Each WRIA planning unit is encouraged to: Consider information and plans that may have been previously developed by other entities in establishing water resource management plans for the WRIA; consider existing data regarding water resources in the WRIA; and, for a WRIA that borders another state, cooperate with local government counterparts in the adjacent state regarding water resource planning. Water resource plans developed under this chapter for a WRIA may not interfere in any manner with a general adjudication of water rights, completed or ongoing. Such a WRIA plan may not in any manner impair, diminish, or interfere with a water right that exists before the adoption of the plan by the appropriate commission under section 12 of this act.

All meetings of a WRIA planning unit shall be conducted as public meetings as required for such meetings by the open public meetings act, chapter 42.30 RCW. Some time shall be set aside at the end of each meeting of a WRIA planning unit for public comments.

No person who is a member of a WRIA planning unit may designate another to act on behalf of the person as a member or to attend as a member a meeting of the unit on behalf of the person. If a member of a WRIA planning unit is absent from more than five meetings of the WRIA planning unit that constitute twenty percent or more of the meetings that have been conducted by the planning unit while the person is a member of the unit and these absences have not been excused as provided by this section, the member's position on the WRIA planning unit is to be considered vacant. A person's

absence from a meeting may be excused: By the chair of the planning unit if a written request to do so is received by the chair before the meeting from which the member is to be absent; or by a majority vote of the members of the planning unit at the meeting during which the member is absent.

NEW SECTION. Sec. 11. (1) Each WRIA planning unit shall develop a water resource plan. The plan must contain the elements listed in subsection (2) of this section and may include other elements added by the planning unit. Once organized, the first task of the planning unit is to prioritize these elements regarding their importance in the WRIA and in developing a water resource plan for the WRIA. A plan shall not be developed such that its provisions are in conflict with state or federal law.

(2) The plan must include the following:

(a) A quantitative estimation of how much surface and ground water is in the planning unit using United States geological survey information and other existing sources;

(b) A quantitative estimation using existing sources of information, of how much surface and ground water is available for use, both in-stream and out-of-stream, for agricultural, fisheries, recreational, environmental, industrial, municipal, and residential purposes;

(c) A quantitative estimation using existing sources of information, of how much surface and ground water is being used, both in-stream and out-of-stream, for agricultural, industrial, fisheries, recreational, environmental, municipal, and residential purposes, and including amounts claimed or permitted for future municipal needs;

(d) A quantitative estimation of how much water, approximately, is claimed or permitted, including in-stream flows;

(e) A quantitative description of future water-based in-stream and out-of-stream needs in the planning unit, based on projected population and agricultural and other economic growth;

(f) Instream flows established prior to January 1, 1995, by rule. Notwithstanding any other provisions of state law, the planning unit will set instream flows as part of the plan for the other rivers, streams, and lakes in the WRIA or combined WRIAs for which flows have not been set and may make adjustments to flows that have already been set. Planning units are encouraged to set the flow levels as soon as is practicable;

(g) Management strategies for achieving present and future needs, including:

(i) Conservation measures;

(ii) Storage enhancements, including modifications to existing reservoirs and new reservoirs;

(iii) Market transfers;

(iv) In-stream flows;

(h) An estimation of hydraulic continuity between ground and surface waters that is to be taken into consideration for the allocation and use of water resources. This estimation shall be based on available data and any data the planning unit may secure with funds other than the funds provided to the unit by the state engineer for WRIA planning;

(i) A description of the strategies for plan implementation and the entities responsible for implementing the plan, including but not limited to local, tribal, state, and federal governments working singularly or in combination. The implementing entities may also include activities conducted by private organizations and individuals.

(3) Water resource management plans developed pursuant to the process in this chapter and subsequently adopted by a commission under chapter 34.05 RCW are presumed valid. This presumption shall apply in any petition or action filed against a plan. Adopted plans shall be used by the state engineer as the basis for all water resource decisions and actions within the WRIA.

NEW SECTION. Sec. 12. (1) Upon completing a proposed water resource plan for the WRIA, the WRIA planning unit shall conduct at least one public hearing in the WRIA on the proposed plan. After considering the public comments presented at the hearing or hearings, the planning unit shall submit a copy of its proposed plan to the commission with jurisdiction over the WRIA. A proposed plan may be submitted to the commission only if the unit has provided interim approval of the plan for this purpose by a majority vote of the members of the planning unit.

(2) The commission shall conduct at least one public hearing, announced in accordance with chapter 34.05 RCW, on each proposed WRIA water resource plan submitted under this section. The commission shall provide advice as to any aspects of the plan that the commission believes to be in conflict with state or federal law and may provide other recommendations regarding the plan. The

commission shall transmit its advice and recommendations regarding the plan to the WRIA planning unit within sixty days of receiving it for review.

(3) The WRIA planning unit shall vote on each recommendation provided by the commission and on the commission's advice regarding any elements of the proposed WRIA plan the commission believed to be in conflict with state or federal law. The planning unit may adopt such a recommendation or provide changes to respond to the advice of the commission by a majority vote of the members of the planning unit.

The WRIA planning unit shall approve a water resource plan for the WRIA by a two-thirds majority vote of the members of the planning unit. An approved plan shall be submitted to the counties with territory within the WRIA for adoption. If a WRIA planning unit does not approve a plan for submission to the counties within three years of the date the planning unit receives its first funding from the state engineer for the planning process under section 13 of this act, the state engineer shall develop a proposed plan for the WRIA, submit the plan to the commission with jurisdiction for the WRIA, and the commission shall adopt or amend and adopt such a water resource plan for the WRIA.

(4) The legislative authority of each of the counties with territory within the WRIA shall conduct at least two public hearings on the WRIA plan submitted to the county under this section. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the plan. The counties may approve or reject the plan, but may not amend the plan. Approval of a plan, or of recommendations for a plan that is not approved, shall be made by a majority vote of the members of the various legislative authorities of the counties with territory in the WRIA based on the votes allocated under section 8 of this act.

If the plan is not approved, it shall be returned to the WRIA planning unit with recommendations for revisions. Any revised plan prepared by the planning unit shall be submitted to the commission with jurisdiction and to the counties as provided by this section for WRIA water resource plans generally.

(5) If the plan is approved by the members of the legislative authorities, the plan shall be transmitted to the commission with jurisdiction over the WRIA for adoption. The commission shall adopt such an approved WRIA water resource plan by rule. The commission has no discretion to amend or reject the plan. A copy of the plan and notice of its adoption as rules shall be published in the state register under chapter 34.05 RCW.

(6) If the commission advises a planning unit that an element of its WRIA plan is in conflict with state or federal law and the unit does not remove the conflict created by the element from its plan, the state is not liable for any judgment that may be awarded regarding the conflict. This subsection shall not be construed as establishing such state liability for any other element of the plan adopted as rules.

NEW SECTION. Sec. 13. Once a WRIA planning unit is organized and has established priorities under section 11 of this act, it may apply to the state engineer for funding assistance for developing a water resource plan for the WRIA. The state engineer shall provide five hundred thousand dollars per WRIA for each planning unit applying in this manner from appropriations made expressly for this purpose. The funding shall be provided on a first-come, first-served basis to the extent of the appropriations except that preference shall be given to planning units requesting funding for multi-WRIA planning under section 9 of this act. Funding provided under this section shall be considered to be a contractual obligation against the moneys appropriated for this purpose. No more than five hundred thousand dollars per WRIA may be provided by the state engineer to a planning unit.

If a planning unit is organized and has established its priorities under section 11 of this act, but the transfer of authority from the department of ecology to the commissions and state engineer under sections 23 and 24 of this act has not yet taken place, the unit may notify the department of ecology that it is organized, has set its priorities, and will be applying for funding assistance from the state engineer under this section. Such a notification establishes the date of application for the unit for the purposes of satisfying the first-come, first-served requirement established by this section for the distribution of such funding assistance by the state engineer.

NEW SECTION. Sec. 14. The WRIA planning units may accept grants, funds, and other financing, as well as enter into cooperative agreements with private and public entities for planning assistance and funding, including but not limited to funding of the implementation strategies.

NEW SECTION. Sec. 15. (1) Notwithstanding any other provisions in law, the state engineer shall rule in a timely manner upon applications to appropriate public surface and ground water. For applications that seek to appropriate water from within a WRIA for which a WRIA plan has been adopted, the state engineer shall grant or deny the application within one hundred eighty days of the priority date of the application. For applications that seek to appropriate water from within a WRIA for which no WRIA plan has been adopted, the state engineer shall grant or deny the application within one year of the priority date of the application. The times allowed in this section to rule upon an application shall not include the time it takes the applicant to respond to an explicit request for additional information reasonably required to make a determination on the application. The state engineer shall be allowed only one such request for additional information. The cost of obtaining such information shall be reasonable in relation to the quantity and value of the water right applied for. Once the applicant responds to an information request, the stay of the time allowed for the permit decision shall end.

(2) This section shall take effect July 1, 1996.

PART II TRANSFER OF POWER

Sec. 16. RCW 43.27A.020 and 1987 c 109 s 31 are each amended to read as follows:
As used in this chapter, and unless the context indicates otherwise, words and phrases shall mean:

(1) "~~((Department))~~ Commission" means the ~~((department of ecology;))~~ water resources commissions.

(2) "Director" means the ~~((director of ecology;))~~ state engineer.

(3) "State agency" and "state agencies" mean any branch, department or unit of state government, however designated or constituted(~~(;)~~).

(4) "Water resources" means all waters above, upon, or beneath the surface of the earth, located within the state and over which the state has sole or concurrent jurisdiction.

(5) "Beneficial use" means, but its meaning shall not be limited to: Domestic water supplies; irrigation; fish, shellfish, game, and other aquatic life; recreation; industrial water supplies; generation of hydroelectric power; and navigation.

Sec. 17. RCW 43.27A.090 and 1988 c 127 s 25 are each amended to read as follows:
The ~~((department))~~ commissions shall be empowered as follows:

(1) To represent the state at, and fully participate in, the activities of any basin or regional commission, interagency committee, or any other joint interstate or federal-state agency, committee or commission, or publicly financed entity engaged in the planning, development, administration, management, conservation or preservation of the water resources of the state.

(2) To prepare the views and recommendations of the state of Washington on any project, plan, or program relating to the planning, development, administration, management, conservation, and preservation of any waters located in or affecting the state of Washington, including any federal permit or license proposal, and appear on behalf of, and present views and recommendations of the state at any proceeding, negotiation or hearing conducted by the federal government, interstate agency, state or other agency.

(3) To cooperate with, assist, advise and coordinate plans with the federal government and its officers and agencies, and serve as a state liaison agency with the federal government in matters relating to the use, conservation, preservation, ~~((quality, disposal))~~ or control of water and activities related thereto.

(4) To cooperate with appropriate agencies of the federal government and/or agencies of other states, to enter into contracts, and to make appropriate contributions to federal or interstate projects and programs and governmental bodies to carry out the provisions of this chapter.

(5) To apply for, accept, administer and expend grants, gifts and loans from the federal government or any other entity to carry out the purposes of this chapter and make contracts and do such other acts as are necessary insofar as they are not inconsistent with other provisions hereof.

(6) ~~((To develop and maintain a coordinated and comprehensive state water and water resources related development plan, and adopt, with regard to such plan, such policies as are necessary to insure that the waters of the state are used, conserved and preserved for the best interest of the~~

state. There shall be included in the state plan a description of developmental objectives and a statement of the recommended means of accomplishing these objectives. To the extent the director deems desirable, the plan shall integrate into the state plan, the plans, programs, reports, research and studies of other state agencies.

~~((7))~~ (7) To assemble and correlate information relating to water supply, power development, irrigation, watersheds, water use, future possibilities of water use and prospective demands for all purposes served through or affected by water resources development.

~~((8))~~ (7) To assemble and correlate state, local and federal laws, regulations, plans, programs, and policies affecting the beneficial use, ~~((disposal, pollution,))~~ control, or conservation of water, river basin development, flood prevention, parks, reservations, forests, wildlife refuges, drainage ~~((and sanitary))~~ systems, ~~((waste disposal,))~~ water works, watershed protection and development, instream flows, soil conservation, power facilities and area and municipal water supply needs, and recommend suitable legislation or other action to the legislature, the congress of the United States, or any city, municipality, or to responsible state, local or federal executive departments or agencies.

~~((9))~~ (8) To cooperate with federal, state, regional, interstate and local public and private agencies in the making of plans for drainage, flood control, use, conservation, allocation and distribution of existing water supplies and the development of new water resource projects.

~~((10))~~ (9) To encourage, assist and advise regional, and city and municipal agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and ~~((coordinate))~~ to collect information that facilitates the coordination of local water resources activities, programs, and plans.

~~((11))~~ (10) To ~~((promulgate))~~ adopt such rules ~~((and regulations))~~ as are necessary to carry out the purposes of this chapter.

~~((12))~~ (11) To hold public hearings, and make such investigations, studies and surveys as are necessary to carry out the purposes of the chapter.

~~((13))~~ (12) To subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production of any books or papers when the ~~((department))~~ commission deems such measures necessary in the exercise of its rule-making power or in determining whether or not any license, certificate, or permit shall be granted or extended.

Sec. 18. RCW 43.27A.130 and 1988 c 127 s 26 are each amended to read as follows:

The ~~((department of ecology))~~ state engineer may make complete inventories of the state's water resources and enter into such agreements with the director of the United States geological survey as will insure that investigations and surveys are carried on in an economical manner.

Sec. 19. RCW 43.27A.190 and 1987 c 109 s 11 are each amended to read as follows:

Notwithstanding and in addition to any other powers granted to the ~~((department of ecology))~~ state engineer, whenever it appears to the ~~((department))~~ engineer that a person is violating or is about to violate any of the provisions of the following:

- (1) Chapter 90.03 RCW; or
- (2) Chapter 90.44 RCW; or
- (3) ~~((Chapter 86.16 RCW; or~~
- ~~((Chapter 43.37 RCW; or~~
- ~~((5))~~ Chapter 43.27A RCW; or

~~((6))~~ (4) Any other law relating to water resources administered by the ~~((department))~~ engineer; or

~~((7))~~ (5) A rule ~~((or regulation))~~ adopted, or a directive or order issued by the ~~((department))~~ commissions or engineer relating to subsections (1) through ~~((6))~~ (4) of this section; the ~~((department))~~ engineer may cause a written regulatory order to be served upon said person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him or her. The order shall specify the provision of the statute, rule, regulation, directive, or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other

person so authorized by the ~~((department))~~ engineer shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein. Any person aggrieved by such order may appeal the order pursuant to RCW 43.21B.310 unless the order is a water quantity decision as defined in RCW 43.21A.070, in which case it may be appealed to an administrative law judge or to a superior court as provided in section 45 of this act.

Sec. 20. RCW 43.21A.020 and 1970 ex.s. c 62 s 2 are each amended to read as follows:

In recognition of the responsibility of state government to carry out the policies set forth in RCW 43.21A.010, it is the purpose of this chapter to establish a single state agency with the authority to manage ~~((and develop))~~ our air ~~((and water))~~ resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving ~~((these))~~ air, water, and related land resources. To this end a department of ecology is created by this chapter to undertake, in an integrated manner, the ~~((various water))~~ regulation, management, and planning ~~((and development))~~ of water quality programs now authorized to be performed by ~~((the department of water resources and))~~ the water pollution control commission, the air regulation and management program now performed by the state air pollution control board, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70.95 RCW, and such other environmental, management protection and development programs as may be authorized by the legislature.

Sec. 21. RCW 43.21A.067 and 1987 c 109 s 27 are each amended to read as follows:

The ~~((director of ecology))~~ state engineer may create within ~~((his department))~~ the engineer's office a fund to be known as the "basic data fund."

Into such fund shall be deposited all moneys contributed by persons for stream flow, ground water, and water quality data or other hydrographic information furnished by the ~~((department))~~ engineer in cooperation with the United States geological survey, and the fund shall be expended on a matching basis with the United States geological survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the state.

Disbursements from the basic data fund shall be on vouchers approved by the ~~((department))~~ engineer and the district engineer of the United States geological survey.

Sec. 22. RCW 90.54.040 and 1988 c 47 s 5 are each amended to read as follows:

(1) The ~~((department))~~ commissions, through the adoption of appropriate rules, ~~((is))~~ are directed ~~((, as a matter of high priority to insure that the waters of the state are utilized for the best interests of the people,))~~ to develop and implement in accordance with the policies of this chapter a ~~((comprehensive state))~~ water resources program ~~((which will provide a process for making decisions))~~ that implements policies on future water resource allocation and use. ~~((The department may develop the program in segments so that immediate attention may be given to waters of a given socioeconomic region of the state or to specific critical problems of water allocation and use.~~

The current guidelines, standards, or criteria governing the elements of the water resource program established pursuant to this subsection shall not be altered or amended after March 15, 1988, in accordance with RCW 90.54.022(5).) The commissions shall have the sole and exclusive authority to adopt rules concerning the regulation of surface and ground water.

(2) In relation to the management and regulatory programs relating to water resources vested in ~~((it))~~ them, the ~~((department is))~~ commissions are further directed to modify existing ~~((regulations))~~ rules and adopt new ~~((regulations))~~ rules, when needed and possible, to insure that existing regulatory programs are in accord with the ~~((water resource policy of this chapter and the program established in subsection (1) of this section. The current guidelines, standards, or criteria governing the department's implementation of this subsection shall not be altered or amended after March 15, 1988, in accordance with subsection (1) of this section))~~ policies of chapter . . . , Laws of 1995 (this act).

(3) The ~~((department is))~~ commissions are directed to review all statutes relating to water resources which ~~((it is))~~ they are responsible for implementing. When any of the same appear to the ~~((department))~~ commissions to be ambiguous, burdensome, unclear, unworkable, unnecessary, or otherwise deficient, ~~((it))~~ they shall make recommendations to the legislature including appropriate proposals for statutory modifications or additions. Whenever it appears that the policies of any such statutes are in conflict with the policies of chapter . . . , Laws of 1995 (this ~~((chapter))~~ act), and the

~~((department is)) commissions are unable to fully perform as provided in subsection (2) of this section, the ((department is)) commissions are directed to submit statutory modifications to the legislature which, if enacted, would allow the ((department)) commissions to carry out such statutes in harmony with this chapter.~~

NEW SECTION. Sec. 23. (1) On the effective date of this section, all powers, duties, and functions of the department of ecology pertaining to water resource quantity are transferred to the western Washington and eastern Washington water resources commissions or the state engineer. The authority to adopt rules regarding those powers, duties, and functions is transferred to the commissions and the administration of those powers, duties, and functions is transferred to the state engineer. All references to the director or the department of ecology in the Revised Code of Washington shall be construed to mean the western Washington and eastern Washington water resources commissions or the state engineer when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material including but not limited to the water resources information system established and maintained under RCW 90.54.030, in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state engineer. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the western Washington and eastern Washington water resources commissions and the state engineer. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the western Washington and eastern Washington water resources commissions and the state engineer.

(b) Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the western Washington and eastern Washington water resources commissions and the state engineer.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees classified under chapter 41.06 RCW, the state civil service law, of the department of ecology engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the western Washington and eastern Washington water resources commissions and the state engineer. The employees are assigned to the western Washington and eastern Washington water resources commissions and the state engineer to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the western Washington and eastern Washington water resources commissions and the state engineer. All existing contracts and obligations shall remain in full force and shall be performed by the western Washington and eastern Washington water resources commissions and the state engineer.

(5) The transfer of the powers, duties, functions, and personnel of the department of ecology shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

(8) This section shall take effect July 1, 1996.

NEW SECTION. Sec. 24. Effective July 1, 1996, the powers and duties of the department of ecology concerning water quantity under the following statutes are transferred to the commissions and the state engineer: RCW 43.20.230, 43.21A.061, 43.21A.064 except 43.21A.064(2), 43.21A.067, 43.21A.450, 43.21A.460, 43.21A.470, 43.27A.020, 43.27A.090, 43.27A.130, 43.27A.190, chapter 43.83B RCW, RCW 43.99E.025, Title 87 RCW, and chapters 18.104, 89.12, 89.16, 89.30, 90.03, 90.08, 90.14, 90.16, 90.22, 90.24, 90.38, 90.40, 90.42, 90.44, and 90.54 RCW. More specifically, the following powers, duties, programs, and services presently administered and enforced by the department of ecology are transferred to the commissions and the state engineer:

- (1) Water regulation, management, and development;
- (2) Permitting authority regarding appropriation, diversion, and use of water;
- (3) Data collection and other hydrographic information duties;
- (4) Technical assistance powers and duties regarding water quantity;
- (5) Authority regarding the water resource aspects of international issues, such as Lake Osoyoos;
- (6) Participation with the federal government in development of the Columbia basin project and the Yakima enhancement project;
- (7) Duties and powers regarding irrigation districts and reclamation districts;
- (8) Reclamation authority for agricultural lands;
- (9) Powers and duties, both enforcement and administrative authority over water quantity aspects of water resources, including:
 - (a) The water codes;
 - (b) Stream patrolmen and watermasters;
 - (c) Water rights, including but not limited to registration, relinquishment, waiver, and transfer;
 - (d) Appropriation of water for public and industrial purposes;
 - (e) Minimum flows and levels;
 - (f) Regulation of outflow of lakes;
 - (g) Yakima river basin water rights;
 - (h) Water resource management;
 - (i) Regulation of public ground waters; and
 - (j) Water well construction.

NEW SECTION. Sec. 25. Although authorities are not transferred from the department of ecology to the eastern and western Washington water resources commissions and the state engineer until July 1, 1996, the governor, department, commissions, and state engineer shall take all actions necessary before July 1, 1996, that will ensure an orderly and effective transfer of authority on that date.

PART III INTERTIES

Sec. 26. RCW 90.03.383 and 1991 c 350 s 1 are each amended to read as follows:

(1) The legislature recognizes the value of interties for improving the reliability of public water systems, enhancing their management, and more efficiently utilizing the increasingly limited resource. Given the continued growth in the most populous areas of the state, the increased complexity of public water supply management, and the trend toward regional planning and regional solutions to resource issues, interconnections of public water systems through interties provide a valuable tool to ensure reliable public water supplies for the citizens of the state. Public water systems have been encouraged in the past to utilize interties to achieve public health and resource management objectives. The legislature finds that it is in the public interest to recognize interties existing and in use as of January 1, 1991, and to have associated water rights modified by the department of ecology or its successor to reflect current use of water through those interties, pursuant to subsection (3) of this section. The legislature further finds it in the public interest to develop a coordinated process to review proposals for interties commencing use after January 1, 1991.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Interties" are interconnections between public water systems permitting exchange, acquisition, or delivery of wholesale and/or retail water between those systems for other than emergency supply purposes, where such exchange, acquisition, or delivery is within established

instantaneous and annual withdrawal rates specified in the systems' existing water right permits or certificates, or contained in claims filed pursuant to chapter 90.14 RCW, and which results in better management of public water supply consistent with existing rights and obligations. Interties include interconnections between public water systems permitting exchange, acquisition, or delivery of water to serve as primary or secondary sources of supply (~~(, but do not include development of new sources of supply to meet future demand)~~).

(b) "Service area" is the area designated as the wholesale and/or retail area in a water system plan or a coordinated water system plan pursuant to chapter 43.20 or 70.116 RCW respectively. When a public water system does not have a designated service area subject to the approval process of those chapters, the service area shall be the designated place of use contained in the water right permit or certificate, or contained in the claim filed pursuant to chapter 90.14 RCW.

(3) Public water systems with interties existing and in use as of January 1, 1991, or that have received written approval from the department of health prior to that date, shall file written notice of those interties with the department of health and the department of ecology or its successor. The notice may be incorporated into the public water system's five-year update of its water system plan, but shall be filed no later than June 30, 1996. The notice shall identify the location of the intertie; the dates of its first use; the purpose, capacity, and current use; the intertie agreement of the parties and the service areas assigned; and other information reasonably necessary to modify the public water system's water right (~~(permit)~~). Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, for public water systems with interties existing and in use or with written approval as of January 1, 1991, the department of ecology or its successor, upon receipt of notice meeting the requirements of this subsection, shall, as soon as practicable, modify the place of use descriptions in the water right permits, certificates, or claims to reflect the actual use through such interties, provided that the place of use is within service area designations established in a water system plan approved pursuant to chapter 43.20 RCW, or a coordinated water system plan approved pursuant to chapter 70.116 RCW, and further provided that the water used is within the instantaneous and annual withdrawal rates specified in the water rights (~~(permit)~~) and that no outstanding complaints of impairment to existing water rights have been filed with the department of ecology or its successor prior to September 1, 1991. Where such complaints of impairment have been received, the department of ecology or its successor shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties or through available administrative remedies.

(4) Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, exchange, acquisition, or delivery of water through interties approved by the department of health commencing use after January 1, 1991, shall be permitted when the intertie improves overall system reliability, enhances the manageability of the systems, provides opportunities for conjunctive use, or delays or avoids the need to develop new water sources, and otherwise meets the requirements of this section, provided that each public water system's water use shall not exceed the instantaneous or annual withdrawal rate specified in its water right authorization, shall not adversely affect existing water rights, and shall not be inconsistent with state-approved plans such as water system plans or other plans which include specific proposals for construction of interties. Interties approved and commencing use after January 1, 1991, shall not be inconsistent with regional water resource plans developed pursuant to chapter 90.54 RCW.

(5) For public water systems subject to the approval process of chapter 43.20 RCW or chapter 70.116 RCW, proposals for interties commencing use after January 1, 1991, shall be incorporated into water system plans pursuant to chapter 43.20 RCW or coordinated water system plans pursuant to chapter 70.116 RCW and submitted to the department of health and the department of ecology or its successor for review and approval as provided for in subsections (5) through (9) of this section. The plan shall state how the proposed intertie will improve overall system reliability, enhance the manageability of the systems, provide opportunities for conjunctive use, or delay or avoid the need to develop new water sources.

(6) The department of health shall be responsible for review and approval of proposals for new interties. In its review the department of health shall determine whether the intertie satisfies the criteria of subsection (4) of this section, with the exception of water rights considerations, which are the responsibility of the department of ecology or its successor, and shall determine whether the intertie is necessary to address emergent public health or safety concerns associated with public water supply.

(7) If the intertie is determined by the department of health to be necessary to address emergent public health or safety concerns associated with public water supply, the public water system shall amend its water system plan as required and shall file an application with the department of ecology or

its successor to change its existing water right to reflect the proposed use of the water as described in the approved water system plan. The department of ecology or its successor shall process the application for change pursuant to RCW 90.03.380 or 90.44.100 as appropriate, except that, notwithstanding the requirements of those sections regarding notice and protest periods, applicants shall be required to publish notice one time, and the comment period shall be fifteen days from the date of publication of the notice. Within sixty days of receiving the application, the department of ecology or its successor shall issue findings and advise the department of health if existing water rights are determined to be adversely affected. If no determination is provided by the department of ecology or its successor within the sixty-day period, the department of health shall proceed as if existing rights are not adversely affected by the proposed intertie. The department of ecology or its successor may obtain an extension of the sixty-day period by submitting written notice to the department of health and to the applicant indicating a definite date by which its determination will be made. No additional extensions shall be granted, and in no event shall the total review period for the department of ecology or its successor exceed one hundred eighty days.

(8) If the department of health determines the proposed intertie appears to meet the requirements of subsection (4) of this section but is not necessary to address emergent public health or safety concerns associated with public water supply, the department of health shall instruct the applicant to submit to the department of ecology or its successor an application for change to the underlying water right or claim as necessary to reflect the new place of use. The department of ecology or its successor shall consider the applications pursuant to the provisions of RCW 90.03.380 and 90.44.100 as appropriate. The department of ecology or its successor shall not deny or limit a change of place of use for an intertie on the grounds that the holder of a permit has not yet put all of the water authorized in the permit to beneficial use. If in its review of proposed interties and associated water rights the department of ecology or its successor determines that additional information is required to act on the application, the department or its successor may request applicants to provide information necessary for its decision, consistent with agency rules and written guidelines. Parties disagreeing with the decision of the department of ecology ~~((or))~~ or its successor to approve or deny the application for change in place of use may appeal the decision to ((the pollution control hearings board)) an administrative law judge or a superior court as provided in section 45 of this act.

(9) The department of health may approve plans containing intertie proposals prior to the department of ecology's or its successor's decision on the water right application for change in place of use. However, notwithstanding such approval, construction work on the intertie shall not begin until the department of ecology or its successor issues the appropriate water right document to the applicant consistent with the approved plan.

PART IV WATER-RELATED ACTIONS AND APPEALS

Sec. 27. RCW 43.21A.070 and 1970 ex. s. c 62 s 7 are each amended to read as follows:

(1) The administrative procedure act, chapter 34.05 RCW, shall apply to the review of ~~((decisions))~~ a water quantity decision by the director ((to the same extent as it applied to decisions issued by the directors of the various departments whose powers, duties and functions are transferred by this 1970 amendatory act to the department of ecology)), the state engineer, or the water resource commissions when an administrative hearing is elected under section 45 of this act. The administrative procedure act shall further apply to all other decisions of the director ((as in chapter 34.05 RCW provided)) except as limited by RCW 43.21B.240. In any adjudicative proceeding commenced under chapter 34.05 RCW in response to a water quantity decision, an administrative law judge shall serve as the presiding officer for the hearing in accordance with RCW 34.05.425(3).

(2) For purposes of this section, a "water quantity decision" includes, but is not limited to, the following:

(a) A decision to grant or deny a permit or certificate for a right to the beneficial use of water or to amend, change, or transfer such a right;

(b) A decision to enforce the conditions of a permit for, or right to, the beneficial use of water or to require any person to discontinue the use of water; and

(c) A decision to establish a minimum flow or level for water under chapter 90.03, 90.22, or 90.54 RCW, or to reserve water for such a minimum flow or level.

(3) A water quantity decision includes any decision made by the department of ecology under subsection (2) of this section before July 1, 1996, and any decision made by the state engineer or the water resource commissions on or after July 1, 1996, as provided in chapter ..., Laws of 1995 (this act).

Sec. 28. RCW 34.05.425 and 1989 c 175 s 14 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, in the discretion of the agency head, the presiding officer in an administrative hearing shall be:

(a) The agency head or one or more members of the agency head;

(b) If the agency has statutory authority to do so, a person other than the agency head or an administrative law judge designated by the agency head to make the final decision and enter the final order; or

(c) One or more administrative law judges assigned by the office of administrative hearings in accordance with chapter 34.12 RCW.

(2) An agency expressly exempted under RCW 34.12.020(4) or other statute from the provisions of chapter 34.12 RCW or an institution of higher education shall designate a presiding officer as provided by rules adopted by the agency.

(3) The presiding officer in an administrative hearing for a water quantity decision, as defined in RCW 43.21A.070, when an administrative hearing is elected under section 45 of this act, shall be an administrative law judge assigned by the office of administrative hearings in accordance with chapter 34.12 RCW. The administrative law judge shall make the final decision and enter the final order for these hearings.

(4) Any individual serving or designated to serve alone or with others as presiding officer is subject to disqualification for bias, prejudice, interest, or any other cause provided in this chapter or for which a judge is disqualified.

~~((4))~~ (5) Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification.

~~((5))~~ (6) The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination.

~~((6))~~ (7) When the presiding officer is an administrative law judge, the provisions of this section regarding disqualification for cause are in addition to the motion of prejudice available under RCW 34.12.050.

~~((7))~~ (8) If a substitute is required for an individual who becomes unavailable as a result of disqualification or any other reason, the substitute must be appointed by the appropriate appointing authority.

~~((8))~~ (9) Any action taken by a duly appointed substitute for an unavailable individual is as effective as if taken by the unavailable individual.

Sec. 29. RCW 34.05.419 and 1988 c 288 s 404 are each amended to read as follows:

After receipt of an application for an adjudicative proceeding, other than a declaratory order, an agency shall proceed as follows:

(1) Except in situations governed by subsection (2) ~~((e))~~, (3), or (4) of this section, within ninety days after receipt of the application or of the response to a timely request made by the agency under subsection (2) of this section, the agency shall do one of the following:

(a) Approve or deny the application, in whole or in part, on the basis of brief or emergency adjudicative proceedings, if those proceedings are available under this chapter for disposition of the matter;

(b) Commence an adjudicative proceeding in accordance with this chapter; or

(c) Dispose of the application in accordance with RCW 34.05.416;

(2) Within thirty days after receipt of the application, the agency shall examine the application, notify the applicant of any obvious errors or omissions, request any additional information the agency wishes to obtain and is permitted by law to require, and notify the applicant of the name, mailing address, and telephone number of an office that may be contacted regarding the application;

(3) If the application seeks relief that is not available when the application is filed but may be available in the future, the agency may proceed to make a determination of eligibility within the time limits provided in subsection (1) of this section. If the agency determines that the applicant is eligible,

the agency shall maintain the application on the agency's list of eligible applicants as provided by law and, upon request, shall notify the applicant of the status of the application;

(4) After receipt of an application for an adjudicative proceeding under chapter 34.05 RCW in response to a water quantity decision, as defined in RCW 43.21A.070, the department of ecology, state engineer, or water resource commission shall within thirty days of the receipt of the application commence an adjudicatory proceeding in accordance with this chapter.

Sec. 30. RCW 34.05.461 and 1989 c 175 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order, or is an administrative law judge acting pursuant to RCW 34.05.425(3); and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in RCW 34.05.425. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(8) Initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(9) The presiding officer shall cause copies of the order to be served on each party and the agency.

Sec. 31. RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section (~~and RCW 36.70A.300(3)~~), proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal

place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

(3) For proceedings involving water quantity decisions, as defined in RCW 43.21A.070, the petition shall be filed in the superior court in the county that will be directly and immediately affected by the decision.

Sec. 32. RCW 34.05.530 and 1988 c 288 s 506 are each amended to read as follows:

A person has standing to obtain judicial review of agency action if that person is aggrieved or adversely affected by the agency action. An agency has standing to obtain judicial review of a final order if the final order is adverse to the agency and is issued by an administrative law judge acting pursuant to RCW 34.05.425(3). A person is aggrieved or adversely affected within the meaning of this section only when all three of the following conditions are present:

- (1) The agency action has prejudiced or is likely to prejudice that person;
- (2) That person's asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged; and
- (3) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the agency action.

Sec. 33. RCW 34.05.534 and 1988 c 288 s 507 are each amended to read as follows:

A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except:

- (1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, or have petitioned for its amendment or repeal;
- (2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; ~~((or))~~
- (3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that:
 - (a) The remedies would be patently inadequate;
 - (b) The exhaustion of remedies would be futile; or
 - (c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies; or
- (4) A petitioner for judicial review of a final order issued by an administrative law judge acting pursuant to RCW 34.05.425(3) need not exhaust any other administrative remedy.

Sec. 34. RCW 34.12.040 and 1981 c 67 s 4 are each amended to read as follows:

Whenever a state agency conducts a hearing which is not presided over by officials of the agency who are to render the final decision, the hearing shall be conducted by an administrative law judge assigned under this chapter. In any adjudicative proceeding commenced under chapter 34.05 RCW in response to a water quantity decision, as defined in RCW 43.21A.070, the hearing shall be conducted by an administrative law judge assigned under this chapter according to procedural rules developed by the chief administrative law judge. The chief administrative law judge shall ensure that hearings pertaining to water quantity decisions by the department of ecology will be conducted in the general area where the petitioner resides, or provide for the hearings to be conducted by telephone. In assigning administrative law judges, the chief administrative law judge shall wherever practical (1) use personnel having expertise in the field or subject matter of the hearing, and (2) assign administrative law judges primarily to the hearings of particular agencies on a long-term basis.

Sec. 35. RCW 43.21B.110 and 1993 c 387 s 22 are each amended to read as follows:

(1) The pollution control hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, the administrator of the office of marine safety, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, (~~90.03.600,~~) 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, (~~90.44.130,~~) and 90.48.120.

(c) The issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Any other decision by the department, the administrator of the office of marine safety, or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The jurisdiction of the pollution control hearings board is further limited as follows:

(a) The hearings board shall have no jurisdiction whatsoever to review water quantity decisions as defined in RCW 43.21A.070, to review orders pertaining to the relinquishment of a water right under RCW 90.14.130, or to review proceedings regarding general adjudications of water rights conducted under chapter 90.03 or 90.44 RCW.

(b) The following hearings shall not be conducted by the hearings board:

~~((a))~~ (i) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

~~((b))~~ (ii) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

~~((c))~~ Proceedings by the department relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW.

~~((d))~~ (iii) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 36. RCW 43.21B.130 and 1990 c 65 s 3 are each amended to read as follows:

The administrative procedure act, chapter 34.05 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions were transferred by section 6, chapter 62, Laws of 1970 ex. sess. to the department. Except with regard to water quantity decisions by the department, as defined in RCW 43.21A.070, which are appealable to a superior court or to an administrative law judge under section 45 of this act, and orders pertaining to the relinquishment of a water right under RCW 90.14.130, all other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be subject to review by the hearings board as provided in this chapter.

Sec. 37. RCW 43.21B.240 and 1989 c 175 s 105 are each amended to read as follows:

The department and air authorities shall not have authority to hold adjudicative proceedings pursuant to the Administrative Procedure Act, chapter 34.05 RCW, except with regard to water quantity decisions as defined in RCW 43.21A.070 that may be appealed to an administrative law judge as provided in RCW 34.05.425(3). ~~((Such))~~ All other hearings, except for water quantity decisions that are appealed to a superior court under section 45 of this act and appeals of orders pertaining to the relinquishment of a water right under RCW 90.14.130, shall be held by the pollution control hearings board.

Sec. 38. RCW 43.21B.300 and 1993 c 387 s 23 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, (~~90.03.600,~~) 90.48.144, 90.56.310, and 90.56.330 shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department, the administrator of the office of marine safety, or the local

air authority, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department, the administrator, or the authority for the remission or mitigation of the penalty. Upon receipt of the application, the department, the administrator, or authority may remit or mitigate the penalty upon whatever terms the department, the administrator, or the authority in its discretion deems proper. The department or the authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department, the administrator, or authority thirty days after receipt by the person penalized of the notice imposing the penalty or thirty days after receipt of the notice of disposition of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department or the administrator within thirty days after it becomes due and payable, the attorney general, upon request of the department or the administrator, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account, created by RCW 70.105.180, and RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390.

Sec. 39. RCW 43.21B.310 and 1992 c 73 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any order issued by the department, the administrator of the office of marine safety, or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.105D RCW, ~~((this is))~~ these are the exclusive means of appeal of such an order.

~~((2))~~ (a) The department, the administrator, or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

~~((3))~~ (b) At any time during the pendency of an appeal of such an order to the board or to an administrative law judge acting pursuant to RCW 34.05.425(3), the appellant may apply pursuant to RCW 43.21B.320 to the hearings board or administrative law judge for a stay of the order or for the removal thereof.

~~((4))~~ (c) Any appeal before the hearings board must contain the following in accordance with the rules of the hearings board:

~~((a))~~ (i) The appellant's name and address;

~~((b))~~ (ii) The date and docket number of the order, permit, or license appealed;

~~((c))~~ (iii) A description of the substance of the order, permit, or license that is the subject of the appeal;

~~((d))~~ (iv) A clear, separate, and concise statement of every error alleged to have been committed;

~~((e))~~ (v) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

~~((f))~~ (vi) A statement setting forth the relief sought.

~~((5))~~ (d) Upon failure to comply with any final order of the department or the administrator or the administrative law judge acting pursuant to RCW 34.05.425(3), the attorney general, on request of the department or the administrator, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

~~((6))~~ (e) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt.

(2) Water quantity decisions, as defined in RCW 43.21A.070, may not be appealed to the hearings board; they may be appealed either to an administrative law judge or to a superior court as provided in section 45 of this act. Appeals of orders pertaining to the relinquishment of a water right shall be filed in a superior court as provided by RCW 90.14.130.

Sec. 40. RCW 43.21B.320 and 1987 c 109 s 7 are each amended to read as follows:

(1) A person appealing to the hearings board, or to an administrative law judge acting pursuant to RCW 34.05.425(3), an order of the department or an authority, not stayed by the issuing agency, may obtain a stay of the effectiveness of that order only as set forth in this section.

(2) An appealing party may request a stay by including such a request in the appeal document, in a subsequent motion, or by such other means as the rules of the hearings board or the procedural rules developed by the chief administrative law judge for appeals made pursuant to RCW 34.05.425(3) shall prescribe. The request must be accompanied by a statement of grounds for the stay and evidence setting forth the factual basis upon which request is based. The hearings board or the administrative law judge shall hear the request for a stay as soon as possible. The hearing on the request for stay may be consolidated with the hearing on the merits.

(3) The applicant may make a prima facie case for stay if the applicant demonstrates either a likelihood of success on the merits of the appeal or irreparable harm. Upon such a showing, the hearings board or administrative law judge shall grant the stay unless the department or authority demonstrates either (a) a substantial probability of success on the merits or (b) likelihood of success on the merits and an overriding public interest which justifies denial of the stay.

(4) Unless otherwise stipulated by the parties, the hearings board or administrative law judge, after granting or denying an application for a stay, shall expedite the hearing and decision on the merits.

(5) Any party or other person aggrieved by the grant or denial of a stay by the hearings board may petition the superior court for Thurston county for review of that decision pursuant to chapter 34.05 RCW pending the appeal on the merits before the board. Any party or other person aggrieved by the grant or denial of a stay by an administrative law judge acting pursuant to RCW 34.05.425(3) may petition the superior court for the county that will be directly and immediately affected by the stay. The superior court shall expedite its review of the decision of the hearings board or administrative law judge.

Sec. 41. RCW 90.14.130 and 1987 c 109 s 13 are each amended to read as follows:

When it appears to the department of ecology that a person entitled to the use of water has not beneficially used his or her water right or some portion thereof, and it appears that ~~((said))~~ the right has or may have reverted to the state because of such nonuse, as provided by RCW 90.14.160, 90.14.170, or 90.14.180, the department of ecology shall notify such person by order: PROVIDED, That where a company, association, district, or the United States has filed a blanket claim under the provisions of RCW 90.14.060 for the total benefits of those served by it, the notice shall be served on such company, association, district or the United States and not upon any of its individual water users who may not have used the water or some portion thereof which they were entitled to use. The order shall contain: (1) A description of the water right, including the approximate location of the point of diversion, the general description of the lands or places where such waters were used, the water source, the amount involved, the purpose of use, and the apparent authority upon which the right is based; (2) a statement that unless sufficient cause be shown on appeal the water right will be declared

relinquished; and (3) a statement that such order may be appealed to ~~((the pollution control hearings board))~~ a superior court. Any person aggrieved by such an order may appeal it to ~~((the pollution control hearings board pursuant to RCW 43.21B.310))~~ the superior court in the county where the land is located upon which the water was used. Any such appeal to a superior court shall be de novo. The order shall be served by registered or certified mail to the last known address of the person and be posted at the point of division or withdrawal. The order by itself shall not alter the recipient's right to use water, if any.

Sec. 42. RCW 90.14.190 and 1987 c 109 s 14 are each amended to read as follows:

Any person feeling aggrieved by any water quantity decision ~~((of the department of ecology))~~ as defined in RCW 43.21A.070 may have the same reviewed ~~((pursuant to RCW 43.21B.310))~~ by an administrative law judge or a superior court under section 45 of this act. In any such review, the findings of fact as set forth in the report of the department of ecology shall be prima facie evidence of the fact of any waiver or relinquishment of a water right or portion thereof. If the ~~((hearings board))~~ administrative law judge affirms the decision of the department, a party seeks review in superior court of ~~((that hearings board))~~ the administrative law judge's decision pursuant to chapter 34.05 RCW, and the court determines that the party was injured by an arbitrary, capricious, or erroneous order of the department, the court may award reasonable attorneys' fees. An order regarding the relinquishment of a water right shall be appealed under RCW 90.14.130.

Sec. 43. RCW 90.14.200 and 1989 c 175 s 180 are each amended to read as follows:

(1) All matters relating to the implementation and enforcement of this chapter by the department of ecology shall be carried out in accordance with chapter 34.05 RCW, the Administrative Procedure Act, except where the provisions of this chapter expressly conflict with chapter 34.05 RCW. Proceedings held ~~((pursuant to))~~ under RCW 90.14.130 are ~~((adjudicative proceedings within the meaning of chapter 34.05 RCW. Final decisions of the department of ecology in these proceedings))~~ appealable to a superior court as provided in that section. Other final decisions of the department of ecology under this chapter are subject to review by an administrative law judge or a superior court in accordance with ~~((chapter 43.21B RCW))~~ section 45 of this act.

(2) RCW 90.14.130 provides nonexclusive procedures for determining a relinquishment of water rights under RCW 90.14.160, 90.14.170, and 90.14.180. RCW 90.14.160, 90.14.170, and 90.14.180 may be applied in, among other proceedings, general adjudication proceedings initiated under RCW 90.03.110 or 90.44.220: PROVIDED, That nothing herein shall apply to litigation involving determinations of the department of ecology under RCW 90.03.290 relating to the impairment of existing rights.

Sec. 44. RCW 90.66.080 and 1979 c 3 s 8 are each amended to read as follows:

The department is hereby empowered to promulgate such rules as may be necessary to carry out the provisions of this chapter. Decisions of the department, other than rule making, shall be subject to review by an administrative law judge or a superior court in accordance with ~~((chapter 43.21B RCW))~~ section 45 of this act.

NEW SECTION. Sec. 45. A new section is added to chapter 43.21B RCW to read as follows:

A person who is aggrieved or adversely affected by a water quantity decision, as defined in RCW 43.21A.070, may appeal the decision either to an administrative law judge under RCW 34.05.425(3) or directly to a superior court. Any direct appeal to a superior court as authorized by this section shall be de novo and must be filed in the superior court in the county that will be directly and immediately affected by the decision.

Sec. 46. RCW 43.27A.190 and 1987 c 109 s 11 are each amended to read as follows:

Notwithstanding and in addition to any other powers granted to the department of ecology, whenever it appears to the department that a person is violating or is about to violate any of the provisions of the following:

- (1) Chapter 90.03 RCW; or
- (2) Chapter 90.44 RCW; or
- (3) Chapter 86.16 RCW; or

(4) Chapter 43.37 RCW; or
(5) Chapter 43.27A RCW; or
(6) Any other law relating to water resources administered by the department; or
(7) A rule or regulation adopted, or a directive or order issued by the department relating to subsections (1) through (6) of this section; the department may cause a written regulatory order to be served upon said person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him. The order shall specify the provision of the statute, rule, regulation, directive or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other person so authorized by the department shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein. Any person aggrieved by such order may appeal the order pursuant to RCW 43.21B.310 unless the order is a water quantity decision as defined in RCW 43.21A.070, in which case it may be appealed to an administrative law judge or to a superior court as provided in section 45 of this act.

PART V TRANSFERS AND SPREADING

Sec. 47. RCW 90.03.380 and 1991 c 347 s 15 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That ~~((said))~~ the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and ~~((said))~~ the application shall not be granted until notice of ~~((said))~~ the application ~~((shall be))~~ is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial or operational integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district. The board of directors may approve such a change if the board determines that the change: Will not adversely affect the district's ability to deliver water to other landowners; will not require the construction by the district of diversion or drainage facilities unless the board finds that the construction by the district is in the interest of the district; will not impair the financial or operational integrity of the district; and is consistent with the contractual obligations of the district.

(4) Subsections (1), (2), and (3) of this section do not apply to a change regarding a portion of the water governed by a water right that is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right. The use within

an irrigation district of water supplied by the district and made surplus as provided in this subsection shall be regulated solely as provided by the board of directors of the irrigation district except as follows: Such a use requires the approval of the board of directors of the irrigation district or must otherwise be authorized by the board; the board may approve or authorize such a use only if the use does not impair the financial or operational integrity of the district; and water made surplus through a change in the crops grown with district-supplied water is not available for use as a matter of right by the individual water user making the change, but may be used by the board for the benefit of the district generally. The district's board of directors may approve or otherwise authorize under this subsection uses of such surplus water that result in the total irrigated acreage within the district exceeding the irrigated acreage recorded with the department for the district's water right if the board notifies the department of the change in the irrigated acreage within the district. Such a notification provides a change in the district's water right and, upon receiving the notification, the department shall revise its records for the district's right to reflect the change. The use of water other than irrigation district-supplied water that is made surplus as provided in this subsection is governed by section 48 of this act.

(5) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

(6) The department may not initiate relinquishment proceedings under chapter 90.14 RCW regarding a water right for which an application for a transfer or change is filed under this section for a period of two years after the date the department receives the filing.

NEW SECTION. Sec. 48. A new section is added to chapter 90.03 RCW to read as follows:

If a portion of the water governed by a water right is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right, the right to use the surplus water may be changed to use on other lands owned by the holder of the water right that are contiguous to the lands upon which the use of the water was authorized by the right before such a change. Such a change shall be made without loss of priority of the right. The holder of the water right shall notify the department of such a change. The notification provides a change in the holder's water right and, upon receiving the notification, the department shall revise its records for the water right to reflect the change.

This section does not apply to water supplied by an irrigation district.

Sec. 49. RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water (~~PROVIDED, HOWEVER, That such~~). An amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: ~~((4))~~ (a) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; ~~((2))~~ (b) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; ~~((3))~~ (c) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and ~~((4))~~ (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(2) This section does not apply to a change in use of a portion of the water governed by a ground water right that is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right. RCW 90.03.380(4) and section 48 of this act apply to water made surplus as provided in this subsection.

(3) The department may not initiate relinquishment proceedings under chapter 90.14 RCW regarding a water right for which an application for a transfer or change is filed under this section for a period of two years after the date the department receives the filing.

Sec. 50. RCW 90.03.290 and 1994 c 264 s 84 are each amended to read as follows:

When an application complying with the provisions of this chapter and with the rules and regulations of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public. If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit. The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance.

This section does not apply to changes made under section 48 of this act or to applications for transfers or changes made under RCW 90.03.380 or 90.44.100.

Sec. 51. RCW 90.44.445 and 1993 c 99 s 1 are each amended to read as follows:

In any acreage expansion program adopted by the department as an element of a ground water management program, the authorization for a water right certificate holder to participate in the program shall be on an annual basis for the first two years. After the two-year period, the department may authorize participation for ten-year periods. The department may authorize participation for ten-year periods for certificate holders who have already participated in an acreage expansion program for two years. The department may require annual certification that the certificate holder has complied with all requirements of the program. The department may terminate the authority of a certificate holder to

participate in the program for one calendar year if the certificate holder fails to comply with the requirements of the program.

This section applies only in an area with a ground water area or subarea management program in effect on the effective date of this section. The provisions of section 48 of this act, RCW 90.03.380, and 90.44.100 apply to transfers, changes, and amendments to permits or rights for the beneficial use of ground water in any other area.

NEW SECTION. Sec. 52. A new section is added to chapter 34.05 RCW to read as follows:

(1) Once the eastern or western Washington water resources commission receives a water resource plan submitted by a WRIA planning unit for advice and recommendations under section 12 of this act, the commission shall conduct at least one public hearing on the plan and shall provide notice of the hearing and proposed plan as provided in RCW 34.05.320 for the proposal of a rule. The commission shall maintain a file for the plan. Once the plan has been adopted by the counties in the WRIA under section 12 of this act and the plan has been submitted to the commission, the commission shall file the plan with the code reviser along with an order adopting the plan as rules. The code reviser shall cause the order and the water resource plan to be published in the Washington state register in the manner provided for the adoption of final rules and shall incorporate the plan into the Washington Administrative Code. No other aspect of this chapter that establishes procedures for the adoption of rules applies to the adoption of the plan by the commission.

(2) For the purposes of this section, "WRIA" has the meaning established in section 2 of this act.

NEW SECTION. Sec. 53. A new section is added to chapter 43.21A RCW to read as follows:

A rule, order, or directive of the department adopted or issued under chapter 86.16 or 43.37 RCW shall be adopted or issued in accordance with the administrative procedure act, chapter 34.05 RCW, and may be appealed as provided by chapter 43.21B RCW.

PART VI HYDRAULIC CONTINUITY AND INSTREAM FLOW

NEW SECTION. Sec. 54. A new section is added to chapter 90.44 RCW to read as follows:

(1) Section 55 of this act establishes criteria to guide the department in making determinations whether the water in wells is in hydraulic continuity with surface water. Section 55 of this act applies to all wells, and to all existing and proposed appropriations of ground water except exempt uses. The authority under section 55 of this act may be locally superseded by a WRIA plan adopted under section 12 of this act.

(2) For the purposes of this section and section 55 of this act:

(a) "Confined aquifer" means an aquifer in which ground water is under sufficient hydrostatic head to rise above the bottom of the overlying confining bed, whether or not the water rises above land surface.

(b) "Confining bed" means a layer of low permeability material immediately overlying a confined aquifer.

(c) "Department" means the department of ecology or its successor.

(d) "Director" means the director of ecology.

(e) "Hydraulic continuity" means that water can move between a surface water source and an adjacent aquifer.

(f) "Unconfined aquifer" means an aquifer in which the hydrostatic head at the upper surface of the ground water is atmospheric.

NEW SECTION. Sec. 55. A new section is added to chapter 90.44 RCW to read as follows:

For the purposes of permitting and distributing ground water, the hydraulic continuity of ground water with surface water shall be determined by the department.

(1) The department shall determine whether wells produce water from an unconfined or confined aquifer. Except for wells that satisfy the conditions in subsection (2) of this section, the department shall further determine whether the aquifer is hydraulically continuous to the surface water source. The basis of the determination shall be information provided on the water well report for any

well in question. If there is no water well report available or if the information provided is inadequate, the department shall make the determination on the basis of the best available information. Such information may include other water well reports, topographic maps, hydrogeologic maps or reports, water level and other pertinent data collected during a field inspection, or any other available data or information that is appropriate, including any that is provided by potentially affected parties.

(2) All wells located a horizontal distance less than one-fourth mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically continuous to the surface water source, unless the applicant or appropriator provides satisfactory information or demonstration to the contrary. Department staff may provide reasonable assistance to the applicant or appropriator in acquiring the satisfactory information.

(3) The department shall determine the horizontal distance between any well in question and the nearest surface water source on the basis of the edge of the surface water source as also determined by the department.

(4) All wells that produce water from an aquifer that is determined to be hydraulically continuous to a surface water source shall be assumed to have the potential to cause substantial interference with the surface water source if the existing or proposed ground water appropriation is within one of the following categories:

(a) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;

(b) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;

(c) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equal or exceeded eighty percent of the time, as determined or estimated by the department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source; or

(d) The ground water appropriation, if continued for a period of thirty days, would result in stream depletion greater than twenty-five percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source. Using the best available information, stream depletion shall be determined or estimated by the department, employing at least one of the following methods:

(i) Suitable equations and graphical techniques that are described in pertinent publications (such as "Computation of Rate and Volume of Stream Depletion by Wells", by C.T. Jenkins, in: "Techniques of Water-Resources Investigations of the United States Geological Survey: Book 4, Chapter D1");

(ii) A computer program or ground water model that is based on such or similar equations or techniques.

(5) Any wells, other than those covered in subsection (4) of this section, that produce water from an aquifer that is determined to be hydraulically continuous to the surface water source may be determined by the department to have the potential to cause substantial interference with the surface water source. In making this determination, the department shall consider at least the following factors:

(a) The potential for a reduction in streamflow or surface water supply; or

(b) The potential to impair or detrimentally affect the public interest as expressed by an applicable closure on surface water appropriation, minimum perennial streamflow, or instream water right with a senior priority date; or

(c) The percentage of the ground water appropriation that was, or would have become, surface water; or

(d) Whether the potential interference would be immediate or delayed; or

(e) The potential for a cumulative adverse impact on streamflow or surface water supply.

(6) All wells that produce water from an aquifer that is not hydraulically continuous to a surface water source shall be assumed not to interfere with the surface water source.

Sec. 56. RCW 90.22.010 and 1994 c 264 s 86 are each amended to read as follows:

~~((The department of ecology))~~ A WRIA plan adopted under section 12 of this act may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters

whenever it appears to be in the public interest to establish the same. (~~In addition, the department of ecology shall, when requested by the department of fish and wildlife to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or if the department of ecology finds it necessary to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request or determination. Any request submitted by the department of fish and wildlife shall include a statement setting forth the need for establishing a minimum flow or level. When the department acts to preserve water quality, it shall include a similar statement with the proposed rule filed with the code reviser.~~) This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of ecology or its successor agency in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

The current guidelines, standards, or criteria governing the instream flow programs established pursuant to this chapter shall not be altered or amended after March 15, 1988, in accordance with RCW 90.54.022(5).

Sec. 57. RCW 90.03.247 and 1994 c 264 s 82 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state (~~other than the department of ecology whose authority to establish is exclusive,~~) except as provided in (chapter 90.03 RCW and RCW 90.22.010 and 90.54.040) section 12 of this act. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. (~~In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fish and wildlife, the state energy office, the department of agriculture, and representatives of the affected Indian tribes.~~) Nothing herein shall preclude the commission, state engineer, department of ecology, department of fish and wildlife, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fish and wildlife, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs.

NEW SECTION. **Sec. 58.** The following acts or parts of acts are each repealed:

- (1) RCW 90.22.020 and 1994 c 264 s 87, 1987 c 506 s 97, 1985 c 196 s 1, 1984 c 7 s 384, & 1969 ex.s. c 284 s 4; and
- (2) RCW 90.22.060 and 1993 sp.s. c 4 s 13.

PART VII MISCELLANEOUS

NEW SECTION. **Sec. 59.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 60.** Sections 1 through 15, 23, and 24 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 61.** RCW 90.14.043 is decodified.

NEW SECTION. **Sec. 62.** RCW 43.21A.067 as amended by this act shall be recodified as a section in the new chapter created in section 60 of this act.

NEW SECTION. **Sec. 63.** The following acts or parts of acts are each repealed:

- (1) RCW 43.21A.064 and 1977 c 75 s 46 & 1965 c 8 s 43.21.130; and
- (2) RCW 90.54.030 and 1990 c 295 s 2, 1988 c 47 s 4, & 1971 ex.s. c 225 s 3.

NEW SECTION. Sec. 64. Sections 16, 17, 19 through 21, 53, and 61 through 63 of this act shall take effect July 1, 1996.

NEW SECTION. Sec. 65. Section 46 of this act shall expire July 1, 1996.

NEW SECTION. Sec. 66. Sections 22 and 54 though 58 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Correct the title accordingly.

Representative Chandler moved adoption of the following amendment to the striking amendment by Representative Chandler:

On page 6, line 32 of the amendment, after "level." insert "Such local planning is not required, but may be conducted as provided in this chapter."

On page 7, line 1, after "may" insert "choose to initiate water resource planning for the WRIA under this chapter and may"

On page 7, line 3, after "unit." strike "The" and insert "If it convenes the counties in this manner, the"

Representative Chandler spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Sheldon moved adoption of the following amendment to the striking amendment by Representative Sheldon:

On page 54, after line 13 of the amendment, insert the following:

"PART VII
GENERAL PERMITS

NEW SECTION. Sec. 57. The legislature finds that the present delay in the processing of water right applications is not beneficial to the citizens of the state nor is it in keeping with the goal of managing the resource to the highest possible standard and maximum net benefit.

The legislature further finds that water conservation efforts would be greatly enhanced by a permit system that encourages water right applicants to use only for the amount of water actually necessary to meet their needs.

NEW SECTION. Sec. 58. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall develop a general permit system for appropriating water for nonconsumptive, nonbypass uses. This system must be designed and used to accurately identify and register any water right application that qualifies for the streamlined process of appropriation of water by meeting the requirements in this section and registering the use. The general permit system must be applicable state-wide, and all waters of the state shall be eligible for coverage under the system. The evaluation and report required for an application under RCW 90.03.290 are not required for applications processed under the general permit system. For the purposes of this section:

(a) "Nonconsumptive, nonbypass use" means a use of water in which water is diverted from a stream or drawn from an aquifer and following its use is discharged back into or near the point of diversion or withdrawal without diminishment in quality and less than five thousand gallons of net consumption per day excluding evaporation, seepage, or recycling; and

(b) "Without diminishment of quality" means that, before being discharged back to its source, the water being discharged meets state water quality standards adopted under chapter 90.48 RCW.

(2) The department shall, by January 1, 1996, establish the general permit system by adopting rules in accordance with chapter 34.05 RCW. Before the adoption of rules for a system, the

department shall consult with representatives of the following interest groups: Agriculture; aquaculture; home construction and development; county government; city government; surface mining; and the environmental community. At least four public hearings must be held at various locations around the state. The rules must identify criteria for proposed uses of water for which applications might be processed under the system and must establish procedures for filing and processing applications and issuing water rights certificates under the general permit system.

(3) The fee for general permits authorized under chapter . . . , Laws of 1995 (this act) shall be two hundred fifty dollars.

NEW SECTION. Sec. 59. A new section is added to chapter 90.03 RCW to read as follows:

An application for registration as a nonconsumptive, nonbypass water user under the general permit system established under section 58 of this act must be made on a form adopted and provided by the department. Within sixty days of receipt of a completed application, the department shall determine whether the proposed use is eligible to be processed under the general permit system. If the department determines that the proposed use is eligible to be processed under the system, the application must be processed under the system within the next sixty days. The priority date of the water right established pursuant to this section shall be the date that the application is submitted. If the department determines that the proposed use is not eligible for the processing, the department shall explain to the applicant in writing the reasons for its determination. For a proposed use determined ineligible for the processing, if the department finds that the information contained on the application form substantially satisfies the information requirements for an application for a use that would normally be filed for processing the application outside of the general permit system, the department shall notify the applicant of its finding and shall process the application as if it were filed for processing outside of the system. If the department finds that the information does not substantially satisfy the requirements, the application must be considered to be incomplete for the processing and the applicant must be notified of this consideration.

NEW SECTION. Sec. 60. Nothing in sections 58 and 59 of this act authorizes the impairment or operates to impair any existing water rights. A water right holder under sections 58 and 59 of this act shall not make withdrawals that impair a senior water right. A holder of a senior water right who believes his or her water right is impaired may file a complaint with the department of ecology. Where such complaints of impairment have been received, the department of ecology shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties or through available administrative remedies."

Renumber the remaining sections and parts consecutively, correct any internal references accordingly, and correct the title.

Representatives Sheldon and Chandler spoke in favor of the adoption of the amendment to the striking amendment.

The amendment was adopted.

The striking amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1791.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1791, and the bill passed the House by the following vote: Yeas - 77, Nays - 19, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 77.

Voting nay: Representatives Appelwick, Chopp, Cody, Cole, Conway, Dickerson, Ebersole, Fisher, R., Jacobsen, Mason, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 19.

Excused: Representatives Blanton and Ogden - 2.

Engrossed Substitute House Bill No. 1791, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1523, by Representatives Boldt, Mulliken, Fuhrman, Goldsmith, Benton, Pennington, Stevens, Johnson, Sherstad, McMahan, Hargrove, Padden, Sheahan, Campbell, Chandler, D. Schmidt, Koster, Beeksma, Backlund and Smith

Requiring parental notice of abortion.

The bill was read the second time. On motion of Representative Padden, Substitute House Bill No. 1523 was substituted for House Bill No. 1523 and the substitute bill was placed on second reading.

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. I would ask for a ruling on the scope and object on the substitute to House Bill No. 1523.

There being no objection, the House deferred further consideration of House Bill No. 1523 and the bill held it's place on the second reading calendar.

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

MOTION

On motion of Representative Foreman, the House adjourned until 8:30 a.m., Tuesday, March 14, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SIXTY-FOURTH DAY, MARCH 13, 1995

JOURNAL OF THE HOUSE

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

SIXTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 14, 1995

The House was called to order at 8:30 by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joy Sehring, Anna Thompson, Megan Watson and Devin McGee, Girl Scouts of the United States of America. Prayer was offered by Representative Carlson.

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

There being no objection, the House immediately considered House Resolution No. 4636.

RESOLUTION

HOUSE RESOLUTION NO. 95-4636, by Representatives Romero, Chappell, Cooke, Quall, Ballasiotes, K. Schmidt, Mason, Chopp, Dellwo, Conway, Cody, Kremen, Robertson, Rust and Hatfield

WHEREAS, Tuesday, March 14, 1995, marks the first national GIRL SCOUTS' BE YOUR BEST DAY initiated by Girl Scouts of the United States of America, the world's largest voluntary organization for girls; and

WHEREAS, BE YOUR BEST DAY falls during Girl Scout Week, which commemorates the founding of the Girl Scout organization 83 years ago; and

WHEREAS, Girl Scouting has inspired generations of girls to improve the world around them in their homes, communities, and their society; and

WHEREAS, The values-based structure of Girl Scouting gives girls a solid foundation on which to build the rest of their lives; and

WHEREAS, Girl Scout programs act as a prevention tool by offering girls a safe environment in which to learn and have fun; and

WHEREAS, Girl Scouting's positive adult role models help girls see that women leaders are the norm and not the exception; and

WHEREAS, The all-girl setting of Girl Scouts helps a girl know that she can be all that she wants to be;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, that the members issue this call to action by urging every man, woman, and child in the state of Washington to join with the rest of the nation on GIRL SCOUTS' BE YOUR BEST DAY by pledging to be their individual best; and

BE IT FURTHER RESOLVED, That today each member of the House of Representatives pledges to do their best for the citizens of the state of Washington; and

BE IT FURTHER RESOLVED, That the members of the House of Representatives support the on-going work of Girl Scouts of the United States of America and the councils that serve the communities of the state of Washington; and

BE IT FURTHER RESOLVED, That the members of the House of Representatives do all they can in their home districts to promote the programs and ideals of Girl Scouting; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the five Girl Scout councils in the state of Washington.

Representative Romero moved adoption of the resolution.

Representatives Romero, Rust and Mason spoke in favor of adoption of the resolution.

House Resolution No. 4636 was adopted.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1083, by Representatives Carlson, Sommers, Sehlin, Cooke, Dellwo, Regala, Campbell, Conway, Kessler, Valle, Romero, Wolfe, Costa, Cody, Veloria, Mastin, Sheldon, Thibaudeau, Kremen, Dickerson, Poulsen, Mason, Scott, Quall, Basich, Morris, Chopp, Patterson, Appelwick and Tokuda

Modifying the cost of living allowance for retirement purposes.

The bill was read the second time. There being no objection, Substitute House Bill No. 1083 was substituted for House Bill No. 1083 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1083 was read the second time.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 13, line 25, strike "fifty-nine" and insert "sixty-two"

On page 23, line 5, strike "fifty-nine" and insert "sixty-two"

On page 23, after line 7, insert the following:

"**Sec. 11.** RCW 41.04.275 and 1994 c 298 s 6 are each amended to read as follows:

The pension funding account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the ~~((continuing))~~ costs of any state retirement system benefits ~~((in effect on July 1, 1993, consistent with section 919, chapter 24, Laws of 1993 s. 555)).~~"

On page 1, line 2 of the title, after "purposes," insert "amending RCW 41.04.275;"

Representatives Morris, G. Fisher and Ebersole spoke in favor of the adoption of the amendment.

Representatives Carlson and Cooke spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 13, line 25, to Substitute House Bill No. 1083, and the amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Campbell, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Scott, Sheldon, Smith, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 39.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

With the consent of the House, amendment number 234 to Substitute House Bill No. 1083 was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson, Sommers and Basich spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1083.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1083, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97. Voting nay: Representative Goldsmith - 1.

Substitute House Bill No. 1083, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1131, by Representatives Silver and G. Fisher; by request of Office of the Forecast Council

Changing provisions relating to economic assumptions for actuarial studies and retirement contribution rates.

The bill was read the second time.

Representative Silver moved adoption of the following amendment by Representative Silver:

On page 1, after line 19, insert the following:

"The council shall work with the department of retirement systems, the state actuary, and the executive director of the state investment board, and shall consider long-term historical averages, in developing the economic assumptions."

Representative Silver spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1131.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1131, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Engrossed House Bill No. 1131, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: House Bill No. 1486, Substitute House Bill No. 1645, House Bill No. 1724 and House Bill No. 2072.

There being no objection, the House resumed consideration of House Bill No. 1486.

SPEAKER'S RULING

Representative Appelwick, the Speaker is prepared to Rule on your Point of Order which challenges Substitute House Bill No. 1486 as being beyond the Scope and Object of House Bill No. 1486.

The title of both House Bill No. 1486 and Substitute House Bill No. 1486 is "AN ACT Relating to adult entertainment businesses. Both House Bill No. 1486 and Substitute House Bill No. 1486 amend the same sections of law and both add a new chapter to title 18 RCW. The Speaker finds that both House Bill No. 1486 and Substitute House Bill No. 1486 fit within the scope of the title to House Bill No. 1486.

House Bill No. 1486 has as its purpose the regulation of certain adult entertainment businesses. Section 2 of the bill defined the businesses to be regulated as those which regularly feature live performances of nude or seminude persons.

Substitute House Bill No. 1486 may very well be intended to combat many of the same problems as are caused by businesses which regularly feature live performances of nude or seminude

persons, but Substitute House Bill No. 1486 seeks to regulate "sexually oriented businesses" which include adult book stores and adult motion picture theaters, and other businesses which the Speaker believes are not known to regularly feature live performances of nude or seminude persons.

The Speaker finds that the object of Substitute House Bill No. 1486 is broader than the object of House Bill No. 1486.

Substitute House Bill No. 1486 is beyond the scope and object of House Bill No. 1486.

Representative Appelwick, Your Point of Order is well taken.

MOTION

Representative Padden moved that the House defer further consideration of House Bill No. 1486 and the bill held its place on the second reading calendar.

There being no objection, the House resumed consideration of Substitute House Bill No. 1645.

SPEAKER'S RULING

Representative K. Schmidt, the Speaker is prepared to Rule on your Point of Order which challenges Amendment 315 to Substitute House Bill No. 1645 as being beyond the Scope and Object of the bill.

The title of Substitute House Bill No. 1645 is "AN ACT Relating to transportation planning"

The title is broad. The bill amends several sections of chapter 36.70A RCW and adds a new section to chapter 47.06 RCW.

Amendment 315 to Substitute House Bill No. 1645 would add "airports that have scheduled air services" to the list of transportation facilities and services declared to be of state wide significance. The Speaker finds that this amendment is within the scope of the broad title of Substitute House Bill No. 1645.

The object of Substitute House Bill No. 1645 is to require that cities and counties when planning under the growth management act to include state owned transportation facilities in the transportation element of their comprehensive plans. In addition the bill provides that certain transportation facilities and services are of state wide significance. Many of the facilities declared to be of state wide significance are not owned or operated by the state.

Amendment 315 is related to the object of Substitute House Bill No. 1645.

The Speaker finds that Amendment 315 is not beyond the scope and object of the bill.

Representative K. Schmidt, Your Point of Order is not well taken.

Representative Valle you may continue.

Representative Silver moved adoption of the following amendment by Representative Valle:

On page 14, line 36, after "terminals," insert "airports that have scheduled air services,"

Representatives Silver and Mitchell spoke in favor of the adoption of the amendment.

Representative K. Schmidt spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment number 316 to Substitute House Bill No. 1645 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and R. Fisher spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1645.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1645, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Vloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Fisher, G., Hargrove, Patterson, Poulsen and Valle - 5.

Substitute House Bill No. 1645, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1724, by Representatives Reams, Rust, L. Thomas, Goldsmith, Ogden, Patterson, Poulsen, Scott, Regala, Mastin, Valle and Chopp; by request of Governor Lowry

Revising provisions relating to growth management.

The bill was read the second time.

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. I would request a ruling on the scope and object of the substitute to House Bill No. 1724.

SPEAKER'S RULING

Representative Appelwick, the Speaker is prepared to Rule on your Point of Order which challenges Substitute House Bill No. 1724 as being beyond the Scope and Object of House Bill No. 1724.

The title of both House Bill No. 1724 and Substitute House Bill No. 1724 is "AN ACT Relating to implementing the recommendations of the governor's task force on regulatory reform on integrating growth management planning and environmental review. This very specific title was followed by amendments to over 100 sections of the law spread throughout the revised code of Washington. The title of the bill requires that both the bill and the substitute address the issues that are in the recommendations of the governor's task force. The Speaker finds that both House Bill No. 1724 and Substitute House Bill No. 1724 are within the scope of the title of House Bill No. 1724.

The object of House Bill No. 1724 was to implement the recommendations of the governor's task force on regulatory reform and growth management.

The Speaker finds that while Substitute House Bill No. 1724 proposes some different answers to the issues raised by House Bill No. 1724 it has the same object as House Bill No. 1724; and that is addressing those issues.

If the Speaker were to rule that amendments to task force recommendations could not alter the proposed recommendations, task force reports would hold a status far above the rights that members have individually.

The Speaker finds that the object of Substitute House Bill No. 1724 is not beyond the object of House Bill No. 1724.

Representative Appelwick, Your Point of Order is not well taken.

There being no objection, Substitute House Bill No. 1724 was substituted for House Bill No. 1724 and the substitute bill was placed on second reading.

Substitute House Bill No. 1724 was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 57th Day, March 6, 1995).

With the consent of the House, amendment number 309 to Substitute House Bill No. 1724 was withdrawn.

Representative Reams moved adoption of the following amendment by Representative Reams:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development.

PART I - PLANNING AND ENVIRONMENTAL REVIEW

NEW SECTION. **Sec. 101.** In reviewing a development permit application and making permit decisions, a county or city planning under RCW 36.70A.040 shall rely on its development regulations and comprehensive plan to determine permitted land uses, including conditional and special uses, allowable densities, system improvements related to the proposal if the comprehensive plan and development regulations provide for funding of these improvements, and other matters. During the project review the county or city shall not reexamine alternatives to or hear appeals on these matters, except for code interpretation.

A proposed project's consistency with development regulations shall be determined by the county or city considering the type of land use, the level of development, infrastructure, including public facilities and public services needed to serve the development, and the character of development, such as design and development standards. Determination of a project's consistency does not require documentation or use of any specific procedure.

Specific project design and conditions relating to the character of development, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable, shall be identified during the project review.

If the conditions of section 103 of this act are met, the requirements for environmental analysis and mitigation measures in development regulations are presumed to provide adequate mitigation for the specific adverse environmental impacts to which the requirements apply. Permitting agencies shall continue to have the authority to approve, condition, or deny projects as provided in their development regulations and in their policies adopted under RCW 43.21C.060.

NEW SECTION. **Sec. 102.** A new section is added to chapter 36.70A RCW to read as follows:

Project review by a county or city planning under RCW 36.70A.040 shall be used to make individual project decisions, not land use planning decisions. If, during project review, a county or city identifies deficiencies in plans or regulations, the project review shall continue and shall not be used as a comprehensive planning process, but any deficiencies in the comprehensive plan or

development regulations shall be noted for consideration during the periodic review of the comprehensive plan and development regulations. Procedures shall include allowing persons to suggest changes in the comprehensive plan and development regulations.

For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable site-specific adverse environmental impacts that the permitting agency could mitigate in the normal project review process.

NEW SECTION. Sec. 103. A new section is added to chapter 43.21C RCW to read as follows:

(1) The legislature finds that a wide range of environmental subjects and impacts have been addressed by counties, cities, and towns in comprehensive plans and development regulations adopted under chapter 36.70A RCW, and by the state and federal government in environmental rules and laws. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation. When existing plans, regulations, rules, or laws provide environmental analysis and mitigation measures for the specific adverse environmental impacts of proposed projects, these requirements should be integrated with, and should not be duplicated by, environmental review under this chapter. The legislature reaffirms that a primary role of environmental review under this chapter is to focus on the gaps and overlaps that may exist, taking into account the other laws and requirements. Review of project actions in counties, cities, and towns planning under RCW 36.70A.040 should integrate environmental review with project review and not use this chapter to substitute for other land use planning and environmental requirements.

A county or city planning under RCW 36.70A.040 shall attempt to prepare an enhanced detailed statement, or enhanced environmental analysis, of its proposed comprehensive plan, subarea plans, and development regulations that is of sufficient detail in addressing impacts and alternatives to allow the detailed statement to be used in whole or in part by applicants for development permits within the geographic area covered by the statement.

(2) In reviewing a project action, a county, city, or town planning under RCW 36.70A.040 shall presume that requirements for environmental analysis, protection, and mitigation measures in development regulations, comprehensive plans, and other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply, and shall not conduct environmental analysis or impose mitigation under this chapter if the following has occurred:

(a)(i) The local government has considered the probable adverse environmental impacts of the proposed action and has determined that these impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws; and

(ii) The local government has based or conditioned its approval on compliance with these requirements or mitigation measures.

(b) If the requirements of (a) of this subsection are not satisfied for some or all of the probable adverse environmental impacts of the project action, environmental review under this chapter shall be limited to those impacts and their effect on and relationship with other impacts, if any, consistent with the intent of this section, and shall be subject to the provisions of RCW 43.21C.060.

(3) For a county, city, or town planning under RCW 36.70A.040, project review shall not require additional environmental analysis or mitigation if the comprehensive plans, subarea plans, or development regulations already address a project's probable site-specific adverse environmental impacts, as determined under subsection (2) of this section. If a comprehensive plan, subarea plan, or development regulation adopted pursuant to chapter 36.70A RCW does not address a project's probable site-specific adverse environmental impacts, project review shall be integrated with environmental analysis under this chapter.

(4) The addressing of impacts in a comprehensive plan, subarea plan, or development regulation shall include but not be limited to the adoption or designation of levels of service, land use designations, or development standards.

(5) In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a

specific environmental impact, the local government shall consult with that agency and may expressly defer to that agency. In making this deferral, the local government shall base or condition its project approval on compliance with these other existing rules or laws.

Sec. 104. RCW 43.21C.075 and 1994 c 253 s 4 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement) ~~(, consistent with any state statutory requirements for appeals to local legislative bodies)~~. The appeal proceeding on a determination of significance ~~(/nonsignificance)~~ may occur before the agency's final decision on a proposed action. Such an appeal shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous ~~((appeal of an))~~ hearing before one hearing officer or body to consider the agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the ~~((threshold determination))~~ appeal, if any, of a determination of significance as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) ~~((RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter.))~~ Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This ~~((section))~~ subsection does not modify any such time periods. ~~((This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action.))~~ In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within ~~((thirty days))~~ such time period. The agency shall give official notice stating the date and place for commencing an appeal. ~~((If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the~~

~~responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.)~~

~~(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 (may be used. If a notice of action) is used, ((judicial)) appeals shall be commenced within the time period specified by RCW 43.21C.080(, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.~~

~~(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period).~~

~~(6)(a) Judicial review under subsection (3) of this section of an appeal decision made by an agency under ((RCW 43.21C.075(5))) subsection (3) of this section shall be on the record, consistent with other applicable law.~~

~~(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.~~

~~(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.~~

~~(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.~~

~~(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) and (3)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.~~

~~(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.~~

Sec. 105. RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter. In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be

treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

(2)(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

Sec. 106. RCW 43.21C.110 and 1983 c 117 s 7 are each amended to read as follows:

It shall be the duty and function of the department of ecology (~~(, which may utilize proposed rules developed by the environmental policy commission)~~):

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter (~~((the state environmental policy act of 1974))~~), subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (~~((the state environmental policy act of 1974))~~):

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is determined to be categorically exempted under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in section 103 of this act. The rules and procedures shall be jointly developed with the department of community, trade, and economic development and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include criteria to analyze the consistency of project actions, including planned actions under RCW 43.21C.031(2), with development regulations adopted pursuant to chapter 36.70A RCW, or in the absence of applicable development regulations, the appropriate elements of a comprehensive plan or subarea plan adopted pursuant to chapter 36.70A RCW. Ordinances or procedures adopted by a county, city, or town to implement the provisions of section 103 of this act prior to the effective date of rules adopted pursuant to this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted pursuant to this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW ((34.05.538 and 34.05.240)).

Sec. 107. RCW 43.21C.080 and 1977 ex.s. c 278 s 1 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in ((subsection (3) of this section and in the following manner)) rules adopted pursuant to RCW 43.21C.110:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of ~~((last))~~ first newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

~~(2)((a))~~ Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent government action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within ~~((thirty))~~ twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred~~((:- PROVIDED, HOWEVER, That the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or (ii) for thermal power plant projects: PROVIDED FURTHER, That))~~.

Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts beyond the range of impacts previously analyzed, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.

~~((b))~~ Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.

~~(3)~~ The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:

NOTICE OF ACTION BY

.....
(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:

The (Government agency or entity) did on (date), take the action described below.

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within days or be barred.

The action taken by (Government agency or entity), notice of which is hereby given, was as follows:

(1) (Here insert description of action taken such as: Adoption Ordinance No.; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) (Here insert brief description of the complete project or proposal.)

(3) Said action pertained to property commonly known as:

(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: located at:

(Location, including room number)

(Name of government agency, proponent, or applicant giving notice)

Filed by—

(Signature of individual and capacity in which such individual is signing))

NEW SECTION. **Sec. 108.** A new section is added to chapter 36.70A RCW to read as follows:

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, a growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

Sec. 109. RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each amended to read as follows:

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. The public participation program and procedures shall apply to a response made by a county or city to a decision by a growth management hearings board under RCW 36.70A.300 that the comprehensive plan or development regulations were not in compliance with this chapter. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

Sec. 110. RCW 36.70A.300 and 1991 s.s. c 32 s 11 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand, unless the board's final order also:

(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(3) A determination of invalidity shall:

(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order; and

(b) Subject any development application that would otherwise vest after the date of the board's order to the development regulations in effect pursuant to subsection (2) or (4) of this section.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision as provided in RCW 34.05.514 to ((Thurston county)) superior court within thirty days of the final order of the board.

Sec. 111. RCW 36.70A.330 and 1991 s.s. c 32 s 14 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(1)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board(~~(, on its own motion or motion of the petitioner,))~~ shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, city, or county. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall also reconsider its final order and decide:

(a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or

(b) If no determination of invalidity has been made, whether one now should be made under the standards in RCW 36.70A.300(2).

The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

NEW SECTION. Sec. 112. A new section is added to chapter 36.70A RCW to read as follows:

A city planning under RCW 36.70A.040 that operates public facilities and services shall serve within its service area if service is technically feasible and in compliance with local regulations.

Such a city that provides water or sewer service outside of its corporate boundaries shall not require, as a condition of providing water or sewer service that the property owner who has requested the water or sewer service agree to: (1) Lot sizes different from those authorized by the county or city within whose planning jurisdiction the property is located; or (2) other development or design requirements that are not required by the county or city within whose planning jurisdiction the property is located.

NEW SECTION. Sec. 113. A new section is added to chapter 36.70A RCW to read as follows:

Nothing in this chapter shall preclude public sanitary sewer systems and public domestic water systems designed for and serving rural uses in areas included within the rural area designated under RCW 36.70A.070(5).

NEW SECTION. Sec. 114. A new section is added to chapter 36.70A RCW to read as follows:

Urban growth areas designated under RCW 36.70A.110 shall include transition areas that are designed to eventually have urban growth but which are temporarily zoned to lower densities and lower intensities of land use.

Sec. 115. RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) For purposes of RCW 36.70A.065 and 36.70A.440, "development permit application" means any application for a development proposal for a use that could be permitted under a plan adopted pursuant to this chapter and is consistent with the underlying land use and zoning, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or other applications pertaining to land uses, but shall not include rezones, proposed amendments to comprehensive plans or the adoption or amendment of development regulations.

(8) "Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

(9) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(10) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(11) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(12) "Minerals" include gravel, sand, and valuable metallic substances.

(13) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(14) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(15) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(16) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(17) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(18) "Wetland" or "wetlands" means areas ~~((that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city))~~ defined as wetlands under section 401 of the clean water act, 33 U.S.C. Sec. 1344. Wetlands do not include inadvertent wetlands unintentionally created after July 1, 1990, as a result of development activity, including the construction of roads, streets, or highways.

Sec. 116. RCW 90.58.020 and 1992 c 105 s 1 are each amended to read as follows:

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the

state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and ((wetlands)) shorelands of the state shall be recognized by the department. Shorelines and ((wetlands)) shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and ((wetlands)) shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Sec. 117. RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) Administration:
 - (a) "Department" means the department of ecology;
 - (b) "Director" means the director of the department of ecology;
 - (c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;
 - (d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;
 - (e) "Hearing board" means the shoreline hearings board established by this chapter.
- (2) Geographical:
 - (a) "Extreme low tide" means the lowest line on the land reached by a receding tide;
 - (b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;
 - (c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;
 - (d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated ((wetlands)) shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;
 - (e) "Shorelines of state-wide significance" means the following shorelines of the state:
 - (i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;
 - (ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:
 - (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,
 - (B) Birch Bay--from Point Whitehorn to Birch Point,
 - (C) Hood Canal--from Tala Point to Foulweather Bluff,
 - (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and
 - (E) Padilla Bay--from March Point to William Point;
 - (iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those ~~((wetlands))~~ shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "~~((Wetlands))~~ Shorelands" or "~~((wetland))~~ shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all ~~((marshes, bogs, swamps,))~~ wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology ~~((:- PROVIDED, That))~~. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas defined as wetlands under section 401 of the clean water act, 33 U.S.C. Sec. 1344. Wetlands do not include inadvertent wetlands unintentionally created after July 1, 1990, as a result of development activity, including the construction of roads, streets, or highways.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on ~~((wetlands))~~ shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels ~~((:- PROVIDED, That))~~. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the ~~((wetlands))~~ shorelands by

leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on ~~((wetlands))~~ shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system(;-

~~(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge)).~~

Sec. 118. RCW 90.58.050 and 1971 ex.s. c 286 s 5 are each amended to read as follows:

This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter. The department shall act primarily in a supportive and review capacity with ~~((primary))~~ an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter.

Sec. 119. RCW 90.58.060 and 1971 ex.s. c 286 s 6 are each amended to read as follows:

(1) ~~((Within one hundred twenty days from June 1, 1971,))~~ The department shall ~~((submit to local governments proposed))~~ periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

(a) Development of master programs for regulation of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from ((receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

(3) ~~Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.~~

~~(4) Within sixty days thereafter public hearings shall be held by))~~ the date the proposal has been published in the register.

~~(b) The department ((in Olympia and Spokane, at which interested public and private parties shall have the opportunity)) shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of ((such)) the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.~~

~~(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.~~

~~((5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines.))~~ (3) The department may propose amendments to the guidelines not more than once each year. At least once every five years the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.

Sec. 120. RCW 90.58.080 and 1974 ex.s. c 61 s 1 are each amended to read as follows:

Local governments ~~((are directed with regard to shorelines of the state within their various jurisdictions as follows:~~

~~(1) To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;~~

~~(2) To~~) shall develop or amend, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department.

Sec. 121. RCW 90.58.090 and 1971 ex.s. c 286 s 9 are each amended to read as follows:

~~(1) A master program((s or segments thereof)), segment of a master program, or an amendment to a master program shall become effective when ((adopted or)) approved by the department ((as appropriate)). Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.~~

~~(2) Upon receipt of a proposed master program or amendment, the department shall:~~

~~(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;~~

~~(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;~~

~~(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;~~

~~(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to accomplish the purposes for which it was submitted and the requirements of this chapter. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;~~

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

~~((1) As to those segments of the master program relating to shorelines, they shall be approved by))~~

(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. (If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.

~~(2) As to))~~ (4) The department shall approve those segments of the master program relating to shorelines of state-wide significance ((the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not)) only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the state-wide interest. ((If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.)) If the department does not approve a segment of a local government master program relating to a shoreline of state-wide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

~~((3))~~ (5) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(6) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

Sec. 122. RCW 90.58.100 and 1992 c 105 s 2 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted ~~((and))~~ or approved by the department ~~((, as appropriate,))~~ shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

Sec. 123. RCW 90.58.120 and 1989 c 175 s 182 are each amended to read as follows:

All rules, regulations, (~~master programs,~~) designations, and guidelines, issued by the department, and master programs and amendments adopted by the department pursuant to RCW 90.58.070(2) or 90.58.090(4) shall be adopted or approved in accordance with the provisions of RCW

34.05.310 through 34.05.395 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the ~~((approval or))~~ adoption by the department of a master program, or portion thereof pursuant to RCW 90.58.070(2) or 90.58.090(4), at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations, or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county ~~((auditor))~~ and city ~~((clerk))~~. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

Sec. 124. RCW 90.58.140 and 1992 c 105 s 3 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and ~~((the provisions of))~~ this chapter ~~((90.58 RCW))~~.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection ~~((13))~~ (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that ~~((:~~

~~((a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and~~

~~((b) Additional))~~ notice of ~~((such an))~~ the application is given by at least one of the following methods:

~~((i))~~ (a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

~~((ii))~~ (b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

~~((iii))~~ (c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive ~~((a copy))~~ notification of the final ~~((order))~~ decision concerning an application as expeditiously as possible after the issuance of the ~~((order))~~ decision, may submit the comments or requests for ~~((orders))~~ decisions to the local government within thirty days of the last date the notice is to be published pursuant to ~~((subsection (a) of))~~ this subsection. The local government shall forward, in a timely manner following the issuance of ~~((an order))~~ a decision, a copy of the ~~((order))~~ decision to each person who submits a request for the ~~((order))~~ decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if

the proceedings were initiated within ~~((thirty))~~ twenty-one days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

~~(b) Construction may be commenced thirty days after the date the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within ~~((thirty))~~ twenty-one days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW~~((, the permittee))~~. The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction ~~((may begin))~~ pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would ~~((not))~~ involve a significant, irreversible damaging of the environment, the court ~~((may allow))~~ shall prohibit the permittee ~~((to begin))~~ from commencing the construction pursuant to the approved or revised permit ~~((as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts))~~ until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;~~

~~(c) ((If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;~~

~~(d))~~ If the permit is for a substantial development meeting the requirements of subsection ~~((13))~~ (11) of this section, construction pursuant to that permit may not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), or (c)~~((, or (d))~~ of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ~~((ruling))~~ decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection ~~((12))~~ (10) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection ~~((12))~~ (10) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In

any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

~~(10) ((A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:~~

~~(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and~~

~~(b) The development is completed within two years after June 1, 1971.~~

~~(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.~~

~~(12)) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.~~

~~((13)) (11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:~~

~~(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;~~

~~(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and~~

~~(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.~~

~~(b) For purposes of this section, a limited utility extension means the extension of a utility service that:~~

~~(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;~~

~~(ii) Will serve an existing use in compliance with this chapter; and~~

~~(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.~~

Sec. 125. RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a ~~((request for the same))~~ petition for review within ~~((thirty))~~ twenty-one days of the date of filing as defined in RCW 90.58.140(6).

~~((Concurrently with))~~ Within seven days of the filing of any ~~((request))~~ petition for review with the board as provided in this section pertaining to a final ~~((order))~~ decision of a local government, the ~~((requestor))~~ petitioner shall ~~((file a copy))~~ serve copies of ~~((his or her request with))~~ the petition on the department and the office of the attorney general. ~~((If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney~~

~~general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the request. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor.)~~ The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the ((request)) petition for review filed pursuant to this section. The shorelines hearings board shall ((initially)) schedule review proceedings on ((such requests)) the petition for review without regard as to whether ((such requests have or have not been certified or as to whether)) the period for the department or the attorney general to intervene has or has not expired((, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule)).

(2) The department or the attorney general may obtain review of any final ((order)) decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written ((request)) petition with the shorelines hearings board and the appropriate local government within ((thirty)) twenty-one days from the date the final ((order)) decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be waived by the parties or may be extended by the board for a period of thirty days upon a showing of good cause.

~~(4) ((A local government may appeal to the shorelines hearings board))~~ Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

~~((If the board))~~ (5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or
- (d) Was developed without fully considering and evaluating all material submitted to the department ~~((by the local government))~~ during public review and comment; or
- (e) Was not adopted in accordance with required procedures~~((:)).~~

(6) If the board makes a determination under subsection (5) (a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision. ((Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

~~(5) Rules, regulations, and guidelines)~~ (7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to ((RCW 34.05.570(2)). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is)) chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ((three months)) thirty days after the date of final decision by the shorelines hearings board.

Sec. 126. RCW 90.58.190 and 1989 c 175 s 184 are each amended to read as follows:

~~(1) ((The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.)) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(4) is governed by RCW 34.05.510 through 34.05.598.~~

~~(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.~~

~~(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment for compliance with the requirements of this chapter and chapter 36.70A RCW, the policy of RCW 90.58.020 and the applicable guidelines, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.~~

~~(c) If the appeal to the growth management hearings board concerns a shoreline of state-wide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.~~

~~(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.~~

~~(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.~~

~~(3)(a) Except as provided in subsection (2) of this section, any local government not planning under RCW 36.70A.040 that is aggrieved by the department's decision to approve, reject, or modify ((a)) its proposed master program or master program ((adjustment)) amendment may appeal the department's decision by filing a petition to the shorelines hearings board within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).~~

~~(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program ((adjustment)) amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's ((adjustment)) master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.~~

~~(c) In an appeal relating to shorelines of state-wide significance, the shorelines hearings board shall uphold the decision by the department unless ((a local government shall)) the board determines, by clear and convincing evidence ((and argument, persuade the board)) that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.~~

~~(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.~~

~~(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program ((adjustment)) amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to ((the)) superior court ((of Thurston county)) as provided in chapter 34.05 RCW.~~

~~((3)) (4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program ((adjustment)) amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program ((adjustment)) amendment.~~

Sec. 127. RCW 34.05.461 and 1989 c 175 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order; and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in RCW 34.05.425. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(8)(a) Except as otherwise provided in (b) of this subsection, initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(b) This subsection does not apply to the final order of the shorelines hearings board on appeal under RCW 90.58.180(3).

(9) The presiding officer shall cause copies of the order to be served on each party and the agency.

Sec. 128. RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section (~~and RCW 36.70A.300(3)~~), proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

NEW SECTION. Sec. 129. A new section is added to chapter 36.70A RCW to read as follows:

For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. The comprehensive plan of a county or city planning under RCW 36.70A.040 must also include a separate shorelines element consisting of the goals, policies, and use guidelines segments of the shoreline master program adopted under chapter 90.58 RCW. All other portions of the shoreline master program, including regulations, shall be considered part of the county's or city's development regulations.

The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the procedures set forth in this chapter for the adoption of a comprehensive plan and development regulations, including approval by the department of ecology, except that an appeal from the actions by the department of ecology are appealable to the appropriate growth management hearings board rather than the shorelines hearings board.

Sec. 130. RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each amended to read as follows:

(1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year except under the following circumstances:

(i) The initial adoption of a subarea plan; and

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW.

(b) All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation, a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

Sec. 131. RCW 36.70A.290 and 1994 c 257 s 2 and 1994 c 249 s 26 are each reenacted and amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

Sec. 132. RCW 36.70A.320 and 1991 s.s. c 32 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter.

(2) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

Sec. 133. RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions shall apply (~~in RCW 82.02.050 through 82.02.090~~) throughout this chapter:

(1) "Development" means any proposed change in use of land for which review of environmental impacts is required under chapter 43.21C RCW, any proposed construction or expansion of a building, structure, or use, or any proposed change in use of a building or structure.

(2) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

~~((2))~~ (3) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

~~((3))~~ (4) "Environmental analysis" means review under chapter 43.21C RCW of environmental impacts of an action required or authorized by chapter 36.70A RCW.

(5) "Environmental analysis fees" means a payment of money imposed on development as a condition of development approval to pay for environmental analysis needed to establish the system capacity projected to accommodate implementation of a comprehensive plan adopted under chapter 36.70A RCW.

(6) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

~~((4))~~ (7) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

~~((5))~~ (8) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

~~((6))~~ (9) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and

convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town shall be considered a project improvement.

~~((7))~~ (10) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.

~~((8))~~ (11) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

~~((9))~~ (12) "System capacity" means the capacity of a county, city, or town to accommodate new development determined by the limiting capacities of specific natural or built systems identified in the comprehensive plan adopted pursuant to RCW 36.70A.040.

(13) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION. Sec. 134. A new section is added to chapter 82.02 RCW to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and in chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision has the right to impose taxes of that nature.

Sec. 135. RCW 82.02.020 and 1990 1st ex.s. c 17 s 42 are each amended to read as follows:

~~((Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature.))~~ (1) Except as provided in ~~((RCW 82.02.050 through 82.02.090))~~ this chapter, ~~((no))~~ a county, city, town, or other municipal corporation shall not impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

(2) This section does not prohibit voluntary agreements with ~~((counties, cities, towns))~~ a county, city, town, or other municipal corporation(s) that allows a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

~~((1))~~ (a) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

~~((2))~~ (b) The payment shall be expended in all cases within five years of collection; and

~~((3))~~ (c) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

~~((No))~~ (3) A county, city, town, or other municipal corporation shall not require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

(4)(a) Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

(b) This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

(c) Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges(~~(:- PROVIDED, That)~~). No such charge (~~(shall)~~) may exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged(~~(:- PROVIDED FURTHER, That)~~). These provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

(d) Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

(e) Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

(f) Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

(5) This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION. Sec. 136. (1) The legislature finds that:

(a) As of the effective date of this section, twenty-nine counties and two hundred eight cities are conducting comprehensive planning under the growth management act, chapter 36.70A RCW, which together comprise over ninety percent of the state's population;

(b) Comprehensive plans for many of the jurisdictions were due by July 1, 1994, and the remaining jurisdictions must complete plans under due dates ranging from October 1994 to September 1997;

(c) Concurrently with these comprehensive planning activities, local governments must conduct several other planning requirements under the growth management act, such as the adoption of capital facilities plans, urban growth areas, and development regulations;

(d) Local governments must also comply with the state environmental policy act, chapter 43.21C RCW, in the development of comprehensive plans;

(e) The combined activities of comprehensive planning and the state environmental policy act present a serious fiscal burden upon counties, cities, and towns;

(f) This fiscal burden will be experienced over a relatively short period of time, whereas the benefits of growth management and environmental protection achieved through the comprehensive plans will accrue to each area over a much longer period in the future; and

(g) The revenues from fees assessed at the time of county, city, or town government approval of projects that are consistent with the comprehensive plan may provide the basis for these local governments to issue both general obligations and revenue obligations in order to provide the early funding necessary to carry out their comprehensive planning and accompanying environmental analysis responsibilities.

(2) Therefore it is the intent of the legislature by enacting this chapter to authorize counties, cities, and towns planning under RCW 36.70A.040 to assess environmental analysis fees at the time of project review, issue both general indebtedness and revenue indebtedness payable from the environmental analysis fees, and assist in financing the enhanced environmental review of comprehensive plans, subarea plans, and development regulations.

NEW SECTION. Sec. 137. (1) A county, city, or town planning under RCW 36.70A.040 may impose environmental analysis fees on development to partially finance the enhanced environmental analysis of its comprehensive plan, subarea plans, and development regulations, as provided in section 103 of this act.

(2) Environmental analysis fees may not be assessed or collected on development that is categorically exempt from a threshold determination under chapter 43.21C RCW.

(3) Environmental analysis fees shall be proportionate to the amount of system capacity or capacities projected to be consumed by the new development.

(4) Environmental analysis fees shall be collected and spent only for the costs of environmental analysis upon which the system capacity forecast in a comprehensive plan adopted pursuant to RCW 36.70A.070 or subarea plan is based.

(5) Environmental analysis fees shall not be used to recover more than seventy-five percent of the costs previously incurred by a county, city, or town for environmental analysis required to establish the system capacity forecast in a comprehensive plan or subarea plan.

NEW SECTION. Sec. 138. A county, city, or town in its ordinance establishing environmental analysis fees shall:

(1) Include a schedule of environmental analysis fees based upon a formula or other method of calculating such fees. The formula or calculation shall incorporate at least the following:

(a) The amount of system capacity to be used by the new development;

(b) The total cost of environmental analysis required to establish the system capacity forecast in the comprehensive plan; and

(c) The amount of the total cost of environmental analysis allocated to each capacity element used to determine the amount of the fee;

(2) Allow the county, city, or town to adjust the standard fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that environmental analysis fees are imposed fairly;

(3) Not assess or collect environmental analysis fees to recover costs of environmental analysis that have already been fully recovered through environmental impact fees or through other sources.

NEW SECTION. Sec. 139. A county, city, or town planning under RCW 36.70A.040 may issue general obligations and revenue obligations payable from environmental analysis fees to assist in financing the enhanced environmental review of comprehensive plans, subarea plans, and development regulations that is in sufficient detail to allow the environmental impact statement to be used in whole or in part by an applicant for a development within the geographic area covered by the plan or regulations that receives the enhanced environmental review. The comprehensive plan, subarea plan, or development regulations must include mechanisms to monitor the usefulness of the enhanced environmental review by applicants for development permits authorizing development consistent with the plan and regulations.

The obligations issued to finance the enhanced environmental review may not have a maturity in excess of ten years. The obligations shall be issued as provided in chapter 39.46 RCW.

At least twenty-five percent of the funding for the enhanced environmental review must come from sources other than the environmental analysis fees.

NEW SECTION. Sec. 140. A new section is added to chapter 36.70A RCW to read as follows:

The growth management planning and environmental review loan fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make low-interest loans to counties and cities for the purposes set forth in section 103 of this act or RCW 43.21C.031. Loans from the fund shall be made by loan agreement under chapter 39.69 RCW.

NEW SECTION. Sec. 141. A new section is added to chapter 36.70A RCW to read as follows:

(1) The department of community, trade, and economic development shall provide management services for the fund created by section 140 of this act. The department by rule shall establish procedures for fund management.

(2) A county or city applicant must be making substantial progress towards compliance with the requirements of chapter 36.70A RCW in order to qualify for financial assistance from the fund established pursuant to section 140 of this act. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance.

(3) The department by loan agreement may permit a deferred payment on the principal repayment of any loan for a period not to exceed two years. Interest shall continue to accrue during this period.

NEW SECTION. Sec. 142. Capitalization of the growth management planning and environmental review loan fund shall be made by:

- (1) A transfer of four million dollars from the public works assistance account; and
- (2) A transfer of two million dollars from the transportation fund.

NEW SECTION. Sec. 143. A new section is added to chapter 35.22 RCW to read as follows:

A first class city may directly contract with the owner of real estate that is proposed to be developed, or with the developer of the real estate, without following competitive bidding procedures under RCW 35.22.620 to construct or improve transportation improvements, sanitary sewer facilities, storm sewer facilities, and water facilities, that will in whole or in part serve or be used by the proposed development.

NEW SECTION. Sec. 144. A new section is added to chapter 35.23 RCW to read as follows:

A second class city or town may directly contract with the owner of real estate that is proposed to be developed, or with the developer of the real estate, without following competitive bidding procedures under RCW 35.23.352 to construct or improve transportation improvements, sanitary sewer facilities, storm sewer facilities, and water facilities, that will in whole or in part serve or be used by the proposed development.

NEW SECTION. Sec. 145. A new section is added to chapter 35.43 RCW to read as follows:

A city, town, or public corporation may directly contract with the owner of real estate that is proposed to be developed, or with the developer of the real estate, within a local improvement district or utility local improvement district, without following competitive bidding procedures under RCW 35.43.190 to construct or improve transportation improvements, sanitary sewer facilities, storm sewer facilities, and water facilities, that are proposed to be financed by special assessments imposed within the improvement district that will in whole or in part serve or be used by the proposed development.

Sec. 146. RCW 35A.40.210 and 1989 c 11 s 8 are each amended to read as follows:

Procedures for any public work or improvement contracts or purchases for code cities shall be governed by the following statutes, as indicated:

- (1) For code cities of twenty thousand population or over, RCW 35.22.620 and section 143 of this act; and
- (2) For code cities under twenty thousand population((:)), RCW 35.23.352 and section 144 of this act.

NEW SECTION. Sec. 147. A new section is added to chapter 36.32 RCW to read as follows:

A county may directly contract with the owner of real estate that is proposed to be developed, or with the developer of the real estate, without following competitive bidding procedures under RCW 36.32.250 to construct or improve sanitary sewer facilities, storm sewer facilities, and water facilities, that will in whole or in part serve or be used by the proposed development, including facilities that are financed by special assessments imposed within a local improvement district or utility local improvement district created under chapter 36.94 RCW.

NEW SECTION. Sec. 148. A new section is added to chapter 36.77 RCW to read as follows:

A county may directly contract with the owner of real estate that is proposed to be developed, or with the developer of the real estate, without following competitive bidding procedures under this chapter to construct or improve transportation improvements that will in whole or in part serve or be used by the proposed development, including facilities that are financed by special assessments imposed within a road improvement district created under chapter 36.88 RCW.

NEW SECTION. Sec. 149. A new section is added to chapter 56.08 RCW to read as follows:

A sewer district may directly contract with the owner of real estate that is proposed to be developed, or with the developer of the real estate, without following competitive bidding procedures

under RCW 56.08.070 to construct or improve sanitary sewer facilities or storm sewer facilities, that will in whole or in part serve or be used by the proposed development, including facilities that are financed by special assessments imposed within a local improvement district or utility local improvement district created under chapter 56.20 RCW.

NEW SECTION. **Sec. 150.** A new section is added to chapter 57.08 RCW to read as follows:
A water district may directly contract with the owner of real estate that is proposed to be developed, or with the developer of the real estate, without following competitive bidding procedures under RCW 57.08.050 to construct or improve water facilities that will in whole or in part serve or be used by the proposed development, including facilities that are financed by special assessments imposed within a local improvement district or utility local improvement district created under chapter 57.16 RCW.

NEW SECTION. **Sec. 151.** A new section is added to chapter 35.63 RCW to read as follows:
A city or county planning under this chapter must allow cellular antenna facilities to be sited in any zone within its planning jurisdiction, but may establish conditions and requirements on the siting of such facilities and require the issuance of a conditional use permit or special use permit before a cellular antenna facility is authorized.

NEW SECTION. **Sec. 152.** A new section is added to chapter 35A.63 RCW to read as follows:

A code city must allow cellular antenna facilities to be sited in any zone within its planning jurisdiction, but may establish conditions and requirements on the siting of such facilities and require the issuance of a conditional use permit or special use permit before a cellular antenna facility is authorized.

NEW SECTION. **Sec. 153.** A new section is added to chapter 36.70 RCW to read as follows:
A county planning under this chapter must allow cellular antenna facilities to be sited in any zone within its planning jurisdiction, but may establish conditions and requirements on the siting of such facilities and require the issuance of a conditional use permit or special use permit before a cellular antenna facility is authorized.

NEW SECTION. **Sec. 154.** A new section is added to chapter 36.70A RCW to read as follows:

A county or city planning under RCW 36.70A.040 must allow cellular antenna facilities to be sited in any zone within its planning jurisdiction, but may establish conditions and requirements on the siting of such facilities and require the issuance of a conditional use permit or special use permit before a cellular antenna facility is authorized.

NEW SECTION. **Sec. 155.** A new section is added to chapter 43.21C RCW to read as follows:

An authorization of cellular antenna facilities shall be categorically exempt from a threshold decision under the rules adopted by the department for categorical exemptions.

NEW SECTION. **Sec. 156.** Sections 136 through 139 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. **Sec. 157.** RCW 82.02.020, 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090, and 82.02.100 are each recodified as sections within a new chapter created in Title 36 RCW.

NEW SECTION. **Sec. 158.** RCW 90.58.145 and 1979 ex. s. c 84 s 4 are each repealed.

PART II - PERMITTING

NEW SECTION. **Sec. 201.** The legislature finds and declares the following:

(1) As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required local land use permits, each with its own separate approval process.

(2) The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.

(3) This regulatory burden has significantly added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

NEW SECTION. Sec. 202. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an appeal to a local government body or officer, including the legislative body, following an open record hearing and a decision by the body or officer on a development permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Development permit" or "development permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, and other land use applications, but does not include proposed amendments to comprehensive plans or the adoption or amendment of development regulations.

(3) "Development regulations" means the controls placed on development or land use activities by a local government, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments, but does not include decisions to approve a development permit application, even though such decisions may be expressed in a resolution or ordinance of the legislative body of the local government.

(4) "Local government" means a county, city, or town.

(5) "Open record hearing" means a hearing conducted by a hearing body or officer of the local government that creates a record through testimony and submission of evidence and information, whether the hearing is open to members of the general public for purposes of hearing public comments prior to a decision on a development permit application or is limited to those filing an appeal of a staff decision.

NEW SECTION. Sec. 203. Not later than December 31, 1996, each local government that does not plan under RCW 36.70A.040 shall provide by ordinance or resolution for review of development permit applications to achieve the following objectives:

(1) Combine the environmental review process, both procedural and substantive, with the procedure for review of development permits;

(2) Except as provided in RCW 43.21C.075(3), provide for no more than one open record hearing and one closed record appeal; and

(3) Eliminate any appeal period for judicial appeals that conflicts with the uniform twenty-one day appeal period provided in section 305 of this act.

NEW SECTION. Sec. 204. Not later than December 31, 1996, each local government planning under RCW 36.70A.040 shall establish by ordinance or resolution an integrated and consolidated development permit process that includes the following required elements:

(1) A notice of completion to the applicant as required by RCW 36.70A.440 (as recodified by this act);

(2) A notice of application to the public and agencies with jurisdiction as required by section 208 of this act;

(3) With the exception of a determination of significance, which shall be issued in advance of the agency decision or recommendation on the project action as provided in chapter 43.21C RCW, a single report by the decision maker that combines the local government's threshold determination, if required under chapter 43.21C RCW, with the agency's decision or recommendation on all

development permits included in the consolidated permit review and also includes any mitigation required pursuant to the development regulations or the agency's authority under RCW 43.21C.060;

(4) Except as provided in section 211 of this act, the consolidation into a single review process of all development permits requested by an applicant for part or all of a project action, including no more than one consolidated open record hearing before a single hearing body or officer;

(5) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, if a local government elects to provide an appeal of its threshold determinations or development permit decisions, the local government shall provide for no more than one consolidated open record hearing before a single hearing body or officer. The local government need not provide for any further appeal. If a closed record appeal is provided, the appeal shall be on the record before a single decision-making body or officer;

(6) A notice of decision as required by section 210 of this act and issued within the time period provided in RCW 36.70A.065 (as recodified by this act) and section 207 of this act; and

(7) Any other provisions not inconsistent with the requirements of this chapter or chapter 43.21C RCW.

Sec. 205. RCW 36.70A.440 and 1994 c 257 s 4 are each amended to read as follows:

~~((Each city and county)) (1) Within twenty-eight days after receiving a development permit application, a local government planning pursuant to RCW 36.70A.040 shall ((, within twenty working days of receiving a development permit application as defined in RCW 36.70A.030(7),)) mail or provide in person a written ((notice)) determination to the applicant, stating either:~~

~~(a) That the application is complete; or~~

~~(b) That the application is incomplete and what is necessary to make the application complete.~~

~~(2)(a) An application shall be deemed complete under this section if the local government does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.~~

~~(b) Within ten days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the information submitted adequately responds to the notice given under (a) of this subsection and thereby makes the application complete or what additional information is necessary.~~

~~(3) To the extent known by the ((city or county)) local government, the ((notice)) local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.~~

Sec. 206. RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods consistent with section 207 of this act for local government actions on specific development permit applications and provide timely and predictable procedures to determine whether a completed development permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed development permit application necessary for the application of such time periods and procedures.

NEW SECTION. Sec. 207. (1) Except as otherwise provided in subsection (2) of this section, a local government planning under RCW 36.70A.040 shall issue its notice of final decision within one hundred twenty days after the local government notifies the applicant for a project that the application is complete or is deemed complete, as provided in RCW 36.70A.440 (as recodified by this act). In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete, the following periods shall be excluded:

(a) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW, if the local government by ordinance or resolution has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement; and

(b) A period, not to exceed sixty days, to consider and decide closed record appeals, unless the parties voluntarily agree to extend the period.

- (2) The time limits established by subsection (1) of this section do not apply if a development permit:
- (a) Requires an amendment to the comprehensive plan or a development regulation;
 - (b) Involves a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or
 - (c) Involves substantial revisions to the project proposal at the applicant's request, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70A.440 (as recodified by this act).
- (3) If the local government has failed to issue its notice of final decision within one hundred twenty days after the local government notifies the applicant for a project that the application is complete or is deemed complete, as provided in RCW 36.70A.440 (as recodified by this act), but not including time excluded under subsections (1) and (2) of this section the application shall be deemed approved, in the absence of extraordinary circumstances.
- (4) After an application is complete as provided in RCW 36.70A.440 (as recodified by this act), the local government may not require the applicant to submit additional information. The local government may, in the course of processing the application, request the applicant to clarify, explain, or correct information the applicant has submitted.
- (5) Failure of an applicant to submit adequate information required pursuant to RCW 36.70A.440 (as recodified by this act) may constitute grounds for disapproving the application.
- (6) The notice of completeness may include the following as optional information:
- (a) A preliminary determination of those development regulations that will be used for project mitigation;
 - (b) A preliminary determination of consistency, as provided under section 101 of this act; or
 - (c) Other information the local government chooses to include.
- (7) A local government may require the applicant for a development permit to designate a single person or entity to receive notice required by this section.

NEW SECTION. Sec. 208. (1) Not later than December 31, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section.

- (2) The notice of application shall include the following:
- (a) The date of application;
 - (b) The proposed project action and the development permits included in the application and, if applicable, any studies requested under RCW 36.70A.440 (as recodified by this act) or section 207 of this act;
 - (c) The identification of other development or related permits not included in the application to the extent known by the local government;
 - (d) A public comment period of not less than fourteen nor more than twenty-eight days following the date of notice of application, and statements of the right of any person to request a copy of the decision once made and any appeal rights;
 - (e) The date for open record hearing, if applicable and scheduled at the date of notice of the application;
 - (f) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in section 101 of this act; and
 - (g) Any other information determined appropriate by the local government, including the optional information required in section 207(5) of this act.
- (3) If an open record hearing is required for the requested development permits, the notice of application shall be provided at least fourteen days prior to the open record hearing.
- (4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of development permits or types or project actions. Examples of reasonable methods to inform the public are:
- (a) Posting the property for site-specific proposals;
 - (b) Publishing notice in the newspaper of general circulation in the local government or general area where the proposal is located;

- (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 - (d) Notifying the news media;
 - (e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
 - (f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and
 - (g) Mailing to neighboring property owners.
- (5) A notice of application shall not be required for development permits that are categorically exempt under chapter 43.21C RCW, unless an open record hearing is required.
- (6) The local government may not issue its threshold determination or issue a decision or recommendation on a development permit until expiration of the public comment period. Comments shall be as specific as possible. If an agency with jurisdiction or a member of the public does not respond with written comments within the public comment period, the local government shall assume that such agency or person has no objection to the proposed development permit if the procedures of this section have been met.

NEW SECTION. Sec. 209. (1) Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more development permits relating to a proposed project action, including a single application review and approval process covering all development permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated permit review process, the notice of completion, notice of application, and notice of final decision must include all development permits being reviewed through the consolidated permit review process.

(2) Consolidated permit review may provide different procedures for different categories of development permits, but if a project action requires development permits from more than one category, the local government shall provide for consolidated permit review with a single open record hearing and no more than one closed record appeal. Each local government shall determine which development permits are subject to an open record hearing and a closed record appeal. Examples of categories of development permits include but are not limited to:

(a) Categorically exempt proposals, such as variances, lot boundary adjustments, and certain construction permits, which require no environmental review or public notice;

(b) Administrative permits that require environmental review, but no open record hearing except on appeal;

(c) Administrative permits that require a threshold determination and an open record hearing; and

(d) Permits that require environmental review and a decision by the local government legislative body.

(3) A local government is not required to provide for appeals. If provided, an appeal must be filed within fourteen days after notice of the decision being appealed. The applicant for a development permit is deemed to be a participant in any comment period, open record hearing, and closed record appeal.

(4) A local government may provide by ordinance or resolution for the same or a different decision maker or hearing body or officer for different categories of development permits. In the case of consolidated development permit review, the local government shall specify which decision makers shall make the decision or recommendation, conduct the hearing, or decide the appeal to ensure that consolidated permit review occurs as provided in this section. The consolidated permit review may combine an open record public hearing with an open record appeal hearing. In such cases, the local government by ordinance or resolution shall specify which development permits, if any, shall be subject to a closed record appeal.

(5) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

NEW SECTION. Sec. 210. A local government planning under RCW 36.70A.040 shall provide a notice of decision, which may be a copy of the report, recommendation, or decision, to the applicant and to any person requesting notice of the decision prior to the rendering of the decision. The local government may publish or otherwise provide for additional notice of its decision.

NEW SECTION. Sec. 211. A local government by ordinance or resolution may exclude the following development permits from the provisions of RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), sections 204, and 207 through 210 of this act:

(1) Variances, lot line or boundary adjustments, short subdivision approval, building and other construction permits categorically exempt from environmental review under chapter 43.21C RCW or similar administrative approvals; and

(2) Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other development permits that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), sections 204, and 207 through 210 of this act.

NEW SECTION. Sec. 212. A local government not planning under RCW 36.70A.040 may incorporate some or all of the provisions of sections 204 and 207 through 210 of this act and RCW 36.70A.065 and 36.70A.440 (as recodified by this act) into its procedures for review of development permits or other project actions.

NEW SECTION. Sec. 213. (1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated review and ensure accountability to applicants and the public, including expedited review for development permits for projects that are consistent with adopted development regulations and within the capacity of system-wide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring by rule, ordinance, or resolution a preapplication conference or meeting, design review, or hearing on some or all proposed projects to obtain public comments on scoping or a draft environmental impact statement pursuant to chapter 43.21C RCW and its applicable rules.

(3) Each local government is encouraged to develop a system of professional certification whereby qualified engineers or other professionals certify an application's compliance with adopted development regulations for the purpose of expediting or eliminating certain aspects of agency review of compliance with those regulations.

(4) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(5) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a development permit issued by a local government.

NEW SECTION. Sec. 214. A new section is added to chapter 64.40 RCW to read as follows:
A local government is not liable for damages under this chapter due to the local governments failure to make a final decision within the time limits established in section 207 of this act.

Sec. 215. RCW 58.17.090 and 1981 c 293 s 5 are each amended to read as follows:

(1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for a public hearing. Except as provided in section 208 of this act, at a minimum, notice of the hearing shall be given in the following manner:

~~((4))~~ (a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and

~~((2))~~ (b) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

(2) All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

Sec. 216. RCW 58.17.092 and 1988 c 168 s 12 are each amended to read as follows:

Any notice made under chapter 58.17 or 36.--- (sections 101, 201 through 204, and 207 through 213 of this act) RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

Sec. 217. RCW 58.17.100 and 1981 c 293 s 6 are each amended to read as follows:

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, ((the change of the recommendation shall not be made until)) the legislative body shall ((conduct a public hearing and thereupon)) adopt its own recommendations and approve or disapprove the preliminary plat. ((Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.))

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

Sec. 218. RCW 58.17.330 and 1994 c 257 s 6 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. ((Except as provided in subsection (2) of this section,)) The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) The decision may be given the effect of a final decision of the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

(2) ((The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.

(3)) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 219. The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. It is the intent of the legislature by sections 220 through 224 of this act to allow local governments and owners and developers of real property to enter into development agreements.

NEW SECTION. Sec. 220. A new section is added to chapter 36.70A RCW to read as follows:

(1) A county or city may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.

(2) Sections 219 through 222 of this act do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on the effective date of sections 219 through 222 of this act, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.

(3) For the purposes of this section, "development standards" includes, but is not limited to:

(a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with chapter 36. -- RCW (the new chapter created in section 157 of this act) or any other applicable provisions of state law, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;

(d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

(e) Affordable housing;

(f) Parks and open space preservation;

(g) Phasing;

(h) Review procedures and standards for implementing decisions;

(i) A build-out or vesting period for applicable standards; and

(j) Any other appropriate development requirement or procedure.

(4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

NEW SECTION. Sec. 221. A new section is added to chapter 36.70A RCW to read as follows:

Unless amended or terminated, a development agreement is enforceable during its term by a party. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

NEW SECTION. Sec. 222. A new section is added to chapter 36.70A RCW to read as follows:

A development agreement may be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on and will inure to the benefit of the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

NEW SECTION. Sec. 223. A new section is added to chapter 36.70A RCW to read as follows:

A county or city shall only approve a development agreement by ordinance or resolution after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a development permit application, the provisions of chapter 36.-- RCW (sections 301 through 312 of this act) shall apply to the appeal of the decision on the development agreement.

NEW SECTION. Sec. 224. Nothing in sections 219 through 223 of this act is intended to authorize local governments to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as authorized in RCW 82.02.020 (as recodified by this act) and as otherwise expressly authorized by other applicable provisions of state law.

Sec. 225. RCW 35.63.130 and 1994 c 257 s 8 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use((s which the legislative body believes should be reviewed and decided by a hearing examiner));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by the hearing examiner.

(2) Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body(~~(-~~

~~(2) The legislative body may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) The decision may be given the effect of a final decision of the legislative body, except that applications for rezones may not be given the effect of a final decision of a legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 226. RCW 35A.63.170 and 1994 c 257 s 7 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use(s) which the legislative body believes should be reviewed and decided by a hearing examiner);

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body((-

~~(2) The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) The decision may be given the effect of a final decision of the legislative body, except that applications for a rezone may not be given the effect of a final decision of a legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 227. RCW 36.70.970 and 1994 c 257 s 9 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses ((applications)), variances ((applications)), ((applications for)) shoreline permits, or any other class of applications for or pertaining to development of land or land use(s);

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative authority shall prescribe procedures to be followed by a hearing examiner. Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority((-

~~(2) The legislative authority may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or); or~~

~~(c) The decision may be given the effect of a final decision of the legislative authority, except that applications for rezones may not be given the effect of a final decision of a legislative authority.~~

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 228. The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) To ensure that local needs and environmental conditions receive the proper attention, the issuance and renewal of permits should continue to be made, to the extent feasible, at the regional and local levels of the environmental programs.

(5) The purpose of this chapter is to require the department of ecology to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(6) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the consolidated permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(7) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the consolidated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(8) It is necessary to provide a reliable and consolidated source of information concerning the environmental and land use laws and procedures that apply to any given proposal. This information is to be current and encompass all state and local jurisdictions. To the extent possible, it is to encompass federal jurisdictions and functions, as well.

(9) The process shall provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(10) The process shall provide consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

NEW SECTION. Sec. 229. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the department by section 230 of this act.

(2) "Consolidated permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Participating permit agency" means a permit agency, other than the consolidated permit agency, that is responsible for the issuance of a permit for a project.

(5) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

(6) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency, county, city, or town for the project that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

(7) "Project" means an activity, the conduct of which requires a permit from two or more permit agencies.

NEW SECTION. Sec. 230. The permit assistance center is established within the department. The center shall:

(1) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. The center shall coordinate with the business assistance center in providing and maintaining this information to applicants and others. To the extent possible, the handbook shall include relevant federal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies;

(2) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

(3) Work closely and cooperatively with the business license center and the business assistance center in providing efficient and nonduplicative service to the public; and

(4) Provide a permit coordination training program designed to:

(a) Educate project facilitators as to the role and requirements of all jurisdictions;

(b) Share permit coordination experiences;

(c) Improve the quality and efficiency of project facilitation; and

(d) Certify project facilitators.

NEW SECTION. Sec. 231. (1) Not later than January 1, 1996, the center shall establish by rule an administrative process for the designation of a consolidated permit agency for a project.

(2) The administrative process shall consist of the establishment of guidelines for designating the consolidated permit agency for a project. If a permit agency is the lead agency for purposes of chapter 43.21C RCW, that permit agency shall be the consolidated permit agency. In other cases, the guidelines shall require that at least the following factors be considered in determining which permit agency has the greatest overall jurisdiction over the project:

(a) The types of facilities or activities that make up the project;

(b) The types of public health and safety and environmental concerns that should be considered in issuing permits for the project;

(c) The environmental medium that may be affected by the project, the extent of those potential effects, and the environmental protection measures that may be taken to prevent the occurrence of, or to mitigate, those potential effects;

(d) The regulatory activity that is of greatest importance in preventing or mitigating the effects that the project may have on public health and safety or the environment; and

(e) The statutory and regulatory requirements that apply to the project and the complexity of those requirements.

NEW SECTION. Sec. 232. Upon the request of a project applicant, the center shall appoint a project facilitator to assist the applicant in determining which regulatory requirements, processes, and permits may be required for development and operation of the proposed project. The project facilitator shall provide the information to the applicant and explain the options available to the applicant in obtaining the required permits. If the applicant requests, the center shall designate a coordinating permit agency as provided in section 233 of this act.

NEW SECTION. Sec. 233. (1) A permit applicant who requests the designation of a consolidated permit agency shall provide the center with a description of the project, a preliminary list of the permits that the project may require, the identity of any public agency that has been designated the lead agency for the project pursuant to chapter 43.21C RCW, and the identity of the participating permit agencies. The center may request any information from the permit applicant that is necessary to make the designation under this section, and may convene a scoping meeting of the likely consolidated permit agency and participating permit agencies in order to make that designation.

(2) The consolidated permit agency shall serve as the main point of contact for the permit applicant with regard to the processing of the consolidated permit process for the project and shall manage the procedural aspects of that processing consistent with existing laws governing the consolidated permit agency and participating permit agencies, and with the procedures agreed to by those agencies in accordance with section 234 of this act. In carrying out these responsibilities, the consolidated permit agency shall ensure that the permit applicant has all the information needed to apply for all the component permits that are incorporated in the consolidated permit process for the project, coordinate the review of those permits by the respective participating permit agencies, ensure that timely permit decisions are made by the participating permit agencies, and assist in resolving any conflict or inconsistency among the permit requirements and conditions that are to be imposed by the participating permit agencies with regard to the project. The coordinating permit agency shall keep in contact with the applicant as well as other permit agencies in order to assure that the process is progressing as scheduled. The coordinating permit agency shall recommend appropriate alternatives that may be more efficient and identify potential problems to successful completion of the process.

(3) This chapter shall not be construed to limit or abridge the powers and duties granted to a participating permit agency under the law that authorizes or requires the agency to issue a permit for a project. Each participating permit agency shall retain its authority to make all decisions on all nonprocedural matters with regard to the respective component permit that is within its scope of its responsibility, including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial. The consolidated permit agency may not substitute its judgment for that of a participating permit agency on any such nonprocedural matters.

NEW SECTION. Sec. 234. (1) Within twenty-one days of the date that the consolidated permit agency is designated, it shall convene a meeting with the permit applicant for the project and the participating permit agencies. The meeting agenda shall include at least all of the following matters:

(a) A determination of the permits that are required for the project;

(b) A review of the permit application forms and other application requirements of the agencies that are participating in the consolidated permit process;

(c)(i) A determination of the timelines that will be used by the consolidated permit agency and each participating permit agency to make permit decisions, including the time periods required to determine if the permit applications are complete, to review the application or applications, and to process the component permits, and the timelines that will be used by the consolidated permit agency to aggregate the component permits into, and to issue the consolidated permit process. In the development of this time line, full attention shall be given to achieving the maximum efficiencies possible through concurrent studies, consolidated applications, hearings, and comment periods. Except as provided in (c)(ii) of this subsection, the timelines established under this subsection, with the assent of the consolidated permit agency and each participating permit agency, shall commit the consolidated permit agency and each participating permit agency to act on the component permit within time periods that are different than those required by other applicable provisions of law.

(ii) An accelerated time period for the consideration of a permit application may not be set if that accelerated time period would be inconsistent with, or in conflict with, any time period or series of time periods set by statute for that consideration, or with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires any of the following:

(A) Other agencies, interested persons, federally recognized Indian tribes, or the public to be given adequate notice of the application;

(B) Other agencies to be given a role in, or be allowed to participate in, the decision to approve or disapprove the application; or

(C) Interested persons or the public to be provided the opportunity to challenge, comment on, or otherwise voice their concerns regarding the application;

(d) The scheduling of any public hearings that are required to issue permits for the project and a determination of the feasibility of coordinating or consolidating any of those required public hearings; and

(e) A discussion of fee arrangements for the consolidated permit process, including an estimate of the costs allowed under section 237 of this act and the billing schedule.

(2) Each agency shall send at least one representative qualified to make decisions concerning the applicability and timelines associated with all permits administered by that jurisdiction. At the request of the applicant, the consolidated permit agency shall notify any relevant federal agency of the date of the meeting and invite that agency's participation in the process.

(3) If a permit agency or the applicant foresees, at any time, that it will be unable to meet its obligations under the agreement, it shall notify the consolidated permit agency of the problem. The coordinating permit agency shall notify the permit agencies and the applicant and, upon agreement of all parties, adjust the schedule, or, if necessary, schedule another work plan meeting.

(4) The consolidated permit agency may request any information from the applicant that is necessary to comply with its obligations under this section, consistent with the timelines set pursuant to this section.

(5) A summary of the decisions made under this section shall be made available for public review upon the filing of the consolidated permit process application or permit applications.

NEW SECTION. Sec. 235. (1) The permit applicant may withdraw from the consolidated permit process by submitting to the consolidated permit agency a written request that the process be terminated. Upon receipt of the request, the consolidated permit agency shall notify the center and each participating permit agency that a consolidated permit process is no longer applicable to the project.

(2) The permit applicant may submit a written request to the consolidated permit agency that the permit applicant wishes a participating permit agency to withdraw from participation on the basis of a reasonable belief that the issuance of the consolidated permit process would be accelerated if the participating permit agency withdraws. In that event, the participating permit agency shall withdraw from participation if the consolidated permit agency approves the request.

NEW SECTION. Sec. 236. The consolidated permit agency shall ensure that the participating permit agencies make all the permit decisions that are necessary for the incorporation of the permits into the consolidated permit process and act on the component permits within the time periods established pursuant to section 234 of this act.

NEW SECTION. Sec. 237. (1) The consolidated permit agency may enter into a written agreement with the applicant to recover from the applicant the reasonable costs incurred by the consolidated permit agency in carrying out the requirements of this chapter.

(2) The consolidated permit agency may recover only the costs of performing those consolidated permit services and shall be negotiated with the permit applicant in the meeting required pursuant to section 234 of this act. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

NEW SECTION. Sec. 238. A petition by the permit applicant for review of an agency action in issuing, denying, or amending a permit, or any portion of a consolidated permit agency permit, shall be submitted by the permit applicant to the consolidated permit agency or the participating permit agency having jurisdiction over that permit and shall be processed in accordance with the procedures of that permit agency. Within thirty days of receiving the petition, the consolidated permit agency shall notify the other environmental agencies participating in the original consolidated permit process.

NEW SECTION. Sec. 239. If an applicant petitions for a significant amendment or modification to a consolidated permit process application or any of its component permit applications, the consolidated permit agency shall reconvene a meeting of the participating permit agencies, conducted in accordance with section 234 of this act.

NEW SECTION. Sec. 240. If an applicant fails to provide information required for the processing of the component permit applications for a consolidated permit process or for the designation of a consolidated permit agency, the time requirements of this chapter shall be tolled until such time as the information is provided.

NEW SECTION. Sec. 241. (1) The center, by rule, shall establish an expedited appeals process by which a petitioner or applicant may appeal any failure by a permit agency to take timely action on the issuance or denial of a permit in accordance with the time limits established under this chapter.

(2) If the center finds that the time limits under appeal have been violated without good cause, it shall establish a date certain by which the permit agency shall act on the permit application with adequate provision for the requirements of section 234(1)(c)(ii) (A) through (C) of this act, and provide for the full reimbursement of any filing or permit processing fees paid by the applicant to the permit agency for the permit application under appeal.

NEW SECTION. Sec. 242. By December 1, 1997, the center shall submit a report to the appropriate committees of both houses of the legislature detailing the following information:

(1) The number of instances in which a consolidated permit agency has been requested and used, and the disposition of those cases;

(2) The amount of time elapsed between an initial request by a permit applicant for a consolidated permit process and the ultimate approval or disapproval of the permits included in the process;

(3) The number of instances in which the expedited appeals process was requested, and the disposition of those cases; and

(4) Potential conflicts and perceived inconsistencies among existing statutes.

NEW SECTION. Sec. 243. The sum of seventy thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the general fund; the sum of ninety thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the state toxics account; the sum of one hundred sixty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the water quality permit fee account; and the sum of fifty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the air operating permit fee account to the department of ecology for the purposes of sections 228 through 242 of this act.

NEW SECTION. Sec. 244. A new section is added to chapter 43.131 RCW to read as follows:

The permit assistance center and its powers and duties shall be terminated June 30, 1999, as provided in section 245 of this act.

NEW SECTION. Sec. 245. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

(1) RCW 90.--.-- and 1995 c -- s 228 (section 228 of this act);

(2) RCW 90.--.-- and 1995 c -- s 229 (section 229 of this act);

(3) RCW 90.--.-- and 1995 c -- s 230 (section 230 of this act);

(4) RCW 90.--.-- and 1995 c -- s 231 (section 231 of this act);

(5) RCW 90.--.-- and 1995 c -- s 232 (section 232 of this act);

(6) RCW 90.--.-- and 1995 c -- s 233 (section 233 of this act);

(7) RCW 90.--.-- and 1995 c -- s 234 (section 234 of this act);

(8) RCW 90.--.-- and 1995 c -- s 235 (section 235 of this act);

- (9) RCW 90.--.-- and 1995 c -- s 236 (section 236 of this act);
- (10) RCW 90.--.-- and 1995 c -- s 237 (section 237 of this act);
- (11) RCW 90.--.-- and 1995 c -- s 238 (section 238 of this act);
- (12) RCW 90.--.-- and 1995 c -- s 239 (section 239 of this act);
- (13) RCW 90.--.-- and 1995 c -- s 240 (section 240 of this act); and
- (14) RCW 90.--.-- and 1995 c -- s 241 (section 241 of this act).

NEW SECTION. Sec. 246. The following acts or parts of acts are each repealed:

- (1) RCW 90.62.010 and 1982 c 179 s 1, 1977 c 54 s 1, & 1973 1st ex.s. c 185 s 1;
- (2) RCW 90.62.020 and 1994 c 264 s 96, 1988 c 36 s 71, 1977 c 54 s 2, & 1973 1st ex.s. c 185 s 2;
- (3) RCW 90.62.030 and 1973 1st ex.s. c 185 s 3;
- (4) RCW 90.62.040 and 1990 c 137 s 1, 1977 c 54 s 3, & 1973 1st ex.s. c 185 s 4;
- (5) RCW 90.62.050 and 1977 c 54 s 4 & 1973 1st ex.s. c 185 s 5;
- (6) RCW 90.62.060 and 1982 c 179 s 2, 1977 c 54 s 5, & 1973 1st ex.s. c 185 s 6;
- (7) RCW 90.62.070 and 1973 1st ex.s. c 185 s 7;
- (8) RCW 90.62.080 and 1987 c 109 s 156, 1977 c 54 s 6, & 1973 1st ex.s. c 185 s 8;
- (9) RCW 90.62.090 and 1977 c 54 s 7 & 1973 1st ex.s. c 185 s 9;
- (10) RCW 90.62.100 and 1977 c 54 s 8 & 1973 1st ex.s. c 185 s 10;
- (11) RCW 90.62.110 and 1973 1st ex.s. c 185 s 11;
- (12) RCW 90.62.120 and 1973 1st ex.s. c 185 s 12;
- (13) RCW 90.62.130 and 1977 c 54 s 9;
- (14) RCW 90.62.900 and 1973 1st ex.s. c 185 s 13;
- (15) RCW 90.62.901 and 1973 1st ex.s. c 185 s 14;
- (16) RCW 90.62.904 and 1973 1st ex.s. c 185 s 15;
- (17) RCW 90.62.905 and 1973 1st ex.s. c 185 s 16;
- (18) RCW 90.62.906 and 1973 1st ex.s. c 185 s 18;
- (19) RCW 90.62.907 and 1973 1st ex.s. c 185 s 19; and
- (20) RCW 90.62.908 and 1977 c 54 s 10.

NEW SECTION. Sec. 247. Sections 101, 201 through 204, and 207 through 213 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 248. Sections 228 through 241 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 249. RCW 36.70A.065 and 36.70A.440 are recodified as sections within the new chapter created in section 247 of this act.

NEW SECTION. Sec. 250. The department of community, trade, and economic development shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.-- RCW (sections 101, 201 through 204, and 207 through 213 of this act). The land use study commission created by section 401 of this act shall monitor local government consolidated permit procedures and the effectiveness of the timelines established by section 207 of this act. The commission shall include in its report submitted to the governor and the legislature on November 30, 1997, its recommendation about what timelines, if any, should be imposed on the local government consolidated permit process required by chapter 36.-- RCW (sections 101, 201 through 204, and 207 through 213 of this act).

PART III - APPEALS

NEW SECTION. Sec. 301. This chapter may be known and cited as the land use petition act. A petition brought under this chapter must be called a land use petition.

NEW SECTION. Sec. 302. The purpose of this chapter is to reform the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal

procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.

NEW SECTION. Sec. 303. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a development permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use streets, parks, and similar types of public property and excluding applications for legislative approvals such as rezones;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the development, modification, maintenance, or use of real property; and

(c) The enforcement of ordinances regulating the development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

(2) "Local jurisdiction" means a county, city, or town, or special purpose district as defined in RCW 36.96.010.

(3) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental agency.

NEW SECTION. Sec. 304. (1) This chapter replaces the writ of certiorari for judicial review of local jurisdictions' land use decisions.

(2) This chapter does not apply to judicial review procedures established by other laws, including, but not limited to judicial review of:

(a) Land use decisions made by bodies that are not part of a local jurisdiction;

(b) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board;

(c) Claims provided by any law for monetary damages or compensation; or

(d) Applications for injunctive relief, including a writ of prohibition or mandamus.

(3) If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the procedures and standards, including deadlines, provided in this chapter for review of the petition do not apply to the claims for damages or compensation. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(4) The court rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

NEW SECTION. Sec. 305. (1) Proceedings for review under this chapter must be commenced by filing a land use petition in superior court.

(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court. The petition must be served on the following parties:

(a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department; and

(b) Each of the following, if not the petitioner:

(i) Any person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue or as a property owner of the property at issue;

(ii) If no person is named in the decision as provided in (b)(i) of this subsection, any such person identified in the application for a permit or approval at issue; and

(iii) Any person who filed an appeal to a quasi-judicial decision maker regarding the land use decision at issue, unless the person has abandoned the appeal or the person's claims were dismissed before the quasi-judicial decision was rendered. Any person who later intervened or joined in the appeal is not required to be made a party under this subsection.

(3) The petition is timely if it is filed within twenty-one days of the issuance of the land use decision.

(4) For the purposes of this section, a land use decision is issued on the date on which a written decision is mailed or if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available. However, if written notification is not required to be provided, the decision is issued on the later of:

- (a) The date that the decision is made at a public meeting; or
- (b) The date that the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition pursuant to RCW 4.28.080. Service on other parties must be in accordance with the civil rules or, for parties who provided an address to the local jurisdiction during a quasi-judicial proceeding regarding the land use decision at issue, service may be by deposit in the United States mail to the address. Service by mail is effective on the date of mailing. Proof of service must be evidenced by affidavit.

NEW SECTION. Sec. 306. Standing to bring a land use petition under this chapter, and to intervene in a proceeding under this chapter, is limited to the following parties:

- (1) The applicant and the owner of property to which the land use decision is directed;
- (2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision, and who will suffer direct and substantial impacts from the decision, reversal, or modification.

NEW SECTION. Sec. 307. (1) A petitioner shall set forth in a land use petition:

- (a) The name and mailing address of the petitioner;
 - (b) The name and mailing address of the petitioner's attorney, if any;
 - (c) The name and mailing address of the local jurisdiction whose land use decision is at issue;
 - (d) Identification of the decision-making body or officer, together with a duplicate copy of the decision, or if not a written decision, a summary or brief description of it;
 - (e) Identification of persons who were named petitioners or appellants in any quasi-judicial proceedings regarding the land use decision at issue;
 - (f) Facts demonstrating that the petitioner is entitled to seek judicial review; and
 - (g) A request for relief, specifying the type of relief requested.
- (2) Within sixty days of service of a land use petition on the local jurisdiction, the local jurisdiction must certify and submit to the court and serve on all parties to the petition a complete record of the proceedings leading to the decision identified in the land use petition pursuant to subsection (1)(d) of this section.
- (3) The local jurisdiction need not certify the record, if the court determines that the petition should be dismissed for any reason, including improper service, lack of standing, failure to join an indispensable party, or failure to comply with subsection (1) of this section.
- (4) The court may grant additional time for the certification of the record, if additional time is determined by the court to be necessary.
- (5) Within fifteen days of service of the petition, the local jurisdiction shall notify the petitioner of the estimated cost of preparing the record.
- (6) The petitioner shall pay the cost of preparing the record within fifteen days of service of the record on the petitioner.

NEW SECTION. Sec. 308. The court shall provide expedited review of petitions filed under this chapter. If judicial review is granted, the matter must be set for hearing within sixty days of the date set for submitting the local jurisdiction's record, absent a showing of compelling reasons for a different date or a stipulation of the parties.

NEW SECTION. Sec. 309. (1) A petitioner for judicial review of a land use decision may request the court to stay or suspend an action by the local jurisdiction or another party to implement the decision under review, by including the request in the petition. The request must set forth a statement of grounds for the stay and the factual basis for the request. The court shall rule on the request at the hearing on the order to show cause.

(2) Another party to the judicial review proceedings may request a stay by making a motion in accordance with the court rules. The motion must be filed with the party's first pleading in the matter.

(3) The court shall deny a request for a stay that is made after the times required by subsections (1) and (2) of this section unless the party requesting the stay establishes that the reasons justifying the

stay did not exist, or could not have been discovered, at the times set forth in subsections (1) and (2) of this section.

(4) A court may grant a stay only if the court finds that:

(a) The party requesting the stay is likely to prevail on the merits;

(b) Without the stay the party requesting it will suffer irreparable harm; and

(c) The grant of a stay will not substantially harm other parties to the proceedings or the public.

(5) The court may grant the request for a stay upon such terms and conditions, such as the filing of security, as are necessary to prevent harm to other parties from the stay.

NEW SECTION. Sec. 310. (1) If the land use decision being reviewed was made by a quasi-judicial body or officer who was making factual determinations and the parties had the opportunity to make a record on the factual issues, judicial review of factual issues, and the conclusions drawn from the factual issues, must be confined to the record created by the quasi-judicial body or officer, except as provided in this section.

(2) For decisions described in subsection (1) of this section, the record may be supplemented by additional evidence only if the additional evidence relates to:

(a) Disputed factual issues regarding the authority or jurisdiction of the body or officer that made the land use decision;

(b) Grounds for disqualification of a member of the body or of the officer that made the land use decision;

(c) Unlawfulness of the procedure used to make the decision;

(d) Matters that were improperly excluded from the record after being offered by a party to the quasi-judicial proceeding; or

(e) Matters that were outside the jurisdiction of the body or officer that made the land use decision.

(3) For land use decisions other than those described in subsection (1) of this section, the record for judicial review may be supplemented by evidence of material facts that were not required to be made part of the local jurisdiction's record.

(4) The parties may not conduct civil discovery prior to the determination of the land use petition except in regard to the issues listed in subsection (2) of this section. Requests made under chapter 42.17 RCW for records relating to the matters at issue in the pending land use petition must be treated as requests for civil discovery and must meet the requirements of this section and the court rules.

NEW SECTION. Sec. 311. (1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under RCW 36.70B.100. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a), (b), and (c) of this subsection have been met. The standards are:

(a) The party seeking relief has been substantially prejudiced as a result of the claimed error or errors, and:

(i) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process;

(ii) The land use decision under review is a clearly erroneous interpretation or application of the law, in light of the law's purpose; or

(iii) The land use decision under review is not supported by substantial evidence;

(b) The land use decision under review was outside the authority or jurisdiction of the body or officer making the decision; and

(c) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct.

NEW SECTION. Sec. 312. The court may affirm or reverse the land use decision under review, modify it, or remand it for modification or further proceedings. If the decision is remanded for modification or further proceedings, the court may make the order as it finds necessary to preserve the interests of the parties and the public, pending further proceedings or action by the local jurisdiction.

Sec. 313. RCW 7.16.360 and 1989 c 175 s 38 are each amended to read as follows:

This chapter does not apply to state agency action reviewable under chapter 34.05 RCW or the land use decisions of local jurisdictions reviewable under chapter 36.-- RCW (sections 301 through 312 of this act).

Sec. 314. RCW 58.17.180 and 1983 c 121 s 5 are each amended to read as follows:

Any decision approving or disapproving any plat shall be reviewable for ~~((unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before))~~ under chapter 36.-- RCW (sections 301 through 312 of this act) by the superior court of the county in which such matter is pending. ~~((Standing to bring the action is limited to the following parties:~~

~~(1) The applicant or owner of the property on which the subdivision is proposed;~~

~~(2) Any property owner entitled to special notice under RCW 58.17.090;~~

~~(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.~~

~~Application for a writ of review shall be made to the court within thirty days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.))~~

NEW SECTION. **Sec. 315.** A new section is added to chapter 4.84 RCW to read as follows:

Notwithstanding any other provisions of this chapter, reasonable attorneys fees and costs shall be awarded to the prevailing party or substantially prevailing party on appeal before the superior court, court of appeals, or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit involving a site-specific rezone, zoning, plat, conditional use, variance, shoreline permit, building permit, site plan, or similar land use approval or decision.

NEW SECTION. **Sec. 316.** Sections 301 through 312 of this act constitute a new chapter in Title 36 RCW.

PART IV - STUDY

NEW SECTION. **Sec. 401.** The land use study commission is hereby established. The commission's goal shall be the integration and consolidation of the state's land use and environmental laws into a single, manageable statute. In fulfilling its responsibilities, the commission shall evaluate the effectiveness of the growth management act, the state environmental policy act, the shoreline management act, and other state land use, planning, environmental, and permitting statutes.

NEW SECTION. **Sec. 402.** The commission shall consist of not more than thirteen members. Seven members of the commission shall be appointed by the governor, two members shall be appointed by the speaker of the house of representatives, and two members shall be appointed by the president of the senate. Membership shall reflect the interests of business, agriculture, labor, the environment, other citizens, the legislature, cities, counties, federally recognized Indian tribes, and state agencies. The director of the department of community, trade, and economic development, or the director's designee, shall serve in a nonvoting capacity as chair of the commission. The director of the department of ecology, or the director's designee, shall also be a member of the commission in a nonvoting capacity. Staff for the commission shall be provided by the department of community, trade, and economic development, with additional staff to be provided by other state agencies and the legislature, as may be required. State agencies shall provide the commission with information and assistance as needed.

NEW SECTION. **Sec. 403.** The commission shall convene commencing June 1, 1995, and shall complete its work by June 30, 1998. The commission shall submit a report to the governor and the legislature stating its findings, conclusions, and recommendations not later than November 1 of each year. The commission shall submit its final report to the governor and the legislature not later than November 1, 1997.

NEW SECTION. **Sec. 404.** The commission shall:

(1) Consider the effectiveness of state and local government efforts to consolidate and integrate the growth management act, the state environmental policy act, the shoreline management act, and other land use, planning, environmental, and permitting laws.

(2) Identify the revisions and modifications needed in state land use, planning, and environmental law and practice to adequately plan for growth, to adequately assess environmental impacts of comprehensive plans, development regulations, and growth, and to reduce the time and cost of obtaining project permits.

(3) Draft a consolidated land use procedure, following these guidelines:

(a) Conduct land use planning through the comprehensive planning process under chapter 36.70A RCW rather than through review of individual projects;

(b) Involve diverse sectors of the public in the planning process. Early and informal environmental analysis should be incorporated into planning and decision making;

(c) Recognize that different questions need to be answered and different levels of detail applied at each planning phase, from the initial development of plan concepts or plan elements to implementation programs;

(d) Integrate and combine to the fullest extent possible the processes, analysis, and documents currently required under chapters 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals and to mitigate undesirable or unintended adverse impacts on a community's quality of life;

(e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental considerations most relevant to that stage of the process;

(f) Avoid duplicating review that has occurred for plan decisions when specific projects are proposed;

(g) Use environmental review on projects to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by agencies, tribes, and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;

(h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes;

(i) Examine existing land use and environmental permits for necessity and utility. To the extent possible, existing permits should be combined into fewer permits, assuring that the values and principles intended to be protected by those permits remain protected; and

(j) Consolidate local government appeal processes to allow a single appeal of permits at local government levels, a single state level administrative appeal, and a final judicial appeal.

(4) These guidelines are intended to guide the work of the commission, without limiting its charge to integrate and consolidate Washington's land use and environmental laws into a single, manageable code.

NEW SECTION. Sec. 405. Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 406. Sections 401 through 405 of this act shall expire June 30, 1998.

PART V - MISCELLANEOUS

NEW SECTION. Sec. 501. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 502. Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 503. Sections 401 through 406 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995."

On page 1, line 3 of the title, after "review;" strike the remainder of the title and insert "amending RCW 43.21C.075, 43.21C.031, 43.21C.110, 43.21C.080, 36.70A.140, 36.70A.300, 36.70A.330, 90.58.020, 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.120, 90.58.140, 90.58.180, 90.58.190, 34.05.461, 34.05.514, 36.70A.130, 36.70A.320, 82.02.090, 82.02.020, 35A.40.210, 36.70A.440, 36.70A.065, 58.17.090, 58.17.092, 58.17.100, 58.17.330, 35.63.130, 35A.63.170, 36.70.970, 7.16.360, and 58.17.180; reenacting and amending RCW 36.70A.030 and 36.70A.290; adding new sections to chapter 36.70A RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 82.02 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 35.43 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.77 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 64.40 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 4.84 RCW; adding new chapters to Title 36 RCW; adding a new chapter to Title 90 RCW; creating new sections; recodifying RCW 82.02.020, 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090, 82.02.100, 36.70A.065, and 36.70A.440; repealing RCW 90.58.145, 90.62.010, 90.62.020, 90.62.030, 90.62.040, 90.62.050, 90.62.060, 90.62.070, 90.62.080, 90.62.090, 90.62.100, 90.62.110, 90.62.120, 90.62.130, 90.62.900, 90.62.901, 90.62.904, 90.62.905, 90.62.906, 90.62.907, and 90.62.908; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency."

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

SPEAKER'S RULING

Representative Appelwick, the Speaker is prepared to rule on your Point of Order which challenges amendment 352 as being beyond the scope and object of Substitute House Bill No. 1724.

The title of Substitute House Bill No. 1724 is "AN ACT Relating to implementing the recommendation of the Governor's Task Force on regulatory reform on integrating growth management planning and environmental review.

This very specific title is followed by amendments to over 100 sections of laws spread throughout the revised code of Washington. The title of the bill requires that both the bill and substitute bill address the issues that are in the recommendations of the Governor's Task Force.

The Speaker finds that amendment 352 is within the scope of the title of Substitute House Bill No. 1724. The object of Substitute House Bill No. 1724 was to address the recommendations of the Governor's Task Force on regulatory reform and growth management.

The Speaker finds that amendment 352 simply deletes some portions of Substitute House Bill No. 1724 and make a few minor changes in the manner that issues raises in the Substitute House Bill or addressed.

The Speaker finds that the object of amendment 352 is not beyond the object of Substitute House Bill No. 1724.

Representative Appelwick, Your Point of Order is not well taken.

POINT OF INQUIRY

Representative Appelwick: Thank you Mr. Speaker. Your ruling did not appear to address the specific point I raised, which was that the report in front of us adds a mandate that local governments in their zoning must allow cellular antennas in every zone. The state has not heretofore been in

zoning. The task force made no zoning recommendations and I need to be clear that the Speaker did not inadvertently miss that point as I evaluate an appeal of the Speaker's ruling.

With the consent of the House, the House deferred further consideration of Substitute House Bill No. 1724 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 2072, by Representatives Foreman, B. Thomas, Silver, Sehlin, Padden, Cooke, Lambert, Huff, Carlson, Crouse, Pelesky, Beeksma, Hickel, Sheahan, Reams, Pennington, Mielke, Mulliken, Raddliff, Robertson, Ballasiotes, Talcott, Stevens, K. Schmidt, Cairnes, Thompson, Schoesler, Dyer, Casada, Backlund, L. Thomas, Mitchell, Campbell, Elliot, Chandler, Johnson, Benton, Carrell, D. Schmidt, Smith, McMahan, Sherstad and Boldt

Reducing business and occupation tax rates.

The bill was read the second time.

Representative Honeyford moved adoption of the following amendment by Representative Honeyford:

On page 2, after line 3, insert:

"**Sec. 2.** RCW 82.04.260 and 1993 s.s. c 25 § 104 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.011 percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of 0.138 percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.275 percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, or dehydrated by the seller and sold to purchasers who immediately transport the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of 0.33 percent. As proof of sale to a person who immediately transports goods out of this state, the seller shall obtain an affidavit in a form prescribed by the department and retain the affidavit as a business record.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.363 percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.363 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 1.1 percent.

(15) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900."

On page 4, line 14, strike "1 and 2" and insert "1, 2, and 3"

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

There being no objection, the House deferred further consideration of House Bill No. 2072.

HOUSE BILL NO. 1135, by Representatives McMorris, Morris, Pennington, Benton, Koster, Smith, Sheldon, Chandler, Mulliken, Foreman, L. Thomas, Schoesler, Sheahan, Honeyford, Fuhrman, Lambert, Blanton, Van Luven, Boldt, Buck, Crouse, Huff, Hickel, Thompson, Robertson, McMahan, Stevens, Sherstad, Cooke, Johnson, Delvin and Mielke

Exempting incarceration and school district facilities from public art requirements.

The bill was read the second time. There being no objection, Substitute House Bill No. 1135 was substituted for House Bill No. 1135 and the substitute bill was placed on second reading.

Substitute House Bill No. 1135 was read the second time.

Representative Sheldon moved adoption of the following amendment by Representative Sheldon:

On page 2, line 10, after "rehabilitation." insert "For facilities under this subsection, the one-half of one percent of the appropriation shall be deposited in the public safety and education account for the purpose of crime victims' compensation."

Representative Sheldon spoke in favor of the adoption of the amendment.

Representative Sehlin spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 2, line 10 to Substitute House Bill No. 1135 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Patterson, Poulsen, Quall, Regala, Romero, Schoesler, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

Voting nay: Representatives Backlund, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Ogden, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Rust, Schmidt, D., Schmidt, K., Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Representative Pennington moved adoption of the following amendment by Representative Pennington:

On page 2, after line 10 insert the following:
"NEW SECTION. **Sec. 2.** RCW 28A.335.210 and 1983 c 204 s 7, 1982 c 191 s 2, & 1974 ex.s. c 176 s 5 are each repealed.

Sec. 3. RCW 28B.10.025 and 1990 c 33 s 557 are each amended to read as follows:

The Washington state arts commission shall, in consultation with the boards of regents of the University of Washington and Washington State University and with the boards of trustees of the regional universities, The Evergreen State College, and the community college districts, determine the amount to be made available for the purchases of art under RCW 28B.10.027, and payment therefor shall be made in accordance with law. The designation of projects and sites, the selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts

commission in consultation with the board of regents or trustees. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, or 43.19.455, (~~or 28A.335.210,~~) but shall be contingent upon adequate appropriations being made for that purpose.

Sec. 4. RCW 43.17.205 and 1990 c 33 s 574 are each amended to read as follows:

The funds allocated under RCW 43.17.200(~~(, 28A.335.210,)~~) and 28B.10.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission when the particular law providing for the appropriation becomes effective. For appropriations which are dependent upon the sale of bonds, the amount or proportionate amount of the moneys under RCW 43.17.200(~~(, 28A.335.210,)~~) and 28B.10.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission thirty days after the sale of a bond or bonds.

Sec. 5. RCW 43.17.210 and 1990 c 33 s 575 are each amended to read as follows:

The Washington state arts commission shall determine the amount to be made available for the purchase of art in consultation with the agency, except where another person or agency is specified under RCW 43.19.455(~~(, 28A.335.210,)~~) or 28B.10.025, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the directors of the state agencies. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to in RCW 43.17.200, 43.19.455, (~~28A.335.210,~~) or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose.

Sec. 6. RCW 43.19.455 and 1990 c 33 s 576 are each amended to read as follows:

Except as provided under RCW 43.17.210, the Washington state arts commission shall determine the amount to be made available for the purchase of art under RCW 43.17.200 in consultation with the director of general administration, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the director of general administration. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, (~~28A.335.210,~~) or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose."

Representatives Pennington, Honeyford, Talcott, G. Fisher, Schoesler, Sheldon and Carrell spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representatives Ogden, L. Thomas, Ebersole, Cole, Mitchell, Jacobsen and Clements spoke against the adoption of the amendment.

Representative Pennington again spoke in favor of the adoption of the amendment.

Representative K. Schmidt demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the amendment on page 2, after line 10 to Substitute House Bill No. 1135 and the amendment was adopted by the following vote: Yeas - 50, Nays - 48, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Beekma, Benton, Boldt, Buck, Carrell, Casada, Chandler, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith,

Hankins, Hargrove, Hickel, Honeyford, Hymes, Johnson, Koster, Kremen, Lambert, Mastin, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Smith, Stevens, Talcott, Thomas, B., Thompson, Van Luven and Mr. Speaker - 50.

Voting nay: Representatives Appelwick, Ballasiotes, Basich, Blanton, Brown, Brumsickle, Cairnes, Campbell, Carlson, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Ebersole, Fisher, R., Grant, Hatfield, Horn, Huff, Jacobsen, Kessler, Lisk, Mason, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Schmidt, K., Scott, Skinner, Sommers, Thibaudeau, Thomas, L., Tokuda, Valle, Veloria and Wolfe - 48.

Representative Tokuda moved adoption of the following amendment by Representative Tokuda:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read as follows:

All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art created by Washington state artists. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses, or other buildings of a temporary nature.

Works of art acquired with allocations from the construction of any facility under the control of the department of corrections and used for the incarceration, treatment, or rehabilitation of convicted persons, or any facility under the control of the department of social and health services and used for juvenile rehabilitation may not be placed on, integral to, within, outside, or on the grounds of any facility under the control of the department of corrections or any facility under the control of the department of social and health services."

On page 1, line 1 of the title, after "art;" strike the remainder of the title and insert "and amending RCW 43.17.200."

Representative Tokuda spoke in favor of the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris, Morris, Pennington and Buck spoke in favor of passage of the bill.

Representatives Ogden, Chopp, Ebersole, Skinner, Brown and R. Fisher spoke against passage of the bill.

Representative McMorris again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1135.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1135, and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Beeksmas, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Cooke, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Smith, Stevens, Talcott, Thomas, B., Thompson, Van Luven and Mr. Speaker - 60.

Voting nay: Representatives Appelwick, Ballasiotes, Basich, Blanton, Brown, Carlson, Chopp, Clements, Cody, Cole, Conway, Costa, Dellwo, Ebersole, Fisher, R., Hatfield, Horn, Jacobsen, Kessler, Mason, Mitchell, Ogden, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Schmidt, K., Scott, Skinner, Sommers, Thibaudeau, Thomas, L., Tokuda, Valle, Voloria and Wolfe - 38.

Engrossed Substitute House Bill No. 1135, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute House Bill No. 1523.

SPEAKER'S RULING

Representative Appelwick, the Speaker is prepared to Rule on your Point of Order which challenges Substitute House Bill No. 1523 as being beyond the Scope and Object of House Bill No. 1523.

The title of both House Bill No. 1523 and Substitute House Bill No. 1523 is "AN ACT Relating to parental notice of abortion. Both House Bill No. 1523 and Substitute House Bill No. 1523 add new sections to chapter 9.02 RCW, prescribe penalties and declare an emergency. The Speaker finds that both House Bill No. 1523 and Substitute House Bill No. 1523 are within the scope of House Bill No. 1523.

House Bill No. 1523 has as its object the requiring of parental notification prior to abortions. Substitute House Bill No. 1523 appears to have an identical objective.

Representative Appelwick, in your Scope objection you made reference to a different treatment of public assistance in the two measures. The Speaker would note that both section 7 of House Bill No. 1523 and Substitute House Bill No. 1523 address the issue of public assistance. The Speaker does not find such differences in treatment of the issue as to conclude that the substitute is beyond the object of the underlying bill.

The Speaker finds that Substitute House Bill No. 1523 is not beyond the scope and object of House Bill No. 1523.

Representative Appelwick, Your Point of Order is not well taken.

There being no objection, the House deferred consideration of Substitute House Bill No. 1523 and the bill held its place on the second reading calendar.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1413, by Representatives Boldt, Morris, Lisk, Mulliken and Kremen

Allowing a business and occupation tax deduction for certain amusement devices.

The bill was read the second time. There being no objection, Substitute House Bill No. 1413 was substituted for House Bill No. 1413 and the substitute bill was placed on second reading.

Substitute House Bill No. 1413 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1413.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1413, and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Wolfe and Mr. Speaker - 84.

Substitute House Bill No. 1413, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1440, by Representatives Boldt, Dyer, Morris, Backlund, Van Luven, Dellwo, Carrell, B. Thomas, L. Thomas, Thompson, Costa, Sherstad, Chandler, Kremen, Cooke and Jacobsen

Providing tax exemptions for blood banks.

The bill was read the second time. There being no objection, Substitute House Bill No. 1440 was substituted for House Bill No. 1440 and the substitute bill was placed on second reading.

Substitute House Bill No. 1440 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1440.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1440, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting nay: Representatives Appelwick, Chopp, Cody, Cole, Fisher, R., Jacobsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Valle and Veloria - 14.
Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster,

Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1440, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1510, by Representatives K. Schmidt, Benton, Reams, Robertson, Chandler, Mitchell, Delvin and D. Schmidt

Restructuring oil spill prevention and response.

The bill was read the second time. There being no objection, Substitute House Bill No. 1510 was substituted for House Bill No. 1510 and the substitute bill was placed on second reading.

Substitute House Bill No. 1510 was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

On page 11, line 30, after "The" strike "~~(coalition)~~ state military department" and insert "coalition"

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt, Horn, Delvin, Robertson, Chandler and Benton spoke in favor of passage of the bill.

Representatives R. Fisher, Chopp, Tokuda, Rust, Romero, Kessler and Clements spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1510.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1510, and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Basich, Beekma, Benton, Blanton, Boldt, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Cody, Conway, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Voting nay: Representatives Appelwick, Ballasiotes, Brown, Brumsickle, Campbell, Chappell, Chopp, Clements, Cole, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R.,

Grant, Horn, Hymes, Jacobsen, Kessler, Kremen, Mason, Mastin, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Smith, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 40.

Engrossed Substitute House Bill No. 1510, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1510.

PHILIP DYER, 5th District

There being no objection, the House deferred consideration of House Bill No. 1523 and the bill held it's place on the second reading calendar.

The Speaker called on Representative Horn to preside.

HOUSE BILL NO. 1537, by Representatives Honeyford, Chandler, Mastin, Chappell, Clements, Kremen, Schoesler, Robertson, McMorris, Delvin, Koster, Boldt, Johnson, L. Thomas, Goldsmith, McMahan, Mulliken and Brumsickle

Modifying disposition of earnings of agricultural funds and accounts.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1537 was substituted for House Bill No. 1537 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1537 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Honeyford and Mastin spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1537.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1537, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Second Substitute House Bill No. 1537, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1546, by Representatives Casada, Goldsmith, Padden, Stevens, Boldt, Sherstad, Johnson, Fuhrman, Backlund, McMahan, D. Schmidt and Koster

Enacting the anticancer act of 1995.

The bill was read the second time. There being no objection, Substitute House Bill No. 1546 was substituted for House Bill No. 1546 and the substitute bill was placed on second reading.

Substitute House Bill No. 1546 was read the second time.

Representative Casada moved adoption of the following amendment by Representative Casada:

On page 1, line 14, after "shall" insert "contract with a recognized regional cancer research institution to"

Representative Casada spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Brown moved adoption of the following amendment by Representative Brown:

On page 1, line 15, after "links" insert "smoking, caffeine, high fat diets, alcohol consumption, other known carcinogens, and"

POINT OF ORDER

Representative Padden: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

There being no objection, the House deferred further consideration of Substitute House Bill No. 1546 and the bill held its place on the second reading calendar.

There being no objection, the House deferred consideration of House Bill No. 1588 and House Bill No. 1570 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1604, by Representatives Johnson and Sheldon

Purchasing mobile home parks.

The bill was read the second time. There being no objection, Substitute House Bill No. 1604 was substituted for House Bill No. 1604 and the substitute bill was placed on second reading.

Substitute House Bill No. 1604 was read the second time.

Representative Johnson moved adoption of the following amendment by Representative Johnson:

On page 1, after line 21, insert the following:

"**Sec. 2.** RCW 59.20.080 and 1993 c 66 s 19 are each amended to read as follows:

(1) A landlord shall not terminate or fail to renew a tenancy, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in

termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenants shall be given written notice of a fifteen day period in which to vacate;

(d) Failure to the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the effective date of such change, except that for the period of six months following April 28, 1989, the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "criminal activity." "criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants. A park owner seeking to evict a tenant under this subsection need not produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of criminal activity constitutes sufficient grounds, but not the only grounds, for an eviction under this subsection. Notification of the seizure of illegal drugs under RCW 59.20.155 is evidence of criminal activity and is grounds for an eviction under this subsection. If criminal activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action;

(g) The tenant's application for tenancy contained a material misstatement that induced the park owner to approve the tenant as a resident of the park, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent;

(h) If the landlord serves a tenant three(~~fifteen-day~~) notices within a twelve-month period for failure to comply (or vacate for failure to comply) with the material terms of the rental agreement or park rules, and if the tenant has been served a fifteen-day notice to comply or vacate for failure to comply with each of the first two offenses, the landlord may evict the tenant immediately after issuing a third notice designated as a fifteen-day notice to vacate for failure to comply, without mediation and without further written notice to comply, regardless if the tenant has complied with any other previous notices. The applicable twelve-month period shall commence on the date of the first violation;

(i) Failure of the tenant to comply with obligations imposed upon tenants by applicable provisions of municipal, county, and state codes, statutes, ordinances, and regulations, including chapter 59.20 RCW. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(j) The tenant engages in disorderly or substantially annoying conduct upon the park premises that results in the destruction of the rights of others to the peaceful enjoyment and use of the premises. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(k) The tenant creates a nuisance that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to cease the conduct that constitutes a nuisance immediately. The notice must state that failure to cease the conduct will result in termination of the tenancy and that the tenant shall vacate the premises in five days;

(l) Any other substantial just cause that materially affects the health, safety, and welfare of other park residents. The landlord shall (~~be~~) give (~~shall give~~) the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days; or

(m) Failure to pay rent by the due date provided for in the rental agreement three or more times in a twelve-month period, commencing with the date of the first violation, (~~after service of a five-day notice to comply~~) but only if the tenant has been served a five-day notice to pay rent or vacate for each of the first two violations. The landlord may evict immediately after giving a third notice designated as a notice to terminate tenancy for late rent payments, regardless if the tenant has complied with any of the previous five-day notices to pay rent or vacate.

(2) Within five days of a notice of eviction as required by subsection (1)(a) of this section, the landlord and tenant shall submit any dispute to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section. It is a defense to an eviction under subsection (1)(a) of this section that a landlord did not participate in the mediation process in good faith.

(3) Chapters 59.12 and 59.18 RCW govern the eviction of recreational vehicles from mobile home parks.

Correct the title of the bill accordingly.

Representative Johnson spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Johnson spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1604.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1604, and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Chopp, Costa, Mason and Thibaudeau - 4.

Engrossed Substitute House Bill No. 1604, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1611, by Representatives Costa, Radcliff, Scott, Kessler, Blanton, Koster, D. Schmidt, Beeksma, Romero, Thompson, Regala and Kremen

Providing a tax exemption for new construction of alternative housing for youth in need.

The bill was read the second time. There being no objection, Substitute House Bill No. 1611 was substituted for House Bill No. 1611 and the substitute bill was placed on second reading.

Substitute House Bill No. 1611 was read the second time.

Representative Costa moved adoption of the following amendment by Representative Costa:

On page 1, line 11, after " crisis." strike everything through " 1997."

On page 1, line 17, after " crisis." strike everything through " 1997." on line 18

Representatives Costa and Morris spoke in favor of the adoption of the amendment.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: YEAS-61; NAYS-35. The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Costa spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1611.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1611, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1611, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1617 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1700, by Representatives Sehlin, Chopp, Quall and B. Thomas

Changing current use taxation provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 1700 was substituted for House Bill No. 1700 and the substitute bill was placed on second reading.

Substitute House Bill No. 1700 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Chopp spoke in favor of passage of the bill.

Representative Elliot spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1700.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1700, and the bill passed the House by the following vote: Yeas - 86, Nays - 12, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 86.

Voting nay: Representatives Elliot, Fuhrman, Goldsmith, Hargrove, Koster, McMahan, McMorris, Padden, Pennington, Sheldon, Sherstad and Stevens - 12.

Substitute House Bill No. 1700, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1730, by Representative Benton

Revising provisions regarding interest arbitration for law enforcement officers employed by cities, towns, or counties.

The bill was read the second time. There being no objection, Substitute House Bill No. 1730 was substituted for House Bill No. 1730 and the substitute bill was placed on second reading.

Substitute House Bill No. 1730 was read the second time.

Representative Benton moved adoption of the following amendment by Representative Benton:

On page 3, line 10, beginning with "(((+)))" strike all material through "(((+)))" on line 14 and insert "(a) (i) Until July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of seven thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of thirty-five thousand or more; (ii) beginning on July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more;"

On page 4, line 32, after "city" strike all material through "thousand))" on line 34 and insert "or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand"

Representatives Benton and Ebersole spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benton, Delvin, Romero, Ebersole and Robertson spoke in favor of passage of the bill.

Representative Goldsmith spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1730.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1730, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Beeksmas, Elliot, Goldsmith, Hargrove, Huff, Koster, Lisk, McMahan, Sehlin and Stevens - 10.

Engrossed Substitute House Bill No. 1730, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1733, by Representatives Boldt, Padden, B. Thomas, D. Schmidt, Cooke, Stevens, L. Thomas and Goldsmith

Providing tax exemptions for nonprofit camps and conferences.

The bill was read the second time. There being no objection, Substitute House Bill No. 1733 was substituted for House Bill No. 1733 and the substitute bill was placed on second reading.

Substitute House Bill No. 1733 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1733.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1733, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Rust - 1.

Substitute House Bill No. 1733, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1736, by Representatives Horn, Cairnes, Hickel, Mitchell, L. Thomas and Thompson

Revising regulation of commercial driving instructors.

The bill was read the second time. There being no objection, Substitute House Bill No. 1736 was substituted for House Bill No. 1736 and the substitute bill was placed on second reading.

Substitute House Bill No. 1736 was read the second time.

With the consent of the House, amendment number 384 to Substitute House Bill No. 1736 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cairnes spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1736.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1736, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Substitute House Bill No. 1736, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1769, by Representatives Mielke, Morris, Campbell, Appelwick, Benton, Kremen, Fuhrman, Mulliken, G. Fisher, Basich, Brumsickle, Van Luven, Skinner, Grant, Boldt,

Hymes, Carrell, Chandler, Beeksma, L. Thomas, Foreman, McMahan, Schoesler, Blanton and Thompson

Lowering business and occupation tax for insurance business.

The bill was read the second time. There being no objection, Substitute House Bill No. 1769 was substituted for House Bill No. 1769 and the substitute bill was placed on second reading.

Substitute House Bill No. 1769 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke and Appelwick spoke in favor of passage of the bill.

POINT OF PERSONAL PRIVILEGE

Representative Smith: Thank you Mr. Speaker. As an Insurance Agent in my normal life, is it a conflict of interest to vote on this bill?

The Speaker (Representative Horn presiding): Representative Smith, because you are in no position unique from any other agent in this area you should vote.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1769.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1769, and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Chopp, Cody, Cole, Dickerson, Rust, Sommers and Thibaudeau - 7.

Substitute House Bill No. 1769, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1771, by Representatives Hickel, Basich, Padden, Kremen, Chappell and Carrell

Requiring a handling fee to be paid when a check is dishonored.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hickel and Padden spoke in favor of passage of the bill.

Representative Costa spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1771.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1771, and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cooke, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Mr. Speaker - 87.

Voting nay: Representatives Brown, Chopp, Cole, Conway, Costa, Dellwo, Jacobsen, Mason, Romero, Thibaudeau and Wolfe - 11.

House Bill No. 1771, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1777, by Representatives Radcliff, Carrell, D. Schmidt, Thompson, Goldsmith, Pelesky, McMahan, Johnson, Smith, Fuhrman, Campbell, Lambert, Casada, Lisk, Mulliken, McMorris, Hargrove, Brumsickle, Clements, Silver, Koster, Backlund, Boldt, Hymes, Mitchell, Skinner and Blanton

Requiring specificity in school board resolutions for ballot propositions authorizing indebtedness.

The bill was read the second time. There being no objection, Substitute House Bill No. 1777 was substituted for House Bill No. 1777 and the substitute bill was placed on second reading.

Substitute House Bill No. 1777 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Radcliff and Cole spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1777.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1777, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden,

Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Fuhrman - 1.

Substitute House Bill No. 1777, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1817 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1820, by Representative K. Schmidt

Regulating towing of vehicles.

The bill was read the second time. There being no objection, Substitute House Bill No. 1820 was substituted for House Bill No. 1820 and the substitute bill was placed on second reading.

Substitute House Bill No. 1820 was read the second time.

Representative Lambert moved adoption of the following amendment by Representative Lambert:

On page 2, line 3, after "disabled vehicles" insert "primarily"

Representatives Lambert and K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1820.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1820, and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Beeksma, Crouse, Fuhrman, Koster, McMahan, McMorris, Pennington, Sherstad, Stevens and Thomas, B. - 10.

Engrossed Substitute House Bill No. 1820, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1851 and House Bill No. 1860 and the bills held their place on the second reading calendar.

HOUSE BILL NO. 1879, by Representative Boldt

Revising provision for costs of support, treatment, and confinement of juvenile offenders.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1879.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1879, and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Beeksma, Crouse, Goldsmith, Hargrove, Koster and Sherstad - 6.

House Bill No. 1879, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1880, by Representatives Boldt, Benton, Schoesler, L. Thomas, Carrell, Johnson, Radcliff, Blanton, McMahan, Campbell, Smith, Honeyford, Silver and Thompson

Making persons convicted of certain crimes relating to receipt of public assistance ineligible for public assistance for five years.

The bill was read the second time. There being no objection, Substitute House Bill No. 1880 was substituted for House Bill No. 1880 and the substitute bill was placed on second reading.

Substitute House Bill No. 1880 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt and Cooke spoke in favor of passage of the bill.

Representative Thibaudeau spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1880.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1880, and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 84.

Voting nay: Representatives Brown, Chopp, Cody, Cole, Dellwo, Fisher, R., Mason, Regala, Romero, Rust, Thibaudeau, Tokuda, Veloria and Wolfe - 14.

Substitute House Bill No. 1880, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1889, by Representatives L. Thomas, Backlund, Huff and Chappell; by request of State Auditor

Administering the office of the state auditor.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 52nd Day, March 1, 1995.)

Representative L. Thomas moved adoption of the following amendment by Representative L. Thomas:

On page 9, line 22, after "account." strike all material down to and including "expenditures" on line 27 and insert "Funds in the municipal revolving ((fund)) account will be spent only after appropriation by the legislature. Such appropriated funds shall be administered by the ((~~division of municipal corporations~~) state auditor)"

Representative L. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1889.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1889, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Hargrove - 1.

Engrossed House Bill No. 1889, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1913, by Representatives Van Luven, Sheldon and Smith

Providing sales and use tax exemptions for film and video production companies.

The bill was read the second time. There being no objection, Substitute House Bill No. 1913 was substituted for House Bill No. 1913 and the substitute bill was placed on second reading.

Substitute House Bill No. 1913 was read the second time.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

On page 2, after line 12, insert the following:

"(3) The exemption provided for in this section shall not apply to rental of production equipment, or the sale of production services, to a motion picture or video production business that is engaged, to any degree, in the production of erotic material, as defined in RCW 9.68.050."

On page 2, after line 25, insert the following:

"(3) The exemption provided for in this section shall not apply to the use of production equipment rented to, or production equipment acquired and used by, a motion picture or video production business that is engaged, to any degree, in the production of erotic material, as defined in RCW 9.68.050."

Representatives G. Fisher and Van Luven spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven and Beeksma spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1913.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1913, and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representatives Pennington and Rust - 2.

Engrossed Substitute House Bill No. 1913, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Lisk: As we go into the final hours before cut off, I want you all to understand that sometimes I sit her and look around at the counties and I think of the various places we come from, from all around the state and I appreciate everyone of you. And I think the next couple of days, maybe the next day to be very difficult. And I want us all to consider that we bring issues from all of our districts here, they are difficult issues and we hammer them out, and I just want you to know I appreciate everyone of you. The reason I'm saying this is I want to let you know a little bit about my background and why I'm up here talking. It's obviously an emotional moment for me.

My mother is an immigrant, she came to the United States from Great Britain, she is now an American citizen, and unfortunately she can't be with us here today but there are members of my family here that are visiting from Great Britain. And we had quite a time this weekend talking about their House of Commons and it brought it home to me how I appreciate each and everyone of you. Because when someone is recognized in the House of Commons, my cousin told me that what one of the first things that the opposition party does it usually let out a loud belch, that's how they start their debates in Great Britain.

And when you flip over to the House of Lords and their peerage and those appointed positions by the Queen, you can scan the audience and for those that are there they're usually sprawled out and asleep and not doing the business of the land. And so, I think as we go into those most difficult hours, when we discuss those difficult issues in front of us, when we take those votes that probably are going to be continuous but we are representing those that send us here to express their views and our own personal beliefs on those views. I just want you to know that I appreciate you and I think we'll get through it.

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

MESSAGES FROM THE SENATE

March 13, 1995

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5159,
SUBSTITUTE SENATE BILL NO. 5164,
SENATE BILL NO. 5208,
SENATE BILL NO. 5256,
SUBSTITUTE SENATE BILL NO. 5331,
SUBSTITUTE SENATE BILL NO. 5359,

SENATE BILL NO. 5399,
SUBSTITUTE SENATE BILL NO. 5400,
SUBSTITUTE SENATE BILL NO. 5402,
SENATE BILL NO. 5474,
SUBSTITUTE SENATE BILL NO. 5477,
SENATE BILL NO. 5500,
SUBSTITUTE SENATE BILL NO. 5545,
ENGROSSED SENATE BILL NO. 5546,
SUBSTITUTE SENATE BILL NO. 5854,
SUBSTITUTE SENATE BILL NO. 5858,
SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5977,
SENATE JOINT MEMORIAL NO. 8004,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 11, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5108,
SUBSTITUTE SENATE BILL NO. 5167,
SUBSTITUTE SENATE BILL NO. 5214,
SUBSTITUTE SENATE BILL NO. 5305,
SUBSTITUTE SENATE BILL NO. 5403,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5466,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5685,
SUBSTITUTE SENATE BILL NO. 5735,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5875,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5916,
ENGROSSED SENATE BILL NO. 5920,
ENGROSSED SENATE BILL NO. 5962,

and the same are herewith transmitted

Brad Hendrickson, Deputy Secretary

March 13, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5033,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190,
SUBSTITUTE SENATE BILL NO. 5234,
ENGROSSED SENATE BILL NO. 5276,
SUBSTITUTE SENATE BILL NO. 5435,
SUBSTITUTE SENATE BILL NO. 5472,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,
SUBSTITUTE SENATE BILL NO. 5660,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5901,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 11, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5043,
SUBSTITUTE SENATE BILL NO. 5084,
SUBSTITUTE SENATE BILL NO. 5126,
SUBSTITUTE SENATE BILL NO. 5175,
SENATE BILL NO. 5229,
SENATE BILL NO. 5282,
SUBSTITUTE SENATE BILL NO. 5336,
SECOND SUBSTITUTE SENATE BILL NO. 5497,
SUBSTITUTE SENATE BILL NO. 5537,
SUBSTITUTE SENATE BILL NO. 5680,
SUBSTITUTE SENATE BILL NO. 5747,
SUBSTITUTE SENATE BILL NO. 5769,
SUBSTITUTE SENATE BILL NO. 5773,
SENATE BILL NO. 5871,
SENATE BILL NO. 5990,
SUBSTITUTE SENATE BILL NO. 6002,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 13, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5238,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5258,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5262,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5502,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5597,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5616,
SUBSTITUTE SENATE BILL NO. 5688,
ENGROSSED SENATE BILL NO. 5768,
SUBSTITUTE SENATE BILL NO. 5825,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6009,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2078 by Representatives Dyer and Thibaudeau

AN ACT Relating to respiratory care; amending RCW 18.89.010, 18.89.020, 18.89.040, 18.89.050, 18.89.060, 18.89.080, 18.89.090, 18.89.110, 18.89.120, and 18.89.140; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new section to chapter 18.89 RCW; repealing RCW 18.89.130 and 18.89.900; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

E2SSB 5033 by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Morton, Snyder, Loveland, Newhouse, A. Anderson and Hochstatter)

Establishing a commission on pesticide registration.

Referred to Committee on Agriculture & Ecology.

SB 5043 by Senators Winsley and Haugen

Revising procedures for adoption of codes and statutes by reference by code cities.

Referred to Committee on Government Operations.

SSB 5084 by Senate Committee on Transportation (originally sponsored by Senators Drew, Prince, Haugen, Wood, Fairley, Franklin, Deccio and Sheldon; by request of Department of General Administration)

Reducing commute trips.

Referred to Committee on Transportation.

SB 5108 by Senators Snyder, Winsley and Palmer

Concerning the hunter education training program.

Referred to Committee on Natural Resources.

SSB 5126 by Senate Committee on Natural Resources (originally sponsored by Senators Drew, Oke and Owen; by request of Department of Fish and Wildlife)

Authorizing retention of specified moneys recovered through forfeitures or court-ordered restitution.

Referred to Committee on Natural Resources.

2SSB 5159 by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Oke, Haugen and Hochstatter)

Creating the warm water game fish enhancement program.

Referred to Committee on Natural Resources.

SSB 5164 by Senate Committee on Law & Justice (originally sponsored by Senator Smith)

Allowing a conformed copy of certain orders to be served.

Referred to Committee on Law & Justice.

SSB 5167 by Senate Committee on Law & Justice (originally sponsored by Senator Smith)

Allowing service of process on a marital community by serving either spouse.

Referred to Committee on Law & Justice.

SSB 5175 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz and Deccio; by request of Liquor Control Board)

Permitting certain retail liquor licensees to be licensed as manufacturers.

Referred to Committee on Commerce & Labor.

ESSB 5190 by Senate Committee on Law & Justice (originally sponsored by Senators Roach, Pelz, Smith and Heavey)

Making it a crime to tattoo a person under age eighteen without parental consent.

Referred to Committee on Law & Justice.

SB 5208 by Senators Haugen and Winsley

Allowing premiums, charges, and costs of title insurance and searches regarding foreclosure of liens for charges by sewer and water districts.

Referred to Committee on Government Operations.

SSB 5214 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, C. Anderson, Winsley, Haugen and Kohl)

Making admissible childrens' statements concerning acts of physical abuse.

Referred to Committee on Law & Justice.

SB 5229 by Senators Owen, Prince and Haugen; by request of Department of Transportation

Authorizing tuition waivers for ferry employees.

Referred to Committee on Higher Education.

SSB 5234 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Smith, Long, Haugen and Kohl; by request of Department of Social and Health Services)

Modifying eligibility for juvenile offender basic training camp option.

Referred to Committee on Corrections.

SB 5238 by Senators Oke and Haugen

Eliminating the primary in park and recreation district elections.

Referred to Committee on Government Operations.

SB 5256 by Senator Owen

Revising the list of programs to be reviewed by community networks for possible decategorization.

Referred to Committee on Children & Family Services.

ESSB 5258 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Franklin and McAuliffe)

Making technical revisions to community public health and safety networks.

Referred to Committee on Children & Family Services.

E2SSB 5262 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Winsley, Drew, Sheldon, Heavey, McCaslin, Rasmussen, Wood, Franklin, Loveland, McAuliffe, Oke, Gaspard, Deccio, Bauer, Moyer, Owen, Palmer and Hochstatter)

Creating an ombudsman office for private property rights.

Referred to Committee on Government Operations.

ESB 5276 by Senators McAuliffe, Drew, Bauer, Hochstatter, Sutherland, Long, Pelz, Rasmussen, Haugen, Fairley, Winsley and Kohl

Changing references from "handicapped" to "with disabilities" in the common school education code.

Referred to Committee on Education.

SB 5282 by Senators Fraser and Newhouse; by request of Department of Revenue

Modifying department of revenue tax information disclosure regulations.

Referred to Committee on Finance.

SSB 5305 by Senate Committee on Transportation (originally sponsored by Senators Heavey, Schow, Sheldon, Oke, Wood and Winsley)

Authorizing the director of licensing to use county auditors and subagents for additional licensing tasks.

Referred to Committee on Transportation.

SSB 5331 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Moyer, Fairley, Winsley, Wojahn, C. Anderson, Kohl and Fraser)

Enhancing bicycle safety.

Referred to Committee on Transportation.

SSB 5336 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators McAuliffe, Moyer, Fairley and Winsley; by request of Department of Health)

Regulating food industry safety.

Referred to Committee on Health Care.

SSB 5359 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Sheldon, Cantu, Rasmussen, Winsley and A. Anderson)

Creating a self-employment income support program.

Referred to Committee on Commerce & Labor.

SB 5399 by Senators Pelz and Franklin; by request of Department of Labor & Industries

Refining industrial insurance actions.

Referred to Committee on Commerce & Labor.

SSB 5400 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, C. Anderson, Haugen and Winsley; by request of Department of Labor & Industries)

Providing for reimbursements to the department of labor and industries related to crime victim compensation.

Referred to Committee on Law & Justice.

SSB 5402 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz and Franklin; by request of Department of Labor & Industries)

Revising provisions related to industrial insurance penalties.

Referred to Committee on Commerce & Labor.

SSB 5403 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, A. Anderson, Rasmussen, Prince, Spanel, Morton, Loveland, Swecker, Snyder, Palmer, Owen, Quigley and Roach)

Establishing the Washington state horse park.

Referred to Committee on Natural Resources.

SSB 5435 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Hale, Fraser, Franklin, C. Anderson and Kohl; by request of Insurance Commissioner)

Restricting limitations in certain medicare policies.

Referred to Committee on Health Care.

E2SSB 5448 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Hochstatter, Sutherland and Winsley; by request of Department of Health)

Modifying provisions for public water system regulation.

Referred to Committee on Agriculture & Ecology.

ESSB 5466 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Oke, Heavey, Winsley and Franklin)

Protecting children from sexually explicit films, publications, and devices.

Referred to Committee on Law & Justice.

SSB 5472 by Senate Committee on Energy, Telecommunications & Utilities (originally sponsored by Senators Wojahn, Winsley, Haugen, Wood, Gaspard, Sheldon and Sutherland)

Providing for utility liens.

Referred to Committee on Government Operations.

SB 5474 by Senators Fraser and Hargrove

Restoring service credit.

Referred to Committee on Appropriations.

SSB 5477 by Senate Committee on Law & Justice (originally sponsored by Senators Spanel, Smith, Haugen, Winsley and Franklin)

Providing a family health history for children upon the dissolution of a marriage.

Referred to Committee on Law & Justice.

2SSB 5497 by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Fraser, Spanel, C. Anderson and Kohl)

Assessing a fee and providing recycling incentive payments on automotive motor oil sold.

Referred to Committee on Agriculture & Ecology.

SB 5500 by Senators Smith, Long and Gaspard; by request of Attorney General

Clarifying the method of execution to be used in Washington state.

Referred to Committee on Law & Justice.

ESSB 5502 by Senate Committee on Transportation (originally sponsored by Senators Rinehart, Owen, Prince and Fairley)

Requiring safety equipment on certain service and delivery vehicles.

Referred to Committee on Transportation.

SSB 5537 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Pelz, Rasmussen, Kohl and Wojahn; by request of Board of Education)

Changing teacher preparation provisions.

Referred to Committee on Education.

SSB 5545 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Sheldon, Cantu, Rasmussen and Kohl)

Allowing businesses in this state to participate in the small business innovation research program.

Referred to Committee on Trade & Economic Development.

ESB 5546 by Senator Snyder

Revising the affidavits required for marriage licenses.

Referred to Committee on Law & Justice.

ESSB 5597 by Senate Committee on Law & Justice (originally sponsored by Senators C. Anderson, Roach, Smith, Schow, McCaslin, Pelz, Hargrove, Long and Johnson)

Copying public records.

Referred to Committee on Government Operations.

ESSB 5605 by Senate Committee on Higher Education (originally sponsored by Senators Owen, Bauer, Sheldon, Wood, McAuliffe, Prince, Heavey, Drew, Winsley, Palmer, Deccio, Oke, Prentice and Schow)

Prohibiting drug and alcohol use in state-owned college and university residences.

Referred to Committee on Higher Education.

ESSB 5616 by Senate Committee on Natural Resources (originally sponsored by Senators Gaspard, Sellar, Haugen, Hochstatter, Drew, A. Anderson, Swecker, Newhouse, Deccio, Rasmussen, Winsley and Morton)

Establishing a single-application process for watershed restoration projects.

Referred to Committee on Natural Resources.

SSB 5660 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Hale, Snyder, Sellar, Fraser, Kohl and Winsley)

Providing for heating oil liability protection.

Referred to Committee on Financial Institutions & Insurance.

SSB 5680 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Franklin, Kohl and Winsley; by request of Department of Social and Health Services)

Modifying licensing enforcement for child care agencies.

Referred to Committee on Children & Family Services.

ESSB 5685 by Senate Committee on Transportation (originally sponsored by Senators Long, Haugen, Wood, Kohl, Prince, Fraser, Owen, Schow, Sellar, Heavey, Rasmussen, Winsley and Sheldon)

Updating regulation of salvaged vehicles.

Referred to Committee on Transportation.

SSB 5688 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Franklin, Rasmussen, C. Anderson, Kohl, Prentice, McAuliffe, Fairley, Drew, Smith, Heavey, Sheldon, Wojahn, Bauer and Winsley)

Improving screening for fetal alcohol syndrome.

Referred to Committee on Health Care.

SSB 5735 by Senate Committee on Government Operations (originally sponsored by Senators West, Winsley, McCaslin, Haugen, Deccio, Hochstatter, Palmer, Roach, Schow, Wood, Hale, Strannigan and Fraser)

Paying county fees by credit cards.

Referred to Committee on Government Operations.

SSB 5747 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Sheldon, Roach, Sellar and Fraser)

Regulating housing authorities.

Referred to Committee on Trade & Economic Development.

ESB 5768 by Senator Pelz; by request of Employment Security Department

Revising provision relating to deductions from unemployment benefits for unavailability.

Referred to Committee on Commerce & Labor.

SSB 5769 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senator Deccio; by request of Employment Security Department)

Revising provision on recovery of unemployment insurance overpayments.

Referred to Committee on Commerce & Labor.

SSB 5773 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz, Newhouse and Deccio; by request of Employment Security Department)

Revising provision relating to charges against industrial insurance awards.

Referred to Committee on Commerce & Labor.

SSB 5825 by Senate Committee on Transportation (originally sponsored by Senators Fairley and Kohl)

Enhancing bicycle and pedestrian transportation.

Referred to Committee on Transportation.

SSB 5854 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Haugen, Spanel, Wood, Prentice, Winsley, Rasmussen, Hale, Kohl, McCaslin, Fairley, Long, Loveland, Franklin, Roach, Moyer, Quigley, McAuliffe, Drew and Wojahn)

Requiring that health plans must allow women a choice of primary care providers.

Referred to Committee on Health Care.

SSB 5858 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Prentice, Heavey, Franklin, Wojahn, Fairley, Snyder and McAuliffe)

Providing for prompt payment of industrial insurance awards.

Referred to Committee on Commerce & Labor.

SB 5871 by Senators Pelz, Hale, Fraser, Newhouse and Deccio

Clarifying the terms of the members of the advisory board of plumbers.

Referred to Committee on Commerce & Labor.

ESSB 5875 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser and Fairley)

Regulating wetlands mitigation banks.

Referred to Committee on Agriculture & Ecology.

SSB 5889 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley and Kohl)

Enacting the frail elderly and vulnerable adult civil protection act.

Referred to Committee on Health Care.

ESSB 5901 by Senate Committee on Government Operations (originally sponsored by Senators Spanel, Haugen and Rasmussen)

Clarifying the authorized uses of the special excise tax on lodging.

Referred to Committee on Finance.

ESSB 5916 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Kohl and Pelz)

Requiring school districts to have racial harassment policies.

Referred to Committee on Education.

ESB 5920 by Senators Franklin, Pelz, McAuliffe, Rasmussen, Snyder, Winsley, Fairley and C. Anderson

Authorizing delegation of nursing care tasks in public schools.

Referred to Committee on Health Care.

ESB 5962 by Senators Rasmussen and Newhouse

Changing dairy products regulations.

Referred to Committee on Agriculture & Ecology.

SSB 5977 by Senate Committee on Government Operations (originally sponsored by Senators Loveland, Haugen, Long, Smith and Winsley)

Revising administration of forensic investigations.

Referred to Committee on Law & Justice.

SB 5990 by Senators Long, Bauer, Cantu, Rinehart, Newhouse, Winsley, Wood, Deccio, Johnson, Finkbeiner, Loveland and Hochstatter

Requiring public notice regarding excess compensation.

Referred to Committee on Appropriations.

SSB 6002 by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Wood, Rinehart and Kohl; by request of State Board for Community and Technical Colleges)

Changing community and technical college tuition refund and fee cancellation provisions.

Referred to Committee on Higher Education.

ESSB 6009 by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Loveland, Finkbeiner, Morton, Bauer, McAuliffe, Drew and Kohl)

Creating the malt beverage commission.

Referred to Committee on Agriculture & Ecology.

SJM 8004 by Senator Heavey

Requesting Congress to direct rejection of Puyallup tribe gaming requests without tribal-state compacts.

Referred to Committee on Commerce & Labor.

SSJM 8015 by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Swecker, Oke, McDonald, Wojahn, Deccio, McAuliffe, Hargrove, Rasmussen and Winsley)

Requesting a variance in order to preserve man-made wetlands.

Referred to Committee on Agriculture & Ecology.

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

There being no objection, all House bills passed today will be transmitted to the Senate with the exception of Engrossed Substitute House Bill No. 1135.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: House Bill No. 1921, House Bill No. 1941, House Bill No. 1967 and House Bill No. 1749.

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

SECOND READING

HOUSE BILL NO. 1921, by Representatives Benton, Elliot, Chopp, Thompson, Carlson, D. Schmidt, Ogden and Mason

Providing for existing general aviation airport land use encroachment planning.

The bill was read the second time. There being no objection, Substitute House Bill No. 1921 was substituted for House Bill No. 1921 and the substitute bill was placed on second reading.

Substitute House Bill No. 1921 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Benton, Elliot, Patterson, Ogden and R. Fisher spoke in favor of passage of the bill.

Representative Chandler spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1921.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1921, and the bill passed the House by the following vote: Yeas - 60, Nays - 37, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Carlson, Carrell, Chappell, Chopp, Cody, Cole, Conway, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Huff, Jacobsen, Kessler, Lambert, Mason, Mastin, Mielke, Mitchell, Morris, Ogden, Patterson, Pennington, Poulsen, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sherstad, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 60.

Voting nay: Representatives Basich, Beekma, Cairnes, Campbell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Hymes, Johnson, Koster, Kremen, Lisk, McMahan, McMorris, Mulliken, Padden, Pelesky, Quall, Radcliff, Schoesler, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Stevens and Thompson - 37.

Excused: Representative Costa - 1.

Substitute House Bill No. 1921, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1941, by Representatives Johnson, Brumsickle, Talcott and Thompson

Improving student learning by focusing on reading literacy.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1941 was substituted for House Bill No. 1941 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1941 was read the second time.

Representative Cole moved adoption of the following amendment by Representative Cole:

On page 2, beginning on line 14, strike all of subsection (4)

Representatives Cole, Johnson, G. Fisher and Quall spoke in favor of the adoption of the amendment.

Representative Beeksma spoke against passage of the bill.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-41; NAYS-56. The amendment was not adopted.

Representative Johnson moved adoption of the following amendment by Representative Johnson:

On page 2, after line 16, insert the following:

"(5) Special education students are exempted from the requirements of this section. A student also may be exempted from attaining the reading standard before entering fourth grade with the agreement of a parent of the student and the student's teacher."

Representative Johnson spoke in favor of the adoption of the amendment.

Representatives Cole and Ebersole spoke against the adoption of the amendment.

There being no objection, the House deferred further consideration of Second Substitute House Bill No. 1941 and the bill held it's place on the second reading calendar.

HOUSE BILL NO. 1967, by Representatives Romero, Robertson, R. Fisher, K. Schmidt, Tokuda, Chopp, Patterson, Regala, Hatfield, Wolfe, Cole, Dellwo, Valle and Ogden

Increasing penalties for repeat violations of vehicle licensing requirements.

The bill was read the second time. There being no objection, Substitute House Bill No. 1967 was substituted for House Bill No. 1967 and the substitute bill was placed on second reading.

Substitute House Bill No. 1967 was read the second time.

Representative Romero moved adoption of the following amendment by Representative Romero:

On page 8, line 35 after "purposes." strike all material through line 39 and insert the following:

The disclosure shall be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives such return or tax information may disclose that return or tax information only for use in the investigation and any related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

Representatives Romero and Robertson spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Romero and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1967.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1967, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1967, having received the constitutional majority, was declared passed.

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

THIRD READING

MOTION

On motion of Representative Padden, the rules were suspended, and House Bill No. 1749 was returned to second reading for the purpose of an amendment.

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

SECOND READING

HOUSE BILL NO. 1749, by Representatives Clements, Lisk, Blanton, Chandler, Lambert, Honeyford, Sheldon, Horn, Skinner, Hargrove, Fuhrman, Stevens, Radcliff, Huff, Schoesler and Backlund

Defining misconduct for unemployment insurance purposes.

The bill was read the second time.

Representative Clements moved adoption of the following amendment by Representative Clements:

On page 2, beginning on line 1, strike all of subsections (a) through (c) and insert the following:

- "(a) Has a reasonable and direct relation to the conduct of the employer's business;
- (b) Results in some harm to the employer's interest;
- (c) Was done with intent or knowledge that the employer's interest would suffer; and
- (d) Meets the requirements of subsection (1)(a) and (b) of this section.

(3) If a determination of an allowance of benefits is appealed by an employer on the grounds that the employee's conduct was misconduct that violated an unwritten rule of the employer, this subsection shall apply. The employer shall have the burden of establishing by a preponderance of the evidence that: (a) Except for the requirement of a written rule, the requirements of subsection (1) or (2) of this section, whichever applies, are met; and (b) as established by at least two competent witnesses, both the rule in issue and the expectation that the rule would be followed were communicated to the employee."

Representatives Clements and Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and K. Schmidt spoke in favor of passage of the bill.

Representatives Romero and Conway spoke against passage of the bill.

POINT OF INQUIRY

Representative Clements yielded to a question by Representative K. Schmidt.

Representative K. Schmidt: Does House Bill No. 1749 disqualify a person from unemployment benefits if the person is fired for engaging in legal activity off-the-job, such as smoking at home?

Representative Clements: No. To be disqualifying, the employee's activity must have a reasonable and direct relation to the conduct of the employer's business and must result in some harm to the employer's interest.

This is a very high standard that is very difficult to meet. The Washington Supreme Court established this standard for off-the-job conduct and suggested that it would rarely be used. In refusing to rule out the possibility of disqualification based on off-the-job conduct, the court stated "[t]here may well be occasions when a reasonable person would conclude [that] misconduct off the job is in fact connected with the work of the employee."

By adopting this bill, we are adopting the court's test and allowing the possibility of a disqualification in those unusual circumstances where the employee's off-the-job conduct has a direct and harmful bearing on the employer's business.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1749.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1749, and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Voting nay: Representatives Appelwick, Basich, Brown, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen,

Kessler, Kremen, Mason, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Smith, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 36.

Engrossed House Bill No. 1749, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: House Bill No. 1271, House Bill No. 1589, House Bill No. 1659, House Bill No. 2072, Substitute House Bill No. 1523, House Bill No. 1546 and House Bill No. 1851.

HOUSE BILL NO. 1271, by Representatives Morris, Blanton, Grant, Schoesler, Sheldon, Sherstad, Quall, Carlson, Hatfield, Mulliken, Elliot, Stevens, McMorris, Backlund, Johnson, Talcott, Kremen and Radcliff

Regulating public agency lobbyists.

The bill was read the second time.

Representative Chopp moved adoption of the following amendment by Representative Chopp:

On page 2, line 9, strike "an" and insert "a state"

On page 3, beginning on line 10, strike "agency head or one authorized designee" and insert "state agency head or one authorized designee, or the local agency,"

On page 3, beginning on line 19, strike "agency head or one authorized designee" and insert "state agency head or one authorized designee, or the local agency"

On page 5, line 9, beginning with "~~((H))~~ strike all the matter through "~~(E))~~" on line 20, and insert "In-person lobbying on behalf of ~~((an))~~ a local agency of no more than four days or parts thereof during any three-month period by officers or employees of that local agency and in-person lobbying by any elected official of such local agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;
(C)"

Representative Chopp spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Schoesler moved adoption of the following amendment by Representative Schoesler:

On page 2, line 9, strike "an agency" and insert "a local agency with a population of forty-five thousand or more, or a state agency"

On page 3, beginning on line 10, strike "agency head or one authorized designee" and insert "state agency head or one authorized designee, or the head of a local agency with a population of forty-five thousand or more or one authorized designee of such a local agency,"

On page 3, beginning on line 19, strike "agency head or one authorized designee" and insert "state agency head or one authorized designee, or the head of a local agency with a population of forty-five thousand or more or one authorized designee of such a local agency,"

On page 5, line 9, beginning with "~~((#~~" strike all the matter through "~~€))~~" on line 20, and insert "In-person lobbying on behalf of ~~((#~~) a local agency with a population of less than forty-five thousand of no more than four days or parts thereof during any three-month period by officers or employees of that local agency with a population of less than forty-five thousand and in-person lobbying by any elected official of such local agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;

(C)"

Representative Schoesler spoke in favor of the adoption of the amendment.

Representative Rust spoke against the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-47; NAYS-51. The amendment was not adopted.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 2, line 29, after "~~amended))~~" insert "; and
(10) Persons who lobby whose expenses are paid out of student services and activities fees budgeted and approved under RCW 28B.15.045"

Representatives Morris and Mulliken spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, K. Schmidt, D. Schmidt, Carrell and Hargrove spoke in favor of passage of the bill.

Representatives Rust, Thibaudeau and Appelwick spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1271.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1271, and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon,

Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 28.

Engrossed House Bill No. 1271, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1589, by Representatives Backlund and Dyer

Providing health care quality assurance.

The bill was read the second time. There being no objection, Substitute House Bill No. 1589 was substituted for House Bill No. 1589 and the substitute bill was placed on second reading.

Substitute House Bill No. 1589 was read the second time.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 15, after "section." on line 2, insert the following:

"**NEW SECTION. Sec. 9.** A new section is added to chapter 48.43 RCW to read as follows:

"No public or private health care payer subject to the jurisdiction of the state of Washington shall propose, issue, sign, or renew a provider agreement or enrollee service agreement that contains a clause whose effect, in any way, is to disclaim liability for the care delivered or not delivered to an enrollee because of a decision of the payer as to whether the care was a covered service, medically necessary, economically provided, medically appropriate, or similar consideration. Similarly, no clause shall attempt to shift liability for harm caused by such payer decision as to whether care should be delivered, as opposed to paid for, is between the provider and patient alone as if the fact of whether or not care is paid for played little or no role in a patient's decision to obtain care. Nothing in this section shall be inferred to result in liability to anyone for the payer's payment decisions that are consistent with the language of the applicable service agreement or consistent with the cost-effective delivery of health care. The intent of this section is only to prevent payers from shifting their liability for payment decisions to either providers, or enrollees, or both."

Renumber the sections consecutively, correct internal references accordingly.

Representatives Dyer and Dellwo spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Backlund moved adoption of the following amendment by Representative Backlund:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** HOSPITAL DISCHARGE DATA--OTHER DATA REQUIREMENTS. (1) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter . . ., Laws of 1995 (this act), the department shall continue to require hospitals to submit hospital financial and patient discharge information, which shall be collected, maintained, analyzed, and disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of chapter 492, Laws of 1993 as amended by chapter . . ., Laws of 1995 (this act). Data elements relating to use of hospital services by

patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) The department shall, in consultation and collaboration with the federally recognized tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system. The department rules regarding confidentiality shall apply to safeguard the information from inappropriate use or release.

(5) All persons subject to the data collection requirements of chapter 492, Laws of 1993 as amended shall comply with departmental requirements established by rule in the acquisition of data.

NEW SECTION. Sec. 2. HEALTH CARE QUALITY--FINDINGS AND INTENT. The legislature finds that it is difficult for consumers of health care services to determine the quality of health care prior to purchase or utilization of medical care. The legislature also finds that accountability is a key component in promoting quality assurance and quality improvement throughout the health care delivery system, including public programs. Quality assurance and improvement standards are necessary to promote the public interest, contribute to cost efficiencies, and improve the ability of consumers to ascertain quality health care purchases.

The legislature intends to have consumers, health carriers, health care providers and facilities, and public agencies participate in the development of quality assurance and improvement standards that can be used to develop a uniform quality assurance program for use by all public and private health plans, providers, and facilities. To that end, in conducting the study required under section 3 of this act, the department of health shall:

(1) Consider the needs of consumers, employers, health care providers and facilities, and public and private health plans;

(2) Take full advantage of existing national standards of quality assurance to extend to middle-income populations the protections required for state management of health programs for low-income populations;

(3) Consider the appropriate minimum level of quality assurance standards that should be disclosed to consumers and employers by health care providers and facilities, and public and private health plans; and

(4) Consider standards that permit health care providers and facilities to share responsibility for participation in a uniform quality assurance program.

NEW SECTION. Sec. 3. UNIFORM QUALITY ASSURANCE. (1) The department of health shall study the feasibility of a uniform quality assurance and improvement program for use by all public and private health plans and health care providers and facilities. In this study, the department shall consult with:

(a) Public and private purchasers of health care services;

(b) Health carriers;

(c) Health care providers and facilities; and

(d) Consumers of health services.

(2) In conducting the study, the department shall propose standards that meet the needs of affected persons and organizations, whether public or private, without creation of differing levels of quality assurance. All consumers of health services should be afforded the same level of quality assurance.

(3) At a minimum, the study shall include but not be limited to the following program components and indicators appropriate for consumer disclosure:

- (a) Health care provider training, credentialing, and licensure standards;
- (b) Health care facility credentialing and recredentialing;
- (c) Staff ratios in health care facilities;
- (d) Annual mortality and morbidity rates of cases based on a defined set of procedures performed or diagnoses treated in health care facilities, adjusted to fairly consider variable factors such as patient demographics and case severity;
- (e) The average total cost and average length of hospital stay for a defined set of procedures and diagnoses;
- (f) The total number of the defined set of procedures, by specialty, performed by each physician at a health care facility within the previous twelve months;
- (g) Utilization performance profiles by provider, both primary care and specialty care, that have been adjusted to fairly consider variable factors such as patient demographics and severity of case;
- (h) Health plan fiscal performance standards;
- (i) Health care provider and facility recordkeeping and reporting standards;
- (j) Health care utilization management that monitors trends in health service under-utilization, as well as over-utilization of services;
- (k) Health monitoring that is responsive to consumer, purchaser, and public health assessment needs; and
- (l) Assessment of consumer satisfaction and disclosure of consumer survey results.

(4) In conducting the study, the department shall develop standards that permit each health care facility, provider group, or health carrier to assume responsibility for and determine the physical method of collection, storage, and assimilation of quality indicators for consumer disclosure. The study may define the forms, frequency, and posting requirements for disclosure of information.

In developing proposed standards under this subsection, the department shall identify options that would minimize provider burden and administrative cost resulting from duplicative private sector data submission requirements. Duplicative burdens imposed by state agencies shall be addressed pursuant to section 4 of this act.

(5) The department shall submit a preliminary report to the legislature by December 31, 1995, including recommendations for initial legislation pursuant to subsection (6) of this section, and shall submit supplementary reports and recommendations as completed, consistent with appropriated funds and staffing.

(6) The department shall not adopt any rule implementing the uniform quality assurance program or consumer disclosure provisions unless expressly directed to do so by an act of law.

NEW SECTION. Sec. 4. QUALITY ASSURANCE--INTERAGENCY COOPERATION--ELIMINATION AND COORDINATION OF DUPLICATE STATE PROGRAMS. No later than July 1, 1995, the department of health together with the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities and collaboration on final recommendations for the study required under section 3 of this act. By December 31, 1996, the group shall review all state agency programs governing health service quality assurance, in light of legislative actions pursuant to section 3(6) of this act, and shall recommend to the legislature, the consolidation, coordination, or elimination of rules and programs that would be made unnecessary pursuant to the development of a uniform quality assurance and improvement program.

**NEW SECTION. Sec. 5. A new section is added to chapter 18.130 RCW to read as follows:
PRESERVATION OF ETHICAL STANDARDS IN MANAGED CARE CONTRACTING.**

(1) Any quality assurance commission, professional regulatory board, committee, or professional association for professions subject to RCW 18.130.040, or any other person, may recommend to the secretary the adoption of rules providing for standards of ethical conduct with respect to the terms and conditions of a contract or agreement between a practitioner subject to RCW 18.130.040 and a payer of health services, including but not limited to a carrier regulated under Title 48 RCW. Recommendations shall be considered by the secretary only if the proposed rule would foster strict compliance with standards of patient care, professional conduct, and scopes of practice; would promote quality medical and health practice; or would protect the public health and safety.

(2) The secretary is authorized to adopt rules, pursuant to chapter 34.05 RCW, based upon recommendations made in accordance with subsection (1) of this section. When practical and appropriate and with the approval of the appropriate commission, board, or committee, the secretary shall apply the rules to all practitioners subject to RCW 18.130.040 to promote consistent standards for contracting process between such practitioners and payers of health services.

Sec. 6. RCW 18.130.180 and 1993 c 367 s 22 are each amended to read as follows:

UNPROFESSIONAL CONDUCT--MODIFIED. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplinary authority or a stipulation for informal disposition entered into with the disciplinary authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

- (18) The procuring, or aiding or abetting in procuring, a criminal abortion;
- (19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;
- (20) The willful betrayal of a practitioner-patient privilege as recognized by law;
- (21) Violation of chapter 19.68 RCW;
- (22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;
- (23) Current misuse of:
 - (a) Alcohol;
 - (b) Controlled substances; or
 - (c) Legend drugs;
- (24) Abuse of a client or patient or sexual contact with a client or patient;
- (25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;
- (26) Violation of standards of ethics in contracting established under section 5 of this act.

Sec. 7. RCW 42.17.310 and 1994 c 233 s 2 and 1994 c 182 s 1 are each reenacted and amended to read as follows:

RECORDS EXEMPT FROM PUBLIC INSPECTION--MODIFIED. (1) The following are exempt from public inspection and copying:

- (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
- (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
- (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.
- (d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.
- (e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.
- (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
- (g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.
- (h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, or collected or maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 8. RCW 43.70.510 and 1993 c 492 s 417 are each amended to read as follows:

QUALITY IMPROVEMENT PROGRAMS--ADDING CERTAIN STATE AGENCIES AND HEALTH CARRIERS. (1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, ~~((and certified))~~ health care service contractors, health maintenance organizations, health ((plans)) carriers approved pursuant to ((RCW 43.72.100)) chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, ~~((or certified))~~ health care service contractors, health maintenance organizations, health ((plan)) carriers, or any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall

ensure that the exemption under RCW 42.17.310(1)(hh) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((e))~~ (f) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, or collected or maintained by a quality improvement committee are exempt from disclosure under chapter 42.17 RCW.

(6) The department of health shall adopt rules as are necessary to implement this section.

NEW SECTION. Sec. 9. REPEALERS. The following acts or parts of acts are each repealed:

- (1) RCW 70.170.100 and 1993 c 492 s 259, 1990 c 269 s 12, & 1989 1st ex.s. c 9 s 510;
- (2) RCW 70.170.110 and 1993 c 492 s 260 & 1989 1st ex.s. c 9 s 511;
- (3) RCW 70.170.120 and 1993 c 492 s 261;
- (4) RCW 70.170.130 and 1993 c 492 s 262;
- (5) RCW 70.170.140 and 1993 c 492 s 263; and
- (6) RCW 43.72.070 and 1993 c 492 s 409.

NEW SECTION. Sec. 10. CODIFICATION. Sections 1 through 4 of this act are each added to chapter 43.70 RCW.

NEW SECTION. Sec. 11. CAPTIONS. Captions as used in this act constitute no part of the law.

NEW SECTION. **Sec. 12. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13. EMERGENCY CLAUSE--EFFECTIVE DATE.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Representative Backlund spoke in favor of the adoption of the amendment.

There being no objection, the House deferred further consideration of Substitute House Bill No. 1589 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1659, by Representatives Mielke, Quall, Crouse, Costa, Kremen and Cooke

Regulating real estate brokerage relationships.

The bill was read the second time.

Representative Cairnes moved adoption of the following amendment by Representative Cairnes:

On page 3, line 19, after "principal a" insert "separate"

On page 3, line 20, after "disclosure" insert "indicating by a bold print heading that this form is an optional waiver"

Representative Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment numbers 326, 325, 327, 324 and 328 to House Bill No. 1659 was withdrawn.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 3, line 27, beginning with "Unless" strike all material through "made, the" on line 29 and insert "The"

On page 3, line 30, after "following" insert "and may not be waived"

On page 5, line 20, beginning with "Unless" strike all material through "made, the" on line 22 and insert "The"

On page 5, line 23, after "following" insert "and may not be waived"

On page 7, beginning on line 17, after "buyer/tenant" strike all material through "obligations" on line 20 and insert ". The duties and obligations of a dual agent are limited to the following and may not be waived"

Representatives Appelwick, Lambert and Romero spoke in favor of the adoption of the amendment.

Representatives Mielke and Basich spoke against the adoption of the amendment.

Representative Appelwick again spoke in favor of the adoption of the amendment.

Representative Mielke again spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

On page 11, after line 2, insert the following:

"**Sec. 14.** RCW 18.85.230 and 1990 c 85 s 1 are each amended to read as follows:

The director may, upon his or her own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate salesperson, regardless of whether the transaction was for his or her own account or in his or her capacity as broker, associate real estate broker, or real estate salesperson, and may impose any one or more of the following sanctions: Suspend or revoke, levy a fine not to exceed one thousand dollars for each offense, require the completion of a course in a selected area of real estate practice relevant to the section of this chapter or rule violated, or deny the license of any holder or applicant who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto or violating a provision of chapter 64.36, 18.-- (sections 1 through 13 of this act), 19.105, or 58.19 RCW or the rules adopted under those chapters;

(3) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his or her principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relies upon the word, representation or conduct of the licensee;

(6) Accepting the services of, or continuing in a representative capacity, any associate broker or salesperson who has not been granted a license, or after his or her license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his or her own use or to the use of his or her principal or of any other person, when delivered to him or her in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book or record in his or her possession for inspection of the director or his or her authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a salesperson or associate broker, without affixing the name of the broker as licensed for whom or under whom the salesperson or associate broker operates, to the advertisement; except, that a real estate broker, associate real estate broker, or real estate salesperson advertising their personally owned real property must only disclose that they hold a real estate license;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his or her acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure in writing of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker, associate broker, or salesperson has an interest unless his or her interest is clearly stated in the appraisal report;

(17) Misrepresentation of his or her membership in any state or national real estate association;

(18) Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal antidiscrimination law;

(19) Failing to keep an escrow or trustee account of funds deposited with him or her relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his or her representatives, on demand, or upon written notice given to the bank;

(20) Failing to preserve for three years following its consummation records relating to any real estate transaction;

(21) Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;

(22) Acceptance by a branch manager, associate broker, or salesperson of a commission or any valuable consideration for the performance of any acts specified in this chapter, from any person, except the licensed real estate broker with whom he or she is licensed;

(23) To direct any transaction involving his or her principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his or her principal;

(24) Buying, selling, or leasing directly, or through a third party, any interest in real property without disclosing in writing that he or she holds a real estate license;

(25) In the case of a broker licensee, failing to exercise adequate supervision over the activities of his or her licensed associate brokers and salespersons within the scope of this chapter;

(26) Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency;

(27) Acting as a mobile home and travel trailer dealer or salesperson, as defined in RCW 46.70.011 as now or hereafter amended, without having a license to do so;

(28) Failing to assure that the title is transferred under chapter 46.12 RCW when engaging in a transaction involving a mobile home as a broker, associate broker, or salesperson; or

(29) Violation of an order to cease and desist which is issued by the director under this chapter."

On page 1, line 1 of the title, after "relationships;" insert "amending RCW 18.85.230;"

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke and Cairnes spoke in favor of passage of the bill.

Representatives Appelwick and Romero spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1659.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1659, and the bill passed the House by the following vote: Yeas - 69, Nays - 29, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Ebersole, Elliot, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, G., Fisher, R., Foreman, Jacobsen, Lambert, Mason, Ogden, Padden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 29.

Engrossed House Bill No. 1659, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of House Bill No. 2072.

SPEAKER'S RULING

Representative Appelwick, the Speaker is prepared to Rule on your Point of Order which challenges Amendment 353 to House Bill No. 2072 as being beyond the Scope and Object of the bill.

The title of House Bill No. 2072 is "AN ACT Relating to reducing business and occupation tax rates.

The title is broad. The bill amends RCW 82.04.255 and RCW 82.04.290.

Amendment 353 to House Bill No. 2072 would add a new section to the bill amending RCW 82.04.260. The amendment would extend the existing B&O tax rate that applies to the business of canning, preserving, freezing or dehydrating fresh fruits and vegetables to the business of selling at wholesale fresh fruits and vegetables canned, preserved, or dehydrated by the seller and sold to purchasers who immediately transport the goods out of this state.

The effect of Amendment 353 would be to reduce the business and occupation tax rate for those businesses added in the amendment.

The Speaker finds that this amendment is within the scope of the broad title of House Bill No. 2072.

The object of House Bill No. 2072 is to reduce the B&O tax rates that were imposed on various service industries in 1993 through a two-year tax rate reduction phase-in. Amendment 353 reduces the B&O tax rate for certain manufacturing industries and establishes a requirement that sellers shall obtain certain affidavits from the department as proof of sale.

Amendment 353 is unrelated to the object to House Bill No. 2072.

The Speaker finds that Amendment 353 is beyond the scope and object of the bill.

Representative Appelwick, Your Point of Order is well taken.

Representative Chappell moved adoption of the following amendment by Representative Chappell:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.255 and 1993 s.s. c 25 s 202 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((2-0))~~ 1.5 percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. RCW 82.04.290 and 1993 s.s. c 25 s 203 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2-5))~~ 1.5 percent.

(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((4-70))~~ 1.5 percent.

(3) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsections (1) and (2) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2-0))~~ 1.5 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. **Sec. 3.** RCW 82.04.2201 and 1994 s.s. c 10 s 1 & 1993 s.s. c 25 s 204 are each repealed.

NEW SECTION. **Sec. 4.** The repeal in section 3 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the statute repealed or under any rule or order adopted pursuant to that statute; nor as affecting any proceeding instituted under it.

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Representative Chappell spoke in favor of the adoption of the amendment.

Representative Foreman spoke against the adoption of the amendment.

Representative Chappell again spoke in favor of the adoption of the amendment.

Representative Ebersole demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the striking amendment to House Bill No. 2072, and the amendment failed the House by the following vote: Yeas - 34, Nays - 64, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Thibaudeau, Tokuda, Voloria and Wolfe - 34.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 64.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Foreman spoke in favor of passage of the bill.

Representative Appelwick spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2072.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2072, and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Voloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Chopp, Dickerson, Sommers, Thibaudeau, Tokuda and Valle - 6.

House Bill No. 2072, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute House Bill No. 1589.

Representative Dellwo moved adoption of the following amendment to the striking amendment by Representative Dellwo:

On page 12, line 17 of the amendment, strike "or" and insert "and"

On page 12, line 18 of the amendment, strike "or" and insert "and"

On page 15, line 7 of the amendment, strike "or" and insert "and"

On page 15, line 8 of the amendment, strike "or" and insert "and"

Representatives Dellwo and Dyer spoke in favor of the adoption of the striking amendment.

The amendment to the striking amendment was adopted.

Representative Dyer moved adoption of the following amendment to the striking amendment by Representative Dyer:

On page 15, after line 11 insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 48.43 RCW to read as follows:

"No public or private health care payer subject to the jurisdiction of the state of Washington shall propose, issue, sign, or renew a provider agreement or enrollee service agreement that contains a clause whose effect, in any way, is to disclaim liability for the care delivered or not delivered to an enrollee because of a decision of the payer as to whether the care was a covered service, medically necessary, economically provided, medically appropriate, or similar consideration. Similarly, no clause shall attempt to shift liability for harm caused by such payer decision as to whether care should be delivered, as opposed to paid for, is between the provider and patient alone as if the fact of whether or not care is paid for played little or no role in a patient's decision to obtain care. Nothing in this section shall be inferred to result in liability to anyone for the payer's payment decisions that are consistent with the language of the applicable service agreement or consistent with the cost-effective delivery of health care. The intent of this section is only to prevent payers from shifting their liability for payment decisions to either providers, or enrollees, or both."

Renumber the sections consecutively, correct internal references accordingly.

Representative Dyer spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Dyer moved adoption of the following amendment to the striking amendment by Representative Dyer:

On page 15, line 19 of the amendment, after "263;" strike "and"

On page 15, line 20 of the amendment, after "409" insert "; and
(7) RCW 70.170.080 and 1993 s.s. c 24 s 925, 1991 s.s. c 13 s 71, & 1989 1st ex.s. c 9 s
508"

Correct the title accordingly.

Representatives Dyer and Dellwo spoke in favor of the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Backlund spoke in favor of the adoption of the striking amendment.

The striking amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Backlund, Dellwo, Dyer and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1589.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1589, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1589, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute House Bill No. 1523.

Representative Patterson moved adoption of the following amendment by Representative Patterson:

On page 3, line 1, strike "female"

On page 3, line 3, strike "female"

On page 3, line 30, after "abortion." insert "Where there is reason to believe that the father of the unborn child is an unemancipated minor or an incompetent, no person shall perform such an abortion unless that person has also given such notice to one parent or to the guardian of the father."

On page 5, line 14, after "her" insert "or his"

On page 5, line 15, after "pregnant" insert "or is believed to be the father of the unborn child"

On page 5, line 17 after "her" insert "or him"

On page 5, beginning on line 19 strike everything through "request." on line 20 and insert "The court shall advise the unemancipated minor or incompetent that he or she has a right to court-appointed counsel and shall provide such counsel upon request."

On page 5, line 24, after "her" insert "or his"

On page 5, line 25, after "her" insert "or his"

On page 5, line 37, strike "If" and insert "(a) In the case of a petition by a pregnant minor or incompetent, if"

On page 6, line 5, after "(5)" insert "(a)"

On page 6, after line 6, insert the following:

"(b) In the case of a petition by a unemancipated minor or incompetent father of an unborn child, if the court finds, by clear and convincing evidence, that the petitioner is sufficiently mature or able to deal with the decision by the pregnant unemancipated minor or incompetent regarding having an abortion, the court shall waive the requirement that a parent or the guardian of the petitioner be notified. If the court does not make the finding specified in this subsection or subsection (5)(b) of this section, it shall dismiss the petition."

On page 6, line 7, strike "If" and insert "(a) In the case of a petition by a pregnant minor or incompetent, if"

On page 6, line 15, after "(4)" insert "(a)"

On page 6, after line 16, insert the following:

"(b) In the case of a petition by a unemancipated minor or incompetent father of an unborn child, if the court finds, by clear and convincing evidence, that there is evidence of a pattern of

physical or sexual abuse by one or both of the parents or by the guardian of the petitioner, or that the notification of a parent or guardian is not in the best interest of the petitioner, the court shall waive the requirement that a parent or the guardian of the petitioner be notified. If the court does not make the finding specified in this subsection or subsection (4)(b) of this section, it shall dismiss the petition."

On page 6, line 25, strike "pregnant"

On page 6, line 26, strike "pregnant"

Representatives Patterson and Mitchell spoke in favor of the adoption of the amendment.

Representatives Padden, Brown, Thibaudeau and Cole spoke against the adoption of the amendment.

Representative Patterson again spoke in favor of the adoption of the amendment.

Representative Brown demanded an electronic roll call vote and the demand was sustained.

POINT OF INQUIRY

Representative Patterson yielded to a question by Representative Smith.

Representative Smith: Thank you Mr. Speaker. I think that it's a good amendment but I have one concern if the young lady doesn't want to tell her male companion that she's pregnant, would it still require her then to go through that procedure and have the parents of the boy notified?

Representative Patterson: In keeping with the spirit of the underlying bill, this amendment would require that the father of the unborn child be notified also.

Representative Padden again spoke against the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 3, line 1 to Substitute House Bill No. 1523 and the amendment was adopted by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Benton, Blanton, Brown, Brumsickle, Cairnes, Campbell, Carlson, Carrell, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Jacobsen, Johnson, Kessler, Kremen, Lisk, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sheldon, Skinner, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 61.

Voting nay: Representatives Backlund, Beeksma, Boldt, Buck, Casada, Chandler, Clements, Crouse, Delvin, Foreman, Fuhrman, Goldsmith, Hargrove, Huff, Hymes, Koster, Lambert, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Regala, Schmidt, D., Sehlín, Sheahan, Sherstad, Silver, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 37.

NOTICE OF RECONSIDERATION

Representative Campbell: Having voted on the prevailing side moved that the House immediately reconsider the vote on amendment number 393 to Substitute House Bill No. 1523.

Representative Appelwick demanded the previous question and the demand was sustained.

Representative Appelwick demanded an electronic roll call vote on the motion to reconsider the vote on amendment number 393 to Substitute House Bill No. 1523.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative Campbell withdrew the motion to reconsider the vote on amendment number 393 to Substitute House Bill No. 1523.

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. That motion having made and withdrawn, will the Speaker rule a subsequent motion on this amendment out of order or in order.

The Speaker: Out of Order.

Representative Cody moved adoption of the following amendment by Representative Cody:

On page 3, on line 2, after "age" insert "who is over the age at which persons are presumed incapable of committing a crime under RCW 9A.04.050, or"

Representative Cody spoke in favor of the adoption of the amendment.

Representative Padden spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Thibaudeau moved adoption of the following amendment by Representative Thibaudeau:

On page 3, line 26, after "**Sec. 4.**" insert "(1)"

On page 3, after line 35 insert the following:

"(2) Before any notice is given under (1) of this section, the unemancipated minor or incompetent must have signed a form indicating that she has been fully informed of the options available to her under this act. The form shall be prepared by the department of health. The form shall be made available to all physicians in the state and shall contain information covering at least the following:

- (a) That no notice is required if she is emancipated as defined in section 3 of this act;
- (b) That alternative notice may be made under section 5 of this act if she has been the victim of neglect or sexual or physical abuse by a parent or guardian;
- (c) That notice may be waived under section 6 of this act if a medical emergency exists; and
- (d) That notice may be waived by a court at no cost to her and with the assistance of a court-appointed attorney under section 9 of this act if the court finds that she is sufficiently mature to decide about an abortion, or that there is evidence of a pattern of sexual or physical abuse by a parent or guardian, or that notice to a parent or guardian would not be in her best interest."

Representatives Thibaudeau, Ebersole, Dyer and Mitchell spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Padden spoke against the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 3, line 26 to Substitute House Bill No. 1532 and the amendment was adopted by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Benton, Blanton, Brown, Brumsickle, Cairnes, Carlson, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Horn, Huff, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sheldon, Skinner, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 58.

Voting nay: Representatives Backlund, Beeksma, Boldt, Buck, Campbell, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Schmidt, D., Sehlin, Sheahan, Sherstad, Silver, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 40.

Representative Dickerson moved adoption of the following amendment by Representative Dickerson:

On page 3, line 35, strike "forty-eight hours" and insert "nine months"

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Dickerson spoke in favor of the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the amendment on page 3, line 28 to Substitute House Bill No. 1523 and the amendment was not adopted by the following vote: Yeas - 11, Nays - 87, Absent - 0, Excused - 0.

Voting yea: Representatives Grant, Hankins, Kessler, Mason, Ogden, Patterson, Rust, Thibaudeau, Tokuda, Valle and Wolfe - 11.

Voting nay: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 87.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 3, line 35, after "notice." insert "For purposes of this section, a reasonable effort to make actual notice means phoning a parent or guardian at his or her home or place of business three times."

Representative Dellwo spoke in favor of the adoption of the amendment.

Representative Padden spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mastin moved adoption of the following amendment by Representative Mastin:

On page 4, line 26, after "9" insert "or 11"

On page 5, line 11 after "state." insert "The requirements and procedures of this section are available as alternatives to the provisions of section 11 of this act and may be used prior to, simultaneously with, or following the use of those provisions. A waiver under this section is valid, notwithstanding a denial of a waiver under section 11 of this act."

On page 6, after line 33, insert the following:

"**NEW SECTION. Sec. 11.** (1) The requirements and procedures under this section are available to unemancipated minors and incompetents whether or not they are residents of this state. The requirements and procedures of this section are available as alternatives to the provisions of section 9 of this act and may be used prior to, simultaneously with, or following the use of those provisions. A waiver under this section is valid, notwithstanding a denial of a petition under section 9 of this act.

(2) The unemancipated minor or incompetent may request a counselor licensed under chapter 18.19 RCW or a licensed or ordained member of the clergy as defined in RCW 26.44.020, for a waiver of the notice requirement. The request shall include a statement that the requesting party is unemancipated or incompetent.

(3) A counselling session under this section shall be conducted within one week of the request and shall be confidential and shall ensure the anonymity of the unemancipated minor or incompetent. All counselling sessions under this section shall be sealed. The unemancipated minor or incompetent has the right to request her counselling session using a pseudonym or using solely her initials. All documents related to the counselling session shall be confidential and shall not be available to the public. The counsellor or clergy member shall provide a written professional decision within forty-eight hours of the time after the counselling session. If the counsellor or clergy member fails to conduct a counselling session within one week or fails to issue a decision within forty-eight hours after a counselling session, the notice requirement shall be waived.

(4) At the time the minor or incompetent requests a counselling session, the counsellor or clergy member shall provide her with a signed statement that either:

- (a) Declares that a counselling session will not be conducted within seven days; or
- (b) Sets a counselling session at a reasonable time within seven days.

(5) If a counselling session occurs in compliance with 4(b) of this act, the counsellor or clergy member must provide a signed statement that either:

- (a) No decision was reached within forty-eight hours of the counselling session; or
- (b) The counsellor or clergy member finds that:

(i) The unemancipated minor or incompetent is sufficiently mature or able to decide whether to have an abortion;

(ii) There is evidence of a pattern of physical or sexual abuse by one or both of the parents or by the guardian of the unemancipated minor or incompetent; or

(iii) The notification of a parent or guardian is not in the best interest of the unemancipated minor or incompetent; or

(c) A decision was reached within forty-eight hours of the counselling session, but none of the findings in (b) of this subsection was made.

(6) If the counsellor or clergy member makes any of the findings in (5)(b) of this section, or fails to reach a decision within forty-eight hours of a counselling session, the counsellor or clergy member shall provide the unemancipated minor or incompetent with a signed statement authorizing her to consent to the performance or inducement of an abortion without the notification of a parent or guardian. If, following a counselling session, the counsellor or clergy member indicates in the signed statement under (5) of this section that none of the findings under (5)(b) of this section was made, the counsellor or clergy member shall deny the request for a waiver.

(7) If an unemancipated minor or incompetent has been denied a waiver under this section, she may request a waiver from no more than one additional counsellor or clergy member."

Renumber the remaining sections and correct internal references accordingly. Correct the title.

POINT OF ORDER

Representative Padden: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House defer consideration of amendment number 402 to Substitute House Bill No. 1523.

With the consent of the House, amendment number 392 to Substitute House Bill No. 1523 was withdrawn.

Representative Mason moved adoption of the following amendment by Representative Mason:

On page 4, line 29, after "performed" insert "or to carry a pregnancy to term"
On page 4, line 32, after "performed" insert "or to carry a pregnancy to term"
On page 7, line 22, after "abortion" insert "or to carry a pregnancy to term"

Representative Mason spoke in favor of the adoption of the amendment.

Representative Padden spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment number 396 to Substitute House Bill No. 1523 was withdrawn.

Representative Dickerson moved adoption of the following amendment by Representative Dickerson:

On page 5, line 17, after "her." insert "If there are insufficient guardians an litem otherwise available, the court shall order the county prosecuting attorney to provide an attorney from his or her office to act as a guardian an litem."

Representatives Dickerson and Mitchell spoke in favor of the adoption of the amendment.

Representative Padden spoke against the adoption of the amendment.

Representative Padden again spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 5, line 20, after "counsel" insert "at no expense to her"

Representative Dellwo spoke in favor of the adoption of the amendment.

Representative Padden spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ogden moved adoption of the following amendment by Representative Ogden:

On page 5, line 20, after "request." insert "In the event that no attorney is available to act as court-appointed counsel for the minor or incompetent, the petition shall be deemed to have been granted, and the notice requirement shall be waived."

Representatives Ogden and Dyer spoke in favor of the adoption of the amendment.

Representative Padden spoke against the adoption of the amendment.

Representative Padden again spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Cooke moved adoption of the following amendment by Representative Cooke:

On page 4, beginning on line 33 after "be" strike the following material "deemed emancipated or eligible for the purposes of qualifying for public assistance benefits." ending on line 34

On page 4, beginning on line 33 after "be" insert the following "considered dependent under chapter 13.34 RCW."

Representatives Cooke and Padden spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 4, beginning on line 33 to Substitute House Bill No. 1523 and the amendment was adopted by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 83.

Voting nay: Representatives Chopp, Cole, Costa, Fisher, R., Hankins, Hatfield, Mason, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle and Veloria - 15.

Representative Cole moved adoption of the following amendment by Representative Cole:

On page 5, after line 20, insert the following:

"(3) The court shall provide clear information to petitioners on how to proceed under this section and shall assign specially trained personnel to assist petitioners and to expedite proceedings under this section."

Representative Cole spoke in favor of the adoption of the amendment.

Representative Padden spoke against the adoption of the amendment.

Representative Cole again spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Romero moved adoption of the following amendment by Representative Romero:

On page 8, after line 13, insert the following:

"NEW SECTION. **Sec. 15.** If by June 30, 1995, the omnibus operating budget appropriations act for the 1995-97 biennium does not provide specific funding for section 9 of this act regarding provision of guardians an litem, appointed counsel, and necessary judicial resources, referencing this act by bill number, this act is null and void."

Renumber the remaining section and correct the title.

Representatives Romero and Mitchell spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Padden spoke against the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 8, after line 13 to Substitute House Bill No. 1523 and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Blanton, Brown, Carlson, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Horn, Huff, Jacobsen, Kessler, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 48.

Voting nay: Representatives Backlund, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 50.

With the consent of the House, amendment number 406 to Substitute House Bill No. 1523 was withdrawn.

Representative Sheldon moved adoption of the following amendment by Representative Sheldon:

On page 3, line 29, after "incompetent" insert "and to the wife of the father of the baby if the father is married to someone other than the mother of the baby"

POINT OF ORDER

Representative Padden: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

NOTICE OF RECONSIDERATION

Representative Kremen: Having voted on the prevailing side of amendment number 391 to Substitute House Bill No. 1523, moved for immediately reconsideration.

Representative Kremen spoke in favor of the motion.

Representative Foreman spoke against the motion.

A division was called on the motion to reconsider amendment number 391 to Substitute House Bill No. 1523. The Speaker called on the House to divide. The results of the division was: YEAS-46; NAYS-51. The motion to reconsider the vote on amendment number 391 to Substitute House Bill No. 1523 failed.

SPEAKER'S RULING

Representative Padden, the Speaker is prepared to rule on your Point of Order to the amendment by Representative Sheldon to the Parental notice of abortion bill which would have required that the wife of a father be notified. The amendment is not within the scope of the bill title. Representative Padden, your Point of Order is well taken.

POINT OF PERSONAL PRIVILEGE

Representative Sheldon: Thank you Mr. Speaker. I guess I'll have to wait for another bill to find out if Joey Budafucco's wife is a step-parent.

SPEAKER'S RULING

"Representative Padden, the Speaker is prepared to Rule on your Point of Order which challenges Amendment 402 to Substitute House Bill No. 1523 as being beyond the Scope and Object of the bill.

"The title of Substitute House Bill No. 1523 is "AN ACT Relating to parental notice of abortion.

"The title is broad. The bill amends RCW 9.02.100 and adds new sections to chapter 9.02 RCW.

"Amendment 402 to Substitute House Bill No. 1523 would add a new section to the bill that creates an alternative bypass to the exclusive bypass process established in the bill.

"In section 9, the bill creates a judicial bypass procedure whereby an unemancipated minor may petition a superior court for a waiver of the notice requirement. The object of the bill, therefore, is to create a bypass procedure that requires a judicial determination and that complies with current U. S. Supreme Court jurisprudence.

"While the bill establishes a state-involved bypass procedure, the Amendment 402 establishes a non state-involved bypass procedure. The amendment creates a process whereby certain counselors or members of the clergy may waive the notice requirement without the involvement of a court.

"Although this amendment is within the scope of the title of Substitute House Bill No. 1523, the amendment goes beyond the object of the bill.

"The Speaker finds that Amendment 402 is beyond the scope and object of the bill.

"Representative Padden, Your Point of Order is well taken."

There being no objection, the House deferred further consideration of Substitute House Bill No. 1523 and the bill held it's place on the second reading calendar.

There being no objection, the House resumed consideration of Substitute House Bill No. 1546.

SPEAKER'S RULING

"Representative Padden, the Speaker is prepared to Rule on your Point of Order which challenges Amendment 360 to Substitute House Bill No. 1546 as being beyond the Scope and Object of the bill.

"The title of Substitute House Bill No. 1546 is "AN ACT Relating to reducing incidents of breast cancer linked to abortion."

The scope of the bill is narrowly defined by this title. The title clearly states that it is incidents of breast cancer linked to abortion that are covered by the bill. Incidents of breast cancer linked to other possible causes are outside the express language of the title.

"Amendment 360 seeks to include other possible causes of breast cancer such as smoking, caffeine, high fat diets, and alcohol consumption.

"The Speaker finds that this amendment is not within the scope of the narrow title of Substitute House Bill No. 1546 and that Amendment 360 is beyond the scope and object of the bill.

"Representative Padden, Your Point of Order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The bill was ordered engrossed.

Representatives Casada, Morris, Backlund and Dyer spoke in favor of passage of the bill.

Representatives Brown, Mitchell, Cody and Thibaudeau spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1546.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1546, and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Voting nay: Representatives Appelwick, Ballasiotes, Blanton, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hankins, Hatfield, Horn, Jacobsen, Kessler, Lisk, Mason, Mitchell, Ogden, Patterson, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

Engrossed Substitute House Bill No. 1546, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:00 a.m., Wednesday, March 15, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SIXTY-FIFTH DAY, MARCH 14, 1995

JOURNAL OF THE HOUSE

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

SIXTY-SIXTH DAY

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MORNING SESSION

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House Chamber, Olympia, Wednesday, March 15, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jake Tomlin and Aaron Mostofi. Prayer was offered by Pastor Galen Olsen, Vancouver Hillcrest Church of the Nazarene.

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

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

MESSAGE FROM THE SENATE

March 14, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5070,
SECOND SUBSTITUTE SENATE BILL NO. 5088,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5201,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5503,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5607,
SENATE BILL NO. 5882,

and the same are herewith transmitted.

Marty Brown, Secretary

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

INTRODUCTIONS AND FIRST READING

ESB 5070 by Senators Haugen, Winsley, Drew, Sheldon and Fraser

Requiring a study of the impact of the growth management act on property values.

Referred to Committee on Government Operations.

2SSB 5088 by Senate Committee on Ways & Means (originally sponsored by Senator Smith)

Revising the law relating to sexual predators.

Referred to Committee on Corrections.

ESSB 5201 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Cantu, McAuliffe, Haugen, Winsley, Snyder, Loveland, Sheldon, Fairley, West, Long, Palmer, Schow, Moyer, Sellar, Rasmussen, Deccio, Heavey, Quigley, C. Anderson, Oke, Roach and Hale; by request of Governor Lowry)

Providing tax exemptions for manufacturing and processing.

Referred to Committee on Trade & Economic Development.

ESSB 5503 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Deccio, Pelz, Sellar and Fraser)

Streamlining temporary worker housing safety and health regulations.

Referred to Committee on Trade & Economic Development.

ESSB 5607 by Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, Cantu, Haugen, Prentice, Wood, Snyder, Long, A. Anderson, Deccio, Kohl, Wojahn, Oke, Rasmussen and Winsley; by request of State Auditor)

Auditing state government.

Referred to Committee on Government Operations.

SB 5882 by Senators Haugen, Moyer, Loveland and Deccio

Concerning the disposal of surplus property by a governmental entity.

Referred to Committee on Government Operations.

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

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

SECOND READING

HOUSE BILL NO. 1447, by Representatives Lisk, Romero, Fuhrman and Horn

Changing certain local government gambling taxes.

The bill was read the second time. There being no objection, Substitute House Bill No. 1447 was substituted for House Bill No. 1447 and the substitute bill was placed on second reading.

Substitute House Bill No. 1447 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

Representatives Conway and Romero spoke against passage of the bill.

MOTION

On motion of Representative Brown, Representatives Patterson, G. Fisher, Kessler and Chopp were excused.

POINT OF INQUIRY

Representative Morris yielded to a question by Representative Lisk:

Representative Lisk: Under current law is there anything that would prohibit the cities and counties from lowering their taxes anyway under current law?

Representative Morris: I'm not sure what the answer is to that but I would assume that anyone could lower taxes if they want to.

Representative Lisk again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1447.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1447, and the bill passed the House by the following vote: Yeas - 62, Nays - 31, Absent - 2, Excused - 3.

Voting yea: Representatives Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Clements, Cody, Cooke, Crouse, Dyer, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mastin, McMahan, McMorris, Mielke, Mulliken, Ogden, Poulsen, Quall, Radcliff, Reams, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sheldon, Sherstad, Skinner, Smith, Stevens, Thomas, B., Thompson, Van Luven, Wolfe and Mr. Speaker - 62.

Voting nay: Representatives Appelwick, Backlund, Beeksma, Casada, Cole, Conway, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Hickel, Lambert, Mason, Mitchell, Morris, Padden, Pelesky, Pennington, Regala, Robertson, Rust, Scott, Sommers, Talcott, Thibaudeau, Thomas, L., Tokuda, Valle and Veloria - 31.

Absent: Representatives Costa and Silver - 2.

Excused: Representatives Chopp, Fisher, G. and Patterson - 3.

Substitute House Bill No. 1447, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute House Bill No. 1724.

With the consent of the House, amendment numbers 352, 351, 383 and 403 to Substitute House Bill No. 1724 were withdrawn.

Representative Reams moved adoption of the following amendment by Representative Reams:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have

invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development.

PART I - PLANNING AND ENVIRONMENTAL REVIEW

NEW SECTION. Sec. 101. In reviewing a development permit application and making permit decisions, a county or city planning under RCW 36.70A.040 shall rely on its development regulations and comprehensive plan to determine permitted land uses, including conditional and special uses, allowable densities, system improvements related to the proposal if the comprehensive plan and development regulations provide for funding of these improvements, and other matters. During the project review the county or city shall not reexamine alternatives to or hear appeals on these matters, except for code interpretation.

A proposed project's consistency with development regulations shall be determined by the county or city considering the type of land use, the level of development, infrastructure, including public facilities and public services needed to serve the development, and the character of development, such as design and development standards. Determination of a project's consistency does not require documentation or use of any specific procedure.

Specific project design and conditions relating to the character of development, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable, shall be identified during the project review.

If the conditions of section 103 of this act are met, the requirements for environmental analysis and mitigation measures in development regulations are presumed to provide adequate mitigation for the specific adverse environmental impacts to which the requirements apply. Permitting agencies shall continue to have the authority to approve, condition, or deny projects as provided in their development regulations and in their policies adopted under RCW 43.21C.060.

NEW SECTION. Sec. 102. A new section is added to chapter 36.70A RCW to read as follows:

Project review by a county or city planning under RCW 36.70A.040 shall be used to make individual project decisions, not land use planning decisions. If, during project review, a county or city identifies deficiencies in plans or regulations, the project review shall continue and shall not be used as a comprehensive planning process, but any deficiencies in the comprehensive plan or development regulations shall be noted for consideration during the periodic review of the comprehensive plan and development regulations. Procedures shall include allowing persons to suggest changes in the comprehensive plan and development regulations.

For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable site-specific adverse environmental impacts that the permitting agency could mitigate in the normal project review process.

NEW SECTION. Sec. 103. A new section is added to chapter 43.21C RCW to read as follows:

(1) The legislature finds that a wide range of environmental subjects and impacts have been addressed by counties, cities, and towns in comprehensive plans and development regulations adopted under chapter 36.70A RCW, and by the state and federal government in environmental rules and laws. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation. When existing plans, regulations, rules, or laws provide environmental analysis and mitigation measures for the specific adverse environmental impacts of proposed projects, these requirements should be integrated with, and should not be duplicated by, environmental review under this chapter. The legislature reaffirms that a primary role of environmental review under this chapter is to focus on the gaps and overlaps that may exist, taking into account the other laws and requirements. Review of project actions in counties, cities, and towns planning under RCW

36.70A.040 should integrate environmental review with project review and not use this chapter to substitute for other land use planning and environmental requirements.

A county or city planning under RCW 36.70A.040 shall attempt to prepare an enhanced detailed statement, or enhanced environmental analysis, of its proposed comprehensive plan, subarea plans, and development regulations that is of sufficient detail in addressing impacts and alternatives to allow the detailed statement to be used in whole or in part by applicants for development permits within the geographic area covered by the statement.

(2) In reviewing a project action, a county, city, or town planning under RCW 36.70A.040 shall presume that requirements for environmental analysis, protection, and mitigation measures in development regulations, comprehensive plans, and other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply, and shall not conduct environmental analysis or impose mitigation under this chapter if the following has occurred:

(a)(i) The local government has considered the probable adverse environmental impacts of the proposed action and has determined that these impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws; and

(ii) The local government has based or conditioned its approval on compliance with these requirements or mitigation measures.

(b) If the requirements of (a) of this subsection are not satisfied for some or all of the probable adverse environmental impacts of the project action, environmental review under this chapter shall be limited to those impacts and their effect on and relationship with other impacts, if any, consistent with the intent of this section, and shall be subject to the provisions of RCW 43.21C.060.

(3) For a county, city, or town planning under RCW 36.70A.040, project review shall not require additional environmental analysis or mitigation if the comprehensive plans, subarea plans, or development regulations already address a project's probable site-specific adverse environmental impacts, as determined under subsection (2) of this section. If a comprehensive plan, subarea plan, or development regulation adopted pursuant to chapter 36.70A RCW does not address a project's probable site-specific adverse environmental impacts, project review shall be integrated with environmental analysis under this chapter.

(4) The addressing of impacts in a comprehensive plan, subarea plan, or development regulation shall include but not be limited to the adoption or designation of levels of service, land use designations, or development standards.

(5) In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the local government shall consult with that agency and may expressly defer to that agency. In making this deferral, the local government shall base or condition its project approval on compliance with these other existing rules or laws.

Sec. 104. RCW 43.21C.075 and 1994 c 253 s 4 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement)(, consistent with any state statutory requirements for appeals to local legislative bodies).

The appeal proceeding on a determination of significance (~~(nonsignificance)~~) may occur before the agency's final decision on a proposed action. Such an appeal shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous (~~(appeal of an)~~) hearing before one hearing officer or body to consider the agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the (~~(threshold determination)~~) appeal, if any, of a determination of significance as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) (~~(RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter.)~~) Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This (~~(section)~~) subsection does not modify any such time periods. (~~(This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action.)~~) In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within (~~(thirty days)~~) such time period. The agency shall give official notice stating the date and place for commencing an appeal. (~~(If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.)~~)

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 (~~(may be used. If a notice of action)~~) is used, (~~(judicial)~~) appeals shall be commenced within the time period specified by RCW 43.21C.080 (~~(, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.~~

(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period).

(6)(a) Judicial review under subsection (3) of this section of an appeal decision made by an agency under (~~(RCW 43.21C.075(5))~~) subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) and (3)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

Sec. 105. RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter. In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

(2)(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city,

or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

Sec. 106. RCW 43.21C.110 and 1983 c 117 s 7 are each amended to read as follows:

It shall be the duty and function of the department of ecology (~~(, which may utilize proposed rules developed by the environmental policy commission)~~):

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter (~~((the state environmental policy act of 1974)))~~), subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (~~((the state environmental policy act of 1974)))~~):

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is determined to be categorically exempted under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in section 103 of this act. The rules and procedures shall be jointly developed with the department of community, trade, and economic development and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include criteria to analyze the consistency of project actions, including planned actions under RCW 43.21C.031(2), with development regulations adopted pursuant to chapter 36.70A RCW, or in the absence of applicable development regulations, the appropriate elements of a comprehensive plan or subarea plan adopted pursuant to chapter 36.70A RCW. Ordinances or procedures adopted by a county, city, or town to implement the provisions of section 103 of this act prior to the effective date of rules adopted pursuant to this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted pursuant to this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW ((34.05.538 and 34.05.240)).

Sec. 107. RCW 43.21C.080 and 1977 ex.s. c 278 s 1 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in ~~((subsection (3) of this section and in the following manner))~~ rules adopted pursuant to RCW 43.21C.110:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of ~~((last))~~ first newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

~~(2)((a)) Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent government action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within ((thirty)) twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred((- PROVIDED, HOWEVER, That the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or (ii) for thermal power plant projects: PROVIDED FURTHER, That)).~~

Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts

beyond the range of impacts previously analyzed, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.

~~((b) Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.~~

~~(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:~~

~~NOTICE OF ACTION BY
.....
(Government agency or entity)~~

~~Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:
The (Government agency or entity) did on (date), take the action described below.~~

~~Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within days or be barred.~~

~~The action taken by (Government agency or entity), notice of which is hereby given, was as follows:~~

- ~~(1) (Here insert description of action taken such as: Adoption Ordinance No.; Issued Building Permit; Approved preliminary (or final) plat, etc.)~~
- ~~(2) (Here insert brief description of the complete project or proposal.)~~
- ~~(3) Said action pertained to property commonly known as:~~

~~(Sufficient description to locate property, but complete legal description not required)~~

~~(4) Pertinent documents may be examined during regular business hours at the office of: located at:~~

~~(Location, including room number)~~

~~(Name of government agency, proponent, or applicant giving notice)~~

~~Filed by—~~

~~(Signature of individual and capacity in which such individual is signing)))~~

NEW SECTION. Sec. 108. A new section is added to chapter 36.70A RCW to read as follows:

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, a growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

Sec. 109. RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each amended to read as follows:

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. The public participation program and procedures shall apply to a response made by a county or city to a decision by a growth management hearings board under RCW 36.70A.300 that the comprehensive plan or development regulations were not in compliance with this chapter. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

Sec. 110. RCW 36.70A.300 and 1991 sp.s. c 32 s 11 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand, unless the board's final order also:

(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(3) A determination of invalidity shall:

(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order; and

(b) Subject any development application that would otherwise vest after the date of the board's order to the development regulations in effect pursuant to subsection (2) or (4) of this section.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision as provided in RCW 34.05.514 to ((Thurston county)) superior court within thirty days of the final order of the board.

Sec. 111. RCW 36.70A.330 and 1991 sp.s. c 32 s 14 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(1)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board ~~((, on its own motion or motion of the petitioner,))~~ shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter. A person with standing to challenge the legislation enacted in

response to the board's final order may participate in the hearing along with the petitioner and the state agency, city, or county. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall also reconsider its final order and decide:

(a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or

(b) If no determination of invalidity has been made, whether one now should be made under the standards in RCW 36.70A.300(2).

The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

NEW SECTION. Sec. 112. A new section is added to chapter 36.70A RCW to read as follows:

A city planning under RCW 36.70A.040 that operates public facilities and services shall serve within its service area if service is technically feasible and in compliance with local regulations.

Such a city that provides water or sewer service outside of its corporate boundaries shall not require, as a condition of providing water or sewer service that the property owner who has requested the water or sewer service agree to: (1) Lot sizes different from those authorized by the county or city within whose planning jurisdiction the property is located; or (2) other development or design requirements that are not required by the county or city within whose planning jurisdiction the property is located.

NEW SECTION. Sec. 113. A new section is added to chapter 36.70A RCW to read as follows:

Nothing in this chapter shall preclude public sanitary sewer systems and public domestic water systems designed for and serving rural uses in areas included within the rural area designated under RCW 36.70A.070(5).

NEW SECTION. Sec. 114. A new section is added to chapter 36.70A RCW to read as follows:

Urban growth areas designated under RCW 36.70A.110 shall include transition areas that are designed to eventually have urban growth but which are temporarily zoned to lower densities and lower intensities of land use.

Sec. 115. RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) For purposes of RCW 36.70A.065 and 36.70A.440, "development permit application" means any application for a development proposal for a use that could be permitted under a plan adopted pursuant to this chapter and is consistent with the underlying land use and zoning, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or other applications pertaining to land uses, but shall not include rezones, proposed amendments to comprehensive plans or the adoption or amendment of development regulations.

(8) "Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

(9) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(10) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(11) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(12) "Minerals" include gravel, sand, and valuable metallic substances.

(13) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(14) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(15) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(16) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(17) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(18) "Wetland" or "wetlands" means areas ~~((that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city))~~ defined as wetlands under section 401 of the clean water act, 33 U.S.C. Sec. 1344. Wetlands do not include inadvertent wetlands unintentionally created after July 1, 1990, as a result of development activity, including the construction of roads, streets, or highways.

Sec. 116. RCW 90.58.020 and 1992 c 105 s 1 are each amended to read as follows:

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and ((wetlands)) shorelands of the state shall be recognized by the department. Shorelines and ((wetlands)) shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and ((wetlands)) shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Sec. 117. RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) Administration:

(a) "Department" means the department of ecology;
(b) "Director" means the director of the department of ecology;
(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated ~~((wetlands))~~ shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those ~~((wetlands))~~ shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "~~((Wetlands))~~ Shorelands" or "~~((wetland))~~ shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all ~~((marshes, bogs, swamps,))~~ wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology(~~(:--PROVIDED, That)~~). Any county or city may determine

that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas defined as wetlands under section 401 of the clean water act, 33 U.S.C. Sec. 1344. Wetlands do not include inadvertent wetlands unintentionally created after July 1, 1990, as a result of development activity, including the construction of roads, streets, or highways.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on ((wetlands)) shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels(=: PROVIDED, That)). A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the ((wetlands)) shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on ((wetlands)) shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for

the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system(;

~~(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge).~~

Sec. 118. RCW 90.58.050 and 1971 ex.s. c 286 s 5 are each amended to read as follows:

This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter. The department shall act primarily in a supportive and review capacity with ~~((primary))~~ an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter.

Sec. 119. RCW 90.58.060 and 1971 ex.s. c 286 s 6 are each amended to read as follows:

(1) ~~((Within one hundred twenty days from June 1, 1971,))~~ The department shall ((submit to local governments proposed)) periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

(a) Development of master programs for regulation of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from ((receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

~~(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.~~

~~(4) Within sixty days thereafter public hearings shall be held by))~~ the date the proposal has been published in the register.

(b) The department ((in Olympia and Spokane, at which interested public and private parties shall have the opportunity)) shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of ((such)) the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

~~((5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines.))~~ (3) The department may propose amendments to the

guidelines not more than once each year. At least once every five years the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.

Sec. 120. RCW 90.58.080 and 1974 ex.s. c 61 s 1 are each amended to read as follows:

Local governments ~~((are directed with regard to shorelines of the state within their various jurisdictions as follows:~~

~~(1) To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;~~

~~(2) To)) shall develop or amend, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department.~~

Sec. 121. RCW 90.58.090 and 1971 ex.s. c 286 s 9 are each amended to read as follows:

~~(1) A master program((s or segments thereof)), segment of a master program, or an amendment to a master program shall become effective when ((adopted or)) approved by the department ((as appropriate)). Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.~~

~~(2) Upon receipt of a proposed master program or amendment, the department shall:~~

~~(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;~~

~~(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;~~

~~(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;~~

~~(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to accomplish the purposes for which it was submitted and the requirements of this chapter. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;~~

~~(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:~~

~~(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or~~

~~(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.~~

~~((1) As to these segments of the master program relating to shorelines, they shall be approved by))~~

~~(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. ((If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and~~

guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.

~~(2) As to~~) (4) The department shall approve those segments of the master program relating to shorelines of state-wide significance ~~((the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not))~~ only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the state-wide interest. ~~((If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.))~~ If the department does not approve a segment of a local government master program relating to a shoreline of state-wide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

~~((3))~~ (5) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(6) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

Sec. 122. RCW 90.58.100 and 1992 c 105 s 2 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted ~~((and))~~ or approved by the department ~~((, as appropriate,))~~ shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

Sec. 123. RCW 90.58.120 and 1989 c 175 s 182 are each amended to read as follows:

All rules, regulations, ~~((master programs,))~~ designations, and guidelines, issued by the department, and master programs and amendments adopted by the department pursuant to RCW 90.58.070(2) or 90.58.090(4) shall be adopted or approved in accordance with the provisions of RCW 34.05.310 through 34.05.395 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the ~~((approval or))~~ adoption by the department of a master program, or portion thereof pursuant to RCW 90.58.070(2) or 90.58.090(4), at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations, or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county ~~((auditor))~~ and city ~~((clerk))~~. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

Sec. 124. RCW 90.58.140 and 1992 c 105 s 3 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and ~~((the provisions of))~~ this chapter ~~((90.58-RCW))~~.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection ~~((43))~~ (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that ~~((:~~

~~(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and~~

~~(b) Additional))~~ notice of ~~((such an))~~ the application is given by at least one of the following methods:

~~((i))~~ (a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

~~((ii))~~ (b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

~~((iii))~~ (c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive ~~((a copy))~~ notification of the final ~~((order))~~ decision concerning an application as expeditiously as possible after the issuance of the ~~((order))~~ decision, may submit the comments or requests for ~~((orders))~~ decisions to the local government within thirty days of the last date the notice is to be published pursuant to ~~((subsection (a) of))~~ this subsection. The local government shall forward, in a timely manner following the issuance of ~~((an order))~~ a decision, a copy of the ~~((order))~~ decision to each person who submits a request for the ~~((order))~~ decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within ~~((thirty))~~ twenty-one days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) Construction may be commenced thirty days after the date the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within ~~((thirty))~~ twenty-one days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW~~((, the permittee))~~. The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction ~~((may begin))~~ pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would ~~((not))~~ involve a significant, irreversible damaging of the environment,

the court ~~((may allow))~~ shall prohibit the permittee ~~((to begin))~~ from commencing the construction pursuant to the approved or revised permit ~~((as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts))~~ until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

~~(c) ((If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;~~

~~(d))~~ If the permit is for a substantial development meeting the requirements of subsection ~~((13))~~ (11) of this section, construction pursuant to that permit may not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), or ~~(c)~~ ~~((or (d)))~~ of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ~~((ruling))~~ decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection ~~((12))~~ (10) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection ~~((12))~~ (10) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) ~~((A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:~~

~~(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and~~

~~(b) The development is completed within two years after June 1, 1971.~~

~~(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.~~

~~(12)) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.~~

~~((13)) (11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:~~

~~(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;~~

~~(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and~~

~~(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.~~

~~(b) For purposes of this section, a limited utility extension means the extension of a utility service that:~~

~~(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;~~

~~(ii) Will serve an existing use in compliance with this chapter; and~~

~~(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.~~

Sec. 125. RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a ~~((request for the same))~~ petition for review within ~~((thirty))~~ twenty-one days of the date of filing as defined in RCW 90.58.140(6).

~~((Concurrently with))~~ Within seven days of the filing of any ((request)) petition for review with the board as provided in this section pertaining to a final ((order)) decision of a local government, the ((requestor)) petitioner shall ((file a copy)) serve copies of ((his or her request with)) the petition on the department and the office of the attorney general. ((If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor.)) The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the ~~((request))~~ petition for review filed pursuant to this section. The shorelines hearings board shall ~~((initially))~~ schedule review proceedings on ((such requests)) the petition for review without regard as to whether ((such requests have or have not been certified or as to whether)) the period for the department or the attorney general to intervene has or has not expired((, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule)).

(2) The department or the attorney general may obtain review of any final ~~((order))~~ decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written ~~((request))~~ petition with the shorelines hearings board and the appropriate local

government within ~~((thirty))~~ twenty-one days from the date the final ~~((order))~~ decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be waived by the parties or may be extended by the board for a period of thirty days upon a showing of good cause.

~~((A local government may appeal to the shorelines hearings board))~~ Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

~~((If the board))~~ (5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department ~~((by the local government))~~ during public review and comment; or

(e) Was not adopted in accordance with required procedures~~((:))~~.

(6) If the board makes a determination under subsection (5) (a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision. ~~((Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.~~

~~((5) Rules, regulations, and guidelines))~~ (7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to ((RCW 34.05.570(2)). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is)) chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ~~((three months))~~ thirty days after the date of final decision by the shorelines hearings board.

Sec. 126. RCW 90.58.190 and 1989 c 175 s 184 are each amended to read as follows:

(1) ~~((The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.))~~ The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(4) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment for compliance with the requirements of this chapter and chapter 36.70A RCW, the policy of RCW 90.58.020 and the applicable guidelines, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of state-wide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

(3)(a) Except as provided in subsection (2) of this section, any local government not planning under RCW 36.70A.040 that is aggrieved by the department's decision to approve, reject, or modify ((a)) its proposed master program or master program ((adjustment)) amendment may appeal the department's decision by filing a petition to the shorelines hearings board within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program ((adjustment)) amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's ((adjustment)) master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of state-wide significance, the shorelines hearings board shall uphold the decision by the department unless ((a local government shall)) the board determines, by clear and convincing evidence ((and argument, persuade the board)) that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program ((adjustment)) amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to ((the)) superior court ((of Thurston county)) as provided in chapter 34.05 RCW.

((3)) (4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program ((adjustment)) amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program ((adjustment)) amendment.

Sec. 127. RCW 34.05.461 and 1989 c 175 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order; and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying

evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in RCW 34.05.425. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(8)(a) Except as otherwise provided in (b) of this subsection, initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(b) This subsection does not apply to the final order of the shorelines hearings board on appeal under RCW 90.58.180(3).

(9) The presiding officer shall cause copies of the order to be served on each party and the agency.

Sec. 128. RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section (~~and RCW 36.70A.300(3)~~), proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

NEW SECTION. **Sec. 129.** A new section is added to chapter 36.70A RCW to read as follows:

For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. The comprehensive plan of a county or city planning under RCW 36.70A.040 must also include a separate shorelines element consisting of the goals, policies, and use guidelines segments of the shoreline master program adopted under chapter 90.58 RCW. All other portions of the shoreline master program, including regulations, shall be considered part of the county's or city's development regulations.

The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the procedures set forth in this chapter for the adoption of a comprehensive plan and development regulations, including approval by the department of ecology, except that an appeal from the actions by the department of ecology are appealable to the appropriate growth management hearings board rather than the shorelines hearings board.

Sec. 130. RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each amended to read as follows:

(1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year except under the following circumstances:

(i) The initial adoption of a subarea plan; and

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW.

(b) All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation, a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

Sec. 131. RCW 36.70A.290 and 1994 c 257 s 2 and 1994 c 249 s 26 are each reenacted and amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

Sec. 132. RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter.

(2) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

Sec. 133. RCW 82.02.090 and 1990 1st ex.s. c 17 s 48 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions shall apply (~~in RCW 82.02.050 through 82.02.090~~) throughout this chapter:

(1) "Development" means any proposed change in use of land for which review of environmental impacts is required under chapter 43.21C RCW, any proposed construction or expansion of a building, structure, or use, or any proposed change in use of a building or structure.

(2) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

~~((2))~~ (3) "Development approval" means any written authorization from a county, city, or town which authorizes the commencement of development activity.

~~((3))~~ (4) "Environmental analysis" means review under chapter 43.21C RCW of environmental impacts of an action required or authorized by chapter 36.70A RCW.

(5) "Environmental analysis fees" means a payment of money imposed on development as a condition of development approval to pay for environmental analysis needed to establish the system capacity projected to accommodate implementation of a comprehensive plan adopted under chapter 36.70A RCW.

(6) "Impact fee" means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. "Impact fee" does not include a reasonable permit or application fee.

~~((4))~~ (7) "Owner" means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

~~((5))~~ (8) "Proportionate share" means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

~~((6))~~ (9) "Project improvements" mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town shall be considered a project improvement.

~~((7))~~ (10) "Public facilities" means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.

~~((8))~~ (11) "Service area" means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

~~((9))~~ (12) "System capacity" means the capacity of a county, city, or town to accommodate new development determined by the limiting capacities of specific natural or built systems identified in the comprehensive plan adopted pursuant to RCW 36.70A.040.

(13) "System improvements" mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION. Sec. 134. A new section is added to chapter 82.02 RCW to read as follows:
Except only as expressly provided in RCW 67.28.180 and 67.28.190 and in chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision has the right to impose taxes of that nature.

Sec. 135. RCW 82.02.020 and 1990 1st ex. s. c 17 s 42 are each amended to read as follows:
~~((Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature.))~~ (1) Except as provided in ~~((RCW 82.02.050 through 82.02.090))~~ this chapter, ~~((no))~~ a county, city, town, or other municipal corporation shall not impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

(2) This section does not prohibit voluntary agreements with ~~((counties, cities, towns))~~ a county, city, town, or other municipal corporation~~((s))~~ that allows a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

~~((4))~~ (a) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

~~((2))~~ (b) The payment shall be expended in all cases within five years of collection; and

~~((3))~~ (c) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

~~((No))~~ (3) A county, city, town, or other municipal corporation shall not require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

(4)(a) Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

(b) This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

(c) Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges~~((: PROVIDED, That))~~. No such charge ~~((shall))~~ may exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged~~((: PROVIDED FURTHER, That))~~. These provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

(d) Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

(e) Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

(f) Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

(5) This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION. Sec. 136. (1) The legislature finds that:

(a) As of the effective date of this section, twenty-nine counties and two hundred eight cities are conducting comprehensive planning under the growth management act, chapter 36.70A RCW, which together comprise over ninety percent of the state's population;

(b) Comprehensive plans for many of the jurisdictions were due by July 1, 1994, and the remaining jurisdictions must complete plans under due dates ranging from October 1994 to September 1997;

(c) Concurrently with these comprehensive planning activities, local governments must conduct several other planning requirements under the growth management act, such as the adoption of capital facilities plans, urban growth areas, and development regulations;

(d) Local governments must also comply with the state environmental policy act, chapter 43.21C RCW, in the development of comprehensive plans;

(e) The combined activities of comprehensive planning and the state environmental policy act present a serious fiscal burden upon counties, cities, and towns;

(f) This fiscal burden will be experienced over a relatively short period of time, whereas the benefits of growth management and environmental protection achieved through the comprehensive plans will accrue to each area over a much longer period in the future; and

(g) The revenues from fees assessed at the time of county, city, or town government approval of projects that are consistent with the comprehensive plan may provide the basis for these local governments to issue both general obligations and revenue obligations in order to provide the early funding necessary to carry out their comprehensive planning and accompanying environmental analysis responsibilities.

(2) Therefore it is the intent of the legislature by enacting this chapter to authorize counties, cities, and towns planning under RCW 36.70A.040 to assess environmental analysis fees at the time of project review, issue both general indebtedness and revenue indebtedness payable from the environmental analysis fees, and assist in financing the enhanced environmental review of comprehensive plans, subarea plans, and development regulations.

NEW SECTION. Sec. 137. (1) A county, city, or town planning under RCW 36.70A.040 may impose environmental analysis fees on development to partially finance the enhanced environmental analysis of its comprehensive plan, subarea plans, and development regulations, as provided in section 103 of this act.

(2) Environmental analysis fees may not be assessed or collected on development that is categorically exempt from a threshold determination under chapter 43.21C RCW.

(3) Environmental analysis fees shall be proportionate to the amount of system capacity or capacities projected to be consumed by the new development.

(4) Environmental analysis fees shall be collected and spent only for the costs of environmental analysis upon which the system capacity forecast in a comprehensive plan adopted pursuant to RCW 36.70A.070 or subarea plan is based.

(5) Environmental analysis fees shall not be used to recover more than seventy-five percent of the costs previously incurred by a county, city, or town for environmental analysis required to establish the system capacity forecast in a comprehensive plan or subarea plan.

NEW SECTION. Sec. 138. A county, city, or town in its ordinance establishing environmental analysis fees shall:

(1) Include a schedule of environmental analysis fees based upon a formula or other method of calculating such fees. The formula or calculation shall incorporate at least the following:

- (a) The amount of system capacity to be used by the new development;
 - (b) The total cost of environmental analysis required to establish the system capacity forecast in the comprehensive plan; and
 - (c) The amount of the total cost of environmental analysis allocated to each capacity element used to determine the amount of the fee;
- (2) Allow the county, city, or town to adjust the standard fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that environmental analysis fees are imposed fairly;
 - (3) Not assess or collect environmental analysis fees to recover costs of environmental analysis that have already been fully recovered through environmental impact fees or through other sources.

NEW SECTION. Sec. 139. A county, city, or town planning under RCW 36.70A.040 may issue general obligations and revenue obligations payable from environmental analysis fees to assist in financing the enhanced environmental review of comprehensive plans, subarea plans, and development regulations that is in sufficient detail to allow the environmental impact statement to be used in whole or in part by an applicant for a development within the geographic area covered by the plan or regulations that receives the enhanced environmental review. The comprehensive plan, subarea plan, or development regulations must include mechanisms to monitor the usefulness of the enhanced environmental review by applicants for development permits authorizing development consistent with the plan and regulations.

The obligations issued to finance the enhanced environmental review may not have a maturity in excess of ten years. The obligations shall be issued as provided in chapter 39.46 RCW.

At least twenty-five percent of the funding for the enhanced environmental review must come from sources other than the environmental analysis fees.

NEW SECTION. Sec. 140. A new section is added to chapter 36.70A RCW to read as follows:

The growth management planning and environmental review loan fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make low-interest loans to counties and cities for the purposes set forth in section 103 of this act or RCW 43.21C.031. Loans from the fund shall be made by loan agreement under chapter 39.69 RCW.

NEW SECTION. Sec. 141. A new section is added to chapter 36.70A RCW to read as follows:

(1) The department of community, trade, and economic development shall provide management services for the fund created by section 140 of this act. The department by rule shall establish procedures for fund management.

(2) A county or city applicant must be making substantial progress towards compliance with the requirements of chapter 36.70A RCW in order to qualify for financial assistance from the fund established pursuant to section 140 of this act. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance.

(3) The department by loan agreement may permit a deferred payment on the principal repayment of any loan for a period not to exceed two years. Interest shall continue to accrue during this period.

NEW SECTION. Sec. 142. Sections 136 through 139 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 143. RCW 82.02.020, 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090, and 82.02.100 are each recodified as sections within a new chapter created in Title 36 RCW.

NEW SECTION. Sec. 144. RCW 90.58.145 and 1979 ex. s. c 84 s 4 are each repealed.

PART II - PERMITTING

NEW SECTION. Sec. 201. The legislature finds and declares the following:

(1) As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required local land use permits, each with its own separate approval process.

(2) The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.

(3) This regulatory burden has significantly added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

NEW SECTION. Sec. 202. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an appeal to a local government body or officer, including the legislative body, following an open record hearing and a decision by the body or officer on a development permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Development permit" or "development permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, and other land use applications, but does not include proposed amendments to comprehensive plans or the adoption or amendment of development regulations.

(3) "Development regulations" means the controls placed on development or land use activities by a local government, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments, but does not include decisions to approve a development permit application, even though such decisions may be expressed in a resolution or ordinance of the legislative body of the local government.

(4) "Local government" means a county, city, or town.

(5) "Open record hearing" means a hearing conducted by a hearing body or officer of the local government that creates a record through testimony and submission of evidence and information, whether the hearing is open to members of the general public for purposes of hearing public comments prior to a decision on a development permit application or is limited to those filing an appeal of a staff decision.

NEW SECTION. Sec. 203. Not later than December 31, 1996, each local government that does not plan under RCW 36.70A.040 shall provide by ordinance or resolution for review of development permit applications to achieve the following objectives:

(1) Combine the environmental review process, both procedural and substantive, with the procedure for review of development permits;

(2) Except as provided in RCW 43.21C.075(3), provide for no more than one open record hearing and one closed record appeal; and

(3) Eliminate any appeal period for judicial appeals that conflicts with the uniform twenty-one day appeal period provided in section 305 of this act.

NEW SECTION. Sec. 204. Not later than December 31, 1996, each local government planning under RCW 36.70A.040 shall establish by ordinance or resolution an integrated and consolidated development permit process that includes the following required elements:

(1) A notice of completion to the applicant as required by RCW 36.70A.440 (as recodified by this act);

(2) A notice of application to the public and agencies with jurisdiction as required by section 208 of this act;

(3) With the exception of a determination of significance, which shall be issued in advance of the agency decision or recommendation on the project action as provided in chapter 43.21C RCW, a single report by the decision maker that combines the local government's threshold determination, if required under chapter 43.21C RCW, with the agency's decision or recommendation on all development permits included in the consolidated permit review and also includes any mitigation required pursuant to the development regulations or the agency's authority under RCW 43.21C.060;

(4) Except as provided in section 211 of this act, the consolidation into a single review process of all development permits requested by an applicant for part or all of a project action, including no more than one consolidated open record hearing before a single hearing body or officer;

(5) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, if a local government elects to provide an appeal of its threshold determinations or development permit decisions, the local government shall provide for no more than one consolidated open record hearing before a single hearing body or officer. The local government need not provide for any further appeal. If a closed record appeal is provided, the appeal shall be on the record before a single decision-making body or officer;

(6) A notice of decision as required by section 210 of this act and issued within the time period provided in RCW 36.70A.065 (as recodified by this act) and section 207 of this act; and

(7) Any other provisions not inconsistent with the requirements of this chapter or chapter 43.21C RCW.

Sec. 205. RCW 36.70A.440 and 1994 c 257 s 4 are each amended to read as follows:

~~((Each city and county))~~ (1) Within twenty-eight days after receiving a development permit application, a local government planning pursuant to RCW 36.70A.040 shall~~((, within twenty working days of receiving a development permit application as defined in RCW 36.70A.030(7),))~~ mail or provide in person a written ~~((notice))~~ determination to the applicant, stating either:

(a) That the application is complete; or

(b) That the application is incomplete and what is necessary to make the application complete.

(2)(a) An application shall be deemed complete under this section if the local government does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.

(b) Within ten days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the information submitted adequately responds to the notice given under (a) of this subsection and thereby makes the application complete or what additional information is necessary.

(3) To the extent known by the~~((city or county))~~ local government, the~~((notice))~~ local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

Sec. 206. RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods consistent with section 207 of this act for local government actions on specific development permit applications and provide timely and predictable procedures to determine whether a completed development permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed development permit application necessary for the application of such time periods and procedures.

NEW SECTION. Sec. 207. (1) Except as otherwise provided in subsection (2) of this section, a local government planning under RCW 36.70A.040 shall issue its notice of final decision within one hundred twenty days after the local government notifies the applicant for a project that the application is complete or is deemed complete, as provided in RCW 36.70A.440 (as recodified by this act). In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete, the following periods shall be excluded:

(a) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW, if the local government by ordinance or resolution has established time periods for completion of environmental impact statements, or if the

local government and the applicant in writing agree to a time period for completion of an environmental impact statement; and

(b) A period, not to exceed sixty days, to consider and decide closed record appeals, unless the parties voluntarily agree to extend the period.

(2) The time limits established by subsection (1) of this section do not apply if a development permit:

(a) Requires an amendment to the comprehensive plan or a development regulation;

(b) Involves a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

(c) Involves substantial revisions to the project proposal at the applicant's request, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70A.440 (as recodified by this act).

(3) If the local government has failed to issue its notice of final decision within one hundred twenty days after the local government notifies the applicant for a project that the application is complete or is deemed complete, as provided in RCW 36.70A.440 (as recodified by this act), but not including time excluded under subsections (1) and (2) of this section the application shall be deemed approved, in the absence of extraordinary circumstances.

(4) After an application is complete as provided in RCW 36.70A.440 (as recodified by this act), the local government may not require the applicant to submit additional information. The local government may, in the course of processing the application, request the applicant to clarify, explain, or correct information the applicant has submitted.

(5) Failure of an applicant to submit adequate information required pursuant to RCW 36.70A.440 (as recodified by this act) may constitute grounds for disapproving the application.

(6) The notice of completeness may include the following as optional information:

(a) A preliminary determination of those development regulations that will be used for project mitigation;

(b) A preliminary determination of consistency, as provided under section 101 of this act; or

(c) Other information the local government chooses to include.

(7) A local government may require the applicant for a development permit to designate a single person or entity to receive notice required by this section.

NEW SECTION. Sec. 208. (1) Not later than December 31, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section.

(2) The notice of application shall include the following:

(a) The date of application;

(b) The proposed project action and the development permits included in the application and, if applicable, any studies requested under RCW 36.70A.440 (as recodified by this act) or section 207 of this act;

(c) The identification of other development or related permits not included in the application to the extent known by the local government;

(d) A public comment period of not less than fourteen nor more than twenty-eight days following the date of notice of application, and statements of the right of any person to request a copy of the decision once made and any appeal rights;

(e) The date for open record hearing, if applicable and scheduled at the date of notice of the application;

(f) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in section 101 of this act; and

(g) Any other information determined appropriate by the local government, including the optional information required in section 207(5) of this act.

(3) If an open record hearing is required for the requested development permits, the notice of application shall be provided at least fourteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government

may use different types of notice for different categories of development permits or types or project actions. Examples of reasonable methods to inform the public are:

- (a) Posting the property for site-specific proposals;
 - (b) Publishing notice in the newspaper of general circulation in the local government or general area where the proposal is located;
 - (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 - (d) Notifying the news media;
 - (e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
 - (f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and
 - (g) Mailing to neighboring property owners.
- (5) A notice of application shall not be required for development permits that are categorically exempt under chapter 43.21C RCW, unless an open record hearing is required.

(6) The local government may not issue its threshold determination or issue a decision or recommendation on a development permit until expiration of the public comment period. Comments shall be as specific as possible. If an agency with jurisdiction or a member of the public does not respond with written comments within the public comment period, the local government shall assume that such agency or person has no objection to the proposed development permit if the procedures of this section have been met.

NEW SECTION. Sec. 209. (1) Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more development permits relating to a proposed project action, including a single application review and approval process covering all development permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated permit review process, the notice of completion, notice of application, and notice of final decision must include all development permits being reviewed through the consolidated permit review process.

(2) Consolidated permit review may provide different procedures for different categories of development permits, but if a project action requires development permits from more than one category, the local government shall provide for consolidated permit review with a single open record hearing and no more than one closed record appeal. Each local government shall determine which development permits are subject to an open record hearing and a closed record appeal. Examples of categories of development permits include but are not limited to:

- (a) Categorically exempt proposals, such as variances, lot boundary adjustments, and certain construction permits, which require no environmental review or public notice;
- (b) Administrative permits that require environmental review, but no open record hearing except on appeal;
- (c) Administrative permits that require a threshold determination and an open record hearing; and
- (d) Permits that require environmental review and a decision by the local government legislative body.

(3) A local government is not required to provide for appeals. If provided, an appeal must be filed within fourteen days after notice of the decision being appealed. The applicant for a development permit is deemed to be a participant in any comment period, open record hearing, and closed record appeal.

(4) A local government may provide by ordinance or resolution for the same or a different decision maker or hearing body or officer for different categories of development permits. In the case of consolidated development permit review, the local government shall specify which decision makers shall make the decision or recommendation, conduct the hearing, or decide the appeal to ensure that consolidated permit review occurs as provided in this section. The consolidated permit review may combine an open record public hearing with an open record appeal hearing. In such cases, the local government by ordinance or resolution shall specify which development permits, if any, shall be subject to a closed record appeal.

(5) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

NEW SECTION. Sec. 210. A local government planning under RCW 36.70A.040 shall provide a notice of decision, which may be a copy of the report, recommendation, or decision, to the applicant and to any person requesting notice of the decision prior to the rendering of the decision. The local government may publish or otherwise provide for additional notice of its decision.

NEW SECTION. Sec. 211. A local government by ordinance or resolution may exclude the following development permits from the provisions of RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), sections 204, and 207 through 210 of this act:

(1) Variances, lot line or boundary adjustments, short subdivision approval, building and other construction permits categorically exempt from environmental review under chapter 43.21C RCW or similar administrative approvals; and

(2) Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other development permits that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), sections 204, and 207 through 210 of this act.

NEW SECTION. Sec. 212. A local government not planning under RCW 36.70A.040 may incorporate some or all of the provisions of sections 204 and 207 through 210 of this act and RCW 36.70A.065 and 36.70A.440 (as recodified by this act) into its procedures for review of development permits or other project actions.

NEW SECTION. Sec. 213. (1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated review and ensure accountability to applicants and the public, including expedited review for development permits for projects that are consistent with adopted development regulations and within the capacity of system-wide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring by rule, ordinance, or resolution a preapplication conference or meeting, design review, or hearing on some or all proposed projects to obtain public comments on scoping or a draft environmental impact statement pursuant to chapter 43.21C RCW and its applicable rules.

(3) Each local government is encouraged to develop a system of professional certification whereby qualified engineers or other professionals certify an application's compliance with adopted development regulations for the purpose of expediting or eliminating certain aspects of agency review of compliance with those regulations.

(4) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(5) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a development permit issued by a local government.

NEW SECTION. Sec. 214. A new section is added to chapter 64.40 RCW to read as follows:
A local government is not liable for damages under this chapter due to the local government's failure to make a final decision within the time limits established in section 207 of this act.

Sec. 215. RCW 58.17.090 and 1981 c 293 s 5 are each amended to read as follows:

(1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for a public hearing. Except as provided in section 208 of this act, at a minimum, notice of the hearing shall be given in the following manner:

~~((4))~~ (a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and

~~((2))~~ (b) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection ~~(1)~~(b) shall be given to owners of real

property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

(2) All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

Sec. 216. RCW 58.17.092 and 1988 c 168 s 12 are each amended to read as follows:

Any notice made under chapter 58.17 or 36.--- (sections 101, 201 through 204, and 207 through 213 of this act) RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

Sec. 217. RCW 58.17.100 and 1981 c 293 s 6 are each amended to read as follows:

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, ~~((the change of the recommendation shall not be made until))~~ the legislative body shall ~~((conduct a public hearing and thereupon))~~ adopt its own recommendations and approve or disapprove the preliminary plat. ~~((Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.))~~

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

Sec. 218. RCW 58.17.330 and 1994 c 257 s 6 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) The decision may be given the effect of a final decision of the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

(2) ~~((The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.))~~

(3)) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 219. The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. It is the intent of the legislature by sections 220 through 224 of this act to allow local governments and owners and developers of real property to enter into development agreements.

NEW SECTION. Sec. 220. A new section is added to chapter 36.70A RCW to read as follows:

(1) A county or city may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.

(2) Sections 219 through 222 of this act do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on the effective date of sections 219 through 222 of this act, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.

(3) For the purposes of this section, "development standards" includes, but is not limited to:

(a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with chapter 36.-- RCW (the new chapter created in section 143 of this act) or any other applicable provisions of state law, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;

(d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

(e) Affordable housing;

(f) Parks and open space preservation;

(g) Phasing;

(h) Review procedures and standards for implementing decisions;

(i) A build-out or vesting period for applicable standards; and

(j) Any other appropriate development requirement or procedure.

(4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

NEW SECTION. Sec. 221. A new section is added to chapter 36.70A RCW to read as follows:

Unless amended or terminated, a development agreement is enforceable during its term by a party. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and

may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

NEW SECTION. Sec. 222. A new section is added to chapter 36.70A RCW to read as follows:

A development agreement may be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on and will inure to the benefit of the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

NEW SECTION. Sec. 223. A new section is added to chapter 36.70A RCW to read as follows:

A county or city shall only approve a development agreement by ordinance or resolution after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a development permit application, the provisions of chapter 36.-- RCW (sections 301 through 312 of this act) shall apply to the appeal of the decision on the development agreement.

NEW SECTION. Sec. 224. Nothing in sections 219 through 223 of this act is intended to authorize local governments to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as authorized in RCW 82.02.020 (as recodified by this act) and as otherwise expressly authorized by other applicable provisions of state law.

Sec. 225. RCW 35.63.130 and 1994 c 257 s 8 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use((s which the legislative body believes should be reviewed and decided by a hearing examiner));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by the hearing examiner.

(2) Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body((-

~~(2) The legislative body may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) The decision may be given the effect of a final decision of the legislative body, except that applications for rezones may not be given the effect of a final decision of a legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's

comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 226. RCW 35A.63.170 and 1994 c 257 s 7 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use ~~((s) which the legislative body believes should be reviewed and decided by a hearing examiner));~~

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body ~~((-~~

~~(2) The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) The decision may be given the effect of a final decision of the legislative body, except that applications for a rezone may not be given the effect of a final decision of a legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 227. RCW 36.70.970 and 1994 c 257 s 9 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses ~~((applications)),~~ variances ~~((applications)),~~ ~~((applications for))~~ shoreline permits, or any other class of applications for or pertaining to development of land or land use ~~((s));~~

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority~~((-~~

~~(2) The legislative authority may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) The decision may be given the effect of a final decision of the legislative authority, except that applications for rezones may not be given the effect of a final decision of a legislative authority.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 228. The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) To ensure that local needs and environmental conditions receive the proper attention, the issuance and renewal of permits should continue to be made, to the extent feasible, at the regional and local levels of the environmental programs.

(5) The purpose of this chapter is to require the department of ecology to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(6) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the consolidated permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(7) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the consolidated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(8) It is necessary to provide a reliable and consolidated source of information concerning the environmental and land use laws and procedures that apply to any given proposal. This information is to be current and encompass all state and local jurisdictions. To the extent possible, it is to encompass federal jurisdictions and functions, as well.

(9) The process shall provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions.

Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(10) The process shall provide consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

NEW SECTION. Sec. 229. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the department by section 230 of this act.

(2) "Consolidated permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Participating permit agency" means a permit agency, other than the consolidated permit agency, that is responsible for the issuance of a permit for a project.

(5) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

(6) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency, county, city, or town for the project that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

(7) "Project" means an activity, the conduct of which requires a permit from two or more permit agencies.

NEW SECTION. Sec. 230. The permit assistance center is established within the department. The center shall:

(1) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. The center shall coordinate with the business assistance center in providing and maintaining this information to applicants and others. To the extent possible, the handbook shall include relevant federal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies;

(2) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

(3) Work closely and cooperatively with the business license center and the business assistance center in providing efficient and nonduplicative service to the public; and

(4) Provide a permit coordination training program designed to:

(a) Educate project facilitators as to the role and requirements of all jurisdictions;

(b) Share permit coordination experiences;

(c) Improve the quality and efficiency of project facilitation; and

(d) Certify project facilitators.

NEW SECTION. Sec. 231. (1) Not later than January 1, 1996, the center shall establish by rule an administrative process for the designation of a consolidated permit agency for a project.

(2) The administrative process shall consist of the establishment of guidelines for designating the consolidated permit agency for a project. If a permit agency is the lead agency for purposes of chapter 43.21C RCW, that permit agency shall be the consolidated permit agency. In other cases, the guidelines shall require that at least the following factors be considered in determining which permit agency has the greatest overall jurisdiction over the project:

(a) The types of facilities or activities that make up the project;

(b) The types of public health and safety and environmental concerns that should be considered in issuing permits for the project;

(c) The environmental medium that may be affected by the project, the extent of those potential effects, and the environmental protection measures that may be taken to prevent the occurrence of, or to mitigate, those potential effects;

(d) The regulatory activity that is of greatest importance in preventing or mitigating the effects that the project may have on public health and safety or the environment; and

(e) The statutory and regulatory requirements that apply to the project and the complexity of those requirements.

NEW SECTION. Sec. 232. Upon the request of a project applicant, the center shall appoint a project facilitator to assist the applicant in determining which regulatory requirements, processes, and permits may be required for development and operation of the proposed project. The project facilitator shall provide the information to the applicant and explain the options available to the applicant in obtaining the required permits. If the applicant requests, the center shall designate a coordinating permit agency as provided in section 233 of this act.

NEW SECTION. Sec. 233. (1) A permit applicant who requests the designation of a consolidated permit agency shall provide the center with a description of the project, a preliminary list of the permits that the project may require, the identity of any public agency that has been designated the lead agency for the project pursuant to chapter 43.21C RCW, and the identity of the participating permit agencies. The center may request any information from the permit applicant that is necessary to make the designation under this section, and may convene a scoping meeting of the likely consolidated permit agency and participating permit agencies in order to make that designation.

(2) The consolidated permit agency shall serve as the main point of contact for the permit applicant with regard to the processing of the consolidated permit process for the project and shall manage the procedural aspects of that processing consistent with existing laws governing the consolidated permit agency and participating permit agencies, and with the procedures agreed to by those agencies in accordance with section 234 of this act. In carrying out these responsibilities, the consolidated permit agency shall ensure that the permit applicant has all the information needed to apply for all the component permits that are incorporated in the consolidated permit process for the project, coordinate the review of those permits by the respective participating permit agencies, ensure that timely permit decisions are made by the participating permit agencies, and assist in resolving any conflict or inconsistency among the permit requirements and conditions that are to be imposed by the participating permit agencies with regard to the project. The coordinating permit agency shall keep in contact with the applicant as well as other permit agencies in order to assure that the process is progressing as scheduled. The coordinating permit agency shall recommend appropriate alternatives that may be more efficient and identify potential problems to successful completion of the process.

(3) This chapter shall not be construed to limit or abridge the powers and duties granted to a participating permit agency under the law that authorizes or requires the agency to issue a permit for a project. Each participating permit agency shall retain its authority to make all decisions on all nonprocedural matters with regard to the respective component permit that is within its scope of its responsibility, including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial. The consolidated permit agency may not substitute its judgment for that of a participating permit agency on any such nonprocedural matters.

NEW SECTION. Sec. 234. (1) Within twenty-one days of the date that the consolidated permit agency is designated, it shall convene a meeting with the permit applicant for the project and the participating permit agencies. The meeting agenda shall include at least all of the following matters:

(a) A determination of the permits that are required for the project;

(b) A review of the permit application forms and other application requirements of the agencies that are participating in the consolidated permit process;

(c)(i) A determination of the timelines that will be used by the consolidated permit agency and each participating permit agency to make permit decisions, including the time periods required to determine if the permit applications are complete, to review the application or applications, and to process the component permits, and the timelines that will be used by the consolidated permit agency to aggregate the component permits into, and to issue the consolidated permit process. In the development of this time line, full attention shall be given to achieving the maximum efficiencies possible through concurrent studies, consolidated applications, hearings, and comment periods. Except as provided in (c)(ii) of this subsection, the timelines established under this subsection, with the assent of the consolidated permit agency and each participating permit agency, shall commit the consolidated

permit agency and each participating permit agency to act on the component permit within time periods that are different than those required by other applicable provisions of law.

(ii) An accelerated time period for the consideration of a permit application may not be set if that accelerated time period would be inconsistent with, or in conflict with, any time period or series of time periods set by statute for that consideration, or with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires any of the following:

(A) Other agencies, interested persons, federally recognized Indian tribes, or the public to be given adequate notice of the application;

(B) Other agencies to be given a role in, or be allowed to participate in, the decision to approve or disapprove the application; or

(C) Interested persons or the public to be provided the opportunity to challenge, comment on, or otherwise voice their concerns regarding the application;

(d) The scheduling of any public hearings that are required to issue permits for the project and a determination of the feasibility of coordinating or consolidating any of those required public hearings; and

(e) A discussion of fee arrangements for the consolidated permit process, including an estimate of the costs allowed under section 237 of this act and the billing schedule.

(2) Each agency shall send at least one representative qualified to make decisions concerning the applicability and timelines associated with all permits administered by that jurisdiction. At the request of the applicant, the consolidated permit agency shall notify any relevant federal agency of the date of the meeting and invite that agency's participation in the process.

(3) If a permit agency or the applicant foresees, at any time, that it will be unable to meet its obligations under the agreement, it shall notify the consolidated permit agency of the problem. The coordinating permit agency shall notify the permit agencies and the applicant and, upon agreement of all parties, adjust the schedule, or, if necessary, schedule another work plan meeting.

(4) The consolidated permit agency may request any information from the applicant that is necessary to comply with its obligations under this section, consistent with the timelines set pursuant to this section.

(5) A summary of the decisions made under this section shall be made available for public review upon the filing of the consolidated permit process application or permit applications.

NEW SECTION. Sec. 235. (1) The permit applicant may withdraw from the consolidated permit process by submitting to the consolidated permit agency a written request that the process be terminated. Upon receipt of the request, the consolidated permit agency shall notify the center and each participating permit agency that a consolidated permit process is no longer applicable to the project.

(2) The permit applicant may submit a written request to the consolidated permit agency that the permit applicant wishes a participating permit agency to withdraw from participation on the basis of a reasonable belief that the issuance of the consolidated permit process would be accelerated if the participating permit agency withdraws. In that event, the participating permit agency shall withdraw from participation if the consolidated permit agency approves the request.

NEW SECTION. Sec. 236. The consolidated permit agency shall ensure that the participating permit agencies make all the permit decisions that are necessary for the incorporation of the permits into the consolidated permit process and act on the component permits within the time periods established pursuant to section 234 of this act.

NEW SECTION. Sec. 237. (1) The consolidated permit agency may enter into a written agreement with the applicant to recover from the applicant the reasonable costs incurred by the consolidated permit agency in carrying out the requirements of this chapter.

(2) The consolidated permit agency may recover only the costs of performing those consolidated permit services and shall be negotiated with the permit applicant in the meeting required pursuant to section 234 of this act. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

NEW SECTION. Sec. 238. A petition by the permit applicant for review of an agency action in issuing, denying, or amending a permit, or any portion of a consolidated permit agency permit, shall

be submitted by the permit applicant to the consolidated permit agency or the participating permit agency having jurisdiction over that permit and shall be processed in accordance with the procedures of that permit agency. Within thirty days of receiving the petition, the consolidated permit agency shall notify the other environmental agencies participating in the original consolidated permit process.

NEW SECTION. Sec. 239. If an applicant petitions for a significant amendment or modification to a consolidated permit process application or any of its component permit applications, the consolidated permit agency shall reconvene a meeting of the participating permit agencies, conducted in accordance with section 234 of this act.

NEW SECTION. Sec. 240. If an applicant fails to provide information required for the processing of the component permit applications for a consolidated permit process or for the designation of a consolidated permit agency, the time requirements of this chapter shall be tolled until such time as the information is provided.

NEW SECTION. Sec. 241. (1) The center, by rule, shall establish an expedited appeals process by which a petitioner or applicant may appeal any failure by a permit agency to take timely action on the issuance or denial of a permit in accordance with the time limits established under this chapter.

(2) If the center finds that the time limits under appeal have been violated without good cause, it shall establish a date certain by which the permit agency shall act on the permit application with adequate provision for the requirements of section 234(1)(c)(ii) (A) through (C) of this act, and provide for the full reimbursement of any filing or permit processing fees paid by the applicant to the permit agency for the permit application under appeal.

NEW SECTION. Sec. 242. By December 1, 1997, the center shall submit a report to the appropriate committees of both houses of the legislature detailing the following information:

(1) The number of instances in which a consolidated permit agency has been requested and used, and the disposition of those cases;

(2) The amount of time elapsed between an initial request by a permit applicant for a consolidated permit process and the ultimate approval or disapproval of the permits included in the process;

(3) The number of instances in which the expedited appeals process was requested, and the disposition of those cases; and

(4) Potential conflicts and perceived inconsistencies among existing statutes.

NEW SECTION. Sec. 243. A new section is added to chapter 43.131 RCW to read as follows:

The permit assistance center and its powers and duties shall be terminated June 30, 1999, as provided in section 244 of this act.

NEW SECTION. Sec. 244. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 90.--- and 1995 c -- s 228 (section 228 of this act);
- (2) RCW 90.--- and 1995 c -- s 229 (section 229 of this act);
- (3) RCW 90.--- and 1995 c -- s 230 (section 230 of this act);
- (4) RCW 90.--- and 1995 c -- s 231 (section 231 of this act);
- (5) RCW 90.--- and 1995 c -- s 232 (section 232 of this act);
- (6) RCW 90.--- and 1995 c -- s 233 (section 233 of this act);
- (7) RCW 90.--- and 1995 c -- s 234 (section 234 of this act);
- (8) RCW 90.--- and 1995 c -- s 235 (section 235 of this act);
- (9) RCW 90.--- and 1995 c -- s 236 (section 236 of this act);
- (10) RCW 90.--- and 1995 c -- s 237 (section 237 of this act);
- (11) RCW 90.--- and 1995 c -- s 238 (section 238 of this act);
- (12) RCW 90.--- and 1995 c -- s 239 (section 239 of this act);

- (13) RCW 90.---.--- and 1995 c -- s 240 (section 240 of this act); and
(14) RCW 90.---.--- and 1995 c -- s 241 (section 241 of this act).

NEW SECTION. Sec. 245. The following acts or parts of acts are each repealed:

- (1) RCW 90.62.010 and 1982 c 179 s 1, 1977 c 54 s 1, & 1973 1st ex.s. c 185 s 1;
(2) RCW 90.62.020 and 1994 c 264 s 96, 1988 c 36 s 71, 1977 c 54 s 2, & 1973 1st ex.s. c 185 s 2;
(3) RCW 90.62.030 and 1973 1st ex.s. c 185 s 3;
(4) RCW 90.62.040 and 1990 c 137 s 1, 1977 c 54 s 3, & 1973 1st ex.s. c 185 s 4;
(5) RCW 90.62.050 and 1977 c 54 s 4 & 1973 1st ex.s. c 185 s 5;
(6) RCW 90.62.060 and 1982 c 179 s 2, 1977 c 54 s 5, & 1973 1st ex.s. c 185 s 6;
(7) RCW 90.62.070 and 1973 1st ex.s. c 185 s 7;
(8) RCW 90.62.080 and 1987 c 109 s 156, 1977 c 54 s 6, & 1973 1st ex.s. c 185 s 8;
(9) RCW 90.62.090 and 1977 c 54 s 7 & 1973 1st ex.s. c 185 s 9;
(10) RCW 90.62.100 and 1977 c 54 s 8 & 1973 1st ex.s. c 185 s 10;
(11) RCW 90.62.110 and 1973 1st ex.s. c 185 s 11;
(12) RCW 90.62.120 and 1973 1st ex.s. c 185 s 12;
(13) RCW 90.62.130 and 1977 c 54 s 9;
(14) RCW 90.62.900 and 1973 1st ex.s. c 185 s 13;
(15) RCW 90.62.901 and 1973 1st ex.s. c 185 s 14;
(16) RCW 90.62.904 and 1973 1st ex.s. c 185 s 15;
(17) RCW 90.62.905 and 1973 1st ex.s. c 185 s 16;
(18) RCW 90.62.906 and 1973 1st ex.s. c 185 s 18;
(19) RCW 90.62.907 and 1973 1st ex.s. c 185 s 19; and
(20) RCW 90.62.908 and 1977 c 54 s 10.

NEW SECTION. Sec. 246. Sections 101, 201 through 204, and 207 through 213 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 247. Sections 228 through 241 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 248. RCW 36.70A.065 and 36.70A.440 are recodified as sections within the new chapter created in section 246 of this act.

NEW SECTION. Sec. 249. The department of community, trade, and economic development shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.-- RCW (sections 101, 201 through 204, and 207 through 213 of this act). The land use study commission created by section 401 of this act shall monitor local government consolidated permit procedures and the effectiveness of the timelines established by section 207 of this act. The commission shall include in its report submitted to the governor and the legislature on November 30, 1997, its recommendation about what timelines, if any, should be imposed on the local government consolidated permit process required by chapter 36.-- RCW (sections 101, 201 through 204, and 207 through 213 of this act).

PART III - APPEALS

NEW SECTION. Sec. 301. This chapter may be known and cited as the land use petition act. A petition brought under this chapter must be called a land use petition.

NEW SECTION. Sec. 302. The purpose of this chapter is to reform the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.

NEW SECTION. Sec. 303. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a development permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use streets, parks, and similar types of public property and excluding applications for legislative approvals such as rezones;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the development, modification, maintenance, or use of real property; and

(c) The enforcement of ordinances regulating the development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

(2) "Local jurisdiction" means a county, city, or town, or special purpose district as defined in RCW 36.96.010.

(3) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental agency.

NEW SECTION. Sec. 304. (1) This chapter replaces the writ of certiorari for judicial review of local jurisdictions' land use decisions.

(2) This chapter does not apply to judicial review procedures established by other laws, including, but not limited to judicial review of:

(a) Land use decisions made by bodies that are not part of a local jurisdiction;

(b) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board;

(c) Claims provided by any law for monetary damages or compensation; or

(d) Applications for injunctive relief, including a writ of prohibition or mandamus.

(3) If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the procedures and standards, including deadlines, provided in this chapter for review of the petition do not apply to the claims for damages or compensation. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(4) The court rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

NEW SECTION. Sec. 305. (1) Proceedings for review under this chapter must be commenced by filing a land use petition in superior court.

(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court. The petition must be served on the following parties:

(a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department; and

(b) Each of the following, if not the petitioner:

(i) Any person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue or as a property owner of the property at issue;

(ii) If no person is named in the decision as provided in (b)(i) of this subsection, any such person identified in the application for a permit or approval at issue; and

(iii) Any person who filed an appeal to a quasi-judicial decision maker regarding the land use decision at issue, unless the person has abandoned the appeal or the person's claims were dismissed before the quasi-judicial decision was rendered. Any person who later intervened or joined in the appeal is not required to be made a party under this subsection.

(3) The petition is timely if it is filed within twenty-one days of the issuance of the land use decision.

(4) For the purposes of this section, a land use decision is issued on the date on which a written decision is mailed or if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available. However, if written notification is not required to be provided, the decision is issued on the later of:

(a) The date that the decision is made at a public meeting; or

(b) The date that the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition pursuant to RCW 4.28.080. Service on other parties must be in accordance with the civil rules or, for parties who provided an address to the local jurisdiction during a quasi-judicial proceeding regarding the land use decision at issue, service may be by deposit in the United States mail to the address. Service by mail is effective on the date of mailing. Proof of service must be evidenced by affidavit.

NEW SECTION. Sec. 306. Standing to bring a land use petition under this chapter, and to intervene in a proceeding under this chapter, is limited to the following parties:

- (1) The applicant and the owner of property to which the land use decision is directed;
- (2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision, and who will suffer direct and substantial impacts from the decision, reversal, or modification.

NEW SECTION. Sec. 307. (1) A petitioner shall set forth in a land use petition:

- (a) The name and mailing address of the petitioner;
 - (b) The name and mailing address of the petitioner's attorney, if any;
 - (c) The name and mailing address of the local jurisdiction whose land use decision is at issue;
 - (d) Identification of the decision-making body or officer, together with a duplicate copy of the decision, or if not a written decision, a summary or brief description of it;
 - (e) Identification of persons who were named petitioners or appellants in any quasi-judicial proceedings regarding the land use decision at issue;
 - (f) Facts demonstrating that the petitioner is entitled to seek judicial review; and
 - (g) A request for relief, specifying the type of relief requested.
- (2) Within sixty days of service of a land use petition on the local jurisdiction, the local jurisdiction must certify and submit to the court and serve on all parties to the petition a complete record of the proceedings leading to the decision identified in the land use petition pursuant to subsection (1)(d) of this section.
- (3) The local jurisdiction need not certify the record, if the court determines that the petition should be dismissed for any reason, including improper service, lack of standing, failure to join an indispensable party, or failure to comply with subsection (1) of this section.
- (4) The court may grant additional time for the certification of the record, if additional time is determined by the court to be necessary.
- (5) Within fifteen days of service of the petition, the local jurisdiction shall notify the petitioner of the estimated cost of preparing the record.
- (6) The petitioner shall pay the cost of preparing the record within fifteen days of service of the record on the petitioner.

NEW SECTION. Sec. 308. The court shall provide expedited review of petitions filed under this chapter. If judicial review is granted, the matter must be set for hearing within sixty days of the date set for submitting the local jurisdiction's record, absent a showing of compelling reasons for a different date or a stipulation of the parties.

NEW SECTION. Sec. 309. (1) A petitioner for judicial review of a land use decision may request the court to stay or suspend an action by the local jurisdiction or another party to implement the decision under review, by including the request in the petition. The request must set forth a statement of grounds for the stay and the factual basis for the request. The court shall rule on the request at the hearing on the order to show cause.

(2) Another party to the judicial review proceedings may request a stay by making a motion in accordance with the court rules. The motion must be filed with the party's first pleading in the matter.

(3) The court shall deny a request for a stay that is made after the times required by subsections (1) and (2) of this section unless the party requesting the stay establishes that the reasons justifying the stay did not exist, or could not have been discovered, at the times set forth in subsections (1) and (2) of this section.

(4) A court may grant a stay only if the court finds that:

- (a) The party requesting the stay is likely to prevail on the merits;
- (b) Without the stay the party requesting it will suffer irreparable harm; and

- (c) The grant of a stay will not substantially harm other parties to the proceedings or the public.
- (5) The court may grant the request for a stay upon such terms and conditions, such as the filing of security, as are necessary to prevent harm to other parties from the stay.

NEW SECTION. Sec. 310. (1) If the land use decision being reviewed was made by a quasi-judicial body or officer who was making factual determinations and the parties had the opportunity to make a record on the factual issues, judicial review of factual issues, and the conclusions drawn from the factual issues, must be confined to the record created by the quasi-judicial body or officer, except as provided in this section.

(2) For decisions described in subsection (1) of this section, the record may be supplemented by additional evidence only if the additional evidence relates to:

(a) Disputed factual issues regarding the authority or jurisdiction of the body or officer that made the land use decision;

(b) Grounds for disqualification of a member of the body or of the officer that made the land use decision;

(c) Unlawfulness of the procedure used to make the decision;

(d) Matters that were improperly excluded from the record after being offered by a party to the quasi-judicial proceeding; or

(e) Matters that were outside the jurisdiction of the body or officer that made the land use decision.

(3) For land use decisions other than those described in subsection (1) of this section, the record for judicial review may be supplemented by evidence of material facts that were not required to be made part of the local jurisdiction's record.

(4) The parties may not conduct civil discovery prior to the determination of the land use petition except in regard to the issues listed in subsection (2) of this section. Requests made under chapter 42.17 RCW for records relating to the matters at issue in the pending land use petition must be treated as requests for civil discovery and must meet the requirements of this section and the court rules.

NEW SECTION. Sec. 311. (1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under RCW 36.70B.100. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a), (b), and (c) of this subsection have been met. The standards are:

(a) The party seeking relief has been substantially prejudiced as a result of the claimed error or errors, and:

(i) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process;

(ii) The land use decision under review is a clearly erroneous interpretation or application of the law, in light of the law's purpose; or

(iii) The land use decision under review is not supported by substantial evidence;

(b) The land use decision under review was outside the authority or jurisdiction of the body or officer making the decision; and

(c) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct.

NEW SECTION. Sec. 312. The court may affirm or reverse the land use decision under review, modify it, or remand it for modification or further proceedings. If the decision is remanded for modification or further proceedings, the court may make the order as it finds necessary to preserve the interests of the parties and the public, pending further proceedings or action by the local jurisdiction.

Sec. 313. RCW 7.16.360 and 1989 c 175 s 38 are each amended to read as follows:

This chapter does not apply to state agency action reviewable under chapter 34.05 RCW or the land use decisions of local jurisdictions reviewable under chapter 36.-- RCW (sections 301 through 312 of this act).

Sec. 314. RCW 58.17.180 and 1983 c 121 s 5 are each amended to read as follows:

Any decision approving or disapproving any plat shall be reviewable for ~~((unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before))~~ under chapter 36.-- RCW (sections 301 through 312 of this act) by the superior court of the county in which such matter is pending. ~~((Standing to bring the action is limited to the following parties:~~

~~(1) The applicant or owner of the property on which the subdivision is proposed;~~

~~(2) Any property owner entitled to special notice under RCW 58.17.090;~~

~~(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.~~

~~Application for a writ of review shall be made to the court within thirty days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.)~~

NEW SECTION. **Sec. 315.** A new section is added to chapter 4.84 RCW to read as follows:

Notwithstanding any other provisions of this chapter, reasonable attorneys fees and costs shall be awarded to the prevailing party or substantially prevailing party on appeal before the superior court, court of appeals, or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit involving a site-specific rezone, zoning, plat, conditional use, variance, shoreline permit, building permit, site plan, or similar land use approval or decision.

NEW SECTION. **Sec. 316.** Sections 301 through 312 of this act constitute a new chapter in Title 36 RCW.

PART IV - STUDY

NEW SECTION. **Sec. 401.** The land use study commission is hereby established. The commission's goal shall be the integration and consolidation of the state's land use and environmental laws into a single, manageable statute. In fulfilling its responsibilities, the commission shall evaluate the effectiveness of the growth management act, the state environmental policy act, the shoreline management act, and other state land use, planning, environmental, and permitting statutes.

NEW SECTION. **Sec. 402.** The commission shall consist of not more than thirteen members. Seven members of the commission shall be appointed by the governor, two members shall be appointed by the speaker of the house of representatives, and two members shall be appointed by the president of the senate. Membership shall reflect the interests of business, agriculture, labor, the environment, other citizens, the legislature, cities, counties, federally recognized Indian tribes, and state agencies. The director of the department of community, trade, and economic development, or the director's designee, shall serve in a nonvoting capacity as chair of the commission. The director of the department of ecology, or the director's designee, shall also be a member of the commission in a nonvoting capacity. Staff for the commission shall be provided by the department of community, trade, and economic development, with additional staff to be provided by other state agencies and the legislature, as may be required. State agencies shall provide the commission with information and assistance as needed.

NEW SECTION. **Sec. 403.** The commission shall convene commencing June 1, 1995, and shall complete its work by June 30, 1998. The commission shall submit a report to the governor and the legislature stating its findings, conclusions, and recommendations not later than November 1 of each year. The commission shall submit its final report to the governor and the legislature not later than November 1, 1997.

NEW SECTION. **Sec. 404.** The commission shall:

(1) Consider the effectiveness of state and local government efforts to consolidate and integrate the growth management act, the state environmental policy act, the shoreline management act, and other land use, planning, environmental, and permitting laws.

(2) Identify the revisions and modifications needed in state land use, planning, and environmental law and practice to adequately plan for growth, to adequately assess environmental

impacts of comprehensive plans, development regulations, and growth, and to reduce the time and cost of obtaining project permits.

(3) Draft a consolidated land use procedure, following these guidelines:

(a) Conduct land use planning through the comprehensive planning process under chapter 36.70A RCW rather than through review of individual projects;

(b) Involve diverse sectors of the public in the planning process. Early and informal environmental analysis should be incorporated into planning and decision making;

(c) Recognize that different questions need to be answered and different levels of detail applied at each planning phase, from the initial development of plan concepts or plan elements to implementation programs;

(d) Integrate and combine to the fullest extent possible the processes, analysis, and documents currently required under chapters 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals and to mitigate undesirable or unintended adverse impacts on a community's quality of life;

(e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental considerations most relevant to that stage of the process;

(f) Avoid duplicating review that has occurred for plan decisions when specific projects are proposed;

(g) Use environmental review on projects to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by agencies, tribes, and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;

(h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes;

(i) Examine existing land use and environmental permits for necessity and utility. To the extent possible, existing permits should be combined into fewer permits, assuring that the values and principles intended to be protected by those permits remain protected; and

(j) Consolidate local government appeal processes to allow a single appeal of permits at local government levels, a single state level administrative appeal, and a final judicial appeal.

(4) These guidelines are intended to guide the work of the commission, without limiting its charge to integrate and consolidate Washington's land use and environmental laws into a single, manageable code.

NEW SECTION. **Sec. 405.** Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 406.** Sections 401 through 405 of this act shall expire June 30, 1998.

PART V - MISCELLANEOUS

NEW SECTION. **Sec. 501.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 502.** Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 503.** Sections 401 through 406 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995."

On page 1, line 3 of the title, after "review;" strike the remainder of the title and insert "amending RCW 43.21C.075, 43.21C.031, 43.21C.110, 43.21C.080, 36.70A.140, 36.70A.300, 36.70A.330, 90.58.020, 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100,

90.58.120, 90.58.140, 90.58.180, 90.58.190, 34.05.461, 34.05.514, 36.70A.130, 36.70A.320, 82.02.090, 82.02.020, 36.70A.440, 36.70A.065, 58.17.090, 58.17.092, 58.17.100, 58.17.330, 35.63.130, 35A.63.170, 36.70.970, 7.16.360, and 58.17.180; reenacting and amending RCW 36.70A.030 and 36.70A.290; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 82.02 RCW; adding a new section to chapter 64.40 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 4.84 RCW; adding new chapters to Title 36 RCW; adding a new chapter to Title 90 RCW; creating new sections; recodifying RCW 82.02.020, 82.02.050, 82.02.060, 82.02.070, 82.02.080, 82.02.090, 82.02.100, 36.70A.065, and 36.70A.440; repealing RCW 90.58.145, 90.62.010, 90.62.020, 90.62.030, 90.62.040, 90.62.050, 90.62.060, 90.62.070, 90.62.080, 90.62.090, 90.62.100, 90.62.110, 90.62.120, 90.62.130, 90.62.900, 90.62.901, 90.62.904, 90.62.905, 90.62.906, 90.62.907, and 90.62.908; providing an effective date; providing an expiration date; and declaring an emergency."

POINT OF ORDER

Representative B. Thomas: Thank you Mr. Speaker. Amendment number 417 is drawn to the striker.

Representative B. Thomas moved adoption of the following amendment to the striking amendment by Representative B. Thomas:

On page 58, after line 5, insert the following:

"**Sec. 142.** RCW 35.44.020 and 1987 c 242 s 4 are each amended to read as follows:

There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof:

(1) The cost of all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within the street intersections;

(2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;

(3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;

(4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;

(5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city or town treasurer in connection with the improvement;

(6) All cost of the acquisition of rights of way, property, easements, or other facilities or rights, including without limitation rights to use property, facilities, or other improvements appurtenant, related to, and/or useful in connection with the local improvement, whether by eminent domain, purchase, gift, payment of connection charges, capacity charges, or other similar charges, or in any other manner;

(7) The cost for legal, financial, and appraisal services and any other expenses incurred by the city, town, or public corporation for the district or in the formation thereof, or by the city, town, or public corporation in connection with such construction or improvement and in the financing thereof, including the issuance of any bonds and the cost of providing for increases in the local improvement guaranty fund, or providing for a separate reserve fund or other security for the payment of principal of and interest on such bonds.

Any of the costs set forth in this section may be excluded from the cost and expense to be assessed against the property in such local improvement district and may be paid from any other moneys available therefor if the legislative body of the city or town so designates by ordinance at any time."

Representatives B. Thomas and Reams spoke in favor of the adoption of the amendment to the striking amendment.

Representative Rust spoke against the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

The striking amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reams spoke in favor of passage of the bill.

Representatives Rust and Chopp spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1724.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1724, and the bill passed the House by the following vote: Yeas - 70, Nays - 28, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Pelesky, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 28.

Engrossed Substitute House Bill No. 1724, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1724.

SARAH CASADA, 25th District

The Speaker assumed the chair.

There being no objection, the House considered the following bills in the following order: Substitute House Bill No. 1523, House Bill No. 1066, House Bill No. 1570, House Bill No. 1851, House Bill No. 1860 and House Bill No. 1941.

There being no objection, the House resumed consideration of Substitute House Bill No. 1523.

Representatives Padden, Backlund, Mulliken, Pelesky spoke in favor of passage of the bill.

Representatives Thibaudeau, Ebersole, Cole, Mastin, Tokuda, Cody, Mason, Romero, Appelwick, Hatfield and Conway spoke against passage of the bill.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The bill was ordered engrossed.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1523.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1523, and the bill passed the House by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Basich, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Morris, Mulliken, Padden, Pelesky, Pennington, Quall, Robertson, Schmidt, D., Schoesler, Sheahan, Sheldon, Sherstad, Silver, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 54.

Voting nay: Representatives Appelwick, Ballasiotes, Blanton, Brown, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Horn, Jacobsen, Kessler, Mason, Mastin, Mitchell, Ogden, Patterson, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, K., Scott, Sehlin, Skinner, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 44.

Engrossed Substitute House Bill No. 1523, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ebersole: Thank you Mr. Speaker. I wanted to compliment you in the decorous and fair way that you conducted this debate. And I wanted to compliment the Chair of the Law & Justice Committee for his dedication and commitment to something I know that he feels very strong about and also to our Ranking Member of the Committee. And to all the members of the House, I think we've just seen here a very civil and well reasoned and fair debate and I think we should be proud of that. Thank you Mr. Speaker.

SPEAKER'S PRIVILEGE

Thank you. The Speaker would like to follow on the words of the Minority Leader. I think a test of a group of people on an issue of this deep emotion can certainly stretch the limits. You have conducted yourselves in an outstanding manner and I know the emotions and the seriousness of the issue. So the Speaker would like to say, Thank you very much for having that kind of decorum and respect and it gives us encouragement as we continue through difficult times. Thank you.

HOUSE BILL NO. 1066, by Representatives Lisk, Dyer, R. Fisher, Cairnes, Grant, Chandler, Sheldon, Scott and Ballasiotes

Authorizing agreements regarding smoking in the workplace that provide for a designated enclosed smoking room.

The bill was read the second time. There being no objection, Substitute House Bill No. 1066 was substituted for House Bill No. 1066 and the substitute bill was placed on second reading.

Substitute House Bill No. 1066 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk, Carlson, Dyer, Thompson and Horn spoke in favor of passage of the bill.

Representatives Valle, Cody, Conway and Quall spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1066.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1066, and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Raddcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven and Mr. Speaker - 74.

Voting nay: Representatives Appelwick, Basich, Beeksma, Brown, Brumsickle, Campbell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Hickel, Jacobsen, Mason, Quall, Rust, Sommers, Thibaudeau, Valle, Veloria and Wolfe - 24.

Substitute House Bill No. 1066, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1851, by Representatives Pennington, Morris, Crouse, Sherstad, Dyer, Raddcliff, Honeyford, Mielke, Kremen, Carlson, Sheldon, Campbell, Reams, Mitchell, Horn, Koster, Padden, Elliot, Robertson, Van Luven, D. Schmidt, Schoesler, L. Thomas, Smith, Lisk, Chandler, Fuhrman, McMorris, Benton, Sehlin, Foreman, Hargrove, Brumsickle, Hymes, Buck, Skinner, Blanton, Thompson, B. Thomas and Hickel

Deleting the increased tax on beer allocable to the health services account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pennington, Morris, Horn and Dyer spoke in favor of passage of the bill.

Representative Cody spoke against passage of the bill.

MOTION

On motion of Representative Talcott, Representative Pelesky was excused.

Representative Morris again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 1851.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1851, and the bill passed the House by the following vote: Yeas - 80, Nays - 17, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pennington, Quall, Raddliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehnin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 80.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Dellwo, Dickerson, Fisher, G., Fisher, R., Jacobsen, Mason, Poulsen, Rust, Sommers, Thibaudeau, Tokuda, Valle and Veloria - 17.

Excused: Representative Pelesky - 1.

House Bill No. 1851, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1860, by Representatives L. Thomas, Goldsmith and Robertson

Regulating real estate appraisers.

The bill was read the second time. There being no objection, Substitute House Bill No. 1860 was substituted for House Bill No. 1860 and the substitute bill was placed on second reading.

Substitute House Bill No. 1860 was read the second time.

Representative L. Thomas moved adoption of the following amendment by Representative L. Thomas:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.140.005 and 1993 c 30 s 1 are each amended to read as follows:

It is the intent of the legislature that only individuals who meet and maintain minimum standards of competence and conduct ~~((may provide))~~ established under this chapter for certified or licensed real estate appraisers may provide real estate appraisal services to the public.

Sec. 2. RCW 18.140.010 and 1993 c 30 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Appraisal" ~~((or "real estate appraisal"))~~ means ~~((an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate, for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value))~~ the act or process of estimating value; an estimate of value; or of or pertaining to appraising and related functions.

(2) "Appraisal report" means any communication, written or oral, of an appraisal, ~~((except that all appraisal reports in federally related transactions are required to be written reports))~~ review, or consulting service in accordance with the standards of professional conduct or practice, adopted by the director, that is transmitted to the client upon completion of an assignment.

(3) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the ~~((nature, quality,))~~ value(, or utility) of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(4) "Brokers price opinion" means an oral or written report of property value that is prepared by a real estate broker or salesperson licensed under chapter 18.85 RCW for listing, sale, purchase, or rental purposes.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

~~((5))~~ (6) "Client" means any party for whom an appraiser performs a service.

(7) "Committee" means the real estate appraiser advisory committee of the state of Washington.

~~((6))~~ (8) "Comparative market analysis" means a brokers price opinion.

(9) "Department" means the department of licensing.

~~((7))~~ (10) "Director" means the director of the department of licensing.

~~((8))~~ (11) "Expert review appraiser" means a state-certified or state-licensed real estate appraiser chosen by the director for the purpose of providing appraisal review assistance to the director.

(12) "Federal department" means an executive department of the United States of America specifically concerned with housing finance issues, such as the department of housing and urban development, the department of veterans affairs, or their legal federal successors.

(13) "Federal financial institutions regulatory agency" means the board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, the office of thrift supervision, the national credit union administration, their successors and/or such other agencies as may be named in future amendments to 12 U.S.C. Sec. 3350(6).

(14) "Federal secondary mortgage marketing agency" means the federal national mortgage association, the government national mortgage association, the federal home loan mortgage corporation, their successors and/or such other similarly functioning housing finance agencies as may be federally chartered in the future.

(15) "Financial institution" means any person doing business under the laws of this state or the United States relating to banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, and the affiliates, subsidiaries, and service corporations thereof.

(16) "Licensed appraisal" means an appraisal prepared or signed by a state-licensed real estate appraiser. A licensed appraisal represents to the public that it meets the appraisal standards defined in this chapter.

~~((9))~~ (17) "Mortgage broker" for the purpose of this chapter means a mortgage broker licensed under chapter 19.146 RCW, any mortgage broker approved and subject to audit by the federal national mortgage association, the government national mortgage association, or the federal home loan mortgage corporation as provided in RCW 19.146.020, any mortgage broker approved by the United States secretary of housing and urban development for participation in any mortgage insurance under the national housing Act, 12 U.S.C. Sec. 1201, and the affiliates, subsidiaries, and service corporations thereof.

(18) "Real estate" means an identified parcel or tract of land, including improvements, if any.

~~((10))~~ (19) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

~~((11))~~ (20) "Review" means the act or process of critically studying an appraisal report prepared by another.

(21) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

~~((12))~~ (22) "State-certified general real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of property. A state-certified general real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

~~((13))~~ (23) "State-certified residential real estate appraiser" means a person certified by the director to develop and communicate real estate appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value as specified in rules adopted by the director. A state certified residential real estate appraiser may designate or identify an appraisal rendered by him or her as a "certified appraisal."

~~((14))~~ (24) "State-licensed real estate appraiser" means a person licensed by the director to develop and communicate real estate appraisals of noncomplex one to four residential units and complex one to four residential units and nonresidential property having transaction values as specified in rules adopted by the director.

Sec. 3. RCW 18.140.020 and 1993 c 30 s 3 are each amended to read as follows:

(1) No person other than a state-certified or state-licensed real estate appraiser may receive compensation of any form for a real estate appraisal or an appraisal review.

(2) No person, other than a state-certified or state-licensed real estate appraiser, may assume or use that title or any title, designation, or abbreviation likely to create the impression of certification or licensure as a real estate appraiser by this state.

(3) A person who is not certified or licensed under this chapter shall not ~~((describe or refer to))~~ prepare any appraisal of real estate located in this state ~~((by the term "certified" or "licensed."))~~

~~(2) This section does not preclude a person who is not certified or licensed as a state-certified or state-licensed real estate appraiser from appraising real estate in this state for compensation, except in federally related transactions requiring licensure or certification to perform appraisal services).~~
except as provided under subsection (1) of this section.

(4) This section does not preclude a staff employee of a governmental entity from performing an appraisal or an appraisal assignment within the scope of his or her employment insofar as the performance of official duties for the governmental entity are concerned. Such an activity for the benefit of the governmental entity is exempt from the requirements of this chapter.

(5) This section does not preclude an individual person licensed by the state of Washington as a real estate broker or as a real estate salesperson and who performs a brokers price opinion as a service to a prospective seller, buyer, lessor, or lessee as the only intended user, and not for dissemination to a third party, within the scope of his or her employment or agency. Such an activity for the sole benefit of the prospective seller, buyer, lessor, or lessee is exempt from the requirements of this chapter.

(6) This section does not apply to an appraisal or an appraisal review performed for a financial institution or mortgage broker, whether conducted by an employee or third party, when such appraisal or appraisal review is not required to be performed by a state-certified or state-licensed real estate appraiser by the appropriate federal financial institutions regulatory agency.

(7) This section does not apply to a certified public accountant, as defined in RCW 18.04.025, who evaluates real property in the normal scope of his or her professional services.

Sec. 4. RCW 18.140.030 and 1993 c 30 s 4 are each amended to read as follows:

The director shall have the following powers and duties:

(1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;

(2) To receive and approve or deny applications for certification or licensure as a state-certified or state-licensed real estate appraiser under this chapter; to establish appropriate administrative procedures for the processing of such applications; to issue certificates or licenses to qualified applicants pursuant to the provisions of this chapter; and to maintain a register of the names and addresses of individuals who are currently certified or licensed under this chapter;

(3) To establish, provide administrative assistance, and appoint the members for the real estate appraiser advisory committee to enable the committee to act in an advisory capacity to the director;

(4) To solicit bids and enter into contracts with educational testing services or organizations for the preparation of questions and answers for certification or licensure examinations;

(5) To administer or contract for administration of certification or licensure examinations at locations and times as may be required to carry out the responsibilities under this chapter;

(6) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(7) To consider recommendations by the real estate appraiser advisory committee relating to the experience, education, and examination requirements for each classification of state-certified appraiser and for licensure;

(8) To impose continuing education requirements as a prerequisite to renewal of certification or licensure;

(9) To consider recommendations by the real estate appraiser advisory committee relating to standards of professional appraisal practice in the enforcement of this chapter;

(10) To investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;

(11) To establish appropriate administrative procedures for disciplinary proceedings conducted pursuant to the provisions of this chapter;

(12) To compel the attendance of witnesses and production of books, documents, records, and other papers; to administer oaths; and to take testimony and receive evidence concerning all matters within their jurisdiction. These powers may be exercised directly by the director or the director's authorized representatives acting by authority of law;

(13) To take emergency action ordering summary suspension of a license or certification pending proceedings by the director;

(14) To employ such professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(15) To establish forms necessary to administer this chapter;

(16) To adopt standards of professional conduct or practice; ~~(and)~~

(17) To establish an expert review appraiser roster comprised of state-certified or licensed real estate appraisers whose purpose is to assist the director by applying their individual expertise by reviewing real estate appraisals for compliance with this chapter. Qualifications to act as an expert review appraiser shall be established by the director with the advice of the committee. An application to serve as an expert review appraiser shall be submitted to the real estate appraiser program, and the roster of accepted expert review appraisers shall be maintained by the department. An expert review appraiser may be added to or deleted from that roster by the director. The expert review appraiser shall be reimbursed for expenses in the same manner as the department reimburses the committee; and

(18) To do all other things necessary to carry out the provisions of this chapter and minimally meet the requirements of federal guidelines regarding state certification or licensure of appraisers that the director determines are appropriate for state-certified and state-licensed appraisers in this state.

Sec. 5. RCW 18.140.090 and 1993 c 30 s 9 are each amended to read as follows:

(1) As a prerequisite to taking an examination for certification or licensure, an applicant must meet the experience requirements adopted by the director.

(2) The preexamination experience claimed by an applicant, and accepted by the department for the purpose of taking the examination, shall remain subject to postlicensure auditing by the department.

Sec. 6. RCW 18.140.130 and 1993 c 30 s 13 are each amended to read as follows:

(1) Each original and renewal license or certificate issued under this chapter shall expire on the applicant's second birthday following issuance of the license or certificate.

(2) To be renewed as a state-licensed or state-certified real estate appraiser, the holder of a valid license or certificate shall apply and pay the prescribed fee to the director no earlier than one hundred twenty days prior to the expiration date of the license or certificate and shall demonstrate satisfaction of any continuing education requirements.

(3) If a person fails to renew a license or certificate prior to its expiration and no more than ~~((two years have))~~ one year has passed since the person last held a valid license or certificate, the person may obtain a renewal license or certificate by satisfying all of the requirements for renewal and paying late renewal fees.

The director shall cancel the license or certificate of any person whose renewal fee is not received within ~~((two years))~~ one year from the date of expiration. A person may obtain a new license or certificate by satisfying the procedures and qualifications for initial licensure or certification, including the successful completion of any applicable examinations.

Sec. 7. RCW 18.140.140 and 1993 c 30 s 14 are each amended to read as follows:

(1) A license or certificate issued under this chapter shall bear the signature or facsimile signature of the director and a license or certificate number assigned by the director.

(2) Each state-licensed or state-certified real estate appraiser shall place his or her license or certificate number adjacent to or immediately below the title "state-licensed real estate appraiser," "state-certified residential real estate appraiser," or "state-certified general real estate appraiser" when used in an appraisal report or in a contract or other instrument used by the licensee or certificate holder in conducting real property appraisal activities, except that the license or certificate number shall not be

required to appear when the title is not accompanied by a signature as is typical on such promotional and stationary items as brochures, business cards, forms, or letterhead.

Sec. 8. RCW 18.140.150 and 1993 c 30 s 15 are each amended to read as follows:

(1) The term "state-licensed" or "state-certified real estate appraiser" may only be used to refer to individuals who hold the license or certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, ~~((or))~~ group, or limited liability company, or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, limited liability company, or anyone other than an individual holder of the license or certificate.

(2) No license or certificate may be issued under this chapter to a corporation, partnership, firm, limited liability company, or group. This shall not be construed to prevent a state-licensed or state-certified appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, ~~((or))~~ group practice, or limited liability company.

Sec. 9. RCW 18.140.160 and 1993 c 30 s 17 are each amended to read as follows:

The director may deny an application for licensure or certification and may ~~((be denied. The director may))~~ impose any one or more of the following sanctions against a state-licensed or state-certified appraiser(s): Suspend, revoke, or levy a fine not to exceed one thousand dollars for each offense and/or otherwise discipline in accordance with the provisions of this chapter, for any of the following acts or omissions:

(1) Failing to meet the minimum qualifications for state licensure or certification established by or pursuant to this chapter;

(2) Procuring or attempting to procure state licensure or certification under this chapter by knowingly making a false statement, knowingly submitting false information, or knowingly making a material misrepresentation on any application filed with the director;

(3) Paying money other than the fees provided for by this chapter to any employee of the director or the committee to procure state licensure or certification under this chapter;

(4) Obtaining a license or certification through the mistake or inadvertence of the director;

(5) Conviction of any gross misdemeanor or felony or the commission of any act involving moral turpitude, dishonesty, or corruption whether or not the act constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license or certificate holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(6) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(7) Negligence or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(8) Continuing to act as a state-licensed or state-certified real estate appraiser when his or her license or certificate is on an expired status;

(9) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book, or record in his or her possession for inspection of the director or the director's authorized representatives acting by authority of law;

(10) Violating any provision of this chapter or any lawful rule or regulation made by the director pursuant thereto;

(11) Advertising in a false, fraudulent, or misleading manner;

(12) Suspension, revocation, or restriction of the individual's license or certification to practice the profession by competent authority in any state, federal, or foreign jurisdiction, with a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(13) Failing to comply with an order issued by the director;

(14) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, with a certified copy of the final holding of any court of competent jurisdiction in such matter being conclusive evidence in any hearing under this chapter; and

(15) Issuing an appraisal report on any real property in which the appraiser has an interest unless his or her interest is clearly stated in the appraisal report.

Sec. 10. RCW 18.140.170 and 1993 c 30 s 18 are each amended to read as follows:

The director may investigate the actions of a state-licensed or state-certified real estate appraiser or an applicant for licensure or certification or relicensure or recertification. Upon receipt of information indicating that a state-licensed or state-certified real estate appraiser under this chapter may have violated this chapter, the director shall cause one or more of the staff investigators to make an investigation of the facts to determine whether or not there is admissible evidence of any such violation. If technical assistance is required, a staff investigator may consult with one or more of the members of the committee.

In any investigation made by the director's investigative staff, the director shall have the power to compel the attendance of witnesses and the production of books, documents, records, and other papers, to administer oaths, and to take testimony and receive evidence concerning all matters within the director's jurisdiction.

If the director determines, upon investigation, that a state-licensed or state-certified real estate appraiser under this chapter has violated this chapter, a statement of charges shall be prepared and served upon the state-licensed or state-certified real estate appraiser. The statement of charges shall be served as follows: The statement of charges shall be sent by certified or registered mail, and if no receipt of service is received, two attempts to personally serve the statement of charges shall be made. This statement of charges shall require the accused party to file an answer to the statement of charges within twenty days of the date of service.

In responding to a statement of charges, the accused party may admit to the allegations, deny the allegations, or otherwise plead. Failure to make a timely response shall be deemed an admission of the allegations contained in the statement of charges and will result in a default whereupon the director may enter an order under RCW 34.05.440. If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the accused. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

NEW SECTION. Sec. 11. All fees required under this chapter shall be set by the director in accordance with RCW 18.140.050 and shall be paid to the state treasurer. All fees paid under the provisions of this chapter shall be placed in the real estate appraiser account in the state treasury. The account is subject to appropriation under chapter 43.88 RCW. All moneys derived from fines imposed under this chapter also shall be deposited in the real estate appraiser account.

NEW SECTION. Sec. 12. The director may refer a complaint for violation of any section of this chapter before any court of competent jurisdiction.

Any violation of the provisions of this chapter shall be prosecuted by the prosecuting attorney of each county in which the violation occurs, and if the prosecuting attorney fails to act, the director may request the attorney general to take action in lieu of the prosecuting attorney.

Whenever evidence satisfactory to the director suggests that any person has violated any of the provisions of this chapter, or any part or provision thereof, the director may bring an action, in the superior court in the county where the person resides, against the person to enjoin any person from continuing a violation or engaging or doing any act or acts in furtherance thereof. In this action an order or judgment may be entered awarding a preliminary or final injunction as may be proper.

The director may petition the superior court in any county in this state for the appointment of a receiver to take over, operate, or close any real estate appraisal activity or practice in this state which is found upon inspection of its books and records to be operating in violation of the provisions of this chapter, pending a hearing.

NEW SECTION. Sec. 13. Any person acting as a state-certified or state-licensed real estate appraiser without a certificate or license that is currently valid or who is currently subject to a revocation or suspension for violating any provision of this chapter is guilty of a misdemeanor.

NEW SECTION. **Sec. 14.** RCW 18.140.085 and 1993 c 30 s 23 are each repealed.

NEW SECTION. **Sec. 15.** A new section is added to chapter 50.04 RCW to read as follows:

The term "employment" does not include services performed by an appraisal practitioner certified or licensed under chapter 18.140 RCW in an appraisal business if the use of the business facilities is contingent upon compensation to the owner of the business facilities and the person receives no compensation from the owner for the services performed.

NEW SECTION. **Sec. 16.** Sections 11 through 13 of this act are each added to chapter 18.140 RCW.

NEW SECTION. **Sec. 17.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995, except section 3 of this act, which shall take effect July 1, 1996."

On page 1, line 1 of the title, after "appraisers," strike the remainder of the title and insert "amending RCW 18.140.005, 18.140.010, 18.140.020, 18.140.030, 18.140.090, 18.140.130, 18.140.140, 18.140.150, 18.140.160, and 18.140.170; adding new sections to chapter 18.140 RCW; adding a new section to chapter 50.04 RCW; repealing RCW 18.140.085; prescribing penalties; providing effective dates; and declaring an emergency."

Representative L. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

Representative Beeksma spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1860.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1860, and the bill passed the House by the following vote: Yeas - 82, Nays - 14, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 82.

Voting nay: Representatives Beeksma, Campbell, Casada, Fuhrman, Goldsmith, Hargrove, Koster, McMahan, Padden, Quall, Schoesler, Sehlin, Sherstad and Stevens - 14.

Absent: Representative Thibaudeau - 1.

Excused: Representative Pelesky - 1.

Engrossed Substitute House Bill No. 1860, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Second Substitute House Bill No. 1941.

With the consent of the House, amendment number 314 to Second Substitute House Bill No. 1941 was withdrawn.

NOTICE OF RECONSIDERATION

Representative Johnson: Having voted on the prevailing side moved that the House immediately reconsider the vote by which amendment number 354 to Second Substitute House Bill No. 1941 failed to pass the House.

Representatives Cole, Johnson and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson, Quall and Basich spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1941.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1941, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Pelesky - 1.

Engrossed Second Substitute House Bill No. 1941, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

HOUSE BILL NO. 1601, by Representatives D. Schmidt, Carlson, Mulliken, Jacobsen, Koster, Sheldon, Costa, Radcliff, Lambert, Robertson, Carrell, Backlund, Ballasiotes, Skinner, Huff,

Johnson, Thompson, Elliot, Wolfe, Talcott, Conway, Kremen, Campbell, Benton, Mason, Cooke and Kessler

Providing tuition and fee waivers for members of the Washington national guard.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt, Carlson, Dyer and Mastin spoke in favor of passage of the bill.

Representative Jacobsen spoke against passage of the bill.

Representative D. Schmidt again spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1601.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1601, and the bill passed the House by the following vote: Yeas - 82, Nays - 13, Absent - 2, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria, Wolfe and Mr. Speaker - 82.

Voting nay: Representatives Appelwick, Chopp, Cole, Costa, Fisher, R., Jacobsen, Ogden, Regala, Rust, Sommers, Thibaudeau, Tokuda and Valle - 13.

Absent: Representatives Mason and Mastin - 2.

Excused: Representative Pelesky - 1.

House Bill No. 1601, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 1601.

DAVE MASTIN, 16th District

HOUSE BILL NO. 1660, by Representatives Lisk and Romero; by request of Governor Lowry

Authorizing the director of labor and industries to issue approvals based on national consensus codes and external professional certification.

The bill was read the second time. There being no objection, Substitute House Bill No. 1660 was substituted for House Bill No. 1660 and the substitute bill was placed on second reading.

Substitute House Bill No. 1660 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Cairnes spoke in favor of passage of the bill.

Representatives Romero, Conway and Hatfield spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1660.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1660, and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 1, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehnin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 63.

Voting nay: Representatives Appelwick, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Ogden, Patterson, Pennington, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 33.

Absent: Representative Morris - 1.

Excused: Representative Pelesky - 1.

Substitute House Bill No. 1660, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Substitute House Bill No. 1660.

BETTY SUE MORRIS, 18th District

HOUSE BILL NO. 1671, by Representatives Clements, Chandler, Grant and Mastin

Revising commodity commission assessment authority.

The bill was read the second time. There being no objection, Substitute House Bill No. 1671 was substituted for House Bill No. 1671 and the substitute bill was placed on second reading.

Substitute House Bill No. 1671 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements and Sommers spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1671.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1671, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Mason - 1.

Excused: Representative Pelesky - 1.

Substitute House Bill No. 1671, having received the constitutional majority, was declared passed.

There being no objection, the House immediately considered House Bill No. 1592.

HOUSE BILL NO. 1592, by Representatives L. Thomas, Dellwo, Mielke and G. Fisher

Crediting certain insurance premium taxes.

The bill was read the second time. There being no objection, Substitute House Bill No. 1592 was substituted for House Bill No. 1592 and the substitute bill was placed on second reading.

Substitute House Bill No. 1592 was read the second time.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

On page 1, beginning on line 10, after "48.14.020," strike everything through "percent" on line 11, and insert "one-fifth"

On page 1, line 16, strike "seventy-five percent of"

On page 2, line 27, strike "seventy-five percent of"

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas, Mielke, Dyer and G. Fisher spoke in favor of passage of the bill.

Representative Sommers spoke against passage of the bill.

Representative L. Thomas again spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1592.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1592, and the bill passed the House by the following vote: Yeas - 76, Nays - 21, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 76.

Voting nay: Representatives Beeksma, Campbell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Fisher, R., Jacobsen, Mason, Patterson, Regala, Rust, Sehlin, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 21.

Excused: Representative Pelesky - 1.

Engrossed Substitute House Bill No. 1592, having received the constitutional majority, was declared passed.

MOTION

On motion of Representative Grant, Representative Brown was excused.

HOUSE BILL NO. 1727, by Representatives Beeksma, Wolfe, L. Thomas, Dyer, Costa and Mielke; by request of Insurance Commissioner

Eliminating the mandatory offering of personal injury protection insurance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Beeksma, Wolfe and Smith spoke in favor of passage of the bill.

Representative Dellwo spoke against passage of the bill.

MOTION

On motion of Representative Talcott, Representative Robertson was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1727.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1727, and the bill passed the House by the following vote: Yeas - 83, Nays - 12, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Patterson, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens,

Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 83.

Voting nay: Representatives Appelwick, Campbell, Cody, Dellwo, Ebersole, Grant, Hickel, Jacobsen, Kessler, Morris, Ogden and Romero - 12.

Excused: Representatives Brown, Pelesky and Robertson - 3.

House Bill No. 1727, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1934, by Representatives Mielke, Silver, Sommers, L. Thomas, Hankins, Blanton and Honeyford

Establishing benefits for state patrol retirement system members who serve as legislators.

The bill was read the second time.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

On page 1, line 13, strike "continue to"

On page 1, line 14, strike "employer" and insert "legislature"

On page 1, beginning on line 15, strike all of subsection 3

Renumber remaining subsections consecutively.

Representatives Sommers and Carlson spoke in favor of the adoption of the amendment.

Representative Mielke spoke against the adoption of the amendment.

Representative Sommers again spoke in favor of passage of the bill.

The amendment was adopted.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

On page 2, beginning on line 7, insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.10 to read as follows:

(1) Any employee who is on leave of absence from an institution in order to serve as a state legislator may elect to continue to participate in any annuity or retirement plan authorized under RCW 28B.10.400 during the period of such leave.

(2) The institution shall pay the employee's salary attributable to legislative service and shall pay employer contributions based on the salary for the leave period. The state legislature shall reimburse the institution for the salary and employer contributions covering the leave period.

(3) "Institution" for purposes of this section shall mean any institution or entity authorized to provide retirement benefits under RCW 28B.10.400.

Correct title accordingly.

Representatives Sommers and Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mielke spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1934.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1934, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Brown, Pelesky and Robertson - 3.

Engrossed House Bill No. 1934, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1461, by Representatives Benton, R. Fisher, Horn, Romero, Chopp, Chandler, Boldt and Robertson; by request of Department of Licensing

Increasing motor vehicle damage threshold amounts.

The bill was read the second time.

Representative Benton moved adoption of the following amendment by Representative Benton:

On page 1, line 19 after "be" strike the following material:

"~~((five hundred)) one thousand~~"

On page 1, line 19 after "be" insert the following material:

"five hundred"

On page 3, beginning on line 20 after "be" strike the following "~~((five hundred)) one thousand~~"

On page 3, beginning on line 20 after "be" insert the following material:

"seven hundred"

On page 3, line 27, after "revision." insert the following"

"The monetary threshold in this section shall apply only to the accident reporting requirement without effect on the deposit of security and suspension for failure to deposit security outlined in RCW 46.29.060."

Representative Benton spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Benton spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1461.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1461, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Smith - 1.

Excused: Representatives Pelesky and Robertson - 2.

Engrossed House Bill No. 1461, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 1570 and the bill held it's place on the second reading calendar.

There being no objection, the House considered House Bill No. 1882.

HOUSE BILL NO. 1882, by Representatives Stevens and Boldt

Creating the position of inspector general in the Washington state patrol.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1882 was substituted for House Bill No. 1882 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1882 was read the second time.

Representative Chopp moved adoption of the following amendment by Representative Chopp:

On page 3, after line 9, insert the following:

"(b) Investigate allegations or instances of malicious harassment, assault, battery, abuse, or other crimes against child protective services case workers;

(c) Investigate and make recommendations to the legislature to improve the safety and effectiveness of child protective services case workers as they perform their responsibilities;"

Reletter the remaining subsections accordingly.

POINT OF ORDER

Representative Padden: Thank you Mr. Speaker (Representative Horn presiding). I would request a ruling on the scope and object of the amendment to Second Substitute House Bill No. 1882.

SPEAKER'S RULING

Second Substitute House Bill No. 1882 is an act relating to an inspector general. The purpose of the act is to have an inspector general who will investigate complaints about CPS case worker actions. Amendments 434 and 435 were both ruled within the scope of the title but beyond the object of the bill because they were going to expand the duties of the inspector general to include review of complaints by case workers against persons they must deal with.

Representative Padden, Your Point of Order is well taken.

Representative Chopp moved adoption of the following amendment by Representative Chopp:

On page 3, after line 9, insert the following:

"(b) Investigate allegations or instances of malicious harassment, assault, battery, abuse, or other crimes against child protective services case workers;

(c) Investigate and make recommendations to the legislature to improve the safety and effectiveness of child protective services case workers as they perform their responsibilities;"

On page 3, after line 23 insert the following:

"Sec. 6. RCW 9A.36.031 and 1990 c 236 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle that is owned or operated by the transit company and that is occupied by one or more passengers; or

(c) Assaults a school bus driver employed by a school district or a private company under contract for transportation services with a school district while the driver is operating or is in control of a school bus that is occupied by one or more passengers; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a child protective services case worker who was performing his or her official duties at the time of the assault; or

(h) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault.

(2) Assault in the third degree is a class C felony."

POINT OF ORDER

Representative Padden: Thank you Mr. Speaker (Representative Horn presiding). I would request a ruling on the scope and object of the amendment to Second Substitute House Bill No. 1882.

SPEAKER'S RULING

Second Substitute House Bill No. 1882 is an act relating to an inspector general. The purpose of the act is to have an inspector general who will investigate complaints about CPS case worker actions. Amendments 434 and 435 were both ruled within the scope of the title but beyond the object of the bill because they were going to expand the duties of the inspector general to include review of complaints by case workers against persons they must deal with.

Representative Padden, Your Point of Order is well taken.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stevens, Padden, Thompson and Backlund spoke in favor of passage of the bill.

Representatives Ebersole, Thibaudeau, Quall, Dickerson, Basich and Chopp spoke against passage of the bill.

Representative Stevens again spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1882.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1882, and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pennington, Raddiff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 65.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Excused: Representative Pelesky - 1.

Second Substitute House Bill No. 1882, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House considered House Bill No. 1305.

HOUSE BILL NO. 1305, by Representatives Johnson, Sheldon, Reams, Mastin, L. Thomas and Basich

Revising restrictions on growth outside of urban growth areas.

The bill was read the second time.

Representative Reams moved adoption of the following amendment by Representative Reams:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county required or choosing to plan under RCW 36.70A.040 may establish, in consultation with cities, a process for reviewing proposals to authorize siting of major industrial developments outside urban growth areas.

(2) A major industrial development may be approved outside an urban growth area in a county planning under this chapter if criteria including, but not limited to the following, are met:

- (a) Infrastructure is provided and/or impact fees are established consistent with the requirements of RCW 82.02.060;
 - (b) Transit-oriented site planning and traffic demand management programs are implemented;
 - (c) Buffers are provided between the major industrial development and adjacent nonurban areas;
 - (d) Environmental protection including air and water quality has been addressed and provided for;
 - (e) Development regulations are established that discourage urban growth in adjacent nonurban area;
 - (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
 - (g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and
 - (h) The county has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area.
- (3) "Major industrial development" means a master planned location for a specific manufacturing, industrial, or commercial business that: (a) Requires a parcel of land so large that no suitable parcels, without critical areas, are available within an urban growth area; or (b) is a natural-resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; and (c) is not for the purpose of retail shopping developments.

Sec. 2. RCW 36.70A.110 and 1994 c 249 s 27 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population growth management planning population projection made for the county by the office of financial management as modified by the county in light of information regarding growth projection or other local conditions, the urban growth areas in the county shall include areas and densities at least sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit a range of urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located (~~first~~) in areas: (a) Already characterized by urban growth that have existing public facility and service capacities to serve such development, (and second in areas) (b) already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and (c) adjacent to territory already characterized by urban growth, or so situated in light of geographic or utility considerations as to be appropriate for urban growth within the succeeding twenty-year period. Further, it is usually appropriate that urban government services be provided by cities, and urban government services (~~should~~) not be provided in rural areas.

(4) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this

chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(5) Each county shall include designations of urban growth areas in its comprehensive plan.

Sec. 3. RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit residential and nonresidential land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

- (iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;
- (iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;
- (v) Identification of system expansion needs and transportation system management needs to meet current and future demands;
- (c) Finance, including:
 - (i) An analysis of funding capability to judge needs against probable funding resources;
 - (ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;
 - (iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;
- (d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;
- (e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

Sec. 4. RCW 36.70A.210 and 1994 c 249 s 28 are each amended to read as follows:

(1) The legislature recognizes that counties are ~~((regional governments within their boundaries))~~ usually the unit of local government most appropriate to provide regional governmental services, and cities are ~~((primary providers of))~~ usually the unit of local government most appropriate to provide urban governmental services ~~((within urban growth areas))~~. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities or the authority of counties to provide urban governmental services. It is the intent of the legislature that urban governmental service decisions be made through the flexible process established in chapter 36.115 RCW.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures

and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community, trade, and economic development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction.

(e) No later than July 1, 1992, the legislative authority of each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a county-wide or state-wide nature;

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth management hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:

A county or city planning under RCW 36.70A.040 must allow cellular antenna facilities to be sited in any zone within its planning jurisdiction, but may establish conditions and requirements on the siting of such facilities and require the issuance of a conditional use permit or special use permit before a cellular antenna facility is authorized.

NEW SECTION. Sec. 6. A new section is added to chapter 43.21C RCW to read as follows:

An authorization of cellular antenna facilities under section 5 of this act shall be categorically exempt from a threshold decision under the rules adopted by the department for categorical exemptions."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 36.70A.110, 36.70A.070, and 36.70A.210; adding new sections to chapter 36.70A RCW; and adding a new section to chapter 43.21C RCW."

Representatives Reams, Elliot, Ebersole and Johnson spoke in favor of the adoption of the amendment.

Representative Rust spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

MOTION

On motion of Representative Brown, Representative Regala was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson and Sheldon spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1305.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1305, and the bill passed the House by the following vote: Yeas - 71, Nays - 24, Absent - 1, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Van Luven - 71.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Ogden, Poulsen, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 24.

Absent: Representative Mr. Speaker - 1.

Excused: Representatives Pelesky and Regala - 2.

Engrossed House Bill No. 1305, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute House Bill No. 1451.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) This chapter applies to self-insurance groups under this title, except for self-insurance groups covered under RCW 51.14.150. However, a self-insurance group under RCW 51.14.150(2)(c) may elect to be covered under this chapter.

(2)(a) Except as otherwise provided in (b) of this subsection, self-insurance groups under this chapter are subject to all the requirements applying to self-insured employers under this title.

(b) With the exception of RCW 51.14.080, 51.14.095, 51.14.100, 51.14.110, 51.14.120, 51.14.130, and 51.14.140, chapter 51.14 RCW does not apply to self-insurance groups under this chapter.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means an individual, partnership, or corporation engaged by a self-insurance group's board of trustees to carry out the policies established by the group's board of trustees and to provide day-to-day management of the group.

(2) "Insolvent" or "insolvency" means the inability of a self-insurance group to pay its outstanding lawful obligations as they mature in the regular course of business, as shown either by an excess of its required reserves and other liabilities over its assets or by it not having sufficient assets to reinsure all of its outstanding liabilities after paying all accrued claims owed by it.

(3) "Net premium" means premium derived from standard premium adjusted by any advance premium discounts.

(4) "Service company" means any person or entity that provides services to a self-insurance group not provided by the administrator, including but not limited to:

- (a) Claims adjustment;
- (b) Safety engineering;
- (c) Compilation of statistics and the preparation of premium, loss, and tax reports;
- (d) Preparation of other required self-insurance reports;
- (e) Development of members' assessments and fees; and
- (f) Administration of a claims fund.

(5) "Standard premium" means the premium derived from the manual rates adjusted by experience modification factors but before advance premium discounts.

(6) "Self-insurance group" or "group" means: (a) A not-for-profit group consisting of five or more employers who are engaged in the same or similar type of business and who enter into agreements to pool assets to cover the employers' liabilities under this title; or (b) two or more local government entities as specified in section 4 of this act.

NEW SECTION. Sec. 3. No person, group, or other entity shall act as a self-insurance group under this chapter unless it has been issued a certificate of approval by the director.

NEW SECTION. Sec. 4. Two or more local government entities, as defined in RCW 48.62.021, that are jointly self-insured under chapter 48.62 RCW may also apply for and be issued a certificate of approval under this chapter as a workers' compensation self-insurance group to cover the entities' liabilities under this title. The entities may contract for or hire personnel to provide administrative services and other services as required or permitted by this chapter and shall possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter. The entities applying for a certificate of approval under this chapter shall provide notice of the application to the state risk manager, as defined in RCW 48.62.021.

NEW SECTION. Sec. 5. (1) A proposed self-insurance group shall file with the director its application for a certificate of approval as a self-insurance group accompanied by a nonrefundable filing fee in an amount of one hundred fifty dollars or such larger sum as the director finds necessary for the administrative costs of evaluating the group's qualifications. The application shall include the group's name, location of its principal office, date of organization, name and address of each member, and such other information as the director may reasonably require together with the following information:

- (a) Proof of compliance with the provisions of subsection (2) of this section;

(b) A copy of the articles of the group, if any;
(c) A copy of agreements with the administrator and with any service company;
(d) A copy of the bylaws of the proposed group;
(e) A copy of the group's safety and occupational health plan;
(f) A copy of the agreement between the group and each member securing the payment of each member's liability to its employees covered by this title, and the payment of assessments under section 18 of this act;

(g) A copy of the indemnity agreement jointly and severally binding each member for the liability of the group and other members of the group under this title;

(h) Designation of the initial board of trustees and administrator;

(i) The address in this state where the books and records, including claims files, of the group will be maintained at all times;

(j) A pro forma financial statement on a form acceptable to the director showing the financial ability of the group to pay the obligations of its members under this title; and

(k) Proof of payment to the group by each member of not less than twenty-five percent of that member's first year estimated annual net premium on a date prescribed by the director. Each payment shall be considered to be part of the first year premium payment of each member if the proposed group is granted a certificate of approval.

(2) To obtain and maintain its certificate of approval, a self-insurance group shall comply with the following requirements as well as any other requirements established by rule of the director:

(a) A combined net worth of all members of the group of at least two million dollars;

(b) Security in the form and amount prescribed by the director which shall be provided by a surety bond, security deposit, letter of credit, or financial security endorsement, or any combination thereof. If a surety bond is used to meet the security requirement, it shall be issued by a corporate surety company authorized to transact business in this state. If a security deposit is used to meet the security requirement, securities shall be limited to: Bonds or other evidences of indebtedness issued, assumed, or guaranteed by the United States, or by an agency or instrumentality thereof; certificates of deposit in a federally insured bank; shares or savings deposits in a federally insured savings and loan association or credit union; or any bond or security issued by a state of the United States and backed by the full faith and credit of the state. Any such securities shall be deposited in an escrow account in a depository designated by the director. Interest accruing on a negotiable security so deposited shall be collected and transmitted to the depositor provided the depositor is not in default. A financial security endorsement issued as part of an acceptable excess insurance contract may be used to meet all or part of the security requirement. The bond, security deposit, letter of credit, or financial security endorsement shall be for the benefit of the state solely to pay claims and associated expenses and payable on the failure of the group to pay workers' compensation benefits that it is legally obligated to pay under this title. The director may establish and adjust, from time to time, requirements for the amount of security based on differences among groups in their size, types of employment, years in existence, and other relevant factors;

(c) Specific and aggregate excess insurance in an approved form, in a stated amount, and by an insurance company authorized to transact insurance business in the state of Washington;

(d) An estimated annual standard premium of at least one million dollars during a group's first year of operation. Thereafter, the annual standard premium per member shall be at least five hundred dollars;

(e) An indemnity agreement jointly and severally binding the group and each member thereof to meet the obligations of each member under this title. The indemnity agreement shall be in a form prescribed by the director and shall include minimum uniform substantive provisions prescribed by the director. Subject to the director's approval, a group may add other provisions needed because of its particular circumstances;

(f) A fidelity bond for the administrator in a form and amount prescribed by the director; and

(g) A fidelity bond for the service company in a form and amount prescribed by the director.

The director may also require the service company providing claim services to furnish a performance bond in a form and amount prescribed by the director.

(3) A group shall notify the director of any change in the information required to be filed under subsection (1) of this section or in the manner of its compliance with subsection (2) of this section no later than thirty days after the change.

(4) The director shall evaluate the information provided by the application required to be filed under subsection (1) of this section to assure that no gaps in funding exist and that funds necessary to pay benefits under this title will be available on a timely basis.

(5) The director shall act on a completed application for a certificate of approval as a self-insurance group within sixty days. If, because of the number of applications, the director is unable to act on an application within this period, the director shall have an additional sixty days to so act.

(6) The director shall issue a certificate of approval on finding that the proposed self-insurance group has met all the requirements of this chapter, or the director shall issue an order denying the certificate on finding that the proposed group does not meet all requirements. An order denying a certificate shall set forth the reasons for the denial.

(7) Each self-insurance group shall be deemed to have appointed the director as its attorney-in-fact to receive service of legal process issued against it in this state. The appointment shall be irrevocable, shall bind any successor in interest, and shall remain in effect as long as there is in this state any obligation or liability of the group for benefits under this title.

NEW SECTION. Sec. 6. (1) A certificate of approval issued by the director to a self-insurance group authorizes the group to carry its own liability under this title to its employees covered by this title. The certificate of approval remains in effect until terminated at the request of the group or revoked by the director pursuant to section 21 of this act.

(2)(a) The director may grant the request of any self-insurance group to terminate its certificate of approval, effective not less than thirty days after the request for termination. However, the termination of a group under this section may not be effective until each member of the group has filed with the director for industrial insurance coverage under this title, has become a member of another self-insurance group, has become an approved self-insurer, or has ceased being an employer.

(b) A self-insurance group that has had its certificate of approval terminated under this section must maintain surety deemed sufficient in the director's discretion to cover the entire liability of the group to its employees for injuries or occupational diseases that occurred during the period that the group was self-insured.

(3) Subject to the approval of the director, a group may merge with another group engaged in the same or similar type of business only if the resulting group assumes in full all obligations of the merging groups. The director may hold a hearing on the merger and shall do so if any party, including a member of either group, so requests.

NEW SECTION. Sec. 7. Each self-insurance group shall be operated by a board of trustees which shall consist of not less than five persons elected by the members of a group for stated terms of office. At least two-thirds of the trustees shall be employees, officers, or directors of members of the group. The group's administrator, service company, or any owner, officer, or employee of, or any other person affiliated with such administrator or service company shall not serve on the board of trustees of the group. All trustees shall be residents of this state or officers of corporations authorized to do business in this state. The board of trustees of each group shall ensure that all claims under this title are paid promptly and shall take all necessary precautions to safeguard the assets of the group, including all of the following:

(1) The board of trustees shall:

(a) Maintain responsibility for all moneys collected or disbursed from the group and segregate all moneys into a claims fund account and an administrative fund account. At least seventy percent of the net premium shall be placed into a designated depository for the sole purpose of paying claims, allocated claims expenses, reinsurance or excess insurance, and special fund contributions, including second injury and other loss-related funds. This shall be called the claims fund account. The remaining net premium shall be placed into a designated depository for the payment of taxes, general regulatory fees and assessments, and administrative costs. This shall be called the administrative fund account. The director may approve an administrative fund account of more than thirty percent and a claims fund account of less than seventy percent only if the group shows to the director's satisfaction that more than thirty percent is needed for an effective safety and loss control program or the group's aggregate excess insurance attaches at less than seventy percent;

(b) Maintain minutes of its meetings and make such minutes available to the director;

(c) Designate an administrator to carry out the policies established by the board of trustees and to provide day-to-day management of the group, and delineate in the written minutes of its meetings the areas of authority it delegates to the administrator; and

(d) Retain an independent certified public accountant to prepare the statement of financial condition required by section 11(1) of this act.

(2) The board of trustees shall not:

(a) Extend credit to individual members for payment of a premium, except pursuant to payment plans approved by the director; or

(b) Borrow any moneys from the group or in the name of the group except in the ordinary course of business without first advising the director of the nature and purpose of the loan and obtaining prior approval from the director.

NEW SECTION. Sec. 8. (1) An employer joining a self-insurance group after the group has been issued a certificate of approval shall submit an application for membership to the board of trustees or its administrator, and enter into the indemnity agreement required by section 5(2)(e) of this act. Membership may take effect no earlier than the date of approval of the application. The application for membership and its approval shall be maintained as permanent records of the board of trustees and a copy filed with the director.

(2) Individual members of a group shall be subject to cancellation by the group pursuant to the group's bylaws or by the director for a violation of RCW 51.14.080(2). In addition, individual members may elect to terminate their participation in the group. The group shall notify the director of the termination or cancellation of a member within ten days and shall maintain coverage of each canceled or terminated member for thirty days after such notice, at the terminating member's expense, unless the group is notified sooner by the department that the canceled or terminated member has filed with the director for industrial insurance under this title, has become an approved self-insurer, has become a member of another self-insurance group, or has ceased being an employer.

(3) The group shall pay all benefits under this title for which each member incurs liability during its period of membership. A member who elects to terminate its membership or is canceled by a group remains jointly and severally liable for the obligations under this title of the group and its members that were incurred during the canceled or terminated member's period of membership.

(4) A group member is not relieved of its liabilities under this title incurred during its period of membership except through payment by the group or the member of the liabilities.

(5) The insolvency or bankruptcy of a member does not relieve the group or any other member of liability for the payment of any obligations under this title incurred during the insolvent or bankrupt member's period of membership.

NEW SECTION. Sec. 9. (1) No service company or its employees, officers, or directors may be an employee, officer, or director of or have either a direct or indirect financial interest in an administrator. No administrator or its employees, officers, or directors may be an employee, officer, or director of or have either a direct or indirect financial interest in a service company.

(2) The service contract shall state that unless the director permits or requires otherwise the service company shall handle, to their conclusion, all claims and other obligations incurred during the contract period.

NEW SECTION. Sec. 10. Except for an employee of a self-insurance group, its administrator, or its service company, any person soliciting membership in a self-insurance group under this chapter must have a solicitation permit as provided in chapter 48.06 RCW.

NEW SECTION. Sec. 11. (1) Each self-insurance group shall submit to the director a statement of financial condition audited by an independent certified public accountant on or before the last day of the sixth month following the end of the group's fiscal year. The financial statement shall be on a form prescribed by the director and shall include, but not be limited to, actuarially appropriate reserves for known claims and expenses associated therewith, claims incurred but not reported and expenses associated therewith, unearned premiums, and bad debts, which reserves shall be shown as liabilities. An actuarial opinion regarding reserves for known claims and expenses associated therewith and claims incurred but not reported and expenses associated therewith shall be included in the audited financial statement. The actuarial opinion shall be approved by the director or be given by a member

of the American academy of actuaries or other qualified loss reserve specialist as defined in the annual statement adopted by the national association of insurance commissioners.

(2) The director may prescribe the format and frequency of other reports which may include, but shall not be limited to, payroll audit reports, summary loss reports, and quarterly financial statements.

NEW SECTION. Sec. 12. No person may make a material misrepresentation or omission of a material fact in connection with the solicitation of membership in a self-insurance group.

NEW SECTION. Sec. 13. Funds not needed for current obligations may be invested by a self-insurance group's board of trustees in accordance with chapter 48.13 RCW.

NEW SECTION. Sec. 14. (1) Every self-insurance group shall adhere to the uniform classification system, uniform experience rating plan, and manual rates and rules filed with the director by an advisory organization designated by the director.

(2) Premium contributions to the group shall be determined by applying the manual rates and rules to the appropriate classification of each member which shall be adjusted by each member's experience credit or debit. Subject to approval by the director, premium contributions may also be reduced by an advance premium discount reflecting the group's expense levels and loss experience. A group may apply to the director for permission to make its own rates, and if permission is granted, the rates must be based on at least five years of the group's experience.

(3) Each group shall be audited at least annually by an auditor acceptable to the director to verify proper classifications, experience rating, payroll, and rates. A report of the audit shall be filed with the director in a form acceptable to the director. A group or any member thereof may request a hearing on any objection to the classification. If the director determines that as a result of an improper classification a member's premium contribution is insufficient, the director shall order the group to assess that member an amount equal to the deficiency. If the director determines that as a result of an improper classification a member's premium is excessive, the director shall order the group to refund to the member the excess collected. The audit shall be at the expense of the group.

NEW SECTION. Sec. 15. (1) Any moneys for a fund year in excess of the amount necessary to fund all obligations under this title for that fund year may be declared to be refundable by the self-insurance group's board of trustees not less than twelve months after the end of the fund year.

(2) Each member shall be given a written description of the refund plan at the time of application for membership. A refund for any fund year shall be paid only to those employers who remain participants in the group for the entire fund year. Payment of a refund based on a previous fund year shall not be contingent on continued membership in the group after that fund year.

NEW SECTION. Sec. 16. (1) Each self-insurance group shall establish to the satisfaction of the director a premium payment plan which shall include an initial payment by each member of at least twenty-five percent of that member's annual premium before the start of the group's fund year and payment of the balance of each member's annual premium in monthly or quarterly installments.

(2) Each group shall establish and maintain actuarially appropriate loss reserves which shall include reserves for known claims and expenses associated therewith and claims incurred but not reported and expenses associated therewith.

(3) Each group shall establish and maintain bad debt reserves based on the historical experience of the group or other groups.

NEW SECTION. Sec. 17. (1) If the assets of a self-insurance group are at any time insufficient to enable the group to discharge its liabilities under this title and to maintain the reserves required of it under this chapter, it shall forthwith make up the deficiency or levy an assessment on its members for the amount needed to make up the deficiency.

(2) In the event of a deficiency in any fund year, the deficiency shall be made up immediately from surplus from a fund year other than the current fund year, administrative funds, assessment of the membership if ordered by the group, or such alternative method as the director approves or directs. The director shall be notified prior to any transfer of surplus funds from one fund year to another.

(3)(a) If the group fails to assess its members or to otherwise make up such deficit within thirty days, the director shall order it to do so.

(b) If the group fails to make the required assessment of its members within thirty days after the director orders it to do so, or if the deficiency is not fully made up within sixty days after the date on which such assessment is made, or within such longer period of time as specified by the director, the group shall be deemed to be insolvent.

(c) The director shall proceed against an insolvent group in the same manner as the director would proceed against an insolvent self-insurer under chapter 51.14 RCW.

(d) If a self-insurance group is liquidated, the director shall levy an assessment on its members for an amount determined by the director to be necessary to discharge all liabilities of the group, including the reasonable costs of liquidation.

(4) A self-insurance group insolvency trust shall be established following the rules pursuant to RCW 51.14.077.

NEW SECTION. Sec. 18. If liquidation occurs under section 17 of this act, after exhausting the security required under section 5(2)(b) of this act, the director shall levy an assessment against all self-insurance groups under this chapter to assure prompt payment of such benefits. The assessment on each group shall be based on the proportion that the premium of each group bears to the total premium of all groups under this chapter. The director may exempt a group from assessment on finding that the payment of the assessment would render the group insolvent. Such assessment shall not relieve any member of an insolvent group of its joint and several liability. After any such assessment is made, the director shall take action to enforce the joint and several liability provisions of the insolvent group's indemnity agreement, and shall recoup all costs incurred by the director in enforcing such joint and several liability provisions, amounts that the director assessed any other groups pursuant to this section, and any obligations included within section 17(3)(d) of this act.

NEW SECTION. Sec. 19. After notice and opportunity for a hearing, the director may impose a monetary penalty on any person or self-insurance group found to be in violation of any provision of this chapter or of any rules adopted under this chapter. Such monetary penalty shall not exceed one thousand dollars for each violation and shall not exceed ten thousand dollars in the aggregate. The amount of any monetary penalty shall be paid to the director for deposit in the state general fund.

NEW SECTION. Sec. 20. (1) After notice and opportunity for a hearing, the director may issue an order requiring a person or self-insurance group to cease and desist from engaging in an act or practice found to be in violation of this chapter or of any rules adopted under this chapter.

(2) On a finding, after notice and opportunity for a hearing, that any person or self-insurance group has violated a cease and desist order, the director may do either or both of the following:

(a) Impose a monetary penalty of not more than ten thousand dollars for each violation of the order not to exceed an aggregate monetary penalty of one hundred thousand dollars; or

(b) Revoke the group's certificate of approval.

NEW SECTION. Sec. 21. (1) After notice and opportunity for a hearing, the director may revoke a self-insurance group's certificate of approval if it is found to be insolvent, fails to pay a regulatory fee, assessment, or special fund contribution imposed on it, or fails to comply with any of the provisions of this chapter, with any rules adopted under this chapter, or with any lawful order of the director, within the time prescribed. In addition, the director may revoke a group's certificate of approval if, after notice and opportunity for a hearing, the director finds that the certificate of approval that was issued to the group was obtained by fraud, that there was a material misrepresentation in the application for the certificate of approval, or that the group or its administrator has misappropriated, converted, illegally withheld, or refused to pay over on proper demand any moneys that belong to a member, an employee of a member, or a person otherwise entitled thereto and that have been entrusted to the group or its administrator in its fiduciary capacities.

(2) The director shall serve on the self-insurance group, personally or by certified mail, a notice of intention to revoke the group's certificate of approval, which notice shall describe the nature and location of the plants or operations involved and the specific nature of the reasons for the decision. The notice shall include: (a) The period of time within which the grounds for revocation existed or

arose; (b) a directive to the group specifying the manner in which the grounds may be eliminated; and (c) the date, not less than thirty days after the self-insurer's receipt of the notice, when the certificate of approval will be withdrawn in the absence of a satisfactory elimination of the grounds for withdrawal of the certificate.

(3) An appeal of any action by the director under this section may be taken by the self-insurance group. Proceedings on the appeal shall be as prescribed in this title. Appeal by a group of a notice of intention to withdraw a certificate of approval or to take corrective action shall not act as a stay of the withdrawal or corrective action unless the board or court, for good cause shown, orders otherwise.

NEW SECTION. Sec. 22. The director may adopt rules to implement this chapter, including rules providing for administrative assessments of self-insurance groups under this chapter.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 24. RCW 48.62.011 and 1991 sp.s. c 30 s 1 are each amended to read as follows:

This chapter is intended to provide the exclusive source of local government entity authority to individually or jointly self-insure risks, jointly purchase insurance or reinsurance, and to contract for risk management, claims, and administrative services. This chapter shall be liberally construed to grant local government entities maximum flexibility in self-insuring to the extent the self-insurance programs are operated in a safe and sound manner. This chapter is intended to require prior approval for the establishment of every individual local government self-insured employee health and welfare benefit program and every joint local government self-insurance program. In addition, this chapter is intended to require every local government entity that establishes a self-insurance program not subject to prior approval to notify the state of the existence of the program and to comply with the regulatory and statutory standards governing the management and operation of the programs as provided in this chapter. This chapter is not intended to authorize or regulate self-insurance of unemployment compensation under chapter 50.44 RCW, or industrial insurance under ~~((chapter 51.44))~~ Title 51 RCW.

Sec. 25. RCW 51.14.080 and 1986 c 57 s 7 are each amended to read as follows:

(1) Certification of a self-insurer shall be withdrawn by the director upon one or more of the following grounds:

~~((4))~~ (a) The employer no longer meets the requirements of a self-insurer; or

~~((2))~~ (b) The self-insurer's deposit is insufficient; or

~~((3))~~ (c) The self-insurer intentionally or repeatedly induces employees to fail to report injuries, induces claimants to treat injuries in the course of employment as off-the-job injuries, persuades claimants to accept less than the compensation due, or unreasonably makes it necessary for claimants to resort to proceedings against the employer to obtain compensation; or

~~((4))~~ (d) The self-insurer habitually fails to comply with rules and regulations of the director regarding reports or other requirements necessary to carry out the purposes of this title; or

~~((5))~~ (e) The self-insurer habitually engages in a practice of arbitrarily or unreasonably refusing employment to applicants for employment or discharging employees because of nondisabling bodily conditions; or

~~((6))~~ (f) The self-insurer fails to pay an insolvency assessment under the procedures established pursuant to RCW 51.14.077.

(2) Certification of a self-insurance group subject to chapter 51.-- RCW (sections 1 through 23 of this act) shall be withdrawn by the director or an employer's membership in the group shall be canceled by the director upon any of the grounds listed in subsection (1) of this section or upon any of the following grounds, or both:

(a) The self-insurance group, employer member of the group, or group's or employer's representative unreasonably attempts to influence an employee's attending physician with regard to releasing the employee for return to work;

(b) The self-insurance group, employer member of the group, or group's or employer's representative requires claimants to submit to an unreasonable number of medical examinations as a condition of receiving benefits under this title; or

(c) The self-insurance group, employer member of the group, or group's or employer's representative unreasonably interferes with the claimants' choice of health services providers to treat the injuries covered by this title.

Sec. 26. RCW 51.48.025 and 1985 c 347 s 8 are each amended to read as follows:

(1) No employer may discharge or in any manner discriminate against any employee because such employee has filed or communicated to the employer an intent to file a claim for compensation or exercises any rights provided under this title. However, nothing in this section prevents an employer from taking any action against a worker for other reasons including, but not limited to, the worker's failure to observe health or safety standards adopted by the employer, or the frequency or nature of the worker's job-related accidents.

(2) Any employee who believes that he or she has been discharged or otherwise discriminated against by an employer in violation of this section may file a complaint with the director alleging discrimination within ninety days of the date of the alleged violation. Upon receipt of such complaint, the director shall cause an investigation to be made as the director deems appropriate. Within ninety days of the receipt of a complaint filed under this section, the director shall notify the complainant of his or her determination. If upon such investigation, it is determined that this section has been violated, the director shall bring an action in the superior court of the county in which the violation is alleged to have occurred.

(3) If the director determines that this section has not been violated, the employee may institute the action on his or her own behalf.

(4) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations of subsection (1) of this section and to order all appropriate relief including rehiring or reinstatement of the employee with back pay. The party who prevails in an action under this section against a self-insurance group subject to chapter 51.-- RCW (sections 1 through 23 of this act) or against an employer member of such a group shall be entitled to recover reasonable attorneys' fees.

NEW SECTION. Sec. 27. Sections 1 through 23 of this act shall constitute a new chapter in Title 51 RCW."

On page 1, line 2 of the title, after "self-insurance;" strike the remainder of the title and insert "amending RCW 48.62.011, 51.14.080, and 51.48.025; adding a new chapter to Title 51 RCW; and prescribing penalties."

With the consent of the House, amendment number 405 to Substitute House Bill No. 1451 was withdrawn.

Representative Campbell moved adoption of the following amendment to the striking amendment by Representative Campbell:

On page 15, line 18 of the striking amendment, after "title" insert ", and no self-insurance group subject to chapter 51.-- RCW (sections 1 through 23 of this act) or the group's representative, or employer member of the group or the employer's representative, may unreasonably attempt to influence an employee not to report an industrial accident, or unreasonably attempt to influence an employee to treat an industrial accident as an off-the-job injury"

On page 15, line 24 of the striking amendment, after "employer" insert ", or has been subject to unreasonable attempts to influence by a self-insurance group subject to chapter 51.-- RCW (sections 1 through 23 of this act) or the group's representative, or employer member of the group or the employer's representative,"

Representatives Campbell, Appelwick, Mastin, Conway and Smith spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Dyer and Mielke spoke against the adoption of the striking amendment.

Representative Dyer again spoke against the adoption of the striking amendment.

Representative Campbell again spoke in favor of the adoption of the striking amendment.

The amendment was not adopted.

Representative Campbell moved adoption of the following amendment to the striking amendment by Representative Campbell:

On page 16, beginning on line 2 of the striking amendment, after "pay." strike all material through "fees." on line 6 and insert "In an action brought under this section against a self-insurance group subject to chapter 51.-- RCW (sections 1 through 23 of this act) or against an employer member of such a group, the prevailing complainant shall be entitled to economic and noneconomic damages, costs, and reasonable attorneys' fees."

Representative Campbell spoke in favor of the adoption of the amendment to the striking amendment.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: YEAS-48; NAYS-48. The amendment was not adopted.

The Speaker assumed the chair.

NOTICE OF RECONSIDERATION

Representative Dyer: Having voted on the prevailing side moved that the House immediately reconsidered the vote by which amendment number 411 to Substitute House Bill No. 1451 failed.

Representatives Campbell and Mastin spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Dyer, Mielke and Clements spoke against the adoption of the amendment to the striking amendment.

Representatives Campbell and Mastin again spoke in favor of the adoption of the amendment to the striking amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Dyer again spoke against the adoption of the amendment to the striking amendment.

RECONSIDERATION

The Speaker stated the question before the House to the adoption of amendment number 411 to Substitute House Bill No. 1415 on reconsideration.

ROLL CALL

The Clerk called the roll on the adoption of amendment, on page 16 beginning on line 2, to Substitute House Bill No. 1451 on reconsideration and the amendment was not adopted by the following vote. Yeas - 40, Nays - 55, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Campbell, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield,

Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Padden, Patterson, Pennington, Poulsen, Quall, Romero, Rust, Scott, Smith, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 40.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 55.

Absent: Representative Hargrove - 1.

Excused: Representatives Pelesky and Regala - 2.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment number 411 to Substitute House Bill No. 1451.

STEVE HARGROVE, 23rd District

NOTICE OF RECONSIDERATION

Representative Crouse: Having voted on the prevailing side of amendment number 412 to Substitute House Bill No. 1451 moved that the House immediately reconsider the vote.

A division was called. The Speaker called on the House to divide. The results of the division was: YEAS-52; NAYS-44. The motion to reconsider the vote on amendment number 412 was carried.

RECONSIDERATION

The Speaker stated the question before the House to be reconsideration of amendment number 412 to Substitute House Bill No. 1451.

Representatives Campbell, Appelwick and Chappell spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Dyer and Mielke spoke against the adoption of the amendment to the striking amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Campbell again spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dyer again spoke against the adoption of the amendment to the striking amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the amendment, on page 15, line 18, to Substitute House Bill No. 1451 on reconsideration and the amendment was not adopted by the following vote: Yeas - 42, Nays - 53, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Beeksma, Boldt, Brown, Campbell, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Padden, Patterson, Pennington, Poulsen, Quall, Romero, Rust, Scott, Smith, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 42.

Voting nay: Representatives Backlund, Ballasiotes, Benton, Blanton, Brumsickle, Buck, Cairnes, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 53.

Absent: Representative Elliot - 1.

Excused: Representatives Pelesky and Regala - 2.

With the consent of the House, amendment number 424 to Substitute House Bill No. 1451 was withdrawn.

Representative Mastin moved adoption of the following amendment to the striking amendment by Representative Mastin:

On page 16, after line 6, insert the following:

"(5) For the purposes of this section, in an action against a self-insurance group subject to chapter 51.-- RCW (sections 1 through 23 of this act) or against an employer member of such a group, "discrimination" includes, but is not limited to, an attempt by the employer to force an employee to not report an industrial accident or to treat an industrial accident as an off-the-job injury. This subsection (5) shall not be construed as limiting the definition of "discrimination" for other actions filed under this section."

Representative Mastin spoke in favor of the adoption of the amendment to the striking amendment.

Representative Dyer spoke against the adoption of the amendment to the striking amendment.

The amendment was not adopted.

Representatives Dyer and Mastin spoke in favor of the adoption of the striking amendment as amended.

The striking amendment as amended was adopted.

The bill was ordered engrossed.

MOTION

On motion of Representative Talcott, Representative Beeksma was excused.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Mielke, Smith, Cole, Goldsmith and Dyer spoke in favor of passage of the bill.

Representatives Romero and Cody spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1451.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1451, and the bill passed the House by the following vote: Yeas - 63, Nays - 32, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 63.

Voting nay: Representatives Appelwick, Basich, Brown, Campbell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Morris, Ogden, Patterson, Poulsen, Quall, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Excused: Representatives Beeksma, Pelesky and Regala - 3.

Engrossed Substitute House Bill No. 1451, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Representative Foreman, the remaining bills on the calendar were referred to the Committee on Rules with the exception of House Bill No. 1299, referred to Commerce & Labor Committee, House Bill No. 1378, House Bill No. 1618, House Bill No. 1694, House Bill No. 1907, House Bill No. 1172, House Bill No. 1478, House Bill No. 1486, House Bill No. 1732, House Bill No. 1747, House Bill No. 1558, House Bill No. 1617, House Bill No. 1817, House Bill No. 1932, House Bill No. 1989 and House Bill No. 1485.

On motion of Representative Foreman, Substitute Senate Bill No. 5992 was re-referred from the Committee on Trade & Economic Development to the Committee on Commerce & Labor.

POINT OF INQUIRY

Representative Appelwick: Thank you Mr. Speaker. Representative Clements, during the debate on that last bill you made some reference to "We all know what happens when you go here Kitty, Kitty, Kitty." And I'm not sure everyone knows, what is it that happens?

Representative Clements: I hope that curiosity does not kill the cat. For the fine Representative from the 46th District, we were talking in Caucus about some of the strategy, and I said some of the issues, it's like Daniel going into the lions den and peering in and saying "Here Kitty, Kitty."

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:55 a.m., Thursday, March 16, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SIXTY-SIXTH DAY, MARCH 15, 1995

JOURNAL OF THE HOUSE

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

SIXTY-SEVENTH DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Thursday, March 16, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

MESSAGES FROM THE SENATE

March 14, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5213,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5247,
SENATE BILL NO. 5267,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5280,
ENGROSSED SENATE BILL NO. 5361,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5491,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5576,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5684,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5690,
SENATE BILL NO. 5728,
SUBSTITUTE SENATE BILL NO. 5751,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5831,
ENGROSSED SENATE BILL NO. 5841,
ENGROSSED SENATE BILL NO. 5852,
ENGROSSED SENATE BILL NO. 5888,
SUBSTITUTE SENATE BILL NO. 6000,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6044,

and the same are herewith transmitted.

Marty Brown, Secretary

March 14, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5155,
SENATE BILL NO. 5372,
ENGROSSED SENATE BILL NO. 5397,
SENATE BILL NO. 5544,
ENGROSSED SENATE BILL NO. 5613,
SENATE BILL NO. 5614,
SENATE BILL NO. 5615,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5632,
SUBSTITUTE SENATE BILL NO. 5669,
SUBSTITUTE SENATE BILL NO. 5676,
SUBSTITUTE SENATE BILL NO. 5725,
ENGROSSED SENATE BILL NO. 5770,
SUBSTITUTE SENATE BILL NO. 5780,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,
SUBSTITUTE SENATE BILL NO. 5884,
ENGROSSED SENATE BILL NO. 6045,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

March 15, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5310,
SUBSTITUTE SENATE BILL NO. 5315,
ENGROSSED SENATE BILL NO. 5409,
SUBSTITUTE SENATE BILL NO. 5496,
SUBSTITUTE SENATE BILL NO. 5591,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,
SENATE BILL NO. 5641,
SENATE BILL NO. 5642,
SUBSTITUTE SENATE BILL NO. 5644,
SENATE BILL NO. 5668,
SENATE BILL NO. 5677,
SUBSTITUTE SENATE BILL NO. 5795,
SUBSTITUTE SENATE BILL NO. 5800,
SENATE BILL NO. 5806,
SENATE BILL NO. 5830,
SUBSTITUTE SENATE BILL NO. 5835,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868,
ENGROSSED SENATE BILL NO. 5876,
SENATE BILL NO. 5894,
SENATE BILL NO. 5900,
SENATE JOINT MEMORIAL NO. 8010,
SENATE JOINT MEMORIAL NO. 8017,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

INTRODUCTIONS AND FIRST READING

HB 2079 by Representatives Dickerson, Ballasiotes, G. Fisher, Morris, Poulsen, R. Fisher, Scott, Hatfield, Costa, Cody, Quall, Radcliff, Cole, Blanton, Voloria and Clements

AN ACT Relating to rape of a child; amending RCW 9.94A.310; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 2080 by Representatives K. Schmidt, Hankins, Benton, Elliot, Skinner, Buck, McMahan, Robertson, Johnson, D. Schmidt, Chandler, Mitchell, Koster, Backlund, Cairnes, Horn and Blanton

AN ACT Relating to transportation funding and appropriations; amending RCW 82.36.025, 46.16.070, 46.68.035, 46.16.060, 46.68.030; reenacting and amending RCW 46.68.090 and 43.84.092; adding a new section to chapter 82.36 RCW; adding a new section to chapter 47.08 RCW; creating new sections; making appropriations; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Transportation.

SSB 5155 by Committee on Ecology & Parks (originally sponsored by Senators Hargrove, Owen, Snyder, Hochstatter, A. Anderson and Rasmussen)

Exempting from the shoreline management act certain projects that have been granted hydraulic permits.

Referred to Committee on Government Operations.

ESB 5213 by Senators Quigley, Haugen, McAuliffe, Wood, McCaslin, Winsley and Rasmussen

Revising civil procedure for domestic relations actions.

Referred to Committee on Law & Justice.

ESSB 5247 by Senate Committee on Ecology & Parks (originally sponsored by Senators Spanel, Haugen, Prince, Sutherland, Owen and Fraser; by request of Puget Sound Water Quality Authority)

Facilitating local water quality programs.

Referred to Committee on Agriculture & Ecology.

SB 5267 by Senators Sheldon, Haugen and Wood

Establishing filing fees and tabulation procedures for write-in candidates.

Referred to Committee on Government Operations.

E2SSB 5280 by Senate Committee on Ways & Means (originally sponsored by Senators Smith, Roach, West, Bauer, Schow, Finkbeiner, Johnson, Hale, Kohl, Deccio, Drew and Rasmussen)

Providing tax deferrals for a new thoroughbred race track facility.

Referred to Committee on Trade & Economic Development.

SB 5310 by Senators Haugen, Winsley, Wojahn and Prince; by request of Washington State Historical Society

Requiring a process to solicit proposals for and prioritize heritage capital projects.

Referred to Committee on Capital Budget.

SSB 5315 by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Loveland, Newhouse and Roach; by request of Department of Agriculture)

Modifying agriculture regulations.

Referred to Committee on Agriculture & Ecology.

ESB 5361 by Senators Smith and Heavey

Assisting areas impacted by aircraft noise.

Referred to Committee on Government Operations.

SB 5372 by Senators Sheldon and Wood; by request of Department of Community, Trade, and Economic Development and Public Works Board

Appropriating funds for projects recommended by the public works board.

Referred to Committee on Capital Budget.

ESB 5397 by Senators Franklin and Pelz; by request of Department of Labor & Industries

Revising provisions regulating asbestos certification.

Referred to Committee on Commerce & Labor.

ESB 5409 by Senators Owen and Oke

Providing compensation for wildlife agents injured on duty.

Referred to Committee on Natural Resources.

E2SSB 5491 by Senate Committee on Ways & Means (originally sponsored by Senators Smith, Oke, Wood, Winsley, Hale, Prince, Long and Schow; by request of Governor Lowry and Attorney General)

Modifying juvenile disposition.

Referred to Committee on Corrections.

SSB 5496 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Newhouse, Loveland, Cantu, Fraser, Winsley and Long)

Exempting employers with qualified retirement plans from additional contributions.

Referred to Committee on Appropriations.

SB 5544 by Senators Owen, Rinehart, Spanel, Haugen, C. Anderson and Fraser

Concerning the leasing of state shoreline for the exploration of oil or gas.

Referred to Committee on Natural Resources.

E2SSB 5576 by Senate Committee on Ways & Means (originally sponsored by Senator Drew; by request of Governor Lowry)

Making changes to the campaign practices law.

Referred to Committee on Government Operations.

SSB 5591 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Pelz, Kohl, Sellar and Winsley)

Pertaining to longshore and harbor workers' compensation.

Referred to Committee on Financial Institutions & Insurance.

ESB 5613 by Senators Pelz, Franklin, Hargrove, Snyder, Fraser, Bauer, McAuliffe, Smith, Prentice, Heavey and Rinehart

Revising the provision authorizing the department of labor and industries to hold industrial insurance orders in abeyance.

Referred to Committee on Commerce & Labor.

SB 5614 by Senators Pelz, Franklin, Hargrove, Snyder, Fraser, Bauer, McAuliffe, Smith, Prentice, Heavey and Rinehart

Revising provisions relating to compensation during appeal of department of labor and industries industrial insurance orders.

Referred to Committee on Commerce & Labor.

SB 5615 by Senators Pelz, Franklin, Hargrove, Snyder, Bauer, Fraser, McAuliffe, Smith, Prentice, Heavey and Rinehart

Revising provisions relating to compensation during reconsideration of department of labor and industries industrial insurance orders.

Referred to Committee on Commerce & Labor.

ESSB 5629 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz, Fraser, Rinehart and McCaslin; by request of Attorney General)

Updating new motor vehicle warranty provisions.

Referred to Committee on Law & Justice.

E2SSB 5632 by Senate Committee on Ways & Means (originally sponsored by Senators A. Anderson, Drew, Owen, Hargrove, Swecker, Morton, Hale, Haugen, Finkbeiner, Strannigan, Moyer, Palmer, Johnson, Quigley and Rasmussen)

Providing for flood damage reduction.

Referred to Committee on Agriculture & Ecology.

SB 5641 by Senators McAuliffe, Fairley, Prince, Kohl, Fraser, Rasmussen and Prentice

Studying providing instruction in world languages in the common school system.

Referred to Committee on Education.

SB 5642 by Senators Fraser and Rasmussen

Requiring annual training for educational service district staff about placing exchange students and teachers in public schools.

Referred to Committee on Education.

SSB 5644 by Senate Committee on Higher Education (originally sponsored by Senators Wood, Kohl, Fraser, Prince and Winsley)

Developing a proposal to establish a community college in the People's Republic of China.

Referred to Committee on Higher Education.

SB 5668 by Senators Hale, Wood, Fraser, Pelz, Prince, Newhouse, A. Anderson, Palmer, Franklin, Hargrove, Bauer, Deccio, C. Anderson, Prentice and Winsley

Revising provisions relating to sureties for industrial insurance self-insurers.

Referred to Committee on Commerce & Labor.

SSB 5669 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz, Newhouse, Hargrove, Prince, Deccio, A. Anderson, Prentice, Palmer, Bauer, C. Anderson and Winsley)

Defining "acting in the course of employment."

Referred to Committee on Commerce & Labor.

SSB 5676 by Senate Committee on Law & Justice (originally sponsored by Senators Fraser and Kohl)

Restricting residential time for abusive parents.

Referred to Committee on Law & Justice.

SB 5677 by Senators Roach, Haugen and Winsley; by request of Department of Community, Trade, and Economic Development

Clarifying building code and structure requirements.

Referred to Committee on Commerce & Labor.

ESSB 5684 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Winsley, Gaspard, Oke, Wood and Hale; by request of Public Disclosure Commission)

Consolidating and revising public disclosure laws.

Referred to Committee on Government Operations.

ESSB 5690 by Senate Committee on Transportation (originally sponsored by Senators Fairley, Swecker, Fraser, Owen and Quigley)

Seeking input on significant roadside activities.

Referred to Committee on Transportation.

SSB 5725 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach and Schow)

Protecting privileged communications.

Referred to Committee on Law & Justice.

SB 5728 by Senators Gaspard, McDonald, Wojahn, Rinehart, Rasmussen and Winsley

Modifying the business and occupation tax on international investment management companies.

Referred to Committee on Finance.

SSB 5751 by Senate Committee on Law & Justice (originally sponsored by Senators Newhouse, Smith, Deccio, Owen and Winsley)

Prohibiting the purchase or consumption of liquor on licensed premises by persons apparently under the influence of liquor.

Referred to Committee on Commerce & Labor.

ESB 5770 by Senators Pelz, Newhouse and Deccio; by request of Employment Security Department

Providing for unemployment insurance claimant profiling.

Referred to Committee on Commerce & Labor.

SSB 5780 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Deccio and C. Anderson)

Regulating viatical settlements.

Referred to Committee on Financial Institutions & Insurance.

SSB 5795 by Senate Committee on Government Operations (originally sponsored by Senator Heavey)

Authorizing an alternate method for reducing city limits for cities with over fifty thousand population.

Referred to Committee on Government Operations.

SSB 5800 by Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Wojahn, Cantu, West, Rinehart, Pelz and Bauer)

Recognizing that financial savings from efficiencies in the developmental disabilities program should be redirected within the program for community-based services.

Referred to Committee on Appropriations.

SB 5806 by Senators Johnson and McAuliffe

Allowing the superintendent of public instruction to delay the time at which school district budgets are made public if the state's operating budget is not finally approved before June 1st.

Referred to Committee on Education.

SB 5830 by Senators McAuliffe, Quigley, Fairley, Loveland, Haugen, Sheldon and Rasmussen

Changing provisions for students transferring between private and public schools.

Referred to Committee on Education.

ESSB 5831 by Senate Committee on Transportation (originally sponsored by Senators Kohl, Owen, Winsley, Fairley and Schow)

Authorizing impoundment and sale of motor vehicles for failure to pay parking ticket violations.

Referred to Committee on Transportation.

SSB 5835 by Senate Committee on Law & Justice (originally sponsored by Senators Johnson, Smith, Roach, McCaslin, Schow, Long and Winsley)

Changing provisions relating to restraining orders.

Referred to Committee on Law & Justice.

ESB 5841 by Senators Pelz, Winsley, Gaspard, Roach, Snyder, Loveland, Rinehart, McAuliffe, Spanel, Heavey, Franklin, Bauer, Smith, Fairley, Prentice, Fraser, Kohl, Quigley, Rasmussen, Sutherland, Sheldon, Drew, Wojahn, West, Wood, C. Anderson and Moyer; by request of Governor Lowry

Enacting the personnel system reform act of 1995.

Referred to Committee on Commerce & Labor.

ESB 5852 by Senators Drew, Sheldon, Wood, Prince, Oke and Winsley; by request of Secretary of State

Revising the presidential primary.

Referred to Committee on Government Operations.

ESSB 5868 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Fraser, Cantu, Winsley and Rasmussen; by request of Department of Community, Trade, and Economic Development)

Providing mobile home relocation assistance.

Referred to Committee on Trade & Economic Development.

ESB 5876 by Senators Haugen and Winsley

Making population determinations and projections.

Referred to Committee on Government Operations.

ESSB 5880 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Spaul and Winsley)

Authorizing retirement to care for a disabled spouse.

Referred to Committee on Appropriations.

SSB 5884 by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Winsley, Fraser, Franklin and Snyder; by request of Washington State Housing Finance Commission)

Enforcing financing terms by the housing finance commission.

Referred to Committee on Trade & Economic Development.

ESB 5888 by Senator Sutherland

Revising considerations for charges for sewerage and storm water control systems.

Referred to Committee on Energy & Utilities.

SB 5894 by Senators Prentice, Owen, Haugen, Wood, Kohl, Fairley, Sellar, Rasmussen, Oke, Schow and Winsley

Planning for department of transportation wetlands.

Referred to Committee on Transportation.

SB 5900 by Senators Haugen, Prentice, Long and Heavey; by request of State Auditor

Administering the office of the state auditor.

Referred to Committee on Government Operations.

SSB 6000 by Senate Committee on Ecology & Parks (originally sponsored by Senators Snyder, Loveland, A. Anderson, Oke, Winsley and Swecker)

Providing an exemption to the Washington clean air act for fire training.

Referred to Committee on Government Operations.

ESSB 6044 by Senate Committee on Transportation (originally sponsored by Senators Owen, Prince and Kohl)

Revising the selection process for transportation systems and facilities demonstration projects.

Referred to Committee on Transportation.

ESB 6045 by Senators Bauer, Hochstatter, Gaspard, McAuliffe and Winsley

Allowing retired administrators to serve as replacement administrators without a reduction of pension benefits.

Referred to Committee on Education.

SJM 8010 by Senators Cantu, Fraser, Oke, Winsley, Johnson, Snyder, Hochstatter, Finkbeiner, Strannigan, Schow, Moyer, Palmer, Roach, Deccio and West

Postratifying Amendment XXVII.

Referred to Committee on Government Operations.

SJM 8017 by Senators Rasmussen, Roach, Hochstatter, Long, Hargrove, Johnson and Sheldon

Encouraging schools to provide an elementary gun safety program.

Referred to Committee on Education.

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

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

MOTION

There being no objection, the House adjourned until 1:30 p.m., Friday, March 17, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SIXTY-SEVENTH DAY, MARCH 16, 1995

JOURNAL OF THE HOUSE

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

SIXTY-EIGHTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, March 17, 1995

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sokchea Chin and Johnathan Easing. Prayer was offered by Father Anthony Haycock of St. Mary's Church of Seattle.

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

Mr. Speaker introduced Father Anthony Haycock who sang "Fields of Athenry".

The Irish flag was presented to the rostrum by Katrina Ortblad.

Kathy Ward sang "When Irish Eyes are Smiling".

The Speaker introduced Former Speaker John L. O'Brien and his wife Mary who were seated on the rostrum.

Representative Ebersole paid tribute to Representative O'Brien, Speaker Emeritus O'Brien and Monsignor O'Brien and welcomed him to the House of Representatives today in honor of St. Patrick's Day.

Representative Padden also paid tribute to Speaker Emeritus O'Brien and welcomed him to the House of Representatives on St. Patrick's day.

The Sergeant at Arms escorted the Apple Blossom Festival Court Princess Tabitha Alexander and Tanya Rodriguez into the House Chambers to their seats on the rostrum.

Representative Foreman escorted Apple Blossom Festival Queen Mari Foreman into the House Chambers and on the rostrum introduced her to the members of the House.

Apple Blossom Festival Queen Mari Foreman, and her court spoke about the upcoming May festival and encouraged everyone in the House to come to the Wenatchee Apple Blossom Festival.

HOUSE RESOLUTION NO. 95-4638, by Representatives Foreman, Dyer, Lambert and Robertson

WHEREAS, It is the policy of the Washington State House of Representatives to recognize and honor the unique and extraordinary characteristics of the various regions of the great State of Washington; and

WHEREAS, The State of Washington, which produces nearly fifty percent of all apples grown in the United States, takes great pride in being the largest producer of apples in the entire nation; and

WHEREAS, The Wenatchee Valley is well known not only for its natural beauty but for producing apples of the highest quality; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 76th annual Washington State Apple Blossom Festival to take place from April 27 through May 7, 1995; and

WHEREAS, The festival, an event steeped in tradition, started in 1919 when Mrs. E. Wagner arrived from New Zealand, bringing with her the custom of celebrating the apple, and organized Blossom Day, a one-day gathering of poetry and song in Wenatchee's Memorial Park; and

WHEREAS, Today, the annual Apple Blossom Festival lasts no less than ten days and brings in an excess of one hundred thousand visitors to Wenatchee to take part in the celebration, which features arts and crafts, delicious food, and youth and family activities, and is highlighted by the regal Grand Parade honoring the Apple Blossom Festival Court; and

WHEREAS, Wenatchee has selected the 1995 Apple Blossom Festival Court representing the spirit and enthusiasm of the festival and consisting of: Apple Blossom Queen Mari Foreman, a senior at Wenatchee High School who is vice-president of the National Honor Society and gifted in music, drama, and art; Princess Tabitha Alexander, a senior at Wenatchee High School who has represented her class for four years while remaining active in both music and drama; and Princess Tanya Rodriquez, a senior at Eastmont High School, who is both president and secretary of the Concert Choir and excels in music and academics;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives take great pleasure in recognizing and honoring the talented and worthy members of the Apple Blossom Festival Court and joins the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Queen Mari Foreman, Princess Tabitha Alexander, and Princess Tanya Rodriquez.

Representative Foreman moved adoption of the resolution.

Representative Foreman spoke in favor of adoption of the resolution.

House Resolution No. 4638 was adopted.

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

MESSAGE FROM THE SENATE

March 15, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5000,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5064,
SUBSTITUTE SENATE BILL NO. 5106,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5244,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5375,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439,
SENATE BILL NO. 5525,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5530,
ENGROSSED SENATE BILL NO. 5555,
SECOND SUBSTITUTE SENATE BILL NO. 5574,
SENATE BILL NO. 5758,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5820,
SENATE BILL NO. 5857,
SENATE BILL NO. 5879,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5914,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5943,
ENGROSSED SENATE BILL NO. 5998,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6029,
ENGROSSED SENATE BILL NO. 6037,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6049,
SENATE JOINT MEMORIAL NO. 8006,

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Foreman moved that the House advance to the fourth order of business.

INTRODUCTIONS AND FIRST READING

ESSB 5000 by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Snyder, Wojahn, Sheldon, Gaspard, Franklin, Haugen, Rasmussen, Quigley, Owen, McAuliffe, Winsley, McCaslin, Drew, Morton, Prentice, Bauer, Spanel, Hale and Deccio)

Reducing property taxes.

Referred to Committee on Finance.

E2SSB 5064 by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Drew and Oke)

Revising the regional fisheries enhancement program.

Referred to Committee on Natural Resources.

SSB 5106 by Senate Committee on Natural Resources (originally sponsored by Senators Morton, Owen, Drew, Sellar, Hochstatter, Fraser, Newhouse, Prince, Haugen and Oke)

Providing for grizzly bear management.

Referred to Committee on Natural Resources.

ESSB 5244 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Owen and Hargrove)

Revising the definition of "dependent child" for purposes of aid to families with dependent children.

Referred to Committee on Children & Family Services.

ESSB 5375 by Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, McCaslin, Haugen, Deccio, Franklin, Spanel, Kohl, Snyder, Quigley, Prentice, Oke and Moyer)

Suspending various licenses for failure to pay child support.

Referred to Committee on Law & Justice.

E2SSB 5439 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Smith, Schow, Owen, Moyer, Oke, Strannigan, Gaspard,

Snyder, Heavey, Haugen, Rasmussen, Quigley, Wojahn, Loveland, Bauer, Winsley, Deccio, Spanel, Hale, Hochstatter and Palmer)

Revising procedures for nonoffender at-risk youth and their families.

Referred to Committee on Children & Family Services.

SB 5525 by Senators Heavey, Johnson, C. Anderson and Smith

Providing for setting salaries of municipal court judges in cities over four hundred thousand.

Referred to Committee on Law & Justice.

ESSB 5530 by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, Rasmussen and Winsley)

Authorizing the use of automated traffic enforcement systems.

Referred to Committee on Transportation.

ESB 5555 by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice and Moyer

Modifying taxation of massage services.

Referred to Committee on Finance.

2SSB 5574 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, A. Anderson, Snyder, McDonald, Owen, Long, Rasmussen, Swecker, Heavey, Morton, Deccio, Johnson, Loveland, Hale, Sutherland, Strannigan, Palmer, Moyer, Hochstatter, West, Drew, Haugen, Quigley, Bauer and Roach)

Concerning the return of state forest board transfer land.

Referred to Committee on Natural Resources.

SB 5758 by Senators Pelz, Hargrove and Long

Removing statutory restrictions on class II inmate work programs.

Referred to Committee on Corrections.

ESSB 5820 by Senate Committee on Energy, Telecommunications & Utilities (originally sponsored by Senators Sutherland, Finkbeiner, Snyder, Smith and Quigley)

Penalizing theft of telecommunication and cable services.

Referred to Committee on Energy & Utilities.

SB 5857 by Senators Morton, Pelz, Heavey, McCaslin, Fraser, Moyer, Hochstatter, Deccio, Palmer and Schow

Revising the procedure for identifying subcontractors for specified public works contracts.

Referred to Committee on Government Operations.

SB 5879 by Senator Winsley

Authorizing regulation of vegetation height on residential lots along shorelines.

Referred to Committee on Agriculture & Ecology.

ESSB 5914 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Heavey, Deccio and Finkbeiner)

Financing public stadium, convention, performing arts, visual arts, and other tourism facilities.

Referred to Committee on Trade & Economic Development.

ESSB 5943 by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Prince, Sheldon, Deccio and Kohl)

Financing convention and trade centers.

Referred to Committee on Trade & Economic Development.

ESB 5998 by Senators Sheldon, Owen, Oke, Fraser, Hochstatter and Palmer

Authorizing local government waivers from specific requirements of on-site sewage system rules adopted by the board of health.

Referred to Committee on Agriculture & Ecology.

ESSB 6029 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senator Pelz)

Revising exemptions from overtime compensation requirements.

ESB 6037 by Senators Sheldon, Hale, Rinehart, Haugen, Drew, Oke, Kohl, Fairley, Franklin, Snyder, Quigley, Bauer, McAuliffe, Fraser, Sutherland and Gaspard

Creating the Washington Independent Regulatory Affairs Commission.

Referred to Committee on Government Operations.

ESSB 6049 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Finkbeiner, Snyder and Pelz)

Financing public stadiums used by sports teams.

Referred to Committee on Trade & Economic Development.

SJM 8006 by Senators Oke, Owen, Roach, Hochstatter, Snyder, Schow, Cantu, Long, Hale, Swecker, A. Anderson, Palmer, Sellar, Deccio, Morton, McDonald, Prince, Johnson, Winsley, Bauer and Rasmussen

Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag.

Referred to Committee on Government Operations.

MOTION

On motion of Representative Foreman, the bills and memorial listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of Engrossed Substitute Senate Bill No. 6029 which was placed on the second reading calendar and held.

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

REPORTS OF STANDING COMMITTEES

March 16, 1995

ESSB 5253 Prime Sponsor, Quigley: Implementing the public health improvement plan. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Sherstad and Skinner.
Excused: Representative Morris.

Referred to Committee on Appropriations.

March 16, 1995

SB 5287 Prime Sponsor, Wood: Providing school loan forgiveness in exchange for service within Washington state. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.80.160 and 1985 c 370 s 18 are each amended to read as follows:

In the development of any such plans as called for within RCW 28B.80.150, the board shall use at least the following criteria:

(1) Students who are eligible to attend compact-authorized programs in other states shall meet the Washington residency requirements of chapter 28B.15 RCW prior to being awarded tuition assistance ~~((grants;))~~.

(2) For recipients named after January 1, 1995, the tuition assistance shall be in the form of loans that may be completely forgiven in exchange for the student's service within the state of Washington after graduation. The requirements for such service and provisions for loan forgiveness shall be determined in rules adopted by the board.

(3) If appropriations are insufficient to fund all students qualifying under subsection (1) of this section, then the plans shall include criteria for student selection that would be in the best interest in meeting the state's educational needs, as well as recognizing the financial needs of students.

(4) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, that are paid by or on behalf of participants under this section, shall be deposited with the board and placed in an account created in this section and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections. The board shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to grant conditional loans to eligible students.

(5) The Washington interstate commission on higher education professional student exchange program trust fund is created in the custody of the state treasurer. All receipts from loan repayment shall be deposited into the fund. Only the higher education coordinating board, or its designee, may authorize expenditures from the fund. No appropriation is required for expenditures from this fund.

NEW SECTION. **Sec. 2.** RCW 28B.102.900 and 1994 c 126 s 4 & 1987 c 437 s 9 are each repealed.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "aid;" strike the remainder of the title and insert "amending RCW 28B.80.160; repealing RCW 28B.102.900; and declaring an emergency."

Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Blanton; Delvin and Sheahan.

MINORITY recommendation: Do not pass. Signed by Representatives Benton and Goldsmith.

Voting Yea: Representatives Blanton, Carlson, Delvin, Kessler, Jacobsen, Mason, Mulliken and Sheahan.

Voting Nay: Representatives Benton and Goldsmith.

Excused: Representatives Basich and Mastin.

Passed to Committee on Rules for second reading.

March 16, 1995

SSB 5377 Prime Sponsor, Committee on Health & Long-Term Care: Modifying physician self-referral provisions. Reported by Committee on Health Care

MAJORITY recommendations: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.240 and 1979 ex.s. c 152 s 5 are each amended to read as follows:

(1) Any person, including any corporation, that solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind

(a) in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this chapter, or

(b) in return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter,

shall be guilty of a class C felony(~~(: PROVIDED, That))~~; however, the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(2) Any person, including any corporation, that offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person

(a) to refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made, in whole or in part, under this chapter, or

(b) to purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter,

shall be guilty of a class C felony(~~(: PROVIDED, That))~~; however, the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(3)(a) Except as provided in 42 U.S.C. 1395 nn, physicians are prohibited from self-referring any client eligible under this chapter for the following designated health services to a facility in which the physician or an immediate family member has a financial relationship:

(i) Clinical laboratory services;

(ii) Physical therapy services;

- (iii) Occupational therapy services;
- (iv) Radiology including magnetic resonance imaging, computerized axial tomography, and ultrasound services;
- (v) Durable medical equipment and supplies;
- (vi) Parenteral and enteral nutrients equipment and supplies;
- (vii) Prosthetics, orthotics, and prosthetic devices;
- (viii) Home health services;
- (ix) Outpatient prescription drugs;
- (x) Inpatient and outpatient hospital services;
- (xi) Radiation therapy services and supplies.

(b) For purposes of this subsection, "financial relationship" means the relationship between a physician and an entity that includes either:

- (i) An ownership or investment interest; or
- (ii) A compensation arrangement.

For purposes of this subsection, "compensation arrangement" means an arrangement involving remuneration between a physician, or an immediate family member of a physician, and an entity.

(c) The department is authorized to adopt by rule amendments to 42 U.S.C. 1395 nn enacted after the effective date of this act.

(d) This section shall not apply in any case covered by a general exception specified in 42 U.S.C. Sec. 1395 nn.

(4) Subsections (1) and (2) of this section shall not apply to

(a) a discount or other reduction in price obtained by a provider of services or other entity under this chapter if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under this chapter, and

(b) any amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services.

((4)) (5) Subsections (1) and (2) of this section, if applicable to the conduct involved, shall supersede the criminal provisions of chapter 19.68 RCW, but shall not preclude administrative proceedings authorized by chapter 19.68 RCW."

Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Sherstad and Skinner.

Excused: Representative Morris.

Passed to Committee on Rules for second reading.

March 16, 1995

SSB 5419 Prime Sponsor, Committee on Health & Long-Term Care: Modifying federal financial participation related to health insurer's and children's health care. Reported by Committee on Health Care

MAJORITY Recommendation: Do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Sherstad and Skinner.

Excused: Representative Morris.

Passed to Committee on Rules for second reading.

MOTION

On motion of Representative Foreman, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

On motion of Representative Foreman, Substitute Senate Bill No. 5053 was rereferred from the Committee on Commerce & Labor to the Committee on Trade & Economic Development, Substitute Senate Bill No. 5211 was rereferred from the Committee on Government Operations to the Committee on Capital Budget, Substitute Senate Bill No. 5472 was rereferred from the Committee on Government Operations to the Committee on Energy & Utilities, Engrossed Second Substitute Senate Bill No. 5491 was rereferred from the Committee on Corrections to the Committee on Law & Justice, Engrossed Substitute Senate Bill No. 5503 was rereferred from the Committee on Trade & Economic Development to the Committee on Agriculture & Ecology, Engrossed Substitute Senate Bill No. 5629 was rereferred from the Committee on Law & Justice to the Committee on Commerce & Labor, Engrossed Substitute Senate Bill No. 5247 was rereferred from the Committee on Agriculture & Ecology to the Committee on Capital Budget and Substitute Senate Bill No. 5751 was rereferred from the Committee on Commerce & Labor to Committee on Law and Justice.

MOTION

On motion of Representative Foreman, the House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTIONS AND FIRST READINGS

SB 5055 by Senators Winsley and Haugen

Revising requirements for filing of instruments.

Referred to Committee on Government Operations.

MOTION

On motion of Representative Foreman, the bill listed on today's supplemental introduction sheet under the fourth order of business was referred to the committee so designated.

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

MOTION

On motion of Representative Foreman, the House adjourned until 10:00 a.m., Monday, March 20, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SIXTY-EIGHTH DAY, MARCH 17, 1995

JOURNAL OF THE HOUSE

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

SEVENTY-FIRST DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Monday, March 20, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Laney and Chris Kattenhorn. Prayer was offered by Reverend Francis E. George, Catholic Diocese of Yakima.

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

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

REPORTS OF STANDING COMMITTEES

March 16, 1995
HB 1262 Prime Sponsor, Representative Dyer: Making changes to comprehensive health care coverage. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Campbell; Casada; Crouse; Sherstad and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representatives Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Conway and Kessler.

Voting Yea: Representatives Backlund, Campbell, Casada, Crouse, Dyer, Hymes, Sherstad and Skinner.

Voting Nay: Representatives Cody, Conway, Dellwo and Kessler.
Excused: Representative Morris.

Referred to Committee on Appropriations.

March 17, 1995
SB 5083 Prime Sponsor, Oke: Changing the composition of the veterans affairs advisory committee. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member;

Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Passed to Committee on Rules for second reading.

March 16, 1995

SB 5401 Prime Sponsor, Quigley: Extending deadlines for studies of medical benefits for injured workers under a consolidated health care system. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 51.04 RCW to read as follows: On or before January 1, 1996, the department of labor and industries and the workers' compensation advisory committee, in coordination with the joint committee on health systems oversight, if created by law, shall study and make an interim report, and on or before January 1, 1997, a final report, to the governor and appropriate committees of the legislature on the provision of medical benefits for injured workers under a consolidated health care system. The study shall include a review of options and recommendations for modifying the industrial insurance system to provide medical services for injured workers in a more cost-effective manner under a consolidated system, and may include consideration of the purchase of industrial insurance medical benefits through the health care authority or the inclusion of industrial insurance medical benefits in the services offered by health carriers or other appropriate options. The committee should also give consideration to at least the following issues: The use of various health care coverage arrangements and the effect of various health care coverage arrangements on the injured workers' choice of health services provider; the potential cost savings or other impacts of various consolidation options; the benefit structure required under industrial insurance; the potential for consolidation to meet or exceed existing medical cost management of the medical aid fund; the impact of separating the medical management of claims from the disability management of claims; the relationship between return-to-work efforts, medical services, and disability prevention; the relationship between medical services and rehabilitation services; and the effects of the quasi-judicial system that determines industrial insurance rights and obligations. In addition, the final report shall include a proposed plan and timeline for including the medical benefits of the industrial insurance system in the services offered by health carriers. The proposed plan shall assure that:

(1) The plan shall not take effect until at least ninety-seven percent of state residents have access to the standard benefits package, if created in statute;

(2) The standard benefits package, if created in statute, will provide benefits for injured workers that are at least equivalent to the medical benefits provided to injured workers under this title as determined by the department of labor and industries as of the effective date of the plan, including payments for services that are ancillary to industrial insurance medical benefits, such as, but not limited to, medical examinations for permanent disabilities;

(3) Other nonmedical benefits required to be provided under this title, such as, but not limited to, total or partial disability benefits or vocational rehabilitation benefits, are not affected;

(4) Employers who do not choose to offer benefits under the plan will continue to be required to provide industrial insurance medical benefits under this title;

(5) Employees participating in the plan shall not be required to pay deductibles, copayments, or other point-of-service charges for services related to industrial insurance injuries or diseases, such costs to be paid by the department of labor and industries or the self-insured employer, as applicable;

(6) The plan includes a mechanism to return to workers and employers, in equal shares, any savings that are realized in the costs of medical services for injured workers, as identified by the department of labor and industries;

(7) The majority of the employer's employees or, if the employees are represented for collective bargaining purposes, the exclusive bargaining representative voluntarily agree to the employer's participation in the plan.

In addition, the study shall include review of an option for an employer to elect to provide medical aid benefits under this title through the employer-sponsored general health plan if the employer pays one hundred percent of the premium cost of the general employee health care benefit plan and the medical aid premium.

NEW SECTION. Sec. 2. A new section is added to chapter 51.04 RCW to read as follows:

(1) The department of labor and industries, in consultation with the workers' compensation advisory committee, may conduct pilot projects to purchase medical services for injured workers through various health care coverage arrangements. The projects shall assess the effects of various health care coverage arrangements on the cost and quality of, and employer and employee satisfaction with, medical services provided to injured workers.

(2) The pilot projects may be limited to specific employers. The implementation of a pilot project shall be conditioned upon a participating employer and a majority of its employees, or, if the employees are represented for collective bargaining purposes, the exclusive bargaining representative, voluntarily agreeing to the terms of the pilot. Unless the project is terminated by the department, both the employer and employees are bound by the project agreements for the duration of the project.

(3) Solely for the purpose and duration of a pilot project, the specific requirements of this title that are identified by the department as otherwise prohibiting implementation of the pilot project shall not apply to the participating employers and employees to the extent necessary for conducting the project. The various health care coverage arrangements for the pilot projects may include the designation of doctors responsible for the care delivered to injured workers participating in the projects.

(4) The projects shall conclude no later than January 1, 1997. The department shall make an interim report on the projects to the governor and appropriate committees of the legislature on or before October 1, 1996. The department shall present the final results of the pilot projects and any final recommendations related to the projects to the governor and appropriate committees of the legislature on or before April 1, 1997.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

- (1) RCW 43.72.850 and 1993 c 492 s 485; and
- (2) RCW 43.72.860 and 1993 c 492 s 486."

Correct the title accordingly.

Signed by Representatives Dyer, Chairman; Backlund, Vice Chairman; Hymes, Vice Chairman; Dellwo, Ranking Minority Member; Cody, Assistant Ranking Minority Member; Campbell; Casada; Conway; Crouse; Kessler; Sherstad and Skinner.

Voting Yea: Representatives Backlund, Campbell, Casada, Cody, Conway, Crouse, Dellwo, Dyer, Hymes, Kessler, Sherstad and Skinner.

Excused: Representative Morris.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Horn presiding) declared the House to order.

The Speaker called the House to order.

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Joel Pritchard; President Pro Tempore, Lorraine Wojahn; Vice President Pro Tempore, Rosa Franklin; Majority Leader, Marc Gaspard; and Minority Leader, Dan McDonald to seats on the rostrum.

The Speaker invited the Senators to seats within the House Chamber.

SPEAKER'S PRIVILEGE

It is our privilege to again host the Award Ceremony for the winners of the Medal of Merit. We welcome you President Pritchard, our colleagues from the Senate, Medal recipients and all other guests who are with us today.

It is a pleasure for me to give you, President Pritchard, the gavel to preside over this Joint Session.

JOINT SESSION

The Clerk of the Senate called the roll of the Senate.

The Clerk of the House called the roll of the House.

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appoints Representatives Stevens and Tokuda and Senators McAuliffe and Finkbeiner as a special committee to advise the Governor that the Joint Session has assembled and to escort him from his Chambers to the bar of the House.

The President of the Senate appoints Representatives Robertson and Regala and Senators Spanel and Morton as a special committee to escort the Supreme Court Justices from the State Reception Room the bar of the House.

The President of the Senate appoints Representatives Schoesler and Conway and Senator Haugen to escort the Statewide Elected Officials from the State Reception Room to the bar of the House.

The President of the Senate introduced the Supreme Court Justices and the State Elected Officials.

The Sergeant at Arms announced the arrival of the Governor, Mike Lowry.

The President of the Senate instructed the Sergeant at Arms to escort Governor Mike Lowry to his seat on the rostrum.

REMARKS BY PRESIDENT PRITCHARD

President Pritchard: Ladies and gentlemen, It is my pleasure to welcome the Governor, Members of the Supreme Court, and our State Elected Officials who are with us for this Medal of Merit Ceremony.

The President of the Senate appoints Representatives Ballasiotes, Jacobsen, Honeyford and Cody and Senators Deccio and Prentice to escort Honorees from the State Reception Room to the rostrum.

The President of the Senate introduces Secretary of State, Ralph Munro.

REMARKS BY SECRETARY OF STATE, RALPH MUNRO

Mr. Speaker and Mr. President, members of the Court, Elected Officials and distinguished guests all. In the mid 1980's Speaker John O'Brien and others proposed an award to be offered by Washington State government to "any person who has been distinguished by his exceptionally meritorious conduct in performing outstanding services to the people of Washington State". The legislature passed Speaker O'Brien's proposal and it was signed by Governor Booth Gardner.

Each year the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chief Justice of the Washington state Supreme Court and the Secretary of State meet to discuss candidates for the Medal of Merit. Some proposed nominations come from the public, some from members of the legislature and other elected officials throughout the state, and some come from the Committee itself.

Previous winners include the very best of Washington State:

Doctor Lester Sauvage, world renown heart surgeon and scientist now leads the Hope Heart Clinic in Seattle.

Professor Orval Vogel, researcher and inventor of Washington's super wheat to feed the world from Pullman in the Polouse.

Senator Henry M. Scoop Jackson, defender of freedom around the globe, the school kid from Everett who went to the top.

Dorothy Bullit, benefactor and entrepreneur and philanthropist from Seattle, a pioneer in broadcasting.

Senator Warren G. Magnuson, prosecutor, politician and President Pro Tempore of the United State Senate. In the era of bringing home the bacon Maggie brought home the whole pig.

Eddie Carlson, who went from bellhop at the Olympic to Civic Leader of the pacific northwest.

Julia Butler Hansen, Chairman of the Interior Committee of the United States House of Representatives, because of her, every cabinet member in the United States government learned exactly where Kathlamet Washington is located.

Dr. Beldine Skribbner, physician, inventor, research and development of the kidney dialysis equipment for the world.

Francis Penrose Owen, civil leader, business executive, organizer of numerous charitable and illumnosary activities and long time regent at Washington State University.

James Reed Ellis, Seattle advocate and attorney, founder of Metro, cleaning up western Washington waters and forward thinker of forward thrust.

Dr. Charles O'dgard, professor, educator and leader who struggled during the difficult and often tumultuous 1960's to build one of the finest universities in the world [U.W.]

And finally, Dr. William Hutchinson, the ballplayer's brother who went to medical school and who refused to strike out against cancer, and continues to beat it on a daily basis, the founder of the Freddy Hutichinson Cancer Research Center.

During the years of 1991, 1992, 1993 and 1994 your committee met, reviewed nominations and decided to wait. We have always remembered that the law says "exceptional meritorious conduct and outstanding service". It is with greatest respect today that the committee reports that two names have been selected for 1995. These two outstanding individual Washingtonians are Dr. Michael Copass of Seattle and King County and Dr. Kathleen Ross of Toppenish in Yakima County. Thank you.

The President of the Senate is honored to introduce guests to honor Dr. Kathleen Ross and guests here to honor Dr. Michael Copass, his wife, Lucy, their daughter, Chloantha.

The President of the Senate introduced the delegation from Uruguay: Mr. Gonzalo Cibils, Mr. Medardo Manini Rios, Mr. Gonzalo Irrazabal Buquet, Mr. Roberto Yavarone, Mr. Alvaro Alonso, Ms. Carina Gomez, Mr. Arturo Collazo Miranda, Mr. Juan Maspoli Bianchi and Mr. Gustavo Faulord Calisto.

The Speaker assumed the chair.

Speaker: The purpose of the Joint Session is to present Medal of Merit Awards for the fifth time, honoring two deserving Washington State citizens who have been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and State of Washington.

At this time I will take the gavel from the President for the purpose of introducing him as a participant in the Ceremony.

SPEAKER'S PRIVILEGE

Ladies and Gentlemen, the Speaker has the honor to present to you, Lt. Governor, Joel Pritchard for the purpose of introducing and honoring Dr. Michael Copass.

REMARKS BY PRESIDENT PRITCHARD

I believe all of you have read the program, but just to remind you Dr. Copass directed the emergency center at Harborview, the medical director of the airlift northwest, medical director of the King County medic one program 911, spectacular achievement! You realize that, and it's said not in jest, but in truth that the safest place in the world to have a heart attack is Seattle. And this gentleman was the driving force, and he was the key to putting in this team. And besides that he also has time to work and teach at the University of Washington as a professor of neurology.

I think the easiest way to explain what Mike has accomplished.... I was over on Bainbridge Island and I was watching a playfield where some children were playing and there was a father there and he was playing with the children. And I realized that was the same man who two years ago was hit, he was on a bike and he was hit by a car and he was run over and dragged two-hundred feet. People thought he was dead, but he was alive. They said he isn't going to make it but they got a hold of a helicopter and they flew him to Harborview. They said he may live he may not, he is obviously is going to be in terrible shape if he does live. Two years later he's playing with baseball with his children. That's the legacy that this man has left.

And I know that he'd be the first one to say, "that many other people have been involved, I don't do it alone." Personally he's saved hundreds of people by his actions, his staff has saved thousands. And because of the system he's put together has been replicated in so many other systems, now he's saved thousands.

And just two weeks ago I had someone from a foreign country come and say, "We want to go up to Harborview and see how they do it. We're going to put a system like this in our country." So he's going to affect the lives of millions of people. So it's with great pleasure that I introduce Mike Copass, Doctor Michael Copass, here Medal of Merit winner.

REMARKS BY DR. MICHAEL COPASS

It is an intimidating job to face down things that are said about you. I frequently start speeches by reminding people that I could be prematurely grey and likewise prematurely senile but I'll let you be the judge of that.

I one time started a speech by the phrase, "in my farming days". I was 18, I was practicing that speech in a courtroom of a man whose standards I wasn't sure I could meet. He was a little man from west Texas, who was absolutely sure I needed as much work as I could possibly do. So he guaranteed that I could work for one of his friends who farmed a fairly large and somewhat desperate collection of sand in Franklin County.

When you think about activities that impress you, farming for an 18 year old, when you're all alone, always hot, insufferably so, always cold, the same does leave you with a memory. I think my life passed fairly quickly.

And so the second real impact came upon me and that was ... I could start a speech and say, "In my Harborview days". I've been at Harborview for a long time, my entire professional life, save that spent in the military. Education passes by like the speed of light, no matter whether it's collegiate or medical school, but

one's professional duties add like the skin of an onion. And I think about that particular facility which has existed in the state under the largess of the University, and I think about the contribution that facility has made to this State, to the county of King, to the city of Seattle, and to the region. And I think we are very lucky and I think it is a privilege to serve there.

So the truth of this speech is that I thank you for allowing me the privilege to be one of your servants. I've enjoyed my time in that institution. We've spent every day trying to make ourselves better, we've spent every day trying to get the most we can out of what resources we have and we use them wisely. Our goal and our ambition is to provide reasonable care for the citizens of this place and to provide an educational format for those individuals who come from this state who need to be the next generations physicians. People that we see as leaders in their communities they are chosen to go to school for their talent, they must leave the school professionally skilled as leaders.

So I thank you for this monumental award. And I also thank you for allowing me these last twenty-two years to function as a member of this intellectual community -- the University of Washington School of Medicine, to participate in the activities of this remarkable state and to be able to do the things that we had done in the institution under the golden dome at 9th and Jefferson, for the people who need our help. May I thank you.

REMARKS BY GOVERNOR LOWRY

Thank you Mr. President, Mr. Speaker, members of the State Supreme Court, members of the State Legislature, Citizens of the State of Washington, thank you for allowing me the honor to make this next presentation of our Medal of Merit.

Dr. Kathleen Ross has dedicated her life to education as founding President of Heritage College. Dr. Ross has sought to bring higher education to culturally diverse students who otherwise might not have a Four-year college opportunity. The success of Heritage College has been phenomenal, in 1982 the college had an initial class of approximately 80 students, now the college enrolls more than 1100 students a year. 50% of the undergraduate students are either Native American or Hispanic, and 85% are the first persons from their families to attend college. In addition, 70% of the students are women and 60% live below the poverty level.

Heritage College started as an outreach effort of Ft. Wright College in Spokane where Dr. Ross was academic Vice President. When Ft. Wright closed community leaders from the Yakima Indian Nation and Yakima Valley refused to let the program die. Along with Dr. Ross they established a new college specifically for the people of the Yakima Valley region.

Today the College graduates between 700 - 800 students a year in education, social sciences, liberal arts and business management. Heritage College also offers a Masters of Education degree that produces close to 100 graduates each year making Heritage College the school that graduates the most minority teachers in Washington State. Importantly, many Heritage graduates return to their home communities to teach.

Dr. Ross is nationally known as a leader in higher education especially in the field of cross cultural communication. In 1989 she was one of three recipients of the National Herald McGraw prize in education. In 1991 Georgetown University presented her with the John Kennedy Award. She has honor degrees from Dartmouth, Alverno, Pomona and Whitworth Colleges and Seattle University. Dr. Ross holds a Ph.D. and is an instrumental member of the Sisters of the Holy Names of Jesus and Mary. And I'm very honored to present her with the 1995 Washington State Medal of Merit. Dr. Ross.

REMARKS BY DR. KATHLEEN ROSS

Thank you Governor Lowry; Speaker of the House, Clyde Ballard, from a city dear to my heart, Wenatchee. Lt. Governor Joel Pritchard; Our Secretary of State, Ralph Monroe; and

distinguished members of the Legislature; our Chief Justice Durham and Justices of the Court; and all of my new friends and my old friends here.

I'm really thrilled to accept this medal today because it symbolizes to me, how people who dream together, who create a vision together, who support each other in pursuit of that vision and who trust in God's providence together, can make a difference.

So I accept this medal today not just for myself but on behalf of all those people who have made a difference by creating and nurturing and sustaining Heritage College. This includes the more than 5,000 individual students that have taken at least one course at Heritage College, in a place where on four year college existed fourteen years ago. It also includes the faculty, the staff, the administrators, the board of directors. The faculty, staff and administrators work for private college wages but they provide a tremendous public service for the State of Washington and are proud of it.

I accept this on behalf also of the hundreds of persons in the Yakima Valley and throughout the State that have given not only a beautiful new library to Heritage, and there's a nice picture of it out in that display [in the capitol rotunda] but have also given dozens of vital scholarships and other operational support.

I also think, most especially, in accepting this award of the Yakima Indian Nation whose educational leaders provided the original vision of what could be and who continue to support the growth of our multi-ethnic College. And unfortunately all of those education leaders are in Washington D.C. for a major Indian conference today, so they couldn't join us here.

My sharing this award also includes thanks to the Sisters of the Holy Name who supported the college at the very beginning even though it was to be a nonsectarian institution.

I also want to thank the members of this legislature especially and the Governor's office because you have provided financial aid in the form of the Washington State Need Grant, the Educational Opportunity Grant, the Work Study Funds and without these vital funds Heritage would be without 95% of its students. That would be a petty small school.

And last but not least, in people who have made a difference for me I include my Mother Mary Ross of Wenatchee, and my sister Rosemary of the Dalles in Oregon.

In receiving this medal today I was asking myself what makes the Heritage story so unique and seemingly deserving of recognition? And my answer is a very simple word: Opportunity. Heritage has demonstrated that creating opportunities for people brings success for an entire community which could not even have been imagined before hand.

What do I mean when I say opportunity? Well, I mean opportunity that knocks at each citizen's door regardless of the geographic location, regardless of the financial condition, regardless of the ethnic background. Opportunity that expresses the belief that each citizen can become a contributor to society not just a consumer of society's benefits. An opportunity that comes into being when each person is treated with dignity empowering each to have the courage to reach for his or her full God-given human potential. This is the kind of opportunity which Heritage is dedicated to creating.

As I was thinking of what to share with you the last couple of days one of our faculty brought a thank you note to me that he had received in the mail and I would like to share it with all of you:

Dear Doctor;

I just wanted to take this opportunity to thank you for the enormous changes your work has brought in my life. When we first met in 1991 I was living on public assistance with not much hope for anything. Since that time I have not only managed to become self supporting but to increase my income by about \$10,000 a year. This has certainly improved my and my children's lives. The work you do is so important and you'll always have my respect and gratitude. Thanks Again

Signed one of our students

That is what opportunity is about.

I thank you today for this very high honor bestowed on me and on Heritage College and in accepting it I challenge each of us to measure what we are doing against that yard stick of creating opportunities. Opportunities which will allow for the creation of a better world for the generations yet to come. This will mean creating opportunities proportionally for all people at all levels of society. Opportunities for individuals to become contributors to society and not just bigger consumers of either private or public wealth.

How exciting it is to me to think of the future if all our expectations are focused on increasing opportunities for everybody at every level of society and not simply meeting the popular short-term expectations of increasing everyone's disposable income.

I feel a great joy and pride in accepting this medal today. The joy and satisfaction of creating opportunities which allows people to change their lives is a far greater award than any material award I can imagine. And this medal today celebrates that joy and pride.

And on a spiritual level I have to say it's truly an awesome privilege to participate in God's own work of creating new life in others. My wish for each of you here today is that you would experience the same joy and satisfaction.

Again, Thank you. To our legislators please consider continuing your support for financial aid. And God Bless everyone of you.

The President of the Senate instructed the special committee to escort Dr. Ross and Dr. Copass the State Reception Room.

The President of the Senate instructed the special committee to escort Governor Lowry to the State Reception Room.

The President of the Senate instructed the special committee to escort the Statewide Elected Officials to the State Reception Room.

The President of the Senate instructed the special committee to escort the Supreme Court Justices to the State Reception Room.

MOTION

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

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

The Speaker instructed the Sergeant at Arms of the House, and the Sergeant at Arms of the Senate, to please come forward and escort President, Joel Pritchard; President Pro Tempore, Lorraine Wojahn; Vice President Pro Tempore, Rosa Franklin; Majority Leader, Marc Gaspard; Minority Leader, Dan McDonald; and members of the Washington State Senate from the House Chamber.

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

MOTION

On motion of Representative Padden, the House adjourned until 9:55 a.m., Tuesday, March 21, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SEVENTY-FIRST DAY, MARCH 20, 1995

JOURNAL OF THE HOUSE

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

SEVENTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 21, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Schoesler presiding).

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

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

INTRODUCTIONS AND FIRST READING

HB 2081 by Representative Chandler

AN ACT Relating to litter tax collections; and amending RCW 82.19.010 and 82.32.045.

Referred to Committee on Finance.

HB 2082 by Representative Chandler

AN ACT Relating to eliminating the wood stove education program and associated fees; and repealing RCW 70.94.480 and 70.94.483.

Referred to Committee on Appropriations.

HB 2083 by Representatives Silver and Cooke

AN ACT Relating to public assistance; and reenacting and amending RCW 74.04.005.

Referred to Committee on Appropriations.

HB 2084 by Representatives Silver and Cooke

AN ACT Relating to the elimination of the family policy council program, including the community network provisions; amending RCW 69.50.520; and repealing RCW 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.070, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.140, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.910, and 70.190.920.

Referred to Committee on Appropriations.

HB 2085 by Representative Silver

AN ACT Relating to the elimination of the attendance incentive program for state employees; repealing RCW 41.04.340; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2086 by Representative Brumsickle

AN ACT Relating to the learning assistance program; amending RCW 28A.165.070; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2087 by Representative Brumsickle

AN ACT Relating to education credits used to calculate the state salary allocation schedule; amending RCW 28A.150.410; repealing RCW 28A.415.020; and declaring an emergency.

Referred to Committee on Appropriations.

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

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

REPORTS OF STANDING COMMITTEES

HB 1969 Prime Sponsor, Representative Reams: Providing for competitive strategies in the delivery of government services. Reported by Committee on Government Operations
March 17, 1995

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Voting Yea: Representatives Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, D. Schmidt, L. Thomas and Van Luven.

Voting Nay: Representatives Chopp, R. Fisher, Rust, Scott, Sommers and Wolfe.

Referred to Committee on Appropriations.

HB 2080 Prime Sponsor, Representative K. Schmidt: Providing transportation funding and appropriations. Reported by Committee on Transportation
March 17, 1995

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell,

Vice Chairman; Skinner, Vice Chairman; Backlund; Blanton; Buck; Cairnes; Chandler; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Robertson; D. Schmidt and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Chopp; Ogden; Patterson; Romero and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Buck, Cairnes, Chandler, Chopp, Elliot, Hankins, Horn, Johnson, Koster, McMahan, Mitchell, Robertson, D. Schmidt, K. Schmidt, Scott and Skinner.

Voting Nay: Representatives Brown, Chopp, R. Fisher, Hatfield, Ogden, Patterson, Quall, Romero and Tokuda.

Passed to Committee on Rules for second reading.

March 20, 1995

SSB 5279 Prime Sponsor, Senator Prentice: Authorizing fees for certain small loans. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler and Pelesky.

Voting Yea: Representatives Benton, Campbell, Costa, Dellwo, Dyer, Grant, Huff, Kessler, Pelesky, Smith, L. Thomas and Wolfe.

Excused: Representatives Beeksma, Mielke and Ogden.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 9:55 a.m. Wednesday, March 22, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SEVENTY-SECOND DAY, MARCH 21, 1995

JOURNAL OF THE HOUSE

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

SEVENTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 22, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

REPORTS OF STANDING COMMITTEES

March 20, 1995

HB 2074 Prime Sponsor, Representative Backlund: Clarifying a 1994 transportation appropriation.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; Skinner, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Cairnes; Chopp; Elliot; Hankins; Johnson; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Buck, Cairnes, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Johnson, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, Skinner and Tokuda.

Excused: Representatives Chandler, Horn and Koster.

Passed to Committee on Rules for second reading.

March 21, 1995

SB 5027 Prime Sponsor, Smith: Extending the period of time within which a prosecution for homicide by abuse may be commenced. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Hickel, Lambert, McMahan, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Excused: Representatives Delvin and Morris.

Passed to Committee on Rules for second reading.

March 21, 1995

SB 5039 Prime Sponsor, Fairley: Clarifying the elements of the crime of luring. Reported by
Committee on Law & Justice

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 7, strike "developmentally disabled person" and insert "~~((developmentally disabled person))~~ a person with a developmental disability"

On page 1, line 10, strike "the developmentally disabled person's guardian" and insert "~~((the developmentally disabled person's guardian))~~ of the guardian of the person with a developmental disability"

On page 1, line 16, strike "developmentally disabled person" and insert "~~((developmentally disabled person))~~ the person with the developmental disability"

On page 2, line 1, strike "Developmentally disabled person" and insert "~~((Developmentally disabled person))~~ Person with a developmental disability"

Signed by Representatives Padden, Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.
Excused: Representative Delvin.

Passed to Committee on Rules for second reading.

March 21, 1995

SB 5046 Prime Sponsor, Haugen: Revising filing requirements for interlocal agreements. Reported by
Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 21, 1995

SSB 5067 Prime Sponsor, Committee on Government Operations: Simplifying distribution and pricing
of state legal publications. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 21, 1995

SSB 5367 Prime Sponsor, Committee on Law & Justice: Clarifying penalties for failure to obey an officer. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.
Excused: Representative Delvin.

Passed to Committee on Rules for second reading.

March 21, 1995

ESB 5873 Prime Sponsor, Fairley: Raising the fine for parking in places reserved for physically handicapped persons. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 32, after "is a" strike "traffic" and insert "~~((traffie))~~ parking"

On page 4, line 4, after "The" strike "portion of a" and insert "~~((portion of a))~~"

On page 4, beginning on line 5, after "section" strike all material through "35.20.220" on line 6, and insert "~~((that is retained by a local jurisdiction under RCW 3.46.120, 3.50.100, 3.62.020, 3.62.040, or 35.20.220))~~"

Signed by Representatives Padden, Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.
Excused: Representative Delvin.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 9:55 a.m., Thursday, March 23, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SEVENTY-THIRD DAY, MARCH 22, 1995

JOURNAL OF THE HOUSE

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

SEVENTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 23, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

INTRODUCTIONS AND FIRST READING

HB 2088 by Representatives Carrell, Benton, Cairnes, Campbell, Chappell, Goldsmith, Smith, Fuhrman, Thompson, Boldt, Koster, Clements and Pelesky

AN ACT Relating to joint residential placement; amending RCW 26.09.004, 26.09.187, and 26.09.260; and adding new sections to chapter 26.09 RCW.

Referred to Committee on Law & Justice.

There being no objection, the bill listed on today's introduction sheet under the fourth order of business was referred to the committee so designated.

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

REPORTS OF STANDING COMMITTEES

ESB 5019 Prime Sponsor, Snyder: Relating to industrial developments. Reported by Committee on Government Operations
March 22, 1995

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 4, beginning with "and" strike all the matter through "82.02.060" on line 5, and insert "and/or applicable impact fees are paid"

Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Excused: Representatives Chopp and Sommers.

Passed to Committee on Rules for second reading.

March 22, 1995

SSB 5022 Prime Sponsor, Committee on Labor, Commerce & Trade: Allowing United States military dependents' identification as identification cards for liquor purchases. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes, Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Hargrove, Horn, Lisk, Romero and Thompson.
Excused: Representative Goldsmith.

Passed to Committee on Rules for second reading.

March 21, 1995

SB 5042 Prime Sponsor, Winsley: Directing cities and towns to deliver copies of new ordinances to the municipal research council. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 22, 1995

SSB 5053 Prime Sponsor, Committee on Government Operations: Modifying real estate disclosure provisions. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 64.06.010 and 1994 c 200 s 2 are each amended to read as follows:
(1) Except as provided in subsection (2) of this section, this chapter does not apply to the following transfers of residential real property:
~~((1))~~ (a) A foreclosure, deed-in-lieu of foreclosure, real estate contract forfeiture, or a sale by a lienholder who acquired the residential real property through foreclosure ~~((or))~~, deed-in-lieu of foreclosure, or real estate contract forfeiture;
~~((2))~~ (b) A gift or other transfer to a parent, spouse, or child of a transferor or child of any parent or spouse of a transferor;
~~((3))~~ (c) A transfer between spouses in connection with a marital dissolution;
~~((4))~~ (d) A transfer where a buyer had an ownership interest in the property within two years of the date of the transfer including, but not limited to, an ownership interest as a partner in a

partnership, a limited partner in a limited partnership, a shareholder in a corporation, a leasehold interest, or transfers to and from a facilitator pursuant to a tax deferred exchange;

~~((5))~~ (e) A transfer of an interest that is less than fee simple, except that the transfer of a vendee's interest under a real estate contract is subject to the requirements of this chapter; ~~(and~~
~~(6))~~ (f) A transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and

(g) A transfer of new residential construction, if the seller is registered under chapter 18.27 RCW, and if the buyer is the first purchaser and occupant.

(2) This chapter shall apply to transfers of residential real property exempt under this section, if the seller provides to the buyer a completed real property transfer disclosure statement in the form described in RCW 64.06.020(1).

Sec. 2. RCW 64.06.020 and 1994 c 200 s 3 are each amended to read as follows:

(1) In a transaction for the sale of residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW 64.06.010, deliver to the buyer a completed real property transfer disclosure statement in the following ~~((form))~~ format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than ~~((---))~~ five business days ~~((or five days if not filled in) of))~~, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE ~~((---))~~ THREE BUSINESS DAYS, ~~((OR THREE BUSINESS DAYS IF NOT FILLED IN))~~ UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ~~((REVOKE YOUR OFFER))~~ RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ((REVOCATION)) RESCISSION TO THE SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY ROT INSPECTORS. THE PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller is/ is not occupying the property.

I. SELLER'S DISCLOSURES:

*If "Yes" attach a copy or explain. If necessary use an attached sheet.

1. TITLE

- Yes No Don't know A. Do you have legal authority to sell the property?
 Yes No Don't know * B. Is title to the property subject to any of the following?
(1) First right of refusal
(2) Option
(3) Lease or rental agreement
(4) Life estate?
- Yes No Don't know * C. Are there any encroachments, boundary agreements, or boundary disputes?
 Yes No Don't know * D. Are there any rights of way, easements, or access limitations that may affect the owner's use of the property?
 Yes No Don't know * E. Are there any written agreements for joint maintenance of an easement or right of way?
 Yes No Don't know * F. Is there any study, survey project, or notice that would adversely affect the property?
 Yes No Don't know * G. Are there any pending or existing assessments against the property?
 Yes No Don't know * H. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the subject property that would affect future construction or remodeling?
 Yes No Don't know * I. Is there a boundary survey for the property?
 Yes No Don't know * J. Are there any covenants, conditions, or restrictions which affect the property?

2. WATER

A. Household Water

- (1) The source of the water is Public
 Community Private Shared
(2) Water source information:

- Yes No Don't know * a. Are there any written agreements for shared water source?
 Yes No Don't know * b. Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
 Yes No Don't know * c. Are any known problems or repairs needed?
 Yes No Don't know * d. Does the source provide an adequate year round supply of potable water?
 Yes No Don't know * (3) Are there any water treatment systems for the property? Leased
 Owned

B. Irrigation

- Yes No Don't know (1) Are there any water rights for the property?
 Yes No Don't know * (2) If they exist, to your knowledge, have the water rights been used during the last five-year period?
 Yes No Don't know * (3) If so, is the certificate available?

C. Outdoor Sprinkler System

- Yes No Don't know (1) Is there an outdoor sprinkler system for the property?
 Yes No Don't know * (2) Are there any defects in the outdoor sprinkler system?

3. SEWER/SEPTIC SYSTEM

A. The property is served by: Public sewer main,
 Septic tank system Other disposal system
(describe)

- Yes No Don't know B. If the property is served by a public or community sewer main, is the house connected to the main?

C. Is the property currently subject to a sewer capacity charge?

D. If the property is connected to a septic system:

Yes No Don't know (1) Was a permit issued for its construction, and was it approved by the city or county following its construction?

(2) When was it last pumped:

, 19. . .

Yes No Don't know * (3) Are there any defects in the operation of the septic system?

Don't know (4) When was it last inspected?

, 19. . .

By Whom:

Don't know (5) How many bedrooms was the system approved for?

bedrooms

Yes No Don't know * ((D)) E. Do all plumbing fixtures, including laundry drain, go to the septic/ sewer system? If no, explain:

Yes No Don't know * ((E)) F. Are you aware of any changes or repairs to the septic system?

Yes No Don't know ((F)) G. Is the septic tank system, including the drainfield, located entirely within the boundaries of the property?

4. STRUCTURAL

Yes No Don't know * A. Has the roof leaked?

Yes No Don't know If yes, has it been repaired?

Yes No Don't know * B. Have there been any conversions, additions, or remodeling?

Yes No Don't know * 1. If yes, were all building permits obtained?

Yes No Don't know * 2. If yes, were all final inspections obtained?

Yes No Don't know C. Do you know the age of the house? If yes, year of original construction:

Yes No Don't know * D. Do you know of any settling, slippage, or sliding of the house or other improvements? If yes, explain:

Yes No Don't know * E. Do you know of any defects with the following: (Please check applicable items)

- Foundations Decks Exterior Walls
- Chimneys Interior Walls Fire Alarm
- Doors Windows Patio
- Ceilings Slab Floors Driveways
- Pools Hot Tub Sauna
- Sidewalks Outbuildings Fireplaces
- Garage Floors Walkways
- Other Wood Stoves

Yes No Don't know * F. Was a pest or dry rot, structural or "whole house" inspection done? When and by whom was the inspection completed?

Yes No Don't know * G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?

5. SYSTEMS AND FIXTURES

If the following systems or fixtures are included with the transfer, do they have any existing defects:

Yes No Don't know * A. Electrical system, including wiring, switches, outlets, and service

Yes No Don't know * B. Plumbing system, including pipes, faucets, fixtures, and toilets

Yes No Don't know * C. Hot water tank

Yes No Don't know * D. Garbage disposal

- B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller.
- C. Buyer (which term includes all persons signing the "buyer's acceptance" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. YOU, THE BUYER, HAVE ~~((---))~~ THREE BUSINESS DAYS ~~((OR THREE BUSINESS DAYS IF NOT FILLED IN))~~, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ~~((REVOKE YOUR OFFER))~~ RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ~~((REVOCATION))~~ RESCISSION TO THE SELLER UNLESS YOU WAIVE THIS RIGHT OF ~~((REVOCATION))~~ RESCISSION.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE BUYER BUYER

(2) The real property transfer disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential real property. The real property transfer disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 3. RCW 64.06.030 and 1994 c 200 s 4 are each amended to read as follows:

Unless the buyer has expressly waived the right to receive the disclosure statement, ~~((within))~~ not later than five business days or as otherwise agreed to, ~~((of))~~ after mutual acceptance of a written agreement between a buyer and a seller for the purchase and sale of residential real property, the seller shall deliver to the buyer a completed, signed, and dated real property transfer disclosure statement. Within three business days, or as otherwise agreed to, of receipt of the real property transfer disclosure statement, the buyer shall have the right to exercise one of the following two options: (1) Approving and accepting the real property transfer disclosure statement; or (2) rescinding the agreement for the purchase and sale of the property, which decision may be made by the buyer in the buyer's sole discretion. If the buyer elects to rescind the agreement, the buyer must deliver written notice of rescission to the seller within the ~~three-business-day~~ period, or as otherwise agreed to, and upon delivery of the written rescission notice the buyer shall be entitled to immediate return of all deposits and other considerations less any agreed disbursements paid to the seller, or to the seller's agent or an escrow agent for the seller's account, and the agreement for purchase and sale shall be void. If the buyer does not deliver a written rescission notice to [the] seller within the ~~three-business-day~~ period, or as otherwise agreed to, the real property transfer disclosure statement will be deemed approved and accepted by the buyer.

Sec. 4. RCW 64.06.040 and 1994 c 200 s 5 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller becomes aware of additional information, or an adverse change occurs which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the ~~((adverse change is corrected or repaired))~~ corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW

64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three-business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

Sec. 5. RCW 64.06.050 and 1994 c 200 s 6 are each amended to read as follows:

(1) The seller of residential real property shall not be liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the seller had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the seller of residential real property has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the seller shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

(2) Any licensed real estate salesperson or broker involved in a residential real property transaction is not liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the licensee had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the salesperson or broker has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the salesperson or broker shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

Sec. 6. RCW 64.06.070 and 1994 c 200 s 8 are each amended to read as follows:

Except as provided in RCW 64.06.050, nothing in this chapter shall extinguish or impair any rights or remedies of a buyer of real estate against the seller or against any agent acting for the seller otherwise existing pursuant to common law, statute, or contract; nor shall anything in this chapter create any new right or remedy for a buyer of residential real property other than the right of rescission exercised on the basis and within the time limits provided in this chapter.

NEW SECTION. **Sec. 7.** Section 2 of this act shall take effect January 1, 1996."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.010, 64.06.020, 64.06.030, 64.06.040, 64.06.050, and 64.06.070; and providing an effective date."

Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Veloria, Assistant Ranking Minority Member; Backlund; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Ballasiotes, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sherstad, Skinner, Valle, Van Luven and Veloria.
Excused: Representatives Ballasiotes and Sheldon.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5078 Prime Sponsor, Fraser: Concerning premium finance agreements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

MINORITY recommendation: Do not pass. Signed by Representative Costa.

Voting Yea: Representatives Beeksmas, Campbell, Dellwo, Grant, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representatives Benton, Costa, Dyer and Mielke.

Passed to Committee on Rules for second reading.

March 21, 1995

SSB 5097 Prime Sponsor, Committee on Government Operations: Preserving port district debt limits. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Honeyford; D. Schmidt and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; Hymes; Mulliken and Van Luven.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Honeyford, Reams, Rust, D. Schmidt, Scott, L. Thomas and Wolfe.
Voting Nay: Representatives Hargrove, Hymes, Mulliken and Van Luven.
Excused: Representatives Sommers.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5098 Prime Sponsor, Loveland: Reenacting sections about county financial functions. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Honeyford; Hymes; Sommers; Van Luven and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Hargrove and Mulliken.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Honeyford, Hymes, Reams, Rust, D. Schmidt, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Voting Nay: Representatives Hargrove and Mulliken.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5142 Prime Sponsor, Quigley: Extending authority to enter into payment agreements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 19, after "~~two~~" strike "five" and insert "seven"

Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Campbell, Dellwo, Grant, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Excused: Representatives Benton, Costa, Dyer and Mielke.

Passed to Committee on Rules for second reading.

March 21, 1995

SSB 5183 Prime Sponsor, Committee on Government Operations: Regarding county auditors. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Honeyford; Mulliken; D. Schmidt; Van Luven and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Hargrove and Hymes.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Voting Nay: Representative Hargrove.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 22, 1995

ESSB 5190 Prime Sponsor, Committee on Law & Justice: Making it a crime to tattoo a person under age eighteen without parental consent. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass with the following amendment:

On page 1, at the beginning of line 7, strike "sixteen" and insert "eighteen"

On page 1, line 7, after "misdemeanor." insert "It is not a defense to a violation of this section that the person applying the tattoo did not know the minor's age unless the person applying the tattoo establishes by a preponderance of the evidence that he or she made a reasonable, bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license or other picture identification card or paper and did not rely solely on the oral allegations or apparent age of the minor."

Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan and Smith.
Voting Nay: Representatives Appelwick, Cody, Costa, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5202 Prime Sponsor, Prentice: Lowering the number of items provided by banks for customers' examination of negotiable instruments. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

MINORITY recommendation: Do not pass. Signed by Representative Costa.

Voting Yea: Representatives Beeksma, Campbell, Dellwo, Grant, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representatives Benton, Costa, Dyer and Mielke.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5266 Prime Sponsor, Pelz: Revising provisions regulating court reporting. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.
Excused: Representative Fuhrman.

Passed to Committee on Rules for second reading.

March 21, 1995

SB 5294 Prime Sponsor, Sheldon: Paying for fire fighters' retirement provisions. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5330 Prime Sponsor, Smith: Regulating background checks. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 22, 1995

E2SSB 5342 Prime Sponsor, Committee on Ways & Means: Redefining the program to aid rural natural resources impact areas. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Backlund, Hatfield, Hickel, Mason, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle, Van Luven and Veloria.
Excused: Representative Ballasiotes.

Referred to Committee on Appropriations.

March 22, 1995

2SSB 5387 Prime Sponsor, Committee on Ways & Means: Providing tax incentives for multiple-unit housing in urban centers. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds:

(1) That in many of Washington's urban centers there is insufficient availability of desirable and convenient residential units to meet the needs of a growing number of the public who would live in these urban centers if these desirable, convenient, attractive, and livable places to live were available;

(2) That the lack of these sufficient residential opportunities has resulted in an underutilization of these areas as a place to live by permanent residents and such absence of permanent residents has contributed to the existence of vandalism, juvenile delinquency, the proclivity by some to commit crimes, unreported crimes, and a perception by a large segment of the public that some urban centers are unsafe or undesirable areas to visit or to inhabit after normal working hours;

(3) That the development of additional and desirable residential units in these urban centers that will attract and maintain a significant increase in the number of permanent residents in these areas will help to alleviate the detrimental conditions and social liability that tend to exist in the absence of a viable residential population and will help to achieve the planning goals mandated by the growth

management act under RCW 36.70A.020, including, but not limited to, the encouragement of development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner, the reduction of sprawl, the efficient utilization of multimode transportation systems, and the increased availability of housing to all economic segments of the population of this state;

(4) That planning solutions to solve the problems of urban sprawl often lack incentive and implementation techniques needed to encourage residential redevelopment in those urban centers lacking sufficient residential opportunities, and it is in the public interest and will benefit, provide, and promote the public health, safety, and welfare to stimulate new or enhanced residential opportunities within urban centers through a tax incentive as provided by this chapter; and

(5) That in order to maximize the purpose of this chapter to provide needed livable and attractive places to live in urban centers and to achieve the objectives of the growth management act, it is necessary to allow for the maximum participation by cities in determining where the greatest need for increased residential opportunity exists within urban centers and the location, configuration, and amenities of such residential redevelopment which will best meet the objectives of this chapter and the growth management plan of a city adopted in conformance with the growth management act.

NEW SECTION. Sec. 2. It is the purpose of this chapter to encourage increased residential opportunities for individuals of all income levels in cities with a population of at least one hundred fifty thousand that are required to plan or choose to plan under the growth management act within urban centers where the legislative body of the affected city has found there is insufficient housing opportunities, and that a particular residential development or redevelopment is needed to properly advance the intent and purposes of this chapter. It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities within these urban centers and that will assist in reducing urban sprawl, locating housing close to work locations, promoting land use patterns that support and encourage the use of public transit or other alternatives to automobile use and in making these urban centers a place where more people can, and will, live. To achieve these purposes, this chapter provides for special valuations for eligible improvements associated with multiunit housing in residentially deficient urban centers.

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

(1) "City" means a city with a population of at least one hundred fifty thousand located in a county planning under the growth management act.

(2) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

(3) "Growth management act" means chapter 36.70A RCW.

(4) "Multiple-unit housing" or "multifamily housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing. At least twenty percent of the units may be set aside for households that earn no more than fifty percent of the median income or forty percent of the units may be set aside for households who earn no more than sixty percent of the median income, adjusted for household size.

(5) "Owner" means the property owner of record.

(6) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(7) "Public benefit features" means amenities, uses, and other features of benefit to the public as may be locally designated. Examples include, but are not limited to, plazas, public open spaces, sidewalk surfacing, midblock connections, light standards, street level awnings, canopies or other weather protection features, street level retail uses, street furniture, pedestrian amenities, miniparks, tot lots, daycare centers, common meeting rooms, and other public amenities.

(8) "Rehabilitation improvements" means modifications made to existing structures that have been vacant for at least twelve months and failed to comply with one or more standards of the applicable state or local building or housing codes on or after the effective date of this section.

(9) "Residential targeted area" means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter.

(10) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(11) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

NEW SECTION. Sec. 4. The provisions of this chapter relating to special valuation apply only to locally designated residential targeted areas of those cities planning under the growth management act.

NEW SECTION. Sec. 5. (1) The appraised value of new housing construction, conversion, rehabilitation improvements, and public benefit features qualifying under this chapter is exempt from ad valorem property taxation, for ten successive years beginning January 1 of the year immediately following the calendar year after issuance of the certificate of tax exemption eligibility. However, the exemption does not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(2) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

(3) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

NEW SECTION. Sec. 6. An owner of property making application under this chapter must meet the following requirements:

(1) The new or rehabilitated multiple-unit housing must be located in a residential targeted area as designated by the city;

(2) The multiple-unit housing must meet the guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, design, and other adopted requirements indicated necessary by the city. The required amenities should be relative to the size of the project and tax benefit to be obtained. The governing authority may determine design and other criteria necessary for the new or rehabilitated multihousing unit to attract and keep permanent residents and to properly enhance the appearance and livability of the residential targeted area in which it is to be located;

(3) The new, converted, or rehabilitated multiple-unit housing must provide for a minimum of fifty percent of the space for permanent residential occupancy. At least twenty percent of the units may be set aside for households that earn no more than fifty percent of the median income or forty percent of the units may be set aside for households who earn no more than sixty percent of the median income, adjusted for household size;

(4) New construction of multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application;

(5) Property proposed to be rehabilitated must be vacant at least twelve months before submitting an application and fail to comply with one or more standards of the applicable state or local building or housing codes on or after the effective date of this section;

(6) The applicant must enter into a contract with the city approved by the governing body under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority; and

(7) The applicant must not have received an exemption under this chapter for this multiunit housing project.

NEW SECTION. Sec. 7. (1) The following criteria must be met before an area may be designated as a residential targeted area:

(a) The area must be within an urban center, as determined by the governing authority;

(b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing for persons of all incomes to meet the needs of the public who would be likely to live in the urban center, if the desirable, attractive, and livable places to live were available; and

(c) The providing of additional housing opportunity in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter.

(2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority shall give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate by resolution, all or a portion of the area described in the resolution of intent as a residential targeted area if it finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority shall adopt standards and guidelines to be utilized in considering applications and making the determinations required under section 9 of this act. The standards and guidelines must establish basic requirements for both new construction and rehabilitation including application process and procedures. These guidelines may include the following:

(a) Requirements that address demolition of existing structures and site utilization;

(b) Building design requirements that may include elements addressing aesthetics, parking, height, density, environmental impact, public benefit features, and compatibility with the existing surrounding property and such other amenities as will attract and keep permanent residents and that will properly enhance the appearance and livability of the residential targeted area in which they are to be located; and

(c) Provision for providing public benefit features and continued use of public facilities constructed.

NEW SECTION. Sec. 8. An owner of property seeking tax incentives under this chapter must complete the following procedures:

(1) In the case of rehabilitation or where demolition or new construction is required, the owner shall secure from the governing authority or duly authorized agent, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building and housing codes;

(2) In the case of new and rehabilitated multifamily housing, the owner shall apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption including information indicated on the application form or in the guidelines;

(b) A description of the project and site plan, including location of public facilities, floor plan of units, and other information requested;

- (c) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;
- (3) The applicant must verify the application by oath or affirmation; and
- (4) The application must be made on or before April 1 and must be accompanied by the application fee, if any, required under section 10 of this act. The governing authority may permit the applicant to revise an application before final action by the governing authority.

NEW SECTION. Sec. 9. The duly authorized administrative official or committee of the city may approve the application if it finds that:

- (1) The owner has agreed to include in the new construction or rehabilitation of housing one or more public benefit features;
- (2) A minimum of four units are being constructed or rehabilitated;
- (3) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;
- (4) The owner has complied with all standards and guidelines adopted by the city under this chapter; and
- (5) The site is located in a residential targeted area of an urban center that has been designated by the governing authority in accordance with procedures and guidelines indicated in section 7 of this act.

NEW SECTION. Sec. 10. (1) The governing authority or an administrative official or commission authorized by the governing authority shall approve or deny an application filed under this chapter within ninety days after receipt of the application.

(2) If the application is approved, the city shall issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in section 8 of this act.

(3) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission shall state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by a duly authorized administrative official or commission, an applicant may appeal the denial to the governing authority within thirty days after receipt of the denial. The appeal before the governing authority will be based upon the record made before the administrative official with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official's decision. The decision of the governing body in denying or approving the application is final.

NEW SECTION. Sec. 11. The governing authority may establish an application fee. This fee may not exceed an amount determined to be required to cover the cost to be incurred by the governing authority and the assessor in administering this chapter. The application fee must be paid at the time the application for limited exemption is filed. If the application is approved, the governing authority shall pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the governing authority shall retain that portion of the application fee attributable to its own administrative costs and refund the balance to the applicant.

NEW SECTION. Sec. 12. (1) Upon completion of rehabilitation or new construction for which an application for limited exemption under this chapter has been approved and after issuance of the certificate of occupancy, the owner shall file with the city the following:

(a) A statement of the amount of rehabilitation or construction expenditures made with respect to each housing unit and the composite expenditures made in the rehabilitation or construction of the entire property;

(b) A description of the work that has been completed and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption under this chapter; and

(c) A statement that the work has been completed within three years of the issuance of the conditional certificate of tax exemption.

(2) Within thirty days after receipt of the statements required under subsection (1) of this section, the authorized representative of the city shall determine whether the work completed is consistent with the application and the contract approved by the governing authority and is qualified for limited exemption under this chapter. The city shall also determine which specific improvements completed meet the requirements and required findings.

(3) If the rehabilitation, conversion, or construction is completed within three years of the date the application for limited exemption is filed under this chapter, or within an authorized extension of this time limit, and the authorized representative of the city determines that improvements were constructed consistent with the application and other applicable requirements and the owner's property is qualified for limited exemption under this chapter, the city shall file the certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section. The county assessor shall determine the appraised value of the improvements eligible for the tax exemption under this chapter.

(4) The authorized representative of the city shall notify the applicant that a certificate of tax exemption is not going to be filed if the representative determines that:

(a) The rehabilitation or new construction was not completed within three years of the application date, or within any authorized extension of the time limit;

(b) The improvements were not constructed consistent with the application or other applicable requirements; or

(c) The owner's property is otherwise not qualified for limited exemption under this chapter.

(5) If the authorized representative of the city finds that construction or rehabilitation of multiple-unit housing was not completed within the required time period due to circumstances beyond the control of the owner and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed twenty-four consecutive months.

(6) The governing authority may provide by ordinance for an appeal of a decision by the deciding officer or authority that an owner is not entitled to a certificate of tax exemption to the governing authority, a hearing examiner, or other city officer authorized by the governing authority to hear the appeal in accordance with such reasonable procedures and time periods as provided by ordinance of the governing authority. The owner may appeal a decision by the deciding officer or authority that is not subject to local appeal or a decision by the local appeal authority that the owner is not entitled to a certificate of tax exemption in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty days of notification by the city to the owner of the decision being challenged.

NEW SECTION. Sec. 13. (1) Within thirty days of the anniversary of the date of the certificate of tax exemption and each year for a period of ten years, the owner of the rehabilitated or newly constructed property shall file with a designated agent of the city an annual report indicating the following:

(a) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the previous twelve months ending with the anniversary date;

(b) A certification by the owner that the property has not changed use since the date of the certificate approved by the city;

(c) A certification that all public amenities and improvements are still available for use by the public;

(d) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(e) For applicable projects, a certification of income eligibility for low-income tenants inhabiting the rehabilitated or newly constructed housing units during the previous twelve months.

(2) The designated agent of the city shall forward a copy of the annual report to the county assessor.

NEW SECTION. Sec. 14. (1) If improvements have been exempted under this chapter, the improvements continue to be exempted and not be converted to another use for at least ten years from

date of issuance of the certificate of tax exemption. If the owner intends to convert the multifamily development to another use, the owner shall notify the assessor within sixty days of the change in use. If, after a certificate of tax exemption has been filed with the county assessor the city or assessor or agent discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements as previously approved or agreed upon by contract between the governing authority and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty amounting to twenty percent. The tax shall be imposed on the value of the improvement at the time the tax exemption certificate was issued. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority shall notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all interested parties may be heard and all competent evidence received. After the hearing, the deciding body or officer shall either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor shall make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act shall constitute a new chapter in Title 84 RCW."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "and adding a new chapter to Title 84 RCW."

Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Sheldon, Ranking Minority Member; Backlund; Hickel; Sherstad; Skinner and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Hatfield and Mason.

Voting Yea: Representatives Backlund, Ballasiotes, Hickel, Radcliff, D. Schmidt, Sheldon, Sherstad, Skinner, Valle and Van Luven.

Voting Nay: Representatives Hatfield, Mason and Veloria.

Excused: Representative Ballasiotes.

Referred to Committee on Finance.

March 22, 1995

SSB 5406 Prime Sponsor, Committee on Financial Institutions & Housing: Continuing market interest rates for consumer credit transactions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 17, insert the following:

"**NEW SECTION. Sec. 4.** A new section is added to chapter 63.14 RCW to read as follows:

(1) With respect to a retail installment transaction, as defined in RCW 63.14.010(8), if the court as a matter of law finds the agreement or contract, or any clause in the agreement or contract, to have been unconscionable at the time it was made, the court may refuse to enforce the agreement or contract, may enforce the remainder of the agreement or contract, or may limit the application of any unconscionable clause to avoid an unconscionable result.

(2) If it is claimed or it appears to the court that the agreement or contract, or any clause in the agreement or contract, may be unconscionable, the parties shall be given a reasonable opportunity to present evidence as to its setting, purpose, and effect to assist the court in making a determination regarding unconscionability.

(3) For the purpose of this section, a charge or practice expressly permitted by this chapter is not in itself unconscionable."

Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Campbell, Dellwo, Grant, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Excused: Representatives Benton, Costa, Dyer and Mielke.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5430 Prime Sponsor, Prentice: Regulating the capital and surplus requirements of insurance companies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Campbell, Dellwo, Grant, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Excused: Representatives Benton, Costa, Dyer and Mielke.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5432 Prime Sponsor, Prentice: Regulating unearned premium, loss, and loss expense reserves.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dellwo; Dyer; Huff; Kessler; Ogden and Pelesky.

Voting Yea: Representatives Beeksmas, Campbell, Dellwo, Grant, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Excused: Representatives Benton, Costa, Dyer and Mielke.

Passed to Committee on Rules for second reading.

March 22, 1995

SSB 5545 Prime Sponsor, Committee on Labor, Commerce & Trade: Allowing businesses in this state to participate in the small business innovation research program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; D. Schmidt, Vice Chairman; Veloria, Assistant Ranking Minority Member; Backlund; Hatfield; Hickel; Mason; Sherstad; Skinner and Valle.

Voting Yea: Representatives Hatfield, Radcliff, D. Schmidt, Sherstad, Skinner, Valle, Van Luven and Veloria.

Excused: Representatives Backlund, Ballasiotes, Hickel, Mason and Sheldon.

Referred to Committee on Appropriations.

March 22, 1995

SB 5563 Prime Sponsor, West: Relating to class H liquor licenses issued to hotels operating conference or convention centers or having banquet facilities on property owned or through leasehold interest by the licensed hotel. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Excused: Representative Fuhrman.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5630 Prime Sponsor, Cantu: Limiting nonconsensual common law liens. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representative Chappell.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.
Excused: Representative Chappell.

Passed to Committee on Rules for second reading.

March 22, 1995

ESSB 5662 Prime Sponsor, Committee on Natural Resources: Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 78.56.110 and 1994 c 232 s 11 are each amended to read as follows:

(1) The department of ecology ~~((and the department of natural resources))~~ shall not issue necessary permits to an applicant for a metals mining and milling operation until the applicant has deposited with the department of ecology a performance security which is acceptable to ~~((both agencies))~~ the department of ecology based on the requirements of subsection (2) of this section. This performance

³
security may be:

(a) Bank letters of credit ~~((acceptable to both agencies))~~;
(b) A cash deposit;
(c) Negotiable securities ~~((acceptable to both agencies))~~;
(d) An assignment of a savings account;
(e) A savings certificate in a Washington bank; or
(f) A corporate surety bond executed in favor of the department of ecology by a corporation authorized to do business in the state of Washington under Title 48 RCW ~~((and acceptable to both agencies))~~.

The ~~((agencies))~~ department of ecology may, for any reason, refuse any performance security not deemed adequate.

(2) The performance security shall be conditioned on the faithful performance of the applicant or operator in meeting the following obligations:

(a) Compliance with the environmental protection laws of the state of Washington administered by the department of ecology, or permit conditions administered by the department of ecology, associated with the construction, operation, and closure pertaining to metals mining and milling operations, and with the related ~~((rules))~~ environmental protection ordinances and permit conditions established by ~~((state and))~~ local government ~~((with respect to those operations as defined in RCW 78.44.031(17) and the construction, operation, reclamation, and closure of a metals mining and milling operation))~~ when requested by local government;

(b) Reclamation of metals mining and milling operations that do not meet the threshold of surface mining as defined by RCW 78.44.031(17);

(c) Postclosure environmental monitoring as determined by the department of ecology ~~((and the department of natural resources))~~; and

~~((c))~~ (d) Provision of sufficient funding as determined by the department of ecology for cleanup of potential problems revealed during or after closure.

(3) The department of ecology ~~((and the department of natural resources shall jointly))~~ may, if it deems appropriate, adopt rules for determining the amount of the performance security, requirements for the performance security, requirements for the issuer of the performance security, and any other requirements necessary for the implementation of this section.

(4) The department of ecology ~~((and the department of natural resources, acting jointly,))~~ may increase or decrease the amount of the performance security at any time to compensate for any

alteration in the operation that affects meeting the obligations in subsection (2) of this section. At a minimum, the ~~((agencies))~~ department shall ~~((jointly))~~ review the adequacy of the performance security every two years.

(5) Liability under the performance security shall be maintained until the obligations in subsection (2) of this section are met to the satisfaction of the department of ecology ~~((and the department of natural resources))~~. Liability under the performance security may be released only upon written notification by the department of ecology ~~((, with the concurrence of the department of natural resources))~~.

(6) Any interest or appreciation on the performance security shall be held by the department of ecology until the obligations in subsection (2) of this section have been met to the satisfaction of the department of ecology ~~((and the department of natural resources))~~. At such time, the interest shall be remitted to the applicant or operator. However, if the applicant or operator fails to comply with the obligations of subsection (2) of this section, the interest or appreciation may be used by ~~((either agency))~~ the department of ecology to comply with the obligations.

(7) Only one agency may require a performance security to satisfy the deposit requirements of RCW 78.44.087, and only one agency may require a performance security to satisfy the deposit requirements of this section. However, a single performance security, when acceptable to both the department of ecology and the department of natural resources, may be utilized by both agencies to satisfy the requirements of this section and RCW 78.44.087.

Sec. 2. RCW 78.56.120 and 1994 c 232 s 12 are each amended to read as follows:

The department of ecology may, with staff, equipment, and material under its control, or by contract with others, remediate or mitigate any impact of a metals mining and milling operation when it finds that the operator or permit holder has failed to comply with relevant statutes, rules, or permits, and the operator or permit holder has failed to take adequate or timely action to rectify these impacts.

If the department intends to remediate or mitigate such impacts, the department shall issue an order to submit performance security requiring the permit holder or surety to submit to the department the amount of moneys posted pursuant to ~~((chapter 232, Laws of 1994))~~ RCW 78.56.110. If the amount specified in the order to submit performance security is not paid within twenty days after issuance of the notice, the attorney general upon request of the department shall bring an action on behalf of the state in a superior court to recover the amount specified and associated legal fees.

The department may proceed at any time after issuing the order to submit performance security to remediate or mitigate adverse impacts.

The department shall keep a record of all expenses incurred in carrying out any remediation or mitigation activities authorized under this section, including:

- (1) Remediation or mitigation;
- (2) A reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized; and
- (3) Administrative and legal expenses related to remediation or mitigation.

The department shall refund to the surety or permit holder all amounts received in excess of the amount of expenses incurred. If the amount received is less than the expenses incurred, the attorney general, upon request of the department of ecology, may bring an action against the permit holder on behalf of the state in the superior court to recover the remaining costs listed in this section.

~~((If the department of natural resources finds that reclamation has not occurred according to the standards required under chapter 78.44 RCW in a metals mining and milling operation, then the department of natural resources may cause reclamation to occur pursuant to RCW 78.44.240. Upon approval of the department of ecology, the department of natural resources may reclaim part or all of the metals mining and milling operation using that portion of the surety posted pursuant to chapter 232, Laws of 1994 that has been identified for reclamation.))~~

Sec. 3. RCW 78.44.087 and 1994 c 232 s 23 are each amended to read as follows:

(1) The department shall not issue a reclamation permit until the applicant has deposited with the department an acceptable performance security on forms prescribed and furnished by the department. A public or governmental agency shall not be required to post performance security nor shall a permit holder be required to post surface mining performance security with more than one state or local agency.

(2) This performance security may be:

~~((1))~~ (a) Bank letters of credit acceptable to the department;
~~((2))~~ (b) A cash deposit;
~~((3))~~ (c) Negotiable securities acceptable to the department;
~~((4))~~ (d) An assignment of a savings account;
~~((5))~~ (e) A savings certificate in a Washington bank on an assignment form prescribed by the department;
~~((6))~~ (f) Assignments of interests in real property within the state of Washington; or
~~((7))~~ (g) A corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under Title 48 RCW and authorized by the department.

(3) The performance security shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules adopted under it.

(4) The department shall have the authority to determine the amount of the performance security using a standardized performance security formula developed by the department. The amount of the security shall be determined by the department and based on the estimated costs of completing reclamation according to the approved reclamation plan or minimum standards and related administrative overhead for the area to be surface mined during (a) the next twelve-month period, (b) the following twenty-four months, and (c) any previously disturbed areas on which the reclamation has not been satisfactorily completed and approved.

(5) The department may increase or decrease the amount of the performance security at any time to compensate for a change in the disturbed area, the depth of excavation, a modification of the reclamation plan, or any other alteration in the conditions of the mine that affects the cost of reclamation. The department may, for any reason, refuse any performance security not deemed adequate.

(6) Liability under the performance security shall be maintained until reclamation is completed according to the approved reclamation plan to the satisfaction of the department unless released as hereinafter provided. Liability under the performance security may be released only upon written notification by the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute performance security. The liability of the surety shall not exceed the amount of security required by this section and the department's reasonable legal fees to recover the security.

(7) Any interest or appreciation on the performance security shall be held by the department until reclamation is completed to its satisfaction. At such time, the interest shall be remitted to the permit holder; except that such interest or appreciation may be used by the department to effect reclamation in the event that the permit holder fails to comply with the provisions of this chapter and the costs of reclamation exceed the face value of the performance security.

(8) Except as provided in this section, no other state agency or local government shall require performance security for the purposes of surface mine reclamation and only one agency of government shall require and hold the performance security. The department may enter into written agreements with federal agencies in order to avoid redundant bonding of surface mines straddling boundaries between federally controlled and other lands within Washington state.

~~((The department and the department of ecology shall jointly require performance security for metals mining and milling operations regulated under chapter 232, Laws of 1994.))"~~

On page 1, line 3 of the title, after "operations;" strike the remainder of the title and insert "and amending RCW 78.56.110, 78.56.120, and 78.44.087."

Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksmas, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.
Excused: Representative Buck.

Passed to Committee on Rules for second reading.

March 22, 1995

SB 5895 Prime Sponsor, Snyder: Permitting the exchange of state park lands within the Seashore Conservation Area. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Cairnes, Elliot, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Excused: Representatives Beeksma, Buck and G. Fisher.

Passed to Committee on Rules for second reading.

March 22, 1995

SSB 5957 Prime Sponsor, Committee on Government Operations: Amending plats. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Excused: Representatives Chopp and Sommers.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 1:30 p.m., Friday, March 24, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SEVENTY-FOURTH DAY, MARCH 23, 1995

JOURNAL OF THE HOUSE

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

SEVENTY-FIFTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, March 24, 1995

The House was called to order at 1:30 p.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lisa Chin and Tine Cox. Prayer was offered by Reverend Jack Olive, Mercer Island United Methodists Church.

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

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

RESOLUTION

HOUSE RESOLUTION NO. 95-4630, by Representatives Ogden and Carlson

WHEREAS, The State of Washington will be the recipient of an American Foundation for the Blind "Access 95 Award"; and

WHEREAS, This is a national award which recognizes individuals, organizations, or products that have made a significant difference in improving access for people who are blind and visually impaired; and

WHEREAS, The award will be presented to the State of Washington during the Josephine L. Taylor Leadership Institute which will be held in the Washington, D.C. area on March 16, 1995; and

WHEREAS, The American Foundation for the Blind is a national nonprofit organization founded in 1921 providing services throughout the world to blind and visually impaired persons and their families, and to companies, corporations, and organizations which serve this population; and

WHEREAS, The first president of American Foundation for the Blind was a former Washington State School for the Blind graduate, Robert Irwin. The main school building on campus was named after this prominent educator and leader; and

WHEREAS, The Braille Access Center, located at the Washington State School for the Blind in Vancouver, Washington, is an independent program established in August of 1993 under the direction of Governor Mike Lowry and through the diligent work of a committee made up of various state agencies and blind consumer organizations. Within the Center's first year and one-half of operation over a half million pages of Braille have been produced; and

WHEREAS, Washington is one of the first states to have a system in place where Braille is easily available on demand by blind consumers. The Center also provides a system whereby students at the Washington State School for the Blind can gain important skills through their work in the Center. The Access Center is self-supported and operates on a free-for-service basis;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the great honor bestowed upon this state by the American Foundation for the Blind.

Representative Ogden moved adoption of the resolution.

Representatives Ogden and Carlson spoke in favor of adoption of the resolution.

House Resolution No. 4630 was adopted.

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

INTRODUCTIONS AND FIRST READING

HCR 4406 by Representatives Foreman and Ebersole

Authorizing the operation of equipment to provide unedited television coverage of events within legislative facilities.

MOTION

On motion of Representative Foreman, the rules were suspended, and House Concurrent Resolution No. 4406 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Foreman and Ebersole

Authorizing the operation of equipment to provide unedited television coverage of events within legislative facilities.

The resolution was read the second time.

MOTION

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representatives Foreman and Ebersole spoke in favor of passage of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Concurrent Resolution No. 4406.

MOTIONS

On motion of Representative Talcott, Representative Schoesler was excused.

On motion of Representative Brown, Representative Sommers was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4406, and the resolution passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster,

Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Schoesler and Sommers - 2.

House Resolution No. 4406 was adopted.

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

REPORTS OF STANDING COMMITTEES

March 22, 1995

HB 1255 Prime Sponsor, Representative Padden: Revising provisions relating to juveniles. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Law & Justice. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Sehlin; Sheahan; Talcott and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Dellwo; Rust and Thibaudeau.

Voting Yea: Representatives Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver, Sommers, Talcott and Wolfe.

Voting Nay: Representatives Basich, Dellwo, Rust, Sommers, Thibaudeau and Valle.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 1262 Prime Sponsor, Representative Dyer: Making changes to comprehensive health care coverage. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Hargrove; Hickel; Lambert; Lisk; McMorris; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Dellwo; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksmas, Brumsickle, Carlson, Clements, Cooke, Crouse, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Dellwo, G. Fisher, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Chappell, Foreman, Grant and Reams.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 1410 Prime Sponsor, Representative Silver: Making appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Foreman; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Chappell; Dellwo; G. Fisher; Grant; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Chappell, Dellwo, G. Fisher, Grant, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 1566 Prime Sponsor, Representative Dyer: Changing health care authority responsibilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives G. Fisher and Poulsen.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Dellwo, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Rust, Sehlin, Sheahan, Silver, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives G. Fisher, Poulsen and Sommers.

Excused: Representatives Chappell, Foreman, Grant and Reams.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 2082 Prime Sponsor, Representative Chandler: Eliminating the wood stove education program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Dellwo; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Dellwo, G. Fisher, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 2085 Prime Sponsor, Representative Silver: Eliminating the attendance incentive program for state employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksmas; Brumsickle; Carlson; Cooke; Crouse; Foreman; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Chappell; Dellwo; G. Fisher; Grant; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksmas, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Chappell, Dellwo, G. Fisher, Grant, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 23, 1995

SB 5286 Prime Sponsor, Bauer: Changing provisions relating to the state educational grant account. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.821 and 1991 sp.s. c 13 s 12 are each amended to read as follows:

The state educational (~~grant account~~) trust fund is hereby established in the state treasury. The primary purpose of the trust is to ensure the promise of college student assistance to needy or disadvantaged students, especially middle and high school youth, considered at-risk of dropping out of secondary education, who participate in board-approved early awareness and outreach programs and who enter college within two years of high school graduation.

The (~~commission~~) board shall deposit refunds and recoveries of student financial aid funds expended in prior biennia in such account. The board may also deposit moneys that have been contributed from other state, federal, or private sources.

Expenditures from (~~such account~~) the fund shall be for financial aid to needy or disadvantaged students. The board may expend such sums from the fund as may be necessary to fulfill the purposes of this section including costs to administer aid programs supported by the fund. All earnings of investments of balances in the state educational trust fund shall be credited to the trust fund. Expenditures from the fund shall not be subject to appropriation but are subject to allotment procedures under chapter 43.88 RCW.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 28B.10.821; and declaring an emergency."

Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Benton; Blanton; Delvin; Goldsmith and Mastin.

Voting Yea: Representatives Blanton, Carlson, Delvin, Goldsmith, Mason, Mastin and Mulliken.

Excused: Representatives Basich, Benton, Jacobsen and Sheahan.

Referred to Committee on Appropriations.

March 23, 1995

SSB 5440 Prime Sponsor, Committee on Education: Requiring expulsion from school for at least one year for possession of a firearm on school property. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Clements; Fuhrman; Hatfield; McMahan; Quall; Radcliff; Smith; Talcott and B. Thomas.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson; Pelesky and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Elliot, Fuhrman, Hatfield, Johnson, McMahan, Quall, Radcliff, Smith, Talcott and B. Thomas.

Voting Nay: Representatives Dickerson, Pelesky and Veloria.

Excused: Representatives G. Fisher, Poulsen and Thompson.

Passed to Committee on Rules for second reading.

March 23, 1995

SSB 5647 Prime Sponsor, Committee on Higher Education: Changing retention of leave provisions for employees of community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking Minority Member; Basich; Benton; Blanton; Delvin and Mastin.

MINORITY recommendation: Do not pass. Signed by Representative Goldsmith.

Voting Yea: Representatives Basich, Blanton, Carlson, Delvin, Mason, Mastin and Mulliken.

Voting Nay: Representative Goldsmith.

Excused: Representatives Benton, Jacobsen and Sheahan.

Passed to Committee on Rules for second reading.

March 23, 1995

SB 5699 Prime Sponsor, Fraser: Revising provisions relating to international student exchange visitor placement organizations. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Clements;

Dickerson; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott;
B. Thomas and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, Fuhrman,
Hatfield, Johnson, McMahan, Pelesky, Quall, Radcliff, Smith, Talcott, B. Thomas and Veloria.
Excused: Representatives G. Fisher, Poulsen and Thompson.

Passed to Committee on Rules for second reading.

March 23, 1995

SSB 6002 Prime Sponsor, Committee on Higher Education: Changing community and technical
college tuition refund and fee cancellation provisions. Reported by Committee on
Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Carlson, Chairman;
Mulliken, Vice Chairman; Jacobsen, Ranking Minority Member; Mason, Assistant Ranking
Minority Member; Basich; Benton; Blanton; Delvin; Goldsmith and Mastin.

Voting Yea: Representatives Basich, Blanton, Carlson, Delvin, Goldsmith, Mason, Mastin and
Mulliken.

Excused: Representatives Benton, Jacobsen and Sheahan.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Representative Foreman, all Senate Bills listed on today's committee reports
under the fifth order of business were referred to the committees so designated, all House Bills listed
on today's committee reports under the fifth order of business were placed on the second reading
calendar.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 23, 1995

HB 1070 Prime Sponsor, Representative Sehlin: Adopting the capital budget. Reported by Committee
on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill
do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden,
Ranking Minority Member; Costa; Hankins; McMorris; Mitchell; Pennington; Regala;
L. Thomas and Valle.

Voting Yea: Representatives Chopp, Costa, Hankins, Honeyford, McMorris, Mitchell,
Ogden, Pennington, Regala, Sehlin, L. Thomas and Valle.

Excused: Representative Silver.

Passed to Committee on Rules for second reading.

March 23, 1995

HB 1071 Prime Sponsor, Representative Sehlin: Authorizing general obligation bonds for costs
incidental to the 1995-97 biennium. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill
do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden,
Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Hankins;
McMorris; Mitchell; Pennington; Regala; L. Thomas and Valle.

Voting Yea: Representatives Chopp, Costa, Hankins, Honeyford, McMorris, Mitchell, Ogden, Pennington, Regala, Sehlin, L. Thomas and Valle.
Excused: Representative Silver.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 1908 Prime Sponsor, Representative Dyer: Modifying long-term care provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Dellwo and Rust.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver, Talcott, Thibaudeau and Wolfe.
Voting Nay: Representatives Basich, Chappell, Dellwo, Rust, Sommers and Valle.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 1909 Prime Sponsor, Representative Carlson: Changing higher education tuition and financial aid. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Hargrove; Hickel; Lisk; McMorris; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Chappell; Dellwo; G. Fisher; Jacobsen; Lambert; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Hargrove, Hickel, Huff, Lisk, McMorris, Pelesky, Sehlin, Sheahan, Silver and Talcott.
Voting Nay: Representatives Basich, Dellwo, G. Fisher, Jacobsen, Lambert, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.
Excused: Representatives Chappell, Foreman, Grant and Reams.

Passed to Committee on Rules for second reading.

March 21, 1995

HB 2010 Prime Sponsor, Representative Ballasiotes: Revising corrections provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Corrections. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Hargrove; Hickel; Lambert; Lisk; McMorris; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Dellwo; G. Fisher; Jacobsen; Poulsen; Rust; Sehlin; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksmas, Brumsickle, Carlson, Clements, Cooke, Crouse, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Dellwo, G. Fisher, Jacobsen, Poulsen, Rust, Sehlin, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representatives Chappell, Foreman, Grant and Reams.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 2071 Prime Sponsor, Representative Dyer: Concerning health treatment for individuals with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Clements, Vice Chairman.

Voting Yea: Representatives Basich, Beeksmas, Brumsickle, Carlson, Chappell, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representative Clements.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 2083 Prime Sponsor, Representative Silver: Limiting general assistance for certain categories of recipients. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksmas; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Dellwo; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksmas, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Dellwo, G. Fisher, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 2084 Prime Sponsor, Representative Silver: Eliminating the family policy council, including community network provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Foreman; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Valle, Assistant Ranking Minority Member; Chappell; Dellwo; G. Fisher; Grant; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver, Sommers and Talcott. Voting Nay: Representatives Chappell, Dellwo, G. Fisher, Grant, Jacobsen, Poulsen, Rust, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 2086 Prime Sponsor, Representative Brumsickle: Changing learning assistance program funding provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Basich; Dellwo and Rust.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe. Voting Nay: Representatives Basich, Dellwo and Rust.

Passed to Committee on Rules for second reading.

March 22, 1995

HB 2087 Prime Sponsor, Representative Brumsickle: Clarifying the use of in-service continuing education and college credits for compensation allocations under the teachers' salary schedule. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Foreman; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Chappell; Dellwo; G. Fisher; Grant; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Beeksma, Brumsickle, Carlson, Clements, Cooke, Crouse, Foreman, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott. Voting Nay: Representatives Basich, Chappell, Dellwo, G. Fisher, Grant, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

PART I - OBSOLETE REFERENCES

Sec. 101. RCW 28A.150.360 and 1990 c 33 s 113 are each amended to read as follows:

In the event of an unforeseen emergency, in the nature of either an unavoidable cost to a district or unexpected variation in anticipated revenues to a district, the state superintendent is authorized, for not to exceed two years, to make such an adjustment in the allocation of funds as is consistent with the intent of ~~((RCW 28A.150.100 through 28A.150.430))~~ this chapter, RCW 28A.160.150 through ~~((28A.160.220))~~ 28A.160.210, 28A.300.170, and 28A.500.010 in providing an equal educational opportunity for the children of such district or districts.

Sec. 102. RCW 28A.150.370 and 1990 c 33 s 114 are each amended to read as follows:

In addition to those state funds provided to school districts for basic education, the legislature shall appropriate funds for pupil transportation, in accordance with ~~((RCW 28A.150.100 through 28A.150.430))~~ this chapter, RCW 28A.160.150 through ~~((28A.160.220))~~ 28A.160.210, 28A.300.170, and 28A.500.010, and for programs for handicapped students, in accordance with RCW 28A.155.010 through 28A.155.100. The legislature may appropriate funds to be distributed to school districts for population factors such as urban costs, enrollment fluctuations and for special programs, including but not limited to, vocational-technical institutes, compensatory programs, bilingual education, urban, rural, racial and disadvantaged programs, programs for gifted students, and other special programs.

Sec. 103. RCW 28A.150.380 and 1990 c 33 s 115 are each amended to read as follows:

The state legislature shall, at each regular session in an odd-numbered year, appropriate from the state general fund for the current use of the common schools such amounts as needed for state support to the common schools during the ensuing biennium as provided in ~~((RCW 28A.150.100 through 28A.150.430))~~ this chapter, RCW 28A.160.150 through ~~((28A.160.220))~~ 28A.160.210, 28A.300.170, and 28A.500.010.

Sec. 104. RCW 28A.215.010 and 1969 ex.s. c 223 s 28A.34.010 are each amended to read as follows:

The board of directors of any school district shall have the power to establish and maintain ~~((nursery schools))~~ preschools and to provide before-and-after-school and vacation care in connection with the common schools of said district located at such points as the board shall deem most suitable for the convenience of the public, for the care and instruction of infants and children residing in said district. The board shall establish such courses, activities, rules, and regulations governing ~~((nursery schools))~~ preschools and before-and-after-school care as it may deem best: PROVIDED, That these courses and activities shall meet the minimum standard for such ~~((nursery schools))~~ preschools as established by the United States Department of Health, Education and Welfare, or its successor agency, and the state board of education. Except as otherwise provided by state or federal law, the board of directors may fix a reasonable charge for the care and instruction of children attending such schools. The board may, if necessary, supplement such funds as are received for the superintendent of public instruction or any agency of the federal government, by an appropriation from the general school fund of the district.

Sec. 105. RCW 28A.215.040 and 1973 1st ex.s. c 154 s 45 are each amended to read as follows:

Every board of directors shall have power to establish, equip and maintain ~~((nursery schools))~~ preschools and/or provide before-and-after-school care for children of working parents, in cooperation with the federal government or any of its agencies, when in their judgment the best interests of their district will be subserved thereby.

Sec. 106. RCW 28A.315.680 and 1991 c 363 s 29 and 1991 c 288 ss 7 and 8 are each reenacted and amended to read as follows:

The school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more shall establish the director district boundaries. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, and 28A.315.680(~~and 29.21.480~~).

Sec. 107. RCW 28A.625.010 and 1990 c 33 s 513 are each amended to read as follows:
RCW 28A.625.020 through (~~28A.625.070 and 28B.15.547~~) 28A.625.065 may be known and cited as the Washington award for excellence in education program act.

Sec. 108. RCW 28A.625.050 and 1991 c 255 s 8 are each amended to read as follows:
The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW 28A.625.010 through (~~28A.625.070~~) 28A.625.065. These rules shall include establishing the selection criteria for the Washington award for excellence in education program. The superintendent is encouraged to consult with teachers, educational staff associates, principals, administrators, classified employees, superintendents, and school board members in developing the selection criteria. Notwithstanding the provisions of RCW 28A.625.020 (1) and (2), such rules may allow for the selection of individuals whose teaching or administrative duties, or both, may encompass multiple grade level or building assignments, or both.

Sec. 109. RCW 28A.630.868 and 1993 c 335 s 5 are each amended to read as follows:
(1) The superintendent of public instruction shall administer RCW (~~28A.630.860~~) 28A.630.861 through 28A.630.880.
(2) The school-to-work transitions projects may be conducted for up to six years, if funds are provided.

Sec. 110. RCW 28A.630.870 and 1993 c 335 s 6 are each amended to read as follows:
(1) The superintendent of public instruction may accept, receive, and administer for the purposes of RCW (~~28A.630.860~~) 28A.630.861 through 28A.630.880 such gifts, grants, and contributions as may be provided from public and private sources for the purposes of RCW (~~28A.630.860~~) 28A.630.861 through 28A.630.880.
(2) The school-to-work transitions program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of (~~28A.630.860~~) RCW 28A.630.861 through 28A.630.880. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 111. RCW 28A.630.874 and 1993 c 335 s 7 are each amended to read as follows:
(1) The superintendent of public instruction, in coordination with the state board of education, the state board for community and technical colleges, the work force training and education coordinating board, and the higher education coordinating board, shall provide technical assistance to selected schools and shall develop a process that coordinates and facilitates linkages among participating school districts, secondary schools, junior high schools, middle schools, technical colleges, and colleges and universities.
(2) The superintendent of public instruction and the state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under RCW (~~28A.630.860~~) 28A.630.861 through 28A.630.880.

Sec. 112. RCW 28A.630.880 and 1993 c 335 s 10 are each amended to read as follows:
RCW ~~((28A.630.860))~~ 28A.630.861 through 28A.630.880 may be known and cited as the school-to-work transitions program.

NEW SECTION. Sec. 113. RCW 28A.310.380 and 1975 1st ex.s. c 275 s 32, 1971 ex.s. c 282 s 23, & 1969 ex.s. c 176 s 16 are each repealed.

PART II - OBSOLETE SECTIONS

Sec. 201. RCW 28A.205.050 and 1993 c 211 s 4 are each amended to read as follows:
In accordance with chapter 34.05 RCW, the administrative procedure act, the state board of education with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules ~~((and regulations))~~ to carry out the purpose and intent of this chapter.

~~((Criteria as promulgated by the state board of education or superintendent of public instruction for determining if any education center is providing adequate instruction in basic academic skills or demonstrating superior performance in student educational gains for funding under RCW 28A.205.040 shall be subject to review by four members of the legislature, one from each caucus of each house, including the chairs of the respective education committees.))~~

Sec. 202. RCW 28A.630.400 and 1991 c 285 s 2 are each amended to read as follows:

(1) The state board of education and the state board for community and technical colleges ~~((education))~~, in consultation with the superintendent of public instruction, the higher education coordinating board, the state apprenticeship training council, and community colleges, shall ~~((work cooperatively to develop by September 1, 1992, an educational paraprofessional))~~ adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, ~~((an "educational paraprofessional"))~~ a "paraeducator" is an individual who has completed an associate of arts degree for ~~((an educational paraprofessional))~~ a paraeducator. The ~~((educational paraprofessional))~~ paraeducator may be hired by a school district to assist certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The ~~((educational paraprofessional))~~ paraeducator shall work under the direction of instructional certificated staff.

(3) The training program for ~~((an educational paraprofessional))~~ a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to handicapped children, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(4) ~~((In developing the program,))~~ Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

~~((5) The agencies identified under subsection (1) of this section shall adopt rules as necessary under chapter 34.05 RCW to implement this section.))~~

NEW SECTION. Sec. 203. The following acts or parts of acts are each repealed:

(1) RCW 28A.170.010 and 1987 c 518 s 205;

(2) RCW 28A.170.020 and 1990 c 33 s 153, 1989 c 233 s 5, & 1987 c 518 s 206;

(3) RCW 28A.170.030 and 1987 c 518 s 207;

(4) RCW 28A.170.040 and 1990 c 33 s 154 & 1987 c 518 s 208;

(5) RCW 28A.170.060 and 1994 c 245 s 5, 1989 c 271 s 113, & 1987 c 518 s 210;

(6) RCW 28A.170.070 and 1990 c 33 s 155 & 1987 c 518 s 211;

(7) RCW 28A.175.060 and 1987 c 518 s 218;

(8) RCW 28A.210.050 and 1969 ex.s. c 223 s 28A.31.060;

(9) RCW 28A.225.190 and 1969 ex.s. c 223 s 28A.58.220;

(10) RCW 28A.405.150 and 1990 c 33 s 388, 1988 c 241 s 1, 1986 c 73 s 1, & 1985 c 420 s

7;

(11) RCW 28A.405.160 and 1990 c 33 s 389 & 1985 c 420 s 8;

- (12) RCW 28A.415.290 and 1993 c 336 s 406;
- (13) RCW 28A.630.090 and 1990 c 33 s 524 & 1987 c 401 s 11;
- (14) RCW 28A.630.091 and 1987 c 401 s 13;
- (15) RCW 28A.630.750 and 1991 c 346 s 1;
- (16) RCW 28A.630.753 and 1991 c 346 s 2;
- (17) RCW 28A.630.756 and 1991 c 346 s 3;
- (18) RCW 28A.630.759 and 1991 c 346 s 4;
- (19) RCW 28A.630.762 and 1991 c 346 s 5;
- (20) RCW 28A.630.765 and 1991 c 346 s 6;
- (21) RCW 28A.630.768 and 1991 c 346 s 7;
- (22) RCW 28A.630.771 and 1991 c 346 s 8;
- (23) RCW 28A.630.774 and 1991 c 346 s 9;
- (24) RCW 28A.630.777 and 1991 c 346 s 10;
- (25) RCW 28A.630.780 and 1991 c 346 s 11;
- (26) RCW 28A.630.783 and 1991 c 346 s 12;
- (27) RCW 28A.630.786 and 1991 c 346 s 13;
- (28) RCW 28A.630.789 and 1991 c 346 s 14; and
- (29) RCW 28A.630.800 and 1985 c 349 s 3.

Sec. 204. RCW 28A.170.075 and 1990 c 33 s 156 are each amended to read as follows:

(1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) ~~((New and existing))~~ Substance abuse awareness programs funded ~~((pursuant to RCW 28A.170.010 through 28A.170.070))~~ under this chapter do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

Sec. 205. RCW 28A.170.090 and 1990 c 33 s 158 are each amended to read as follows:

(1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under RCW 28A.170.050, with the intent of targeting funding to districts with high-risk populations. These factors may include:

(a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;

(b) The total number of students who would have access to services; and

(c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The application procedures for grants under this section shall ~~((be consistent with the application procedures for other grants for substance abuse awareness programs under RCW 28A.170.020, including))~~ include provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts ~~((, and other grants under RCW 28A.170.010 through 28A.170.040 shall not require a separate application))~~. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to

drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement RCW 28A.170.080 ((through 28A.170.400)) and 28A.170.090.

PART III - RECODIFICATIONS OR TECHNICAL CHANGES

Sec. 301. RCW 28A.610.010 and 1990 c 33 s 505 are each amended to read as follows:

(1) Parents can be the most effective teachers for their children. Providing illiterate or semiliterate parents with opportunities to acquire basic skills and child development knowledge will enhance their ability to assist and support their children in the learning process, and will enhance children's learning experiences in the formal education environment by providing children with the motivation and positive home environment which contribute to enhanced academic performance.

(2) ((RCW 28A.610.020 through 28A.610.060)) This chapter may be known and cited as project even start.

Sec. 302. RCW 28A.610.020 and 1990 c 33 s 506 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section shall apply throughout ((RCW 28A.610.030 through 28A.610.060)) this chapter.

"Parent" or "parents" means a parent who has less than an eighth grade ability in one or more of the basic skill areas of reading, language arts, or mathematics, as measured by a standardized test, and who has a child or children enrolled in: (1) The state early childhood education and assistance program; (2) a federal head start program; (3) a state or federally funded elementary school basic skills program serving students who have scored below the national average on a standardized test in one or more of the basic skill areas of reading, language arts, or mathematics; or (4) a cooperative ((nursery school)) preschool at a community or technical college ((or vocational technical institute)).

Sec. 303. RCW 28A.610.030 and 1990 c 33 s 507 are each amended to read as follows:

(1) The ((superintendent of public instruction)) state board for community and technical colleges, in consultation with the department of community, trade, and economic development, the department of social and health services, the ((state board for community education)) superintendent of public instruction, and community-based, nonprofit providers of adult literacy services, shall develop an adult literacy program to serve eligible parents as defined under RCW 28A.610.020. The program shall give priority to serving parents with children who have not yet enrolled in school or are in grades kindergarten through three.

(2) In addition to providing basic skills instruction to eligible parents, the program may include other program components which may include transportation, child care, and such other directly necessary activities as may be necessary to accomplish the purposes of ((RCW 28A.610.020 through 28A.610.060)) this chapter.

(3) Parents who elect to participate in training or work programs, as a condition of receiving public assistance, shall have the hours spent in parent participation programs, conducted as part of a federal head start program, or the state early childhood education and assistance program under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908, or parent literacy programs under ((RCW 28A.610.020 through 28A.610.060)) this chapter, counted toward the fulfillment of their work and training obligation for the receipt of public assistance.

(4) State funds as may be appropriated for project even start shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs.

(5) The ((superintendent of public instruction)) state board for community and technical colleges shall adopt rules as necessary to carry out the purposes of ((RCW 28A.610.020 through 28A.610.060)) this chapter.

NEW SECTION. **Sec. 304.** The following sections are each recodified as new sections in chapter 28A.410 RCW:
RCW 28A.405.010
RCW 28A.405.025

NEW SECTION. **Sec. 305.** The following sections are recodified as a new chapter in Title 28B RCW:
RCW 28A.610.010
RCW 28A.610.020
RCW 28A.610.030
RCW 28A.610.040
RCW 28A.610.050

NEW SECTION. **Sec. 306.** The following acts or parts of acts are each repealed:

- (1) RCW 28A.175.070 and 1994 c 245 s 6 & 1987 c 518 s 219;
- (2) RCW 28A.210.005 and 1989 1st ex. s. c 9 s 239;
- (3) RCW 28A.215.300 and 1986 c 150 s 1;
- (4) RCW 28A.215.310 and 1990 c 33 s 216 & 1986 c 150 s 2;
- (5) RCW 28A.215.320 and 1986 c 150 s 3;
- (6) RCW 28A.215.330 and 1990 c 33 s 217 & 1986 c 150 s 4; and
- (7) RCW 28A.234.010 and 1993 sp.s. c 4 s 15.

Sec. 307. RCW 28A.215.020 and 1990 c 33 s 210 are each amended to read as follows:

Expenditures under federal funds and/or state appropriations made to carry out the purposes of RCW 28A.215.010 through 28A.215.050 (~~and 28A.215.300 through 28A.215.330~~) shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The state board of education shall make necessary rules and regulations to carry out the purpose of RCW 28A.215.010.

Sec. 308. RCW 28A.215.030 and 1990 c 33 s 211 are each amended to read as follows:

In the event the legislature appropriates any moneys to carry out the purposes of RCW 28A.215.010 through 28A.215.050 (~~and 28A.215.300 through 28A.215.330~~), allocations therefrom may be made to school districts for the purpose of underwriting allocations made or requested from federal funds until such federal funds are available. Any school district may allocate a portion of its funds for the purpose of carrying out the provisions of RCW 28A.215.010 through 28A.215.050 (~~and 28A.215.300 through 28A.215.330~~) pending the receipt of reimbursement from funds made available by acts of congress.

Sec. 309. RCW 28A.215.050 and 1990 c 33 s 212 are each amended to read as follows:

As a supplement to the authority otherwise granted by RCW 28A.215.010 through 28A.215.050 (~~and 28A.215.300 through 28A.215.330~~) respecting the care or instruction, or both, of children in general, the board of directors of any school district may only utilize funds outside the state basic education appropriation and the state school transportation appropriation to:

- (1) Contract with public and private entities to conduct all or any portion of the management and operation of a child care program at a school district site or elsewhere;
- (2) Establish charges based upon costs incurred under this section and provide for the reduction or waiver of charges in individual cases based upon the financial ability of the parents or legal guardians of enrolled children to pay the charges, or upon their provision of other valuable consideration to the school district; and
- (3) Transport children enrolled in a child care program to the program and to related sites using district-owned school buses and other motor vehicles, or by contracting for such transportation and related services: PROVIDED, That no child three years of age or younger shall be transported under the provisions of this section unless accompanied by a parent or guardian.

PART IV - UNFUNDED PROGRAMS

Sec. 401. RCW 28A.405.120 and 1985 c 420 s 3 are each amended to read as follows:

School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers to have training in evaluation procedures. ((The superintendent of public instruction shall provide technical assistance to the local school districts and to the educational service districts in providing training to evaluators.))

NEW SECTION. Sec. 402. The following acts or parts of acts are each repealed:

- (1) RCW 28A.175.020 and 1987 c 518 s 213;
- (2) RCW 28A.175.030 and 1990 c 33 s 160, 1989 c 209 s 1, & 1987 c 518 s 214;
- (3) RCW 28A.175.040 and 1990 c 33 s 161, 1989 c 209 s 2, & 1987 c 518 s 215;
- (4) RCW 28A.175.050 and 1990 c 33 s 162 & 1987 c 518 s 217;
- (5) RCW 28A.240.010 and 1990 c 33 s 248 & 1985 c 422 s 2;
- (6) RCW 28A.240.020 and 1985 c 422 s 1;
- (7) RCW 28A.240.030 and 1990 c 33 s 249 & 1985 c 422 s 3;
- (8) RCW 28A.300.110 and 1990 c 33 s 255, 1987 1st ex.s. c 2 s 208, 1987 c 197 s 1, & 1984 c 278 s 5;
- (9) RCW 28A.300.180 and 1989 c 146 s 3;
- (10) RCW 28A.300.200 and 1991 c 128 s 13 & 1990 c 243 s 9;
- (11) RCW 28A.415.110 and 1991 c 258 s 3;
- (12) RCW 28A.415.115 and 1991 c 258 s 4;
- (13) RCW 28A.415.220 and 1993 c 217 s 1 & 1991 c 252 s 1;
- (14) RCW 28A.600.425 and 1992 c 196 s 2;
- (15) RCW 28A.600.430 and 1992 c 196 s 3;
- (16) RCW 28A.600.435 and 1992 c 196 s 4;
- (17) RCW 28A.600.440 and 1992 c 196 s 5;
- (18) RCW 28A.600.445 and 1992 c 196 s 6;
- (19) RCW 28A.600.450 and 1992 c 196 s 7;
- (20) RCW 28A.615.060 and 1989 c 310 s 1;
- (21) RCW 28A.625.300 and 1985 c 349 s 4;
- (22) RCW 28A.630.070 and 1990 c 148 s 2;
- (23) RCW 28A.630.075 and 1990 c 148 s 3;
- (24) RCW 28A.630.300 and 1987 c 349 s 1;
- (25) RCW 28A.630.320 and 1990 c 33 s 534 & 1987 c 349 s 3;
- (26) RCW 28A.630.330 and 1990 c 33 s 535 & 1987 c 349 s 4; and
- (27) RCW 28A.630.390 and 1987 c 349 s 7.

Sec. 403. RCW 28A.415.105 and 1991 c 258 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW ((28A.415.110)) 28A.415.125 through 28A.415.140.

(1) "Cooperating organizations" means that at least one school district, one college or university, and one educational service district are involved jointly with the development of a student teaching center.

(2) "Cooperating teacher" means a teacher who holds a continuing certificate and supervises and coaches a student teacher.

(3) "Field experience" means opportunities for observation, tutoring, microteaching, extended practicums, and clinical and laboratory experiences which do not fall within the meaning of student teaching.

(4) "School setting" means a classroom in a public, common school in the state of Washington.

(5) "Student teacher" means a candidate for initial teacher certification who is in a state board of education-approved, or regionally or nationally accredited teacher preparation program in a school setting as part of the field-based component of their preparation program.

(6) "Student teaching" means the full quarter or semester in a school setting during which the student teacher observes the cooperating teacher, participates in instructional activities, and assumes both part-time and full-time teaching responsibilities under the supervision of the cooperating teacher.

(7) "Student teaching center" means the program established to provide student teachers in a geographic region of the state with special support and training as part of their teacher preparation program.

(8) "Supervisor or university supervisor" means the regular or adjunct faculty member, or college or university-approved designee, who assists and supervises the work of cooperating teachers and student teachers.

Sec. 404. RCW 28B.90.005 and 1993 c 181 s 1 are each amended to read as follows:

The legislature finds that it has previously declared in RCW 28B.107.005 that it is important to the economic future of the state to promote international awareness and understanding, and in RCW 1.20.100 (~~and 28A.630.300~~), that the state's economy and economic well-being depends heavily on foreign trade and international exchange.

The legislature finds that it is appropriate that such policies should be implemented by encouraging universities and colleges domiciled in foreign countries to establish branch campuses in Washington and that it is also important to those foreign colleges and universities that their status as authorized foreign degree-granting institutions be recognized by this state to facilitate the establishment and operation of such branch campuses.

In the furtherance of such policy, the legislature adopts the foreign degree-granting institution approved branch campus act.

NEW SECTION. **Sec. 405.** RCW 28A.415.120 and 1991 c 258 s 5 are each repealed.

PART V - REPORTS

Sec. 501. RCW 28A.215.170 and 1994 c 166 s 9 are each amended to read as follows:

~~((The governor shall report to the legislature before each regular session of the legislature convening in an odd-numbered year, on the current status of the program, the state-wide need for early childhood program services, and the plans to address these needs. The department shall consult with the office of the superintendent of public instruction in the preparation of the biennial report and on all issues of mutual concern addressed in the report.~~

~~The governor's report shall include specific recommendations on at least the following issues:~~

- ~~(1) The desired relationships of a state-funded early childhood education and assistance program with the common school system;~~
- ~~(2) The types of children and their needs that the program should serve;~~
- ~~(3) The appropriate level of state support for implementing a comprehensive early childhood education and assistance program for all eligible children, including related programs to prepare instructors and provide facilities, equipment, and transportation;~~
- ~~(4) The state administrative structure necessary to implement the program; and~~
- ~~(5) The establishment of a system))~~

The department shall annually report to the governor and the legislature on the findings of the longitudinal study undertaken to examine and monitor the effectiveness of early childhood educational and assistance services for eligible children to measure, among other elements, if possible, how the average level of performance of children completing this program compare to the average level of performance of all state students in their grade level, and to the average level of performance of those eligible students who did not have access to this program. The evaluation system shall examine how the percentage of these children needing access to special education or remedial programs compares to the overall percentage of children needing such services and compares to the percentage of eligible students who did not have access to this program needing such services.

Sec. 502. RCW 28A.320.200 and 1990 c 33 s 333 are each amended to read as follows:

(1) Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures on a regular basis: PROVIDED, That districts may allow two or more elementary school buildings in the district to undertake jointly the self-study process. Each school may follow the accreditation process developed by the state board of education under RCW 28A.305.130(6), although no school is required to file for actual accreditation, or the school may follow a self-study process developed locally. The initial self-study process within each district shall begin by September 1, 1986, and should be completed for all schools within a district by the end of the 1990-91 school year.

(2) Any self-study process must include the participation of staff, parents, members of the community, and students, where appropriate to their age.

(3) The self-study process that is used must focus upon the quality and appropriateness of the school's educational program and the results of its operational effort. The primary emphasis throughout the process shall be placed upon:

- (a) Achieving educational excellence and equity;
- (b) Building stronger links with the community; and
- (c) Reaching consensus upon educational expectations through community involvement and corresponding school management.

(4) The state board of education shall adopt rules governing procedural criteria. Such rules should be flexible so as to accommodate local goals and circumstances. The rules may allow for waiver of the self-study for economic reasons and may also allow for waiver of the initial self-study if a district or its schools have participated successfully in an official accreditation process or in a similar assessment of educational programs within the last three years. The self-study process shall be conducted on a cyclical basis every seven years following the initial 1990-91 period.

(5) The superintendent of public instruction shall provide training to assist districts in their self-studies.

~~((6) Each district shall report every two years to the superintendent of public instruction on the scheduling and implementation of their self-study activities. The report shall include information about how the district and each school within the district have addressed the issue of class size and staffing patterns.))~~

Sec. 503. RCW 28A.330.100 and 1991 c 116 s 17 are each amended to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her; and to fix his or her duties and compensation.

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation.

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation.

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation.

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the state board of education for the use of the common schools of this state.

(6) To, in addition to the minimum requirements imposed by this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of handicapped youth, as in the judgment of the board, best shall promote the interests of education in the district.

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools.

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof.

(9) To provide free textbooks and supplies for all children attending school.

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary.

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all

questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure (~~the school district medical inspector or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the board of education and board of health~~): PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

Sec. 504. RCW 28A.400.306 and 1992 c 159 s 9 are each amended to read as follows:

The state patrol shall accept fingerprints obtained under this chapter only if it can ensure that the patrol will not retain a record of the fingerprints after the check is complete. It shall not forward fingerprints obtained under this chapter to the federal bureau of investigation unless it can ensure that the federal bureau of investigation will not retain a record of the fingerprints after the check is complete. (~~The state patrol shall report to the house of representatives appropriations committee and the senate ways and means committee on measures taken to implement this section before accepting any fingerprints obtained under this chapter.~~)

Sec. 505. RCW 28A.630.885 and 1994 c 245 s 13 are each amended to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, to review current school district data reporting requirements and make recommendations on what data is necessary for the purposes of accountability and meeting state information needs, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission shall present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including performance-based measures that are criterion-referenced. Performance standards for determining if a student has successfully completed an assessment shall be initially determined by the commission in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(iii) Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be initially implemented by the state board of education and superintendent of public instruction no later than the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. To the maximum extent possible, the commission shall integrate knowledge and skill areas in development of the assessments.

(iv) Before the 2000-2001 school year, participation by school districts in the assessment system shall be optional. School districts that desire to participate before the 2000-2001 school year shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-2001 school year, all school districts shall be required to participate in the assessment system.

(v) The state board of education and superintendent of public instruction may modify the essential academic learning requirements and academic assessment system, as needed, in subsequent school years.

(vi) The commission shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to continue to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery;

(h) Review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The commission on student learning shall report recommendations to the joint select committee on education restructuring by September 15, 1996, on:

(i) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts

are performing after the essential academic learning requirements and the assessment system are implemented; and

~~(ii) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under this section;~~

~~(i) By December 1, 1998, recommend to the legislature, governor, state board of education, and superintendent of public instruction:~~

~~(i) A state-wide accountability system to monitor and evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The accountability system shall be designed to recognize the characteristics of the student population of schools and school districts such as gender, race, ethnicity, socioeconomic status, and other factors. The system shall include school-site, school district, and state-level accountability reports;~~

~~(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements;~~

~~(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements; and~~

~~(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements. School staff shall determine how the awards will be spent.~~

~~It is the intent of the legislature to begin implementation of programs in this subsection (3)((h)) (i) on September 1, 2000;~~

~~((i)) (j) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and~~

~~((j)) (k) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.~~

~~(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.~~

~~(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.~~

~~(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.~~

~~(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

Sec. 506. RCW 28A.630.952 and 1994 c 245 s 4 are each amended to read as follows:

(1) In addition to the duties in RCW 28A.630.951, the joint select committee on education restructuring shall review all laws pertaining to K-12 public education and to educator preparation and certification with the intent of identifying laws that inhibit the achievement of the new system of performance-based education. The select committee shall report to the legislature by November 15, 1994. The laws pertaining to home schooling and private schools shall not be reviewed in this study.

(2) The joint select committee on education restructuring shall review ~~((current))~~ the school district data reporting requirements for the purposes of accountability and meeting state information needs reported by the commission on student learning under RCW 28A.630.885. The joint select committee shall report its recommendations to the legislature by January 1996 ~~((on:~~

~~(a) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and~~

~~(b) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under RCW 28A.630.885(3)(h)).~~

Sec. 507. RCW 28A.650.015 and 1994 c 245 s 2 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan ~~((, which)) shall be ((completed by September 1, 1994, and)) updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:~~

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of on-line information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The state board of education, the commission on student learning, the department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the work force training and education coordinating board, and the state library.

NEW SECTION. Sec. 508. The following acts or parts of acts are each repealed:

(1) RCW 28A.205.060 and 1993 c 211 s 5 & 1985 c 434 s 2;

(2) RCW 28A.225.180 and 1990 c 33 s 233 & 1969 ex.s. c 223 s 28A.58.215;

(3) RCW 28A.225.320 and 1990 1st ex.s. c 9 s 210;

(4) RCW 28A.300.210 and 1991 c 201 s 18;

(5) RCW 28A.335.310 and 1993 c 461 s 3; and

(6) RCW 28A.340.050 and 1990 c 33 s 370 & 1988 c 268 s 7.

PART VI - PERMISSIVE LANGUAGE

Sec. 601. RCW 28A.180.080 and 1990 c 33 s 167 are each amended to read as follows:

The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs. Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district: PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills. ~~((School districts are hereby empowered to accept grants, gifts, donations, devices and other gratuities from private and public sources to aid in accomplishing the purposes of RCW 28A.180.010 through 28A.180.080.))~~

Sec. 602. RCW 28A.225.220 and 1993 c 336 s 1008 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school ~~((:- PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein)), and may charge the adults reasonable tuition.~~

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

- (a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or
- (b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or
- (c) There is a special hardship or detrimental condition.
- (4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.
- (5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.
- (6) Beginning with the 1993-94 school year, school districts may not charge transfer fees or tuition for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

Sec. 603. RCW 28A.225.250 and 1969 c 130 s 11 are each amended to read as follows:

~~((Notwithstanding any other provision of law,))~~ (1) The state superintendent of public instruction is directed and authorized to develop and adopt rules ~~((and regulations to implement such voluntary, tuition free attendance programs among school districts that he))~~ governing cooperative programs between and among school districts and educational service districts that the superintendent deems necessary ~~((for the expressed purpose of))~~ to assure:

~~((1) Providing educational opportunities, including vocational skills programs, not otherwise provided;~~

~~(2) Avoiding unnecessary duplication of specialized or unusually expensive educational programs and facilities; or~~

~~(3) Improving racial balance within and among school districts: PROVIDED, That no voluntary, tuition free attendance program among school districts developed by the superintendent of public instruction shall be instituted unless such program receives the approval of the boards of directors of the districts))~~

(a) Correct calculation of state apportionment payments;

(b) Proper budgeting and accounting for interdistrict cooperative program revenues and expenditures;

(c) Reporting of student, personnel, and fiscal data to meet state needs; and

(d) Protection of the right of residents of Washington under twenty-one years of age to a tuition-free program of basic education.

(2) Unless specifically authorized in law, interdistrict cooperative programs shall not be designed to systematically increase state allocation above amounts required if services were provided by the resident school district.

Sec. 604. RCW 28A.335.160 and 1990 c 33 s 359 are each amended to read as follows:

Any school district may cooperate with one or more school districts in the ~~((following:~~

~~(4) The))~~ joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the state board of education pursuant to such rules as may now or hereafter be promulgated relating to state approval of school construction.

~~((2) The joint maintenance and operation of educational programs or services (a) either as a part of the operation of a joint facility or otherwise, (b) either on a full or part time attendance basis, and (c) either on a regular one hundred eighty day school year or extended school year: PROVIDED, That any such joint program or service must be operated pursuant to a written agreement approved by the superintendent of public instruction pursuant to rules and regulations promulgated therefor. In establishing rules and regulations the state superintendent shall consider, among such other factors as the superintendent deems appropriate, the economic feasibility of said services and programs, the educational and administrative scope of said agreement and the need for said programs or services.~~

Notwithstanding any other provision of the law, the state superintendent of public instruction shall establish rules and regulations for the apportionment of attendance credits for such students as are

enrolled in a jointly operated facility or program, including apportionment for approved part time and extended school year attendance.))

NEW SECTION. Sec. 605. The following acts or parts of acts are each repealed:

- (1) RCW 28A.170.100 and 1991 c 116 s 24, 1990 c 33 s 159, & 1989 c 271 s 313;
- (2) RCW 28A.175.080 and 1989 c 233 s 7;
- (3) RCW 28A.180.050 and 1984 c 124 s 4, & 1979 c 95 s 4;
- (4) RCW 28A.180.070 and 1990 c 33 s 166 & 1984 c 124 s 6; and
- (5) RCW 28A.415.050 and 1985 c 419 s 2.

PART VII - MANDATES ON SCHOOL DISTRICT OPERATIONS

Sec. 701. RCW 28A.405.070 and 1989 c 206 s 1 are each amended to read as follows:
(~~In filling a position~~) Effective December 31, 1995, school and educational service districts shall (~~consider applications from two individuals wishing to share a job. All announcements of job openings shall contain a statement indicating the district will accept applications from individuals wishing to share the position. Job sharing shall be available to certificated staff~~) have a policy on the sharing of jobs by district employees.

NEW SECTION. Sec. 702. RCW 28A.400.150 and 1990 c 33 s 380 & 1969 ex.s. c 223 s 28A.58.170 are each repealed.

PART VIII - MISCELLANEOUS

NEW SECTION. Sec. 801. The repeal of any programs that are not funded as of the effective date of this section is not intended to comment on the value of the services provided by the programs. The repeal of statutes in chapter . . . , Laws of 1995 (this act) does not affect the general authority of school districts to provide services to accomplish the purposes of these programs. The deletion or repeal of language that permitted school districts to carry out specific activities that would be within their general authority is not intended to affect the general authority of school districts to continue to carry out those activities.

NEW SECTION. Sec. 802. Sections 109 through 112 of this act shall expire June 30, 1999.

NEW SECTION. Sec. 803. Section 505 of this act shall expire September 1, 1998.

NEW SECTION. Sec. 804. Section 506 of this act shall expire December 1, 2001.

NEW SECTION. Sec. 805. Part headings and the table of contents as used in this act do not constitute any part of the law."

On page 1, line 2 of the title, after "restructuring;" strike the remainder of the title and insert "amending RCW 28A.150.360, 28A.150.370, 28A.150.380, 28A.215.010, 28A.215.040, 28A.625.010, 28A.625.050, 28A.630.868, 28A.630.870, 28A.630.874, 28A.630.880, 28A.205.050, 28A.630.400, 28A.170.075, 28A.170.090, 28A.610.010, 28A.610.020, 28A.610.030, 28A.215.020, 28A.215.030, 28A.215.050, 28A.405.120, 28A.415.105, 28B.90.005, 28A.215.170, 28A.320.200, 28A.330.100, 28A.400.306, 28A.630.885, 28A.630.952, 28A.650.015, 28A.180.080, 28A.225.220, 28A.225.250, 28A.335.160, and 28A.405.070; reenacting and amending RCW 28A.315.680; adding new sections to chapter 28A.410 RCW; adding a new chapter to Title 28B RCW; creating new sections; recodifying RCW 28A.405.010, 28A.405.025, 28A.610.010, 28A.610.020, 28A.610.030, 28A.610.040, and 28A.610.050; repealing RCW 28A.310.380, 28A.170.010, 28A.170.020, 28A.170.030, 28A.170.040, 28A.170.060, 28A.170.070, 28A.175.060, 28A.210.050, 28A.225.190, 28A.405.150, 28A.405.160, 28A.415.290, 28A.630.090, 28A.630.091, 28A.630.750, 28A.630.753, 28A.630.756, 28A.630.759, 28A.630.762, 28A.630.765, 28A.630.768, 28A.630.771, 28A.630.774, 28A.630.777, 28A.630.780, 28A.630.783, 28A.630.786, 28A.630.789, 28A.630.800, 28A.175.070, 28A.210.005, 28A.215.300, 28A.215.310, 28A.215.320, 28A.215.330, 28A.234.010, 28A.175.020,

28A.175.030, 28A.175.040, 28A.175.050, 28A.240.010, 28A.240.020, 28A.240.030, 28A.300.110, 28A.300.180, 28A.300.200, 28A.415.110, 28A.415.115, 28A.415.220, 28A.600.425, 28A.600.430, 28A.600.435, 28A.600.440, 28A.600.445, 28A.600.450, 28A.615.060, 28A.625.300, 28A.630.070, 28A.630.075, 28A.630.300, 28A.630.320, 28A.630.330, 28A.630.390, 28A.415.120, 28A.205.060, 28A.225.180, 28A.225.320, 28A.300.210, 28A.335.310, 28A.340.050, 28A.170.100, 28A.175.080, 28A.180.050, 28A.180.070, 28A.415.050, and 28A.400.150; and providing expiration dates."

Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Cole, Ranking Minority Member; Clements; Dickerson; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, Fuhrman, Hatfield, Johnson, McMahan, Pelesky, Quall, Radcliff, Smith, Talcott, B. Thomas and Veloria.
Excused: Representatives G. Fisher, Poulsen and Thompson.

Passed to Committee on Rules for second reading.

March 23, 1995

ESJM 8000 Prime Sponsor, Rasmussen: Petitioning Congress to introduce legislation on pesticide use for minor crops. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Regala, Rust and Schoesler.
Excused: Representatives Poulsen and Robertson.

Passed to Committee on Rules for second reading.

March 23, 1995

SJM 8001 Prime Sponsor, Rasmussen: Petitioning Congress to amend the food, drug, and cosmetic act to establish a negligible risk standard for pesticide residue in processed foods. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Regala; Robertson and Schoesler.

MINORITY recommendation: Without recommendation. Signed by Representatives R. Fisher and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Regala and Schoesler.
Voting Nay: Representatives R. Fisher and Rust.
Excused: Representatives Poulsen and Robertson.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Representative Foreman, all Senate Bills listed on today's supplemental committee reports under the fifth order of business were referred to the committees so designated, all

House Bills listed on today's supplemental committee reports under the fifth order of business were placed on the second reading calendar with the exception House Bill No. 1070 and House Bill No. 1071.

On motion of Representative Foreman, House Bill No. 1070 and House Bill No. 1071 were referred to the Rules Committee.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6029, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senator Pelz)

Revising exemptions from overtime compensation requirements.

The bill was read the second time.

With the consent of the House, amendment number 577 to Engrossed Substitute Senate Bill No. 6029 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6029.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6029, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 6029, having received the constitutional majority, was declared passed.

There being no objection, the House immediately transmitted Engrossed Substitute Senate Bill No. 6029 to the Senate.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 2071, by Representatives Dyer, Dellwo, Backlund and Hymes

Concerning health treatment for individuals with developmental disabilities.

The bill was read the second time.

Representative Cody moved adoption of the following amendment by Representative Cody:

On page 4, beginning on line 16, after "the" strike "specific nursing assistant"

On page 4, line 17, after "training" insert "requirements"

On page 4, line 17, after "in" insert "subsection 5 of"

On page 4, line 17, after "section." strike "Such additional" and insert "Basic core"

Representatives Cody and Backlund spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved adoption of the following amendment by Representative Cody:

On page 5, line 5, strike "70.127" and insert "70.128 and 18.20"

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved adoption of the following amendment by Representative Cody:

On page 5, line 7, after "representing" insert "home health, hospice and"

Representatives Cody and Backlund spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Clements moved adoption of the following amendment by Representative Clements:

On page 6, after line 5, insert a new subsection as follows:

"(3) The department of social and health services shall impose a civil fine of not less than one hundred dollars nor more than one thousand dollars on a community residential program, adult family home, or boarding home under this act that knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to this act."

Representatives Clements and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved adoption of the following amendment by Representative Cody:

On page 9, after line 35, insert a new section as follows

"NEW SECTION. Sec. 11. A special legislative task force is established to monitor implementation of this act. The task force shall consist of four members from the house of representatives, no more than two of whom shall be members of the same caucus, who shall be appointed by the speaker of the house of representatives, and four members from the senate, no more

than two of whom shall be members of the same caucus, who shall be appointed by the president of the senate. The task force shall:

- (1) Review the proposed nurse delegation protocols developed by the nursing care quality assurance commission;
- (2) Review the proposed core and specialized training curricula developed by the department of social and health services and by the nursing care quality assurance commission;
- (3) Review the program and reimbursement policies, and the identified barriers to nurse delegation, developed by the department of health and department of social and health services;
- (4) Submit an interim report of its findings and recommendations on the above actions to the legislature by January 1, 1996;
- (5) During 1996, conduct hearings to assess the effectiveness with which the delegation protocols, the core training, and nurse oversight are being implemented, and their impact on patient care and quality of life;
- (6) Review and approve the proposed study designs;
- (7) By February 1, 1997, recommend to the legislature a mechanism and time frame for extending nurse delegation provisions similar to those described in this act to persons residing in their own homes;
- (8) During 1997, receive interim reports on the findings of the studies conducted in accordance with this act, and conduct additional fact-finding hearings on the implementation and impact of the nurse delegation provisions of this act.

The office of program research and senate committee services shall provide staff support to the task force. The department of health, the department of social and health services, and the nursing care quality assurance commission shall provide technical support as needed. The task force shall cease to exist on January 1, 1998, unless extended by act of the legislature."

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer, Cody and Backlund spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2071.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2071, and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Wolfe and Mr. Speaker - 86.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Costa, Mason, Romero, Thibaudeau, Tokuda and Veloria - 10.

Absent: Representative Basich - 1.

Excused: Representative Brown - 1.

Engrossed House Bill No. 2071, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2086, by Representative Brumsickle
Changing learning assistance program funding provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle, Cole and Silver spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2086.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2086, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Brown - 1.

House Bill No. 2086, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1410, by Representatives Silver and Sommers; by request of Office of Financial Management

Making appropriations.

The bill was read the second time. There being no objection, Substitute House Bill No. 1410 was substituted for House Bill No. 1410 and the substitute bill was placed on second reading.

Substitute House Bill No. 1410 was read the second time.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

On page 2, line 18, strike " 47,675,000" and insert " 45,362,000"

On page 2, line 20, strike " 49,096,000" and insert " 46,783,000"

On page 2, line 28, strike " 36,668,000" and insert " 34,903,000"

On page 2, line 30, strike "38,089,000" and insert "36,324,000"

On page 55, line 5, strike "30,419,000" and insert "34,497,000"

On page 55, line 9, strike "70,564,000" and insert "74,642,000"

On page 57, after line 4, insert: "(i) \$4,078,000 of the general fund state appropriation is provided solely for grants to provide classrooms with instructional materials, books, and supplies."

Representative G. Fisher spoke in favor of the adoption of the amendment.

Representative Dyer spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Wolfe moved adoption of the following amendment by Representative Wolfe:

On page 3, after line 2, insert:
"NEW SECTION. **Sec. 103. FOR THE PERFORMANCE PARTNERSHIP COUNCIL**
General Fund--State Appropriation_.....\$ 500,000"

Renumber remaining sections and correct internal references accordingly.

Representatives Wolfe and Backlund spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved adoption of the following amendment by Representative Conway:

On page 3, beginning on line 7, strike all of lines 7 and 8

On page 3, line 9, strike "4,052,000" and insert "3,902,000"

On page 3, beginning on line 20, strike all of subsection (3)

Renumber the subsections consecutively.

Representative Conway spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 3, beginning on line 7, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Smith, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 39.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin,

Sheahan, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Representative Conway moved adoption of the following amendment by Representative Cairnes:

On page 4, beginning on line 3, strike all of subsection (4)

Renumber the subsections consecutively.

Representative Conway spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 4, beginning on line 3, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 43, Nays - 55, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Benton, Brown, Cairnes, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 43.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Reams, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 55.

Representative Romero moved adoption of the following amendment by Representative Romero:

On page 5, line 9, strike "\$3,300,000" and insert "\$2,324,000"

On page 5, after line 9, strike all material through "resources." on line 15

On page 82, line 21, strike "\$29,893,000" and insert "\$31,079,000"

On page 82, on line 33, after "(4)" strike the remainder of the subsection and insert "\$976,000 of the general fund-state appropriation is provided solely for the Washington State Institute for Public Policy to conduct studies requested by the Legislature."

Representatives Romero and Chopp spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Costa moved adoption of the following amendment by Representative Costa:

On page 6, line 15, strike "35,384,000" and insert "35,705,000"

On page 6, line 20, strike "75,084,000" and insert "75,405,000"

On page 7, after line 4, insert the following:

"(4) \$321,000 of the public safety and education account appropriation is provided solely for the Snohomish county preprosecution diversion program."

Representative Costa spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Hatfield moved adoption of the following amendment by Representative Hatfield:

On page 10, line 32, strike "\$102,688,000" and insert "\$102,788,000"

On page 11, line 34, strike "\$333,795,000" and insert "\$333,895,000"

On page 14, after line 27, insert: "(16) \$500,000 of the general fund-state appropriation is provided solely for the emergency food assistance program."

Representative Hatfield spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 10, line 32 to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Buck, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

With the consent of the House, amendment number 486 to Substitute House Bill No. 1041 was withdrawn.

Representative Sheldon moved adoption of the following amendment by Representative Sheldon:

On page 10, line 32, strike "\$102,688,000" and insert "\$102,808,000"

On page 11, line 34, strike "\$333,795,000" and insert "\$333,915,000"

On page 14, after line 27, insert: "(16) \$120,000 of the general fund-state appropriation is provided solely for continuation of the community revitalization team."

Representative Sheldon spoke in favor of the adoption of the amendment.

The amendment was not adopted.

MOTION

Representative Padden moved that Rule 13C be suspended.

With the consent of the House, amendment numbers 509 and 483 to Substitute House Bill No. 1410 was withdrawn.

Representative Veloria moved adoption of the following amendment by Representative Veloria:

On page 10, line 34, strike "102,688,000" and insert "102,938,000"

On page 11, line 32, strike "333,795,000" and insert "334,045,000"

On page 14, after line 27, insert the following:

"(16) \$250,000 of the general fund--state appropriation is provided solely for emergency mortgage and rental assistance for unemployed aerospace workers in aerospace impact areas. As used in this subsection, "aerospace worker" means any employee of a business in which a minimum of twenty-five percent of the business involves aerospace or aviation-related products. As used in this subsection, "aerospace impact area" means a city, town, or unincorporated area that is affected by significant aerospace worker job losses."

On page 23, line 33, strike "296,681,000" and insert "297,431,000"

On page 24, line 1, strike "550,243,000" and insert "550,993,000"

On page 24, after line 19, insert the following:

"(4) \$750,000 of the general fund--state appropriation is provided solely for services to unemployed aerospace workers in aerospace impact areas. As used in this subsection, "aerospace worker" means any employee of a business in which a minimum of twenty-five percent of the business involves aerospace or aviation-related products. As used in this subsection, "aerospace impact area" means a city, town, or unincorporated area that is affected by significant aerospace worker job losses."

On page 48, line 35, strike "42,967,000" and insert "43,967,000"

On page 49, line 15, strike "195,393,000" and insert "196,393,000"

On page 50, after line 36, insert the following:

"(14) \$1,000,000 of the general fund-state appropriation is provided solely to fund environmental restoration projects, under chapter 43.21J RCW, for unemployed aerospace workers in aerospace impact areas. As used in this subsection, "aerospace worker" means any employee of a business in which a minimum of twenty-five percent of the business involves aerospace or aviation-related products. As used in this subsection, "aerospace impact area" means a city, town, or unincorporated area that is affected by significant aerospace worker job losses."

Representatives Veloria, Chopp and Mason spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Lisk spoke against the adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 10, line 34 to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 40, Nays - 58, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Robertson, Romero, Rust, Scott, Sheldon, Sommers, Stevens, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 40.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Talcott, Thomas, B., Thomas, L., Thompson, Van Loven and Mr. Speaker - 58.

With the consent of the House, amendment number 482 to Substitute House Bill No. 1410 was withdrawn.

Representative Veloria moved adoption of the following amendment by Representative Veloria:

On page 10, line 34, strike "102,688,000" and insert "103,073,000"

On page 11, line 32, strike "333,795,000" and insert "334,180,000"

On page 14, line 27, insert the following:

"(16) \$385,000 of the general fund--state appropriation is provided solely for the purposes of minority and women business development and export assistance activities."

Representative Veloria spoke in favor of the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment numbers 459, 441, 442 and 443 to Substitute House Bill No. 1410 were withdrawn.

Representative Grant moved adoption of the following amendment by Representative Grant:

On page 10, line 34, strike "\$102,688,000" and insert "\$103,063,000"

On page 11, line 32, strike "\$333,795,000" and insert "\$334,170,000"

On page 14, line 27, insert "(16) \$375,000 of the general fund-state appropriation is provided solely for the retired senior volunteer program."

Representative Grant spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment on page 10, line 34 to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Brumsickle, Carlson, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Honeyford, Hymes, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 45.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Clements, Cooke, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Horn, Huff, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 53.

With the consent of the House, amendment numbers 444, 445 and 447 to Substitute House Bill No. 1410 were withdrawn.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 10, line 34, strike "\$102,688,000" and insert "\$107,488,000"

On page 11, line 32, strike "\$333,795,000" and insert "\$338,595,000"

On page 13, line 32, after "(9)" strike the remainder of the subsection and insert: "\$4,800,000 of the general fund-state appropriation is provided solely for civil indigent defense."

On page 107, after line 5, strike all of section 911

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representatives Dellwo and Appelwick spoke in favor of the adoption of the amendment.

Representative Clements spoke against the adoption of the amendment.

Representative Appelwick again spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Reams moved adoption of the following amendment by Representative Reams:

On page 11, line 7, strike "Marketplace Account Appropriation" and insert "Washington Marketplace Program Account Appropriation"

Representative Reams spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 569 to Substitute House Bill No. 1410 was withdrawn.

Representative Reams moved adoption of the following amendment by Representative Reams:

On page 12, line 3, after "(2)" strike "Within the appropriations provided in this section, the department shall" and insert "\$994,000 of the general fund--state appropriation is provided to"

Representative Reams spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 565 to Substitute House Bill No. 1410 was withdrawn.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 14, line 27, insert "(16) \$70,000 of the general fund-state appropriation is provided solely for North County emergency medical services."

Representative Morris spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved adoption of the following amendment by Representative Conway:

On page 18, beginning on line 4, strike all of subsection (2)

On page 18, beginning on line 26, strike all of subsection (2)

On page 19, line 32, strike "(1)"

On page 20, beginning on line 1, strike all of subsection (2)

On page 21, after line 12, strike all material through "bid." on line 16

On page 25, beginning on line 21, after "(c)" strike all material through "services." on line 28

On page 27, beginning on line 1, strike all of subsection (d)

On page 28, beginning on line 16, strike all of subsections (e) and (f)

On page 36, beginning on line 27, strike all of subsection (4)

On page 37, after line 19, strike all material through "bid." on line 24

On page 39, beginning on line 33, strike all of subsection (14)

On page 40, line 25, strike all of subsection (d)

On page 51, beginning on line 21, strike all of subsection (3)

Renumber or reletter the subsections consecutively and correct internal references accordingly.

Representatives Conway and Ebersole spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 18, beginning on line 4, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Robertson, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 39.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

With the consent of the House, amendment number 484 to Substitute House Bill No. 1410 was withdrawn.

Representative Ogden moved adoption of the following amendment by Representative Ogden:

On page 19, line 12, strike "1,643,000" and insert "2,342,000"

Representatives Ogden, Veloria and Mason spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 19, line 12 to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

On page 20, line 32, after "in" insert "section 13 of"

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 21, line 25, strike "113,279,000" and insert "113,879,000"

On page 21, after line 25, insert the following:

"The appropriation in this section is object to the following conditions and limitations: \$600,000 is provided solely for the enforcement of restrictions on tobacco use by minors, under chapter 70.155 RCW."

On page 38, line 5, strike "1,412,000" and insert "394,000"

On page 38, line 6, strike "18,018,000" and insert "18,436,000"

Representatives Dyer and Appelwick spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Huff moved adoption of the following amendment by Representative Huff:

On page 23, after line 30, insert the following:

"(4) The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients."

On page 32, after line 18, insert the following:

"(10) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010."

Renumber remaining sections accordingly.

Representative Huff spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

On page 23, after line 30, insert

"NEW SECTION. Sec 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. In addition to the appropriations already contained in Part II of this act for increases in vendor rates, the following appropriations are made: \$46,797,000 general fund--state, \$2,568,000 violence reduction and drug enforcement account, \$696,000 health services account, and \$29,713,000 of the general fund--federal. These amounts are provided solely to increase vendor rates 2.9 percent on July 1, 1995 and an additional 3.1 percent on July 1, 1996. It is the intent of the legislature that all such increases take place on the dates specified above."

Representative Sommers spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 23, after line 30, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Benton, Brown, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 39.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

With the consent of the House, amendment numbers 562, 461, 462 and 564 to Substitute House Bill No. 1410 were withdrawn.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 23, line 33, strike "296,681,000" and insert "299,981,000"

On page 24, line 1, strike "550,243,000" and insert "553,543,000"

On page 24, after line 19, insert:

"(4) \$3,300,000 of the general fund--state appropriation is provided solely for the continuum of car projects."

Representatives Dellwo, Ebersole and Brown spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 23, line 33, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 42, Nays - 55, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Blanton, Brown, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 42.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 55.

Absent: Representative Sehlin - 1.

With the consent of the House, amendment number 563 to Substitute House Bill No. 1410 was withdrawn.

Representative Dickerson moved adoption of the following amendment by Representative Dickerson:

On page 23, line 33, strike "296,681,000" and insert "304,972,000"

On page 23, line 34, strike "253,162,000" and insert "260,429,000"

On page 23, after line 35, insert:

"Violence Reduction and Drug Enforcement Account
Appropriation \$9,027,000"

On page 24, line 1, strike "550,243,000" and insert "574,828,000"

On page 24, beginning on line 9, delete all of subsection (2)

On page 24, after line 19, insert:

"(3) \$3,300,000 of the general fund--state appropriation is provided solely for the continuum of care projects.

(4) \$4,440,000 of the general fund--state appropriation and \$600,000 of the general fund--federal appropriation are provided solely for employed foster parent child care.

(5) \$9,027,000 of the violence reduction and drug enforcement account appropriation, \$6,667,000 of the general fund--federal appropriation and \$151,000 of the general fund--state appropriation are provided solely to the family policy council and community public health and safety networks."

Representatives Dickerson, Costa, Patterson, Mastin and Mason spoke in favor of the adoption of the amendment.

Representative Foreman spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Brown moved adoption of the following amendment by Representative Brown:

On page 23, line 33, strike "296,681,000" and insert "301,181,000"

On page 24, line 1, strike "550,243,000" and insert "554,743,000"

On page 24, after line 19, insert the following:

"(4) \$4,500,000 of the general fund--state appropriation is provided solely to expand employment child care services for low income working families."

Representative Brown spoke in favor of the adoption of the amendment.

Representative Cooke spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment number 578 to Substitute House Bill No. 1410 was withdrawn.

Representative Brown moved adoption of the following amendment by Representative Brown:

On page 24, line 16, after "lapse." insert: "\$100,000 of the amount provided in this subsection is provided solely for the crosswalk program (Spokane youth shelter)."

Representative Brown spoke in favor of the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment numbers 471 and 568 to Substitute House Bill No. 1410 were withdrawn.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 24, line 23, strike "40,382,000" and insert "43,926,000"

On page 24, line 24, strike "23,083,000" and insert "23,203,000"

On page 24, line 28, strike "70,848,000" and insert "74,512,000"

On page 24, line 30, strike "58,085,000" and insert "59,339,000"

On page 24, line 35, strike "94,641,000" and insert "95,895,000"

Representatives Morris and Chappell spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Hickel spoke against the adoption of the amendment.

Representative Morris again spoke in favor of the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 24, line 23, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 41, Nays - 57, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Hymes, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Schmidt, K., Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 41.

Voting nay: Representatives Backlund, Beeksmas, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 57.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 24, line 23, strike "40,382,000" and insert "51,923,000"

On page 24, line 24, strike "23,083,000" and insert "11,541,000"

On page 24, line 30, strike "58,085,000" and insert "67,831,000"

On page 24, line 31, strike "19,492,000" and insert "9,746,000"

Representative Morris spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 24, line 23, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

With the consent of the House, amendment number 463 to Substitute House Bill No. 1410 was withdrawn.

Representative Costa moved adoption of the following amendment by Representative Costa:

On page 24, line 23, strike "40,382,000" and insert "45,526,000"

On page 24, line 24, strike "23,083,000" and insert "23,203,000"

On page 24, line 28, strike "70,848,000" and insert "76,112,000"

On page 24, line 30, strike "58,085,000" and insert "64,033,000"

On page 24, line 35, strike "94,641,000" and insert "100,589,000"

On page 24, line 37, strike "2,783,000" and insert "3,083,000"

On page 25, line 3, strike "3,360,000" and insert "3,660,000"

On page 25, after line 31, insert

"(d) \$6,594,000 of the general fund--state appropriation is provided solely for intensive supervision, parole, and aftercare services for juvenile parolees."

Representatives Costa and Morris spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Conway moved adoption of the following amendment by Representative Conway:

On page 24, line 27, strike "7,097,000" and insert "12,697,000"

On page 24, line 28, strike "70,848,000" and insert "76,448,000"

On page 25, after line 31, insert the following:

"(d) \$5,600,000 of the violence reduction and drug enforcement account appropriation is provided solely for the juvenile courts to: (i) Hold first time offenders accountable for their actions; (ii) include intensive supervision of first time offenders; and (iii) implement deferred adjudication under chapter 7, Laws of 1994 sp. sess."

Representative Conway spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Dickerson moved adoption of the following amendment by Representative Dickerson:

On page 24, line 30, strike "58,085,000" and insert "58,335,000"

On page 24, line 35, strike "94,641,000" and insert "94,891,000"

On page 25, after line 28, insert
"(d) \$250,000 of the general fund-state appropriation is provided solely for enhancements to security and treatment programs at the Echo Glen juvenile facility."

Representative Dickerson spoke in favor of the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment number 449 to Substitute House Bill No. 1410 was withdrawn.

Representative Thibaudeau moved adoption of the following amendment by Representative Thibaudeau:

On page 27, line 13, strike "227,454,000" and insert "229,402,000"

On page 27, line 14, strike "157,446,000" and insert "157,651,000"

On page 27, line 16, strike "385,586,000" and insert "387,739,000"

On page 32, line 21, strike "15,253,000" and insert "15,615,000"

On page 32, line 22, strike "73,184,000" and insert
"74,520,000"

On page 32, line 24, strike "91,681,000" and insert "93,379,000"

On page 28, after line 25, insert
"(g) \$1,948,000 of the general fund--state appropriation and \$205,000 of the general fund--federal appropriation are provided solely for employment or community access programs for those persons who complete a high school curriculum during the 1995-97 biennium. Portions of these amounts may be used for employment programs developed through the vocational rehabilitation program. Federal appropriations for this purpose are provided in the appropriations for the vocational rehabilitation program."

On page 32, after line 37, insert
"(3) \$362,000 of the general fund--state appropriation and \$1,336,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with severe disabilities who complete a high school curriculum during the 1995-97 biennium."

Representatives Thibaudeau, Jacobsen and Cole spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 27, line 13, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Benton, Brown, Brumsickle, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Huff, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Robertson, Romero, Rust, Schmidt, K., Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 45.

Voting nay: Representatives Backlund, Beekma, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 53.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment number 475 to Substitute House Bill No. 1410.

CHERYL HYMES, 40th District

With the consent of the House, amendment number 554 to Substitute House Bill No. 1410 was withdrawn.

Representative Thibaudeau moved adoption of the following amendment by Representative Thibaudeau:

On page 28, line 28 strike "768,717,000" and insert "781,696,000"

On page 28, line 29 strike "787,036,000" and insert "796,560,000"

On page 28, line 30 strike "1,555,753,000" and insert "1,578,256,000"

On page 29, after line 4 insert

"(3) \$12,979,000 of the general fund--state appropriation and \$9,524,000 of the general fund--federal appropriation are provided solely for a \$1 per hour increase in the hourly compensation paid to providers of in-home services in the Chore, COPES, and Title XIX Personal Care programs."

Representative Thibaudeau spoke in favor of the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment number 448 to Substitute House Bill No. 1410 was withdrawn.

Representative Cody moved adoption of the following amendment by Representative Cody:

On page 28, line 28, strike "768,717,000" and insert "771,592,000"

On page 28, line 29, strike "787,036,000" and insert "789,911,000"

On page 28, line 30, strike "1,555,753,000" and insert "1,561,503,000"

On page 29, after line 4, insert the following: "(3) \$2,875,000 of the general fund-state appropriation and \$2,875,000 of the general fund-federal appropriation are provided solely for private duty nursing services for medically fragile patients eighteen years old and older as an alternative to institutionalized care."

On page 31, line 8, strike "1,399,660,000" and insert "1,406,410,000"

On page 31, line 9, strike "1,764,415,000" and insert "1,771,165,000"

On page 31, line 12, strike "3,562,891,000" and insert "3,576,391,000"

On page 32, after line 18, insert the following: "(10)\$6,750,000 of the general fund-state appropriation and \$6,750,000 of the general fund-federal appropriation are provided solely for private duty nursing services for medically fragile patients under eighteen years old as a alternative to institutionalized care."

Representatives Cody and Mason spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Patterson moved adoption of the following amendment by Representative Patterson:

On page 29, after line 33, insert the following:

"(d) The department shall provide monthly vouchers for recipients of aid to families with dependent children who have a baby while receiving monthly benefit payments. Monthly vouchers shall be provided to purchase diapers and related infant care necessities. Monthly vouchers may be provided to an eligible recipient until the month in which the baby becomes two and one half years of age. The monthly voucher amount shall not exceed fifty dollars. This subsection shall apply to babies born to recipients after the effective date of chapter ____, laws of 1995 (this act)."

Representative Patterson spoke in favor of the adoption of the amendment.

Representative Clements spoke against the adoption of the amendment.

Representative Brown demanded an electronic roll call vote and the demand was sustained.

POINT OF INQUIRY

Representative Patterson yielded to a question by Representative Schoesler.

Representative Schoesler: The effective date of the chapter is left blank and there's no fiscal note on this amendment like we have on many others, could you explain those to the members of the House?

Representative Patterson: Thank you, the amendment provides for a cash grant of \$50 per month until the infant is two and a half years old, which is the average time when most children are out of diapers. There's no fiscal note on the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 29, after line 33, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 35, Nays - 63, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 63.

Representative Tokuda moved adoption of the following amendment by Representative Tokuda:

On page 29, line 35, strike "221,081,000" and insert "222,911,000"

On page 30, line 1, strike "423,716,000" and insert "425,546,000"

On page 30 after line 22, insert:

"(3) \$1,830,000 of the general fund--state appropriation is provided solely for the refugee assistance program."

Representatives Tokuda and Veloria spoke in favor of the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 34-YEAS, 64-NAYS. The amendment was not adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

With the consent of the House, amendment number 529 to Substitute House Bill No. 1410 was withdrawn.

Representative Thibaudeau moved adoption of the following amendment by Representative Thibaudeau:

On page 31, line 8, strike "1,399,660,000" and insert "1,409,637,000"

On page 31, line 12, strike "3,562,891,000" and insert "3,572,868,000"

On page 32, after line 15, strike all material through "woman." on line 18

On page 112, after line 9, strike all material through "thereof." on page 115, line 2

Renumber remaining sections accordingly.

Representatives Thibaudeau, Appelwick, Sommers, Dyer, Cole, Mitchell, Brown, Cooke, and Chappell spoke in favor of the adoption of the amendment.

Representative Mastin asked Representative Padden to yield to a question and it was denied.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representatives Mulliken, Padden, Sherstad, Pennington and Hargrove spoke against the adoption of the amendment.

POINT OF INQUIRY

Representative Brown yielded to a question by Representative Mastin.

Representative Mastin: As I understand it the way it's written in the budget right now it would not allow for funding for low income women in the case of rape and incest. Does the underlying language allow for public funding for low income women in the referendum in cases of rape or incest?

Representative Brown: I'm not an attorney, but when I asked that question I was told that there was no provision made in case of termination of pregnancy due to rape or incest.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 31, line 8, to Substitute House Bill No. 1410 and the amendment was adopted by the following vote: Yeas - 51, Nays - 46, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Blanton, Boldt, Brown, Buck, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Horn, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, K., Scott, Sheldon, Skinner, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 51.

Voting nay: Representatives Backlund, Beeksmas, Benton, Brumsickle, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Crouse, Delvin, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Robertson, Schmidt, D., Schoesler, Sehlín, Sheahan, Sherstad, Silver, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 46.

Absent: Representative Clements - 1.

MOTION OF RECONSIDERATION

Representative Boldt: Having voted on the prevailing side of amendment number 521 to Substitute House Bill No. 1410 move to immediately reconsider the vote.

Representatives Lambert and Dyer spoke in favor of the motion to reconsider the vote on amendment 521 to Substitute House Bill No. 1410.

Representatives Appelwick, Ebersole and Pelesky spoke against the motion to reconsider the vote on amendment number 521 to Substitute House Bill No. 1410.

POINT OF ORDER

Representative Padden: Thank you Mr. Speaker. I believe just one speech on each side of a motion for reconsideration.

Mr. Speaker: Mr. Padden, according to my advisor a motion for reconsideration is open for debate.

Representative Padden: He's a very learned advisor, Mr. Speaker.

Representative Patterson demanded an electronic roll call vote on the motion to reconsider amendment number 521 to Substitute House Bill No. 1410 and the demand was sustained.

POINT OF INQUIRY

Representative Appelwick: Is it not the practice of the House that if a member votes erroneously or is unable to vote to allow them to spread upon the Journal their intentions as to how they intended to vote and make the correction known. And certainly if one person has made such a mistake I would expect the tolerance of the body to extend that continued consideration to correct the Journal on such a sensitive issue. But I do not believe we need to resort to a motion to reconsider a re-ballot on such a tender issue.

Mr. Speaker: Representative Appelwick, it certainly has been the practice of the House to allow that consideration. However, it has also been part of procedure for people to vote on a prevailing side in order to make a motion for reconsideration. I think in this case the motion has been made before us. And it's a proper motion, the maker of the motion had in fact voted on the prevailing side that the House will give him that vote on his motion.

Representative Appelwick: If I might inquire further. Should the motion for reconsideration fails and the measure be behind us would the member still have the opportunity to correct his intended vote on the record?

Mr. Speaker: When a member feels they have voted wrong they have the opportunity to enter a note into the Journal, it actually does not change their vote, it simply is a notation for future reference that they have intended a note into a Journal stating that they had voted opposite of what they wanted to vote. So it would really not change their vote as far as the recorded vote is concerned.

Representative Appelwick: But would that opportunity remain open to that person should the motion for reconsideration fail?

Mr. Speaker: That is correct, a person could put a note in the Journal stating whatever they wanted to about their vote.

Representative Pennington demand the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to immediately reconsider the vote on amendment number 521 to Substitute House Bill No. 1410 and the motion was adopted by the following vote: Yeas - 67, Nays - 31, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Padden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 67.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Mason, Ogden, Poulsen, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 31.

RECONSIDERATION

The Speaker stated the question before the House to immediately reconsider the vote on amendment number 521 to Substitute House Bill No. 1410.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 31, line 8, to Substitute House Bill No. 1410 on reconsideration and the amendment was not adopted by the following vote: Yeas - 49, Nays - 49, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Blanton, Brown, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Horn, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, K., Scott, Sheldon, Skinner, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 49.

Voting nay: Representatives Backlund, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 49.

MOTION

Representative Appelwick moved that Substitute House Bill No. 1410 be laid on the table.

A division was called. The Speaker called on the House to divide. The results of the division was: 38-YEAS, 60-NAYS. The motion was not adopted.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

On page 31, line 8, strike "1,399,660,000" and insert "1,409,637,000"
On page 31, line 12, strike "3,562,891,000" and insert "3,572,868,000"

Representatives B. Thomas and Foreman spoke in favor of the adoption of the amendment.

Representative Thibaudeau spoke against the adoption of the amendment.

Representative Robertson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 31, line 8, to Substitute House Bill No. 1410 and the amendment was adopted by the following vote: Yeas - 52, Nays - 46, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hickel, Honeyford, Horn, Huff, Johnson, Koster, Kremen, Lisk, Mason, McMahan, Mielke, Padden, Pelesky, Pennington, Radcliff, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 52.

Voting nay: Representatives Appelwick, Basich, Benton, Brown, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Goldsmith, Grant, Hargrove, Hatfield, Hymes, Jacobsen, Kessler, Lambert, Mastin, McMorris, Mitchell, Morris,

Mulliken, Ogden, Patterson, Poulsen, Quall, Reams, Regala, Romero, Rust, Schmidt, K., Scott, Sheldon, Sherstad, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 46.

Representative Cody moved adoption of the following amendment by Representative Cody:

On page 31, line 8, strike "1,399,660,000" and insert "1,402,195,000"

On page 31, line 9, strike "1,764,415,000" and insert "1,766,110,000"

On page 31, line 12, strike "3,562,891,000" and insert "3,567,121,000"

Representative Cody spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 31, line 8, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Basich, Brown, Campbell, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Hymes, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Schmidt, K., Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 45.

Voting nay: Representatives Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 53.

With the consent of the House, amendment numbers 550 and 490 to Substitute House Bill No. 1410 were withdrawn.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 32, line 18, after "woman." insert "This subsection is contingent upon the enactment of the referendum required by section 925 of this act and shall not be effective until the measures approved by the people in the referendum become effective. If the referendum is not enacted by the people at the next succeeding general election, this subsection is null and void.

On page 115, line 2, after "thereof." insert "If the referendum required by this section is enacted by the people, sections 920 through 924 of this act shall be effective January 1, 1996."

Representative Appelwick spoke in favor of the adoption of the amendment.

Representative Padden spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Pelesky moved adoption of the following amendment by Representative Pelesky:

On page 32, beginning on line 16, strike all of subsection (9)

Representative Pelesky spoke in favor of the adoption of the amendment.

Representative Appelwick spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 32, beginning on line 16, to Substitute House Bill No. 1410 and the amendment was adopted by the following vote: Yeas - 61, Nays - 37, Absent - 0, Excused - 0.

Voting yea: Representatives Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Voting nay: Representatives Appelwick, Backlund, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 37.

With the consent of the House, amendment numbers 567 and 608 to Substitute House Bill No. 1410 were withdrawn.

Representative Smith moved adoption of the following amendment by Representative Smith:

On page 32, after line 18, insert the following: "(10) The department is authorized to provide chiropractic services to only those eligible recipients with acute conditions."

Representative Smith spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 32, after line 18, to Substitute House Bill No. 1410 and the amendment was adopted by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Voting nay: Representative Rust - 1.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 32, after line 18, insert the following:

"(10) These appropriations may not be used for reimbursement of services performed by licensees under chapter 18.50 RCW, if those services are defined as high risk by the Washington state medical quality assurance commission."

Correct internal references accordingly.

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Romero moved adoption of the following amendment by Representative Romero:

On page 36, line 10, strike "3,918,000" and insert "3,468,000"

On page 36, line 11, strike "6,086,000" and insert "5,636,000"

On page 36, after line 30, insert the following:

"(5) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program."

Representative Romero spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 36, line 10, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 37, Nays - 61, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 37.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Representative Romero moved adoption of the following amendment by Representative Romero:

On page 36, line 10, strike "3,918,000" and insert "3,789,000"

On page 36, line 11, strike "6,086,000" and insert "6,025,000"

On page 36, after line 30, insert the following:

"(5) \$61,000 of the accident account--state appropriation and \$129,000 of the medical aid account--state appropriation are provided solely to implement an integrated statewide on-line

adjudication system for pharmacy providers that includes prospective drug utilization. The amount appropriated in this section shall only be expended to administer an adjudication system that is implemented by means of contracts that are competitively bid. Until this service is implemented, the fee schedule for industrial insurance pharmacy services in effect on January 1, 1995, may not be reduced."

On page 107, after line 24, insert the following:

"**Sec. 912.** RCW 51.04.030 and 1994 c 164 § 25 are each amended to read as follows:

(1) The director shall supervise the providing of prompt and efficient care and treatment, including care provided by physician assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician, and including chiropractic care, to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and adopt and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department: AND PROVIDED FURTHER, That the department may enter into contracts for goods and services including, but not limited to, durable medical equipment so long as state-wide access to quality service is maintained for injured workers.

(2)(a) Subject to (b) of this subsection, the director shall, in consultation with interested persons, establish and, in his or her discretion, periodically change as may be necessary, and make available a fee schedule of the maximum charges to be made by any physician, surgeon, chiropractor, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. The department shall coordinate with other state purchasers of health care services to establish as much consistency and uniformity in billing and coding practices as possible, taking into account the unique requirements and differences between programs. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee schedule, and no contract providing for greater fees shall be valid as to the excess. The establishment of such a schedule, exclusive of conversion factors, does not constitute "agency action" as used in RCW 34.05.010(3), nor does such a fee schedule constitute a "rule" as used in RCW 34.05.010(15).

(b) The pharmacy services fee schedule established under this section and in effect on January 1, 1995, may not be reduced during the fiscal biennium ending June 30, 1997, until the department implements an integrated statewide on-line adjudication system for pharmacy providers.

(3) The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the adopted rules, regulations, established fee schedules, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules, regulations, or the established fee schedules and rules and regulations adopted under it."

Representative Romero spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 36, line 10, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Brown, Carrell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R.,

Grant, Hatfield, Huff, Hymes, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 42.

Voting nay: Representatives Backlund, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Raddliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 56.

With the consent of the House, amendment numbers 574 and 573 to Substitute House Bill No. 1410 were withdrawn.

Representative Schoesler moved adoption of the following amendment by Representative Schoesler:

On page 36, after line 30, insert the following:

"(5) (a) The appropriations in this section may not be used to implement or enforce rules that are not in compliance with the regulatory fairness act, under chapter 19.85 RCW.

(b) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute which the rule implements."

Representative Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Brown moved adoption of the following amendment by Representative Brown:

On page 37, line 6, strike "3,278,000" and insert "3,528,000"

On page 37, line 21, after "limitations:" insert "(a)"

On page 37, after line 24, insert:

"(b) \$250,000 of the general fund state appropriation is provided solely for an enhancement to the outreach and post traumatic stress disorder programs."

Representative Brown spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 37, line 6, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Brumsickle, Carrell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Johnson, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Raddliff, Regala, Romero, Rust, Schmidt, K., Scott, Sheldon, Sommers, Talcott, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 45.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carlson, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Koster, Lambert,

Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 53.

With the consent of the House, amendment numbers 477, 480, 476 and 535 to Substitute House Bill No. 1410 were withdrawn.

The Speaker called on Representative Horn to preside.

Representative Grant moved adoption of the following amendment by Representative Grant:

On page 40, line 7, strike "531,931,000" and insert "538,504,000"

On page 40, line 33, strike all of subsection (7)

Renumber remaining subsection accordingly.

Representative Grant spoke in favor of the adoption of the amendment.

Representative Sherstad spoke against the adoption of the amendment.

Representative Ballasiotes demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 40, line 7, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 22, Nays - 76, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Chopp, Cody, Cole, Conway, Dellwo, Fisher, R., Grant, Jacobsen, Mason, Mastin, Quall, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 22.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 76.

With the consent of the House, amendment numbers 478, 479, 518 and 606 to Substitute House Bill No. 1410 were withdrawn.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 41, line 20, strike "10,327,000" and insert "9,577,000"

On page 41, line 21, strike "423,726,000" and insert "422,976,000"

On page 78, line 4, strike "57,597,000" and insert "58,347,000"

On page 78, line 5, strike "736,382,000" and insert "737,132,000"

On page 78, after line 25 insert: "(d) \$750,000, or as much thereof as may be necessary, is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and

training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

Representative Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Kessler moved adoption of the following amendment by Representative Kessler:

On page 41, after line 33, insert: "(3) Within the amounts appropriated in this section, the department shall administer timber retraining benefits for eligible displaced workers under Substitute House Bill No. 1304 (rural natural resources areas.) If the bill is not enacted by July 1, 1995, this subsection shall be null and void."

Representatives Kessler, Sheldon and Chopp spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 41, after line 33, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Beeksma, Benton, Brown, Brumsickle, Buck, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Honeyford, Hymes, Jacobsen, Johnson, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Scott, Smith, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 48.

Voting nay: Representatives Backlund, Blanton, Boldt, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Horn, Huff, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 50.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 41, after line 33, insert "(3) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4)."

Representative Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 600 to Substitute House Bill No. 1410 was withdrawn.

Representative Hymes moved adoption of the following amendment by Representative Hymes:

On page 44, after line 39, insert "(11) \$425,000 of the general fund state appropriation and \$525,000 of the general fund federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center."

Representative Hymes spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Basich moved adoption of the following amendment by Representative Basich:

On page 47, line 26, strike "\$63,063,000" and insert "\$78,063,000"

On page 48, line 5 strike "\$192,235,000" and insert "\$207,235,000"

On page 48 after line 33, insert: "(7) \$15,000,000 of the general fund-state appropriation is provided solely for watershed restoration projects under chapter 43.21J RCW. Of this amount, \$750,000 is provided solely for the Washington conservation corps program established under chapter 43.220 RCW."

Representatives Basich and Chopp spoke in favor of the adoption of the amendment.

Representative Basich demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 47, line 26, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 43, Nays - 54, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Brumsickle, Buck, Carrell, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 43.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Cairnes, Campbell, Carlson, Casada, Chandler, Clements, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 54.

Absent: Representative Mason - 1.

Representative Jacobsen moved adoption of the following amendment by Representative Jacobsen:

On page 48, line 35, strike "\$42,967,000" and insert "\$43,539,000"

On page 49, line 15, strike "\$195,393,000" and insert "\$195,965,000"

On page 50, after line 36, insert: "(14) \$572,000 of the general fund-state appropriation is provided solely for the natural heritage program."

Representative Jacobsen spoke in favor of the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment numbers 487 and 517 to Substitute House Bill No. 1410 were withdrawn.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

On page 55, line 5, strike "30,419,000" and insert "504,419,000"

On page 55, line 9, strike "70,564,000" and insert "544,564,000"

On page 57, after line 4, insert:

"(i) \$474,000,000 of the general fund-state appropriation shall be distributed proportionately by the superintendent among programs defined by court rulings as basic education."

On page 115, after line 10, insert:

"NEW SECTION. Sec. **928**. The general fund-state appropriations in parts I through IV and part VI shall be proportionally reduced by \$474,000,000 to ensure that the general fund-state appropriation for the common schools shall be no less than fifty percent of the total general fund-state appropriation in this act.

Representative G. Fisher spoke in favor of the adoption of the amendment.

Representative Foreman spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 55, line 9, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 39, Nays - 59, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Carlson, Chappell, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Schmidt, K., Scott, Sommers, Thibaudeau, Thompson, Valle, Vloria and Wolfe - 39.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chopp, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Tokuda, Van Luven and Mr. Speaker - 59.

Representative Kremen moved adoption of the following amendment by Representative Kremen:

On page 55, line 5, strike "30,419,000" and insert "30,431,500"

On page 55, line 9, strike "70,564,000" and insert "70,576,500"

On page 57, after line 4, insert:

"(i) \$12,500 of the general fund-state appropriation is provided solely to publicize and make available to school districts a listing of the many instructional materials that encourage teenage sexual abstinence."

Representative Kremen spoke in favor of the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 48-YEAS, 50-NAYS. The amendment was not adopted.

With the consent of the House, amendment numbers 452, 496 and 489 to Substitute House Bill No. 1410 were withdrawn.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

On page 57, line 7, strike "6,142,623,000" and insert "6,265,016,000"
On page 69, line 8, strike "8,879,000" and insert "9,055,000"
On page 71, line 23, strike "111,321,000" and insert "114,127,000"
On page 72, line 7, strike "47,311,000" and insert "48,269,000"

Representatives G. Fisher, Cole, Mason and Chopp spoke in favor of the adoption of the amendment.

Representative Schoesler spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 57, line 7, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 45, Nays - 53, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Benton, Blanton, Brown, Brumsickle, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Raddliff, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 45.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 53. Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

On page 64, beginning on line 4, strike all materials through "46,142" on page 65, line 3 and insert:

PUT NUMBERS IN HERE

On page 73, line 7, strike "137,514,000" and insert "229,857,000"

Adjust all factors and percentages in sections 503 and 519 to conform with the increases in the appropriations in those sections and with new tables in these amendments.

On page 92, line 21, strike "39,891,000" and insert "68,410,000"

On page 92, line 22, strike "20,174,000" and insert "28,369,000"

On page 92, line 25, strike "38,920,000" and insert "57,253,000"

On page 92, line 26, strike "99,573,000" and insert "154,620,000"

On page 92, beginning on line 30, strike all material through page 93, line 29 and insert the following:

"(1) \$68,410,000 of the general fund--state appropriation, \$28,369,000 of the general fund--federal appropriation, and \$57,253,000 of the salary/insurance increase revolving--state appropriation are provided solely for a 4.0 percent cost-of-living adjustment effective January 1, 1996, and an additional 3.0 percent cost-of-living adjustment effective January 1, 1997, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the Washington personnel resources board, and commissioned officers of the Washington state patrol.

(2) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the Washington personnel resources board.

(3) A maximum of \$5,111,000 of the salary/insurance increase revolving--state appropriation in this section may be expended for salary increases for ferry workers, consistent with the 1995-97 transportation appropriations act."

Representatives G. Fisher, Wolfe, Appelwick and Mason spoke in favor of the adoption of the amendment.

Representatives Honeyford, Carrell and Dyer spoke against the adoption of the amendment.

POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Morris.

Representative Morris: Having waited with baited breath for many weeks for the remaining health care bills which have not yet crossed this floor, despite promises from the Chairman of the Health Care Committee that they would be before us. I was wondering if you might give us a date certain when this particular bill will afford us an opportunity to vote on it.

Representative Dyer: Well, perhaps you're confused because House Bill No. 1566 was not part of the family bill, so this a little different one. The only other stuff, it's all taken care of. All you have to do is talk to the Governor's Office, we're in negotiations, you're going to see some great stuff coming down the road. Stand by.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 64, line 4, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Benton, Brown, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Robertson, Romero, Rust, Schmidt, K., Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 42.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 56.

With the consent of the House, amendment number 488 to Substitute House Bill No. 1410 was withdrawn.

Representative Quall moved adoption of the following amendment by Representative Quall:

On page 69, line 20, strike "65,609,000" and insert "105,628,000"
On page 69, line 22, strike "78,109,000" and insert "118,128,000"
On page 69, line 25, strike "20,175,000" and insert "39,960,000"
On page 69, line 30, strike "444" and insert "800"
On page 69, line 34, strike "19,735,000" and insert "39,969,000"
On page 70, line 3, strike "444" and insert "800"

Representative Quall spoke in favor of the adoption of the amendment.

Representatives Smith and Pelesky spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 69, line 20, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Brumsickle, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 42.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 56.

With the consent of the House, amendment numbers 494, 495, 498, 530 and 505 to Substitute House Bill No. 1410 were withdrawn.

The Speaker assumed the chair.

Representative Jacobsen moved adoption of the following amendment by Representative Jacobsen:

On page 76, beginning on line 29, after "(3)" strike all material through "1996." on line 6, page 77 and insert the following:

"Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on January 1, 1996 and a salary increase of 3.0 percent on January 1, 1997.

(4) Each institution of higher education shall provide to instruction and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other non-classified staff an average salary increase of 4.0 percent on January 1, 1996 and an average salary increase of 3.0 percent on January 1, 1997."

On page 78, line 1, strike "\$667,381,000" and insert "\$670,519,000"

On page 78, line 5, strike "\$736,382,000" and insert "\$739,520,000"

On page 78, line 37, strike "\$15,462,000" and insert "\$15,822,000"

On page 79, beginning on line 1 after "1997.", strike lines 1 through 18 and insert the following:

"(b) \$11,870,000 of the general fund appropriation is provided for salary increases for all staff not covered by subsection (7)(a) of this section in accordance with section 601 (3) and (4) of this act."

On page 79, line 20, strike "\$496,582,000" and insert "\$507,998,000"

On page 79, line 26, strike "\$509,502,000" and insert "\$520,918,000"

On page 79, line 29, strike "\$8,667,000" and insert "\$8,825,000"

On page 79, line 34, strike "\$8,629,000" and insert "\$8,776,000"

On page 80, line 26, strike "\$294,975,000" and insert "\$299,689,000"

On page 80, line 29, strike "\$295,008,000" and insert "\$299,722,000"

On page 81, line 27, strike "\$70,353,000" and insert "\$71,819,000"

On page 82, line 4, strike "\$63,837,000" and insert "65,102,000"

On page 82, line 7, strike "\$63,847,000" and insert "\$65,112,000"

On page 82, line 21, strike "29,893,000" and insert "\$30,600,000"

On page 83, line 2, strike "79,818,000" and insert "\$81,526,000"

Representatives Jacobsen and Ebersole spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 76, beginning on line 29, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 37, Nays - 61, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 37.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

With the consent of the House, amendment numbers 501 and 500 to Substitute House Bill No. 1410 were withdrawn.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

On page 77, line 17, strike "29,846" and insert "29,876"

On page 77, line 17, strike "29,866" and insert "29,926"

On page 77, line 18, strike "571" and insert "622"

On page 77, line 18, strike "617" and insert "719"

On page 77, line 19, strike "586" and insert "638"

On page 77, line 19, strike "662" and insert "766"

On page 77, line 20, strike "513" and insert "560"

On page 77, line 20, strike "577" and insert "671"

On page 77, line 28, strike "3,258" and insert "3,308"

On page 77, line 28, strike "3,258" and insert "3,358"

On page 79, line 20, strike "\$496,582,000" and insert "\$499,245,000"

On page 79, line 26, strike "\$509,502,000" and insert "\$512,165,000"

On page 79, line 29, strike "8,667,000" and insert "\$9,444,000"

On page 79, line 34, strike "8,629,000" and insert "9,318,000"

On page 82, line 21, strike "29,893,000" and insert "30,106,000"

Representatives Sommers, Ebersole and Basich spoke in favor of the adoption of the amendment.

Representative Carlson spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 77, line 17, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 35, Nays - 63, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse,

Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 63.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 78, line 1, strike "\$667,381,000" and insert "\$671,804,000"

On page 78, line 5, strike "\$736,382,000" and insert "\$740,805,000"

On page 79, line 20, strike "\$496, 582,000" and insert "\$499,635,000"

On page 79, line 26, strike "\$509,502,000" and insert "\$512,555,000"

On page 80, line 26, strike "\$294,975,000" and insert "\$296,780,000"

On page 80, line 29, strike "\$295,008,000" and insert "\$296,813,000"

On page 81, line 27, strike "\$70,353,000" and insert "\$70,866,000"

On page 82, line 4, strike "\$63,837,000" and insert "\$64,289,000"

On page 82, line 7, strike "\$63,847,000" and insert "\$64,299,000"

On page 82, line 21, strike "\$29,893,000" and insert "\$30,176,000"

On page 83, line 2, strike "\$79,818,000" and insert "\$80,372,000"

On page 89, beginning on line 32, strike all material through "follows:" on page 90, line 5 and insert the following:

"General Fund--State Appropriation	\$9,724,000
General Fund--Federal Appropriation	\$3,607,000
General Fund--Private/Local Appropriation	\$580,000
General Fund--Salary/ Insurance Increase Revolving--State Appropriation	\$8,055,000
TOTAL APPROPRIATION	\$21,386,000

On page 90, line 7, strike "\$292.89" and insert "\$308.89"

On page 90, line 8, strike "\$292.25" and insert "324.25"

On page 90, beginning on line 14, after "1996." strike all material through line 21.

On page 90, beginning on line 29, strike "below \$32 per employee per month"

Representative Dellwo spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 78, line 1, strike "\$667,381,000" and insert "\$668,396,000"

On page 78, line 5, strike "\$736,382,000" and insert "\$737,397,000"
On page 79, line 20, strike "\$496,582,000" and insert "\$498,362,000"
On page 79, line 26, strike "\$509,502,000" and insert "\$511,282,000"
On page 79, line 29, strike "\$8,667,000" and insert "\$8,770,000"
On page 79, line 34, strike "\$8,629,000" and insert "\$8,709,000"
On page 80, line 26, strike "\$294,975,000" and insert "\$295,464,000"
On page 80, line 29, strike "\$295,008,000" and insert "\$295,497,000"
On page 81, line 27, strike "\$70,353,000" and insert "\$70,447,000"
On page 82, line 4, strike "\$63,837,000" and insert "\$63,985,000"
On page 82, line 7, strike "\$63,847,000" and insert "\$63,995,000"
On page 82, line 21, strike "29,893,000" and insert "\$29,975,000"
On page 83, line 2, strike "79,818,000" and insert "\$80,046,000"
On page 90, line 2, strike "\$5,876,000" and insert "\$3,624,000"
On page 91, beginning on line 11, after "(2)" strike all material through "(3)" on line 18
Representative Dellwo spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 78, line 1, to Substitute House Bill No. 1410 and the amendment was not adopted by the following vote: Yeas - 40, Nays - 58, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Brumsickle, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Mitchell, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 40.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

With the consent of the House, amendment number 531 to Substitute House Bill No. 1410 was withdrawn.

Representative Lisk moved adoption of the following amendment by Representative Lisk:

On page 78, line 18, strike "allocate the enrollments." and insert "submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection."

On page 78, line 25, after "exhausted." insert "The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection."

Representative Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 460 to Substitute House Bill No. 1410 was withdrawn.

Representative Wolfe moved adoption of the following amendment by Representative Wolfe:

On page 82, line 21, strike "\$29,893,000" and insert "\$30,135,000"

On page 82, after line 35, insert "(5) \$242,000 of the general fund appropriation is provided for instructional enhancements."

Representative Wolfe spoke in favor of the adoption of the amendment.

The amendment was not adopted.

Representative Basich moved adoption of the following amendment by Representative Basich:

On page 84, line 5, strike "\$131,209,000" and insert "\$143,422,000"

On page 84, line 8, strike "\$134,834,000" and insert "\$147,047,000"

On page 84, line 15, strike "\$128,919,000" and insert "\$141,132,000"

On page 84, line 18, strike "\$98,839,000" and insert "\$111,052,000"

Representatives Basich and Quall spoke in favor of the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment numbers 604, 551 and 502 to Substitute House Bill No. 1410 were withdrawn.

Representative Dellwo moved adoption of the following amendment by Representative Dellwo:

On page 107, after line 5, insert:

"**Sec. 911.** RCW 67.16.105 and 1994 c 159 § 2 are each amended to read as follows:

(1) Licensees of race meets that are nonprofit in nature, are of ten days or less, and have an average daily handle of one hundred twenty thousand dollars or less shall withhold and pay to the commission daily for each authorized day of racing one-half percent of the daily gross receipts from all parimutuel machines at each race meet.

(2) Licensees of race meets that do not fall under subsection (1) of this section shall withhold and pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet:

(a) If the daily gross receipts of all parimutuel machines are more than two hundred fifty thousand dollars, the licensee shall withhold and pay to the commission daily two and one-half percent of the daily gross receipts unless exempt by subsection (7) of this section; and

(b) If the daily gross receipts of all parimutuel machines are two hundred fifty thousand dollars or less, the licensee shall withhold and pay to the commission daily one percent of the daily gross receipts unless exempt by subsection (7) of this section.

(3) In addition to those amounts in subsections (1) and (2) of this section, all licensees shall forward one-tenth of one percent of the daily gross receipts of all parimutuel machines to the commission daily for payment to those nonprofit race meets as set forth in RCW 67.16.130 and subsection (1) of this section, but said percentage shall not be charged against the licensees. The total of such payments shall not exceed one hundred fifty thousand dollars in any one year and any amount in excess of one hundred fifty thousand dollars shall be remitted to the general fund. Payments to nonprofit race meets under this subsection shall be distributed on a pro rata per-race-day basis and used only for purses at race tracks that have been operating under RCW 67.16.130 and subsection (1) of this section for the five consecutive years immediately preceding the year of payment.

(4) In addition to those sums paid to the commission in subsection (2) of this section, licensees who are nonprofit corporations and have race meets of thirty days or more shall retain and dedicate:

(a) An amount equal to one and one-quarter percent of the daily gross receipts of all parimutuel machines at each race meet to be used solely for the purpose of increasing purses; and (b) an amount equal to one and one-quarter percent of the daily gross receipts of all parimutuel machines at each race meet to be deposited in an escrow or trust account and used solely for construction of a new thoroughbred race track facility in western Washington. Said percentages shall come from that amount the licensee is authorized to retain under RCW 67.16.170(2). The commission shall adopt such rules as may be necessary to enforce this subsection. The provisions of this subsection shall apply through June 1, 1995.

(5) In the event the new race track is not constructed before January 1, 2001, all funds including interest, remaining in the escrow or trust account established in subsection (4) of this section, shall revert to the state general fund.

(6) Effective June 1, 1995, licensees who are nonprofit corporations and have race meets of thirty days or more shall withhold and pay to the commission daily for each authorized day of racing an amount equal to two and one-half percent of the daily gross receipts of all parimutuel machines at each race meet. These percentages shall come from the amount that the licensee is authorized to retain under RCW 67.16.170(2) and shall be in addition to those sums paid to the commission in subsection (2) of this section. The commission shall deposit these moneys in the Washington thoroughbred racing fund created in RCW 67.16.250.

(7) Licensees of race meets with between forty-five and fifty-five race days during the 1995 season are not subject to subsection (2)(a) or subsection (2)(b) of this section during the 1995-97 biennium."

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Dellwo, Padden and Schoesler spoke in favor of the adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Buck moved adoption of the following amendment by Representative Buck:

On page 110 after line 13 insert:

"NEW SECTION. Sec. 915. No funding appropriated in this act shall be expended to establish or publish rules which exceed federal requirements for providing habitat protection for northern spotted owls."

Representative Buck spoke in favor of the adoption of the amendment.

Representative Jacobsen spoke against the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment numbers 493 and 504 to Substitute House Bill No. 1410 were withdrawn.

Representative Romero moved adoption of the following amendment by Representative Romero:

On page 112, after line 9, insert the following:

"NEW SECTION. Sec. 920. Washington state government has the vision to be the most effective and best performing service organization in the state. The state of Washington also expects to be the most effective and best performing state government in the United States, measured in terms of quality of customer service, accountability for cost-effective services, and productivity. With the passage of Initiative 601 there are additional constraints on the growth of state government. The system that allows the spending of public money should reward frugality and innovation, not encourage wasteful spending. It is the intent of the legislature to provide incentives to agencies to spend public funds in the most efficient and effective manner possible. Agencies are encouraged to identify savings and entrepreneurial opportunities, then use a portion of the resulting savings and earnings to improve the quality of service to the customers of state government.

NEW SECTION. Sec. 921. (1) The efficiency fund is created in the custody of the state treasurer for the 1995-97 biennium. An account within the fund shall be established for each state agency.

(2) The source of revenue for the fund is as follows: At the close of each fiscal year in the 1995-97 biennium, the state treasurer is to transfer into each agency's account in the efficiency fund sixty-six percent of each agency's administrative savings.

(a) The administrative savings shall be approved by the director of the office of financial management; and

(b) The funds may be transferred to the efficiency fund when there are no restrictions on the funds that would prohibit (i) their transfer or (ii) their use for the purposes allowed in subsection (3) of this section.

(3)(a) For the purposes of this section, "administrative savings" means unspent appropriations resulting from cost effectiveness measures or productivity gains such as:

- (i) Improved systems and procedures;
- (ii) Better deployment and utilization of personnel;
- (iii) Elimination of unnecessary expenditures;
- (iv) Reductions in the cost of goods and services; or
- (v) Elimination of waste, duplication, and operations of doubtful value.

(b) Administrative savings may not result from:

- (i) Lower workloads, caseloads, or enrollments than were budgeted;
- (ii) A lowering of the quality of services rendered; or
- (iii) Shifting of expenses to another unit of government, revenue source, or fiscal period.

Administrative savings cannot exceed the amount of reversions due to efficiency measures.

(4) The amount in a particular agency's account may be authorized for expenditure only by that agency.

(5) Funds may be expended from the efficiency fund to improve the quality of services to the customers of the state. This includes one-time expenditures for employee training, technology improvements, new work processes, program innovations, equipment upgrades, office remodels, performance measurement and benchmarking, or employee bonuses. The expenditure shall not be used to expand a current program or create new programs that would have ongoing costs that would require future appropriations from the legislature.

(6) The fund is not subject to allotment under this chapter and no appropriation is required for expenditures from the efficiency fund.

NEW SECTION. Sec. 922. (1) The enterprise fund is created for the 1995-97 biennium in the custody of the state treasurer. An account within the fund shall be established for each state agency. Revenue for the fund shall come from money each agency earns for services provided. This includes user fees, proceeds from the sale of publications, products, or services, royalties, concessions, rent, and other various services provided. Money not directed by law to another account shall be deposited into the enterprise fund.

(2) Funds may be validly expended from the enterprise fund during the 1995-97 biennium for those purposes that are consistent with the agency's priorities established in the budget process, and within either the agency's charter, or statutory intent, or both.

(3) The amount of money in a particular agency's account may be authorized for expenditure only by that agency.

(4) The fund is not subject to allotment under this chapter, and no appropriation is required for expenditures.

Renumber remaining sections consecutively and correct internal references and title accordingly.

Representative Romero spoke in favor of the adoption of the amendment.

Representative Dyer spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

POINT OF INQUIRY

Representative Ebersole: Thank you Mr. Speaker. It is 3:10 A.M., having stood where you stand, I know that there is no logistical way that a small minority can stop the roll of this budget if we would move to not get the bump, you could go to Rules Committee and call a new day a Parliamentary maneuver, but I want to register my protest for having heard repeatedly about not doing major bills in the middle of the night, and we're at 3:10 A.M. and everyone here is so rummy we can't even think straight to make a coherent speech and we're going to be debating the most important bill of the session, and I'm not sure if it's the dead of the night or early of the morning. I'm not sure if it's daylight out there or not, but I would ask that you consider bringing this back at 8:30 A.M. Monday morning. We'd have an hour of civilized debate on final passage of this measure, if you choose to proceed I know that there is no way we can stop you and we will go ahead with the bump instead of having the extraordinary procedure of the Rules Committee to bring it back out. We don't want to detain this measure but I do think after all the talk about process you might have gotten even here but you haven't gotten any better about the process. And I will leave it to your judgment, we can't resist the bump, but we will register our protest.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Silver, Foreman and Mielke spoke in favor of passage of the bill.

Representatives Sommers, Kremen, Chopp, Patterson, Ebersole, Rust, Chappell, Sheldon, Brown, Valle, Kessler, Regala and Appelwick spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1410.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1410, and the bill passed the House by the following vote: Yeas - 59, Nays - 39, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Padden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 39.

Engrossed Substitute House Bill No. 1410, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Foreman, the House adjourned until 1:30 p.m., Monday, March 17, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SEVENTY-FIFTH DAY, MARCH 24, 1995

JOURNAL OF THE HOUSE

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

SEVENTY-EIGHTH DAY

—————
AFTERNOON SESSION
—————

House Chamber, Olympia, Monday, March 27, 1995

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heidi Wanichek and Kristi Waite. Prayer was offered by Reverend Dan Lofgren, Bonney Lake Baptist Church.

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

There being no objection the house advanced to the third order of business.

MESSAGE FROM THE SENATE

March 27, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6029,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6029,

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

REPORTS OF STANDING COMMITTEES

March 24, 1995

SB 5030 Prime Sponsor, Hargrove: Revising procedures for offenders who violate conditions or requirements of sentences. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Radcliff, K. Schmidt, Sherstad and Schoesler.

Excused: Representatives Quall and Tokuda.

Passed to Committee on Rules for second reading.

March 24, 1995

SB 5052 Prime Sponsor, Winsley: Deleting obsolete provisions relating to the printing and duplicating center. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 24, 1995

SB 5065 Prime Sponsor, Smith: Specifying sentencing conditions for felons who commit additional felonies. Reported by Committee on Corrections

MAJORITY recommendation: Do pass. Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Radcliff, K. Schmidt, Sherstad and Schoesler.

Excused: Representatives Quall and Tokuda.

Passed to Committee on Rules for second reading.

March 24, 1995

SSB 5127 Prime Sponsor, Committee on Government Operations: Changing provisions regarding public facilities districts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.100.010 and 1989 1st ex.s. c 8 s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county (~~with three hundred thousand or more population that is located more than one hundred miles from any county in which the state has~~

~~constructed and owns a convention center. A public facilities district)) and shall be coextensive with the boundaries of the county.~~

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located ~~((and the city council of the largest city within such county)).~~

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has validated the creation of the public facilities district at a general or special election. A single ballot proposition may both authorize the creation of a public facilities district and the imposition of the sales and use tax under RCW 82.14.048 or both the creation of a public facilities district and the imposition of the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

Sec. 2. RCW 36.100.020 and 1989 1st ex.s. c 8 s 2 are each amended to read as follows:

A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five members selected as follows: (1) Two members appointed by the county legislative authority to serve for four-year staggered terms; (2) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and (3) one person to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district have either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county.

At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

~~((One of the initial members appointed by the county legislative authority shall have a term of office of two years and the other initial member appointed by the county legislative authority shall have a term of four years. One of the initial members appointed by the city council shall have a term of two years and the other initial member appointed by the city council shall have a term of four years.))~~
Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

Sec. 3. RCW 36.100.030 and 1989 1st ex.s. c 8 s 3 are each amended to read as follows:

A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate sports ((and)) facilities, entertainment facilities, or convention facilities, or any combination of such facilities, together with contiguous parking facilities. The taxes that are provided for in this chapter may only be imposed for these purposes.

A public facilities district may enter into agreements under chapter 39.34 RCW for the joint provision and operation of such facilities and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract.

A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations. ((The taxes that are provided for in this chapter may only be imposed for such purposes.))

Sec. 4. RCW 36.100.040 and 1989 1st ex.s. c 8 s 4 are each amended to read as follows:

A public facilities district may impose an excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting

of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than forty lodging units. However, if a public facilities district has not imposed such an excise tax prior to December 31, 1995, the public facilities district may only impose the excise tax if a ballot proposition authorizing the imposition of the tax has been approved by a simple majority vote of voters of the public facilities district voting on the proposition.

The rate of the tax shall not exceed two percent and the proceeds of the tax shall only be used for the acquisition, design, ~~((and))~~ construction, remodeling, maintenance, equipping, reequipping, repairing, and operation of ~~((sports and entertainment))~~ its public facilities. This excise tax shall not be imposed until the district has approved the proposal to acquire, design, and construct the public facilities.

A public facilities district may not impose the tax authorized in this section if, after the tax authorized in this section was imposed, the effective combined rate of state and local excise taxes, including sales and use taxes and excise taxes on lodging, imposed on the sale of or charge made for furnishing of lodging in any jurisdiction in the public facilities district exceeds eleven and one-half percent.

Sec. 5. RCW 36.100.060 and 1989 1st ex.s. c 8 s 5 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for ~~((the sports and entertainment facility))~~ its public facilities.

Sec. 6. RCW 82.14.048 and 1991 c 207 s 1 are each amended to read as follows:

The governing board of a public facilities district under chapter 36.100 RCW may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

Moneys received from any tax imposed under this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of ~~((sports or entertainment))~~ its public facilities ~~((and contiguous parking))~~.

NEW SECTION. Sec. 7. The treasurer of the county in which a public facilities district is located shall be the ex officio treasurer of the district.

NEW SECTION. Sec. 8. The board of directors of the public facilities district shall adopt a resolution that may be amended from time to time that shall establish the basic requirements governing methods and amounts of reimbursement payable to such district officials and employees for travel and other business expenses incurred on behalf of the district. The resolution shall, among other things, establish procedures for approving such expenses; the form of the travel and expense voucher; and

requirements governing the use of credit cards issued in the name of the district. The resolution may also establish procedures for payment of per diem to board members. The state auditor shall, as provided by general law, cooperate with the public facilities district in establishing adequate procedures for regulating and auditing the reimbursement of all such expenses.

NEW SECTION. Sec. 9. The board of directors of the public facilities district may authorize payment of actual and necessary expenses of officers and employees for lodging, meals, and travel-related costs incurred in attending meetings or conferences on behalf of the public facilities district and strictly in the public interest and for public purposes. Officers and employees may be advanced sufficient sums to cover their anticipated expenses in accordance with rules adopted by the state auditor, which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210.

NEW SECTION. Sec. 10. Each member of the board of directors of the public facilities district may receive compensation of fifty dollars per day for attending meetings or conferences on behalf of the district, not to exceed three thousand dollars per year. A director may waive all or a portion of his or her compensation under this section as to a month or months during his or her term of office, by a written waiver filed with the public facilities district. The compensation provided in this section is in addition to reimbursement for expenses paid to the directors by the public facilities district.

NEW SECTION. Sec. 11. The board of directors of the public facilities district may purchase liability insurance with such limits as the directors may deem reasonable for the purpose of protecting and holding personally harmless district officers and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 12. Whenever an action, claim, or proceeding is instituted against a person who is or was an officer or employee of the public facilities district arising out of the performance of duties for or employment with the district, the public facilities district may grant a request by the person that the attorney of the district's choosing be authorized to defend the claim, suit, or proceeding, and the costs of defense, attorneys' fees, and obligation for payments arising from the action may be paid from the district's funds. Costs of defense or judgment or settlement against the person shall not be paid in a case where the court has found that the person was not acting in good faith or within the scope of employment with or duties for the public facilities district.

NEW SECTION. Sec. 13. The board of directors of the public facilities district shall have authority to authorize the expenditure of funds for the public purposes of preparing and distributing information to the general public and promoting, advertising, improving, developing, operating, and maintaining facilities of the district. Nothing contained in this section may be construed to authorize preparation and distribution of information to the general public for the purpose of influencing the outcome of a district election.

NEW SECTION. Sec. 14. The public facilities district shall have authority to create and fill positions, fix wages, salaries, and bonds therefor, pay costs involved in securing or arranging to secure employees, and establish benefits for employees, including holiday pay, vacations or vacation pay, retirement benefits, medical, life, accident, or health disability insurance, as approved by the board. Public facilities district board members, at their own expense, shall be entitled to medical, life, accident, or health disability insurance. Insurance for employees and board members shall not be considered compensation. District coverage for the board is not to exceed that provided public facilities district employees.

NEW SECTION. Sec. 15. The public facilities district may secure services by means of an agreement with a service provider. The public facilities district shall publish notice, establish criteria, receive and evaluate proposals, and negotiate with respondents under requirements set forth by district resolution.

NEW SECTION. **Sec. 16.** In addition to provisions contained in chapter 39.04 RCW, the public facilities district is authorized to follow procedures contained in RCW 43.19.1906 and 43.19.1911 for all purchases, contracts for purchase, and sales.

NEW SECTION. **Sec. 17.** (1) A public facilities district may issue revenue bonds to fund revenue generating facilities, or portions of facilities, which it is authorized to provide or operate. Whenever revenue bonds are to be issued, the board of directors of the district shall create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on such revenue bonds shall exclusively be payable. The board may obligate the district to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the revenues from the public improvements, projects, or facilities, and all related additions, that are funded by the revenue bonds. This amount or proportion shall be a lien and charge against these revenues, subject only to operating and maintenance expenses. The board shall have due regard for the cost of operation and maintenance of the public improvements, projects, or facilities, or additions, that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. The board may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued pursuant to this section shall not be an indebtedness of the district issuing the bonds, and the interest and principal on the bonds shall only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued pursuant to this section shall not have any claim against the district arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each bond issued pursuant to this section.

(3) Revenue bonds with a maturity in excess of thirty years shall not be issued. The board of directors of the district shall by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

NEW SECTION. **Sec. 18.** Sections 7 through 17 of this act are each added to chapter 36.100 RCW.

NEW SECTION. **Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Reams, Chair; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 24, 1995

SSB 5182 Prime Sponsor, Committee on Government Operations: Allowing county fiscal biennium budgets. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after the enacting clause, strike the remainder of the bill and insert:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 36.32 RCW to read as follows:

In lieu of adopting an annual budget, the county legislative authority of any county may adopt an ordinance providing for biennial budgets with a mid-biennium review and modification for the second year of the biennium. The county legislative authority may repeal such an ordinance and revert to adopting annual budgets for a period commencing after the end of a biennial budget cycle. The county legislative authority of a county with a biennial budget cycle may adopt supplemental and emergency budgets in the same manner and subject to the same conditions as the county legislative authority in a county with an annual budget cycle.

The procedure and steps for adopting a biennial budget shall conform with the procedure and steps for adopting an annual budget and with requirements established by the state auditor. The state auditor shall establish requirements for preparing and adopting the mid-biennium review and modification for the second year of the biennium.

Expenditures included in the biennial budget, mid-term modification budget, supplemental budget, or emergency budget shall constitute the appropriations for the county during the applicable period of the budget and every county official shall be limited in making expenditures or incurring liabilities to the amount of the detailed appropriation item or classes in the budget.

The county legislative authority shall hold a public hearing on the proposed county property taxes and proposed road district property taxes prior to imposing the property tax levies."

Correct the title.

Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 24, 1995

SB 5239 Prime Sponsor, Oke: Requiring any person convicted of communication with a minor to register as a sex offender. Reported by Committee on Corrections

MAJORITY recommendation: Do pass with the following amendment:

On page 4, after line 11, insert the following:

"**Sec. 2.** RCW 9A.44.140 and 1991 c 274 s 3 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony: Such person may only be relieved of the duty to register under subsection (2) or (3) of this section.

(b) For a person convicted of a class B felony: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony or any violation of RCW 9.68A.090: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before

and after conviction, and may consider other factors. Except as provided in subsection (3) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(3) An offender having a duty to register under RCW 9A.44.130 for a sex offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was under the age of fifteen if the petitioner (a) has not been adjudicated of any additional sex offenses during the twenty-four months following the adjudication for the sex offense giving rise to the duty to register, and (b) the petitioner proves by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(4) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

(5) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130."

Correct the title accordingly.

Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Radcliff, K. Schmidt, Sherstad and Schoesler.

Excused: Representatives Quall and Tokuda.

Passed to Committee on Rules for second reading.

March 24, 1995

SB 5274 Prime Sponsor, Haugen: Clarifying the funding formula for the municipal research council. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 23, 1995

SB 5332 Prime Sponsor, Prentice: Regulating securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beekma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant,

Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Mielke, Ogden, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 24, 1995

SSB 5370 Prime Sponsor, Committee on Government Operations: Authorizing use of credit cards by local governments. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 24, 1995

SSB 5400 Prime Sponsor, Committee on Law & Justice: Providing for reimbursements to the department of labor and industries related to crime victim compensation. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith and Veloria.
Excused: Representative Thibaudeau.

Passed to Committee on Rules for second reading.

March 23, 1995

SB 5433 Prime Sponsor, Prentice: Regulating investments by insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksma, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksma, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Ogden, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 23, 1995

SB 5434 Prime Sponsor, Prentice: Amending licensing requirements of general agents. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Ogden, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 23, 1995

ESB 5437 Prime Sponsor, Prentice: Disclosing material transactions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Ogden, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 24, 1995

ESSB 5466 Prime Sponsor, Committee on Law & Justice: Protecting children from sexually explicit films, publications, and devices. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** As used in sections 1 through 5 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Minor" means any person under the age of eighteen years.

(2) "Harmful to minors" means any matter or live performance:

(a) That the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and

(b) That explicitly depicts or describes, by prevailing standards in the adult community with respect to what is suitable for minors, patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, lewd exhibition of the genitals or genital area, sexually explicit conduct, sexual excitement, or sexually explicit nudity; or

(iii) Sexual acts that are violent or destructive, including but not limited to human or animal mutilation, dismemberment, rape, or torture; and

(c) That, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors.

(3) "Sexually explicit conduct" means physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, perineum, or, if such person be a female, breast.

(4) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal; or the depiction of covered male genitals in a discernibly turgid state.

(5) "Sexually explicit nudity" means the showing of the human male or female genitals, pubic area, buttocks, or perineum with less than a full opaque covering; or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

(6) "Matter" means a motion picture film, a publication, a sexual device, or any combination thereof.

(7) "Motion picture film" means any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape; or

(f) Any other medium used to electronically transmit or reproduce images on a screen.

(8) "Publication" means any book, magazine, article, pamphlet, writing, printing illustration, picture, sound recording, telephonic communication, or coin-operated machine.

(9) "Sexual device" means any artificial device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals.

(10) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, in person or by electronic transmission, or by telephonic communication, with or without consideration.

(11) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(12) "Knowledge of its character" means that the person has knowledge that the matter or performance contains, depicts, or describes activity or conduct that may be found to be patently offensive under subsection (2)(b) of this section. Such knowledge may be proved by direct or circumstantial evidence, or both.

(13) "Knowledge" means knowledge as defined in RCW 9A.08.010(1)(b).

NEW SECTION. Sec. 2. No person shall with knowledge of its character:

(1) Display matter that is harmful to minors, as defined in section 1(2) of this act, in such a way that minors, as part of the invited general public, will be exposed to view such matter; however, a person shall be deemed not to have displayed matter harmful to minors if the matter is kept behind devices commonly known as blinder racks so that the lower two-thirds of the matter is not exposed to view. In the case of on-line accessibility to information stored in an electronic form, a person shall be deemed not to have displayed matter harmful to minors if:

(a) The matter is stored in a restricted area where access is allowed only to persons who are reasonably believed to be eighteen years of age or older based on information supplied as provided for in section 3(3) of this act and who have obtained a password or other authorization necessary for access to the matter; or

(b) Where it is not reasonably possible to restrict access in the manner described in (a) of this subsection, the matter is stored in an area labelled "adults only";

(2) Sell, furnish, present, distribute, allow to view or hear, or otherwise disseminate to a minor, with or without consideration, any matter that is harmful to minors as defined in section 1(2) of this act; or

(3) Present to a minor or participate in presenting to a minor, with or without consideration, any live performance that is harmful to minors as defined in section 1(2) of this act.

NEW SECTION. Sec. 3. In any prosecution for violation of section 2 of this act, it shall be an affirmative defense that:

(1) The matter or performance involved was displayed or otherwise disseminated to a minor by the minor's parent or legal guardian, for bona fide purposes;

(2) The matter or performance involved was displayed or otherwise disseminated to a minor with the written permission of the minor's parent or legal guardian, for bona fide purposes; or

(3) The person made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper, or copy thereof if supplied by mail or electronic facsimile

when in-person production thereof is impractical, and not relying solely on the oral allegations or apparent age of the minor.

NEW SECTION. Sec. 4. Any person who is convicted of violating any provision of section 2 of this act is guilty of a gross misdemeanor. Each day that any violation of section 2 of this act occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by section 2 of this act shall constitute a separate offense as to each item, issue, or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume, and number issue, or other such identical material shall constitute a single offense.

NEW SECTION. Sec. 5. The state of Washington hereby fully occupies and preempts within the boundaries of the state the entire field of regulation and sanctions for displaying, selling, furnishing, presenting, or otherwise distributing matter or performances that are harmful to minors. Counties, cities, towns, or other municipalities may enact only those laws and ordinances relating to matter and performances harmful to minors that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this chapter shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such county, city, town, or municipality.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) RCW 9.68.015 and 1959 c 260 s 2;
- (2) RCW 9.68.050 and 1992 c 5 s 1 & 1969 ex.s. c 256 s 13;
- (3) RCW 9.68.060 and 1992 c 5 s 2 & 1969 ex.s. c 256 s 14;
- (4) RCW 9.68.070 and 1992 c 5 s 4 & 1969 ex.s. c 256 s 15;
- (5) RCW 9.68.080 and 1969 ex.s. c 256 s 16;
- (6) RCW 9.68.090 and 1992 c 5 s 3 & 1969 ex.s. c 256 s 17;
- (7) RCW 9.68.100 and 1969 ex.s. c 256 s 18;
- (8) RCW 9.68.110 and 1969 ex.s. c 256 s 19;
- (9) RCW 9.68.120 and 1969 ex.s. c 256 s 20;
- (10) RCW 9.68.130 and 1975 1st ex.s. c 156 s 1;
- (11) RCW 9.68A.140 and 1987 c 396 s 1;
- (12) RCW 9.68A.150 and 1987 c 396 s 2; and
- (13) RCW 9.68A.160 and 1987 c 396 s 3.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 9.68 RCW.

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

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Chappell; Lambert; McMahan; Robertson; Sheahan and Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Cody; Morris; Thibaudeau and Veloria.

Voting Yea: Representatives Campbell, Carrell, Chappell, Delvin, Hickel, Lambert, McMahan, Padden, Robertson, Sheahan and Smith.

Voting Nay: Representatives Appelwick, Cody, Costa, Morris, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 24, 1995

SB 5523 Prime Sponsor, Smith: Regulating payment of criminal defendants' costs. Reported by
Committee on Corrections

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 10, after "remitted" strike "to the county or city for criminal justice purposes" and insert "for criminal justice purposes to the county or city that is responsible for the defendant's jail costs"

Signed by Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Ballasiotes, Blanton, Cole, Dickerson, Koster, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.
Excused: Representative Quall.

Passed to Committee on Rules for second reading.

March 24, 1995

SSB 5537 Prime Sponsor, Committee on Education: Changing teacher preparation provisions.
Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.410 RCW to read as follows:

Not later than January 1, 1997, the state board of education shall study, report, and make recommendations to the legislature on the following issues regarding teacher assessment for initial or residency certification:

(1) How an individual assessment would be linked to state board-adopted, performance-based program approval standards;

(2) How an individual assessment would be linked to the performance-based public education system under RCW 28A.630.885; and

(3) Whether, in lieu of requiring the assessment for initial or residency certification, the assessment should be required as a diagnostic tool and the results used for professional growth purposes while the teacher holds the residency certificate.

In conducting this study, the state board shall take into consideration any recommendations from the board's professional education advisory committee and the Washington advisory council for professional teaching standards.

Any recommendation to implement a teacher assessment system, including funding support, must be approved by the legislature before such implementation occurs.

Sec. 2. RCW 28A.305.130 and 1991 c 116 s 11 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Require that no person may be admitted to a professional teacher preparation program within Washington state without first demonstrating that he or she is competent in the basic skills required for oral and written communication and computation. The board shall adopt rules to implement this requirement, including criteria for providing waivers as necessary.

(2) Approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

~~((2))~~ (3) Conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

~~((3))~~ (4) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection ~~((4)-above)~~ (2) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

~~((4))~~ (5)(a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a noncertificated teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a noncertificated teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a noncertificated teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

~~((5))~~ (6) Supervise the issuance of such certificates as provided for in subsection ~~((4)-above)~~ (2) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.

~~((6))~~ (7) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

~~((7))~~ (8) Make rules ~~((and regulations))~~ governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

~~((8))~~ (9) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

~~((9))~~ (10) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

~~((10))~~ (11) Carry out board powers and duties relating to the organization and reorganization of school districts under RCW 28A.315.010 through 28A.315.680 and 28A.315.900.

~~((11))~~ (12) By rule ~~((or regulation promulgated))~~ adopted upon the advice of the director of community, trade, and economic development, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules ~~((and regulations))~~ shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

~~((12))~~ (13) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

- (1) RCW 28A.305.230 and 1985 c 419 s 1;
- (2) RCW 28A.305.240 and 1990 c 33 s 268 & 1987 c 525 s 217;
- (3) RCW 28A.305.245 and 1991 c 259 s 3;
- (4) RCW 28A.305.250 and 1990 c 33 s 269, 1989 c 11 s 4, & 1987 c 525 s 226;
- (5) RCW 28A.410.020 and 1991 c 116 s 20, 1988 c 251 s 4, & 1987 c 525 s 202;
- (6) RCW 28A.410.030 and 1993 c 336 s 801, 1991 c 116 s 21, & 1987 c 525 s 203;
- (7) RCW 28A.415.290 and 1993 c 336 s 406;
- (8) RCW 28B.35.380 and 1977 ex.s. c 169 s 60; and
- (9) RCW 28B.40.380 and 1977 ex.s. c 169 s 80, 1975 1st ex.s. c 275 s 147, 1969 ex.s. c 176 s 155, & 1969 ex.s. c 223 s 28B.40.380."

On page 1, line 1 of the title, after "preparation;" strike the remainder of the title and insert "amending RCW 28A.305.130; adding a new section to chapter 28A.410 RCW; and repealing RCW 28A.305.230, 28A.305.240, 28A.305.245, 28A.305.250, 28A.410.020, 28A.410.030, 28A.415.290, 28B.35.380, and 28B.40.380."

Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; G. Fisher; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representatives Dickerson and Fuhrman.

Passed to Committee on Rules for second reading.

March 24, 1995

SB 5538 Prime Sponsor, McAuliffe: Changing state board of education staff provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; G. Fisher; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.
Excused: Representatives Dickerson, Fuhrman and Quall.

Passed to Committee on Rules for second reading.

March 23, 1995

SB 5581 Prime Sponsor, Fraser: Extending the expiration date for the pollution liability insurance program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Ogden, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 23, 1995

SSB 5660 Prime Sponsor, Committee on Financial Institutions & Housing: Providing for heating oil liability protection. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Ogden, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

March 24, 1995

SSB 5764 Prime Sponsor, Committee on Government Operations: Adjusting the procedures of the redistricting commission. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 24, 1995

SB 5848 Prime Sponsor, Smith: Providing for retrocession of criminal jurisdiction by the Tulalip Tribe. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Padden, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 23, 1995

SB 5931 Prime Sponsor, Prentice: Providing parity among financial institutions. Reported by
Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 30.04.111 and 1994 c 92 s 12 are each amended to read as follows:

The total loans and extensions of credit by a bank or trust company to a person outstanding at any one time shall not exceed twenty percent of the capital and surplus of such bank or trust company. The following loans and extensions of credit shall not be subject to this limitation:

(1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse;

(2) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or treasury bills of the United States or by other such obligations wholly guaranteed as to principal and interest by the United States;

(3) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States;

(4) Loans or extensions of credit fully secured by a segregated deposit account or accounts in the lending bank;

(5) Loans or extensions of credit secured by collateral having a readily ascertained market value of at least one hundred fifteen percent of the outstanding amount of the loan or extension of credit;

(6) Loans or extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples shall be subject to a limitation of thirty-five percent of capital and surplus in addition to the general limitations, if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds one hundred fifteen percent of the outstanding amount of the loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure the staples;

(7) The purchase of bankers' acceptances of the kind described in section 13 of the federal reserve act and issued by other banks shall not be subject to any limitation based on capital and surplus;

(8) The unpaid purchase price of a sale of bank property, if secured by such property.

For the purposes of this section "capital" shall include the amount of common stock outstanding and unimpaired, the amount of preferred stock outstanding and unimpaired, and capital notes or debentures issued pursuant to chapter 30.36 RCW.

For the purposes of this section "surplus" shall include capital surplus, reflecting the amounts paid in excess of the par or stated value of capital stock, or amounts contributed to the bank other than for capital stock, and ~~((amounts transferred to surplus from))~~ undivided profits ~~((pursuant to resolution of the board of directors))~~.

The term "person" shall include an individual, sole proprietor, partnership, joint venture, association, trust, estate, business trust, corporation, sovereign government or agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

The director may prescribe rules to administer and carry out the purposes of this section, including without limitation rules to define or further define terms used in this section and to establish limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit, and to determine when a loan putatively made to a person shall, for purposes of this section, be attributed to another person. In adopting the rules, the director shall be guided by rulings of the comptroller of the currency that govern lending limits applicable to national commercial banks.

Sec. 2. RCW 30.04.215 and 1994 c 256 s 37 and 1994 c 92 s 20 are each reenacted to read as follows:

(1) Notwithstanding any other provisions of law, in addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of December 31, 1993.

(2) A bank that desires to perform an activity that is not expressly authorized by subsection (1) of this section shall first apply to the director for authorization to conduct such activity. Within thirty days of the receipt of this application, the director shall determine whether the activity is closely related to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the director finds the activity to be closely related to the business of banking and the bank is otherwise qualified, he or she shall forthwith inform the applicant that the activity is authorized. If the director determines that such activity is not closely related to the business of banking or the bank is not otherwise qualified, he or she shall forthwith inform the applicant in writing. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.05 RCW. In determining whether a particular activity is closely related to the business of banking, the director shall be guided by the rulings of the board of governors of the federal reserve system and the comptroller of the currency in making determinations in connection with the powers exercisable by bank holding companies, and the activities performed by other commercial banks or their holding companies.

~~(3) ((In addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that are determined by the director, by rule adopted pursuant to chapter 34.05 RCW, to be closely related to the business of banking, or necessary or convenient thereto, and the exercise thereof will promote the public convenience and advantage. Provided, however, that such other business activities shall also have been determined by the board of governors of the federal reserve system or by the United States congress to be closely related to the business of banking.))~~ Notwithstanding any restrictions, limitations, and requirements of law, in addition to all powers, express or implied, that a bank has under the laws of this state, a bank shall have the powers and authorities conferred as of August 31, 1994, upon federally chartered bank doing business in this state. A bank may exercise the powers and authorities conferred on a federally chartered bank after this date, only if the director finds that the exercise of such powers and authorities:

(a) Serves the convenience and advantage of depositors, borrowers, or the general public; and

(b) Maintains the fairness of competition and parity between state-chartered banks and federally chartered banks.

As used in this section, "powers and authorities" include without limitation powers and authorities in corporate governance and operational matters.

The restrictions, limitations, and requirements applicable to specific powers or authorities of federally chartered banks shall apply to banks exercising those powers or authorities permitted under this subsection but only insofar as the restrictions, limitations, and requirements relate to exercising the powers or authorities granted banks solely under this subsection.

(4) Any activity which may be performed by a bank, except the taking of deposits, may be performed by (a) a corporation or (b) another entity approved by the director, which in either case is owned in whole or in part by the bank.

Sec. 3. RCW 30.08.180 and 1994 c 92 s 60 are each amended to read as follows:

Every bank and trust company shall make at least three regular reports each year to the director, as of the dates which he or she shall designate, according to form prescribed by him or her, verified by the president, manager or cashier and attested by at least two directors, which shall exhibit under appropriate heads the resources and liabilities of such corporation. The dates designated by the director shall be the dates designated by the comptroller of the currency of the United States for reports of national banking associations. ~~((Each such report in condensed form, to be prescribed by the director, shall be published once in a newspaper of general circulation, published in a place where the corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county.))~~

Every such corporation shall also make such special reports as the director shall call for.

Sec. 4. RCW 30.08.190 and 1994 c 256 s 51 and 1994 c 92 s 61 are each reenacted and amended to read as follows:

(1) Every regular report shall be filed with the director within thirty days from the date of issuance of the notice. Every special report shall be filed with the director within such time as shall be specified by him or her in the notice therefor.

(2) The director shall provide a copy of any regular report free of charge to any person that submits a written request for the report.

(3) Every bank and trust company which fails to file any report, required to be filed under subsection (1) of this section and within the time specified, shall be subject to a penalty of fifty dollars per day for each day's delay. A civil action for the recovery of any such penalty may be brought by the attorney general in the name of the state."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "amending RCW 30.04.111 and 30.08.180; and reenacting and amending RCW 30.04.215 and 30.08.190."

Signed by Representatives L. Thomas, Chairman; Beeksmas, Vice Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Grant, Assistant Ranking Minority Member; Benton; Campbell; Costa; Dyer; Huff; Kessler; Mielke; Ogden and Pelesky.

Voting Yea: Representatives Beeksmas, Benton, Campbell, Costa, Dyer, Grant, Huff, Kessler, Ogden, Mielke, Pelesky, Smith, L. Thomas and Wolfe.
Excused: Representative Dellwo.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

HOUSE RESOLUTION NO. 95-4641, by Representatives Schoesler, Hatfield, Robertson and Conway

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Washington State University Cougar football team has exhibited the highest level of excellence in winning the 1994 Builders Square Alamo Bowl in San Antonio, Texas; and

WHEREAS, The Cougars' 10-3 victory over the Baylor University Bears enabled them to complete the season ranked nineteenth in the nation; and

WHEREAS, Their incredible abilities were demonstrated by this third bowl appearance, and the third bowl win for the Cougars, in the past six years; and

WHEREAS, Head Coach Mike Price and all the Washington State University football assistant coaches and staff and all the players share in the Cougars' success by combining exceptional coaching and exceptional playing; and

WHEREAS, The Cougars' triumphant season included a crushing defeat of the University of Washington Huskies by a 23-6 decision in the 1994 Apple Cup in Pullman; and

WHEREAS, Chad Davis earned the Most Valuable Offensive Player performance award at the Alamo Bowl by completing 27 of 35 passes for 286 yards and no interceptions; and

WHEREAS, Cougar linebacker Mark Fields was named Defensive Player of the Year in the Pacific-10 Conference; and

WHEREAS, WSU defensive tackle Chad Eaton received the Morris Trophy as Defensive Lineman of the Year in the Pacific-10 Conference, as voted by the league's offensive lineman who felt the fury of his ferocious line play; and

WHEREAS, Washington State's defense was the best in the nation after all postseason bowl games were played, finishing first in total defense, allowing 222.5 yards per game, first in scoring defense while giving up just 11.3 points per game, third in rushing defense at 73.8 yards per game, and third in pass efficiency at 90.08; and

WHEREAS, The Cougars' smashing defensive performances earned the team a spot in the WSU record book; the defense ranked first in rushing touchdowns allowed with four, first in rushing yards allowed per game at 73.8, and first in rushing average per play at 2.0; and

WHEREAS, These outstanding achievements could only have been attained with the support of the many students, alumni, family, community members, and friends who gave their enthusiastic support, making them accomplishments for everyone to share and enjoy; and

WHEREAS, The Washington State University Cougar football team is a source of great pride to all citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the 1994 Washington State University Cougar football team and Head Coach Mike Price; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Head Coach Mike Price and his coaching staff as well as to the entire 1994 Cougar football team, and to Washington State University President Samuel H. Smith.

Representative Schoesler moved adoption of the resolution.

Representatives Schoesler and Patterson spoke in favor of adoption of the resolution.

House Resolution No. 4641 was adopted.

HOUSE RESOLUTION NO. 95-4626, by Representatives Mason, Carlson, Valle, Dickerson, Conway, Elliot, Jacobsen, Hatfield, Ebersole, Dyer, Ogden, Cody, D. Schmidt, Veloria, Poulsen, Smith, Chopp and Costa

WHEREAS, The House of Representatives traditionally recognizes February as the celebration of the many contributions to America by African-Americans; and

WHEREAS, The American slave trade began on the Continent of Africa approximately 1490, and during the next 373 years more than 100 million Africans were objects of commerce and the foundation of America's present economic standing in the world; and

WHEREAS, During the period of the American slave trade, 15 million slaves died and remain buried in the middle passage between the shores of Africa and America; and

WHEREAS, More than 300,000 black men, women, and children fought, nursed, and assisted both the Union and Confederate armies during the Civil War; and the Emancipation Proclamation was signed by President Abraham Lincoln declaring January 1, 1863, as the date ending human bondage and the practice of labor without compensation in America; and

WHEREAS, Secular and religious education was of paramount importance to freed black Americans, and the first school for African-Americans was established in Hampton, Virginia in 1865. Today, 104 traditionally black colleges and universities that were established in the years following slavery still exist; and

WHEREAS, During Reconstruction, many African-Americans became prominent elected officials. Hiram Revels, a Republican from Mississippi, was the first black person to serve in the United States Senate in 1870; and South Carolina sent an all black delegation to Congress; and

WHEREAS, George Washington Bush was the first black to serve in the Washington Territorial Legislature, and Representatives Charles Stokes and Marjorie Pitter King were the first black man and woman to serve in the legislature following the proclamation of Washington statehood; and Charles Z. Smith was the first black, and only person of color, to serve on the Washington State Supreme Court; and

WHEREAS, In the 40 years following slavery, southern states eliminated black competition at the ballot box by instituting grandfather clauses permitting citizens to vote only if their grandfather had exercised that right; and

WHEREAS, Booker T. Washington, founder of Tuskegee College, was the first African-American to connect academic education with industrial training. He left a legacy of a changed educational policy for all Americans; and

WHEREAS, The desire to succeed and contribute to America caused African-Americans to defy racial hostility, lynching, Jim Crow laws, and economic injustices; and

WHEREAS, This willingness to succeed and the love for their country has left a positive impact on American culture and society in areas of education, medicine, industry, the military, religion, social science, philosophy, agriculture, engineering, and the arts; and

WHEREAS, Just a few of the major contributions made by African-American scientists include: Dr. Charles Drew developed the first blood bank; Dr. Elmer Imes, a physicist, expanded the quantum theory to include the rotation status of the molecule; Dr. Percy Julian was the first to find uses for the soybean and applications for cortisone; and Archie Alexander engineered and built the bridge spanning the Potomac River; and

WHEREAS, The civil rights movement grew from the Montgomery, Alabama bus boycott, inspired by Rosa Parks, and led by the Reverend Dr. Martin Luther King, Jr. The 1963 March on Washington brought together participants from all walks of American life to share in the spirit of equality; and

WHEREAS, There have been major contributions made to Washington State history by African-American citizens, including: Edwin T. Pratt, civil rights leader; Mona Lake Jones, poet; Sam Smith, political strategist; Jacob Lawrence and James Washington, artists; Esther Mumford, historian; and Quincy Jones, Ernestine Anderson, and Jimi Hendrix, musicians;

NOW, THEREFORE BE IT RESOLVED, That the House of Representatives of the state of Washington recognize the importance of the contributions made by African-Americans, and acknowledge that February is African-American History Month; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Chair of the Washington State Commission on African-American Affairs, to Judge Charles Stokes, the first African-American member of the Washington State House of Representatives, and to Justice Charles Z. Smith of the Washington State Supreme Court.

Representative Ogden moved adoption of the resolution.

Representatives Ogden and Carlson spoke in favor of adoption of the resolution.

House Resolution No. 4626 was adopted.

There being no objection the House re-referred Engrossed Senate Bill No. 5684 from the Committee on Government Operations to the Rules Committee.

MOTION

Representative Appelwick moved that Senate Bill No. 5322 be moved from the Rules Committee to the floor.

The Speaker stated the motion of order.

HOUSE RESOLUTION NO. 95-4643, by Representatives K. Schmidt, Robertson, Lambert, Dyer, Chandler, Cooke, Thompson, Campbell and Smith

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Mike Padden began his illustrious and distinguished legislative career with the Washington State House of Representatives, as 4th District Representative, and as one of nineteen Republican freshmen in the class of 1980 at which time he enjoyed the luxury of being part of the Bill Polks majority; and

WHEREAS, State Representative Mike Padden was tempered by twelve years in the minority serving under three Speakers, representing the loyal opposition both on the floor and as the ranking member on the Judiciary Committee; and

WHEREAS, In 1994, the voters returned Mike Padden to Olympia to once again return to the majority and to serve as the Chair of the Law and Justice Committee and as majority Floor Leader; and

WHEREAS, Mike Padden became a leader not only in the legislature but state-wide as well, helping to craft and implement outstanding and enduring public policy in a variety of areas, working

for the public good, responding to constituents, fostering trust and integrity in government, and faithfully steadfast to conscience; and

WHEREAS, Mike Padden has tendered his resignation as State Representative in order to accept a judicial appointment as District Court Judge for the County of Spokane, State of Washington; and

WHEREAS, Mike Padden is one of the last Troglodytes in the legislature, so named by Governor John Spellman, because he signed a letter asking the Speaker of the House of Representatives to look for cuts in the budget before any tax increases; and

WHEREAS, Although inuring a great benefit to the citizens of Spokane County and the Judiciary, it is with deep and sincere regret that the House of Representatives has learned of Representative Padden's resignation and without equivocation the House of Representatives will experience an inestimable and irreplaceable loss from these hallowed chambers; and

WHEREAS, The respect and admiration for Representative Padden will continue to radiate with time and will not diminish upon his absence and his work and accomplishments will be an abiding standard of ideal and attainment for legislative challenges to come;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in service and untold legislative and personal accomplishments and contributions by State Representative Mike Padden to his office, his constituents and colleagues, and especially to the citizens of this great state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives of the state of Washington extend the very best wishes to Mike Padden, his wife Laura, and their five sons, Justin, Shaun, Andy, Timothy, and Brendan; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mike Padden.

Representative K. Schmidt moved adoption of the resolution.

Representatives K. Schmidt, Dellwo, Ebersole, Stevens, R. Fisher, Brown, Schoesler, Appelwick, Hankins, Kremen, Casada and Beeksma spoke in favor of adoption of the resolution.

POINT OF PERSONAL PRIVILEGE

Representative Padden: Thank you Mr. Speaker and Ladies and Gentlemen of the House. I remember when I was first running for election, actually after I'd been elected but before I'd been here, I ran into the Gentleman, then of the 13th district, Stewart Bledsoe and he said, "Get ready for the roller coaster ride of your life! Hold on!" And certainly the fourteen plus years that I've been here have been that. There's certainly been the ups and downs. But it has been an experience that I shall always cherish and remember. And of course, so important are the friendships and relationships that you make with the other legislators that are here, the staff, the individuals from the third house, and everybody that we come in contact with is something that you're always going to remember.

I suppose in some respects, part of the most exciting thing was being sworn in that very first time. I know a lot of you shared that this time. And you win other elections, but there's nothing like the very first time because you worked so hard for that goal of getting elected and for the ideas that you believe in and you can see that you finally have accomplished part of that.

So, I guess I would encourage everybody to remember the vision that got them here. And try to stay true to that vision and to try to see that vision is implemented. And obviously to do that you've got to temper it sometimes with the proclivities of 98 members with different views. But it doesn't mean that you forget the vision. You've just got to work at it in the best way that you can.

And the other thing of course, that we've always had to remember is that you represent real people. And I owe a tremendous debt of gratitude to the citizens of the 4th legislative district in Spokane Valley that returned me eight times. And sometimes I marvel at that myself. But it is a real honor that they did that.

And so, it is with some sadness that I say good-bye to all here, but I remember of course, we all know from the Book of Ecclesiastes that, "there is a time for everything under the sun". And this time, it's time for me to go. So thank you very much.

House Resolution No. 4643 was adopted.

The Speaker announced that Representative Sheahan would become the Chair of the Law & Justice committee.

MOTION

On motion of Representative Padden, the House advanced to the eleventh order of business.

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

MOTION

On motion of Representative Padden, the House adjourned until 9:55 a.m. Tuesday, March 28, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SEVENTY-EIGHTH DAY, MARCH 27, 1995

JOURNAL OF THE HOUSE

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SEVENTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 28, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn) presiding.

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

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

STANDING COMMITTEE REPORTS

March 27, 1995

ESSB 5121 Prime Sponsor, Committee on Agriculture & Agriculture Trade & Develop: Providing for agricultural safety standards. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW to read as follows:

The safety and health standards that apply under this chapter for the agricultural industry shall consist of the safety standards for agriculture, including the exemptions for the agricultural industry from other safety and health standards under this chapter, that were in effect as of January 1, 1993, as modified by the following provisions:

(1) WAC 296-306-060 (regarding personal protective equipment) as filed March 5, 1993, and published in WSR 93-07-012.

(2) WAC 296-306-400 and 296-306-40003 (regarding pesticide posting and records) as filed March 5, 1993, and published in WSR 93-07-012.

(3) WAC 296-306-120 (1) through (10), (11)(a), and (12) (aerial manlift equipment), as filed October 19, 1994, and published in WSR 94-21-099.

(4) WAC 296-306-165 (general requirements for all agricultural equipment), as filed March 5, 1993, and published in WSR 93-07-012.

(5) WAC 296-306-170 (auger conveying equipment), as filed October 19, 1994, and published in WSR 94-21-099.

(6) WAC 296-306-08503 (general requirements for fire extinguishers), as filed October 19, 1994, and published in WSR 94-21-099.

(7) WAC 296-306-08507 (inspection, maintenance, and testing of fire extinguishers), as filed October 19, 1994, and published in WSR 94-21-099.

(8) WAC 296-306-14501 to 296-306-14511 (regarding electrical protection) as filed February 28, 1994, (as emergency rules), and published in WSR 94-06-044.

(9) WAC 296-306-061 to 296-306-06109 (regarding machine guarding) as filed September 1, 1994, and published in WSR 94-18-067.

(10) WAC 296-306-090 (storage and handling of anhydrous ammonia), as filed October 19, 1994, and published in WSR 94-21-099.

(11) WAC 296-306-09001(2) (liquefied petroleum gases installations), as filed October 19, 1994, and published in WSR 94-21-099.

(12) The following additional requirements shall apply:

(a) Hazardous materials must be stored in containers designed for such storage and must be labelled according to WAC 296-62-05411. Each employer must determine that compressed gas cylinders under his or her control are in a safe condition to the extent that this can be determined by visual inspection.

(b) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and in addition, tractors, shall be shut down during refueling.

(c) The employee or any part of agricultural aerial manlift equipment shall not come within a radius of ten feet from energized high voltage conductors, or into any part of the zone any distance above such a radius (see WAC 296-306-14511, as in effect on March 1, 1994).

(d)(i) To insure safety and serviceability the following precautions on the care of ladders shall be observed:

(A) Ladders shall be maintained in good condition at all times. Joints between steps and side rails shall be tight. All hardware and fittings shall be securely attached, and the moveable parts shall operate freely without binding or undue play.

(B) Ladders shall be inspected prior to being used. Ladders which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "dangerous, do not use."

(C) Complete ladder inspection shall be periodical. If a ladder is involved in any of the following, immediate inspection is necessary:

(I) If ladders tip over, inspect ladder for side rails dents or bends, or excessively dented rungs; check all rung-to-side-rail connections; check hardware connections; check rivets for shear.

(II) If ladders are exposed to excessive heat as in the case of fire, the ladder should be inspected visually for damage and tested for deflection and strength characteristics. In doubtful cases, refer to manufacturer.

(D) Ladders shall be stored in a manner designed to protect ladders when not in use.

(E) Ropes or cables shall be inspected frequently and replaced if defective.

(ii) The following safety precautions shall be observed in connection with the use of ladders:

(A) Orchard ladders longer than sixteen feet shall not be used.

(B) Ladders shall be handled with care and not subject to unnecessary dropping, jarring, or misuse. Ladders are designed for a specific purpose or use; therefore, any variation from this use constitutes a mishandling of the equipment.

(C) Employers shall not require or direct employees to stand on the top two steps of the orchard ladder.

(D) Rungs shall be kept reasonably free of any substance which would make them hazardous.

(E) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(F) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load.

(G) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.

(H) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.

(I) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(J) Ladders made by fastening cleats across a single rail shall not be used.

(K) Stepladders shall not be used as single ladders.

(L) When working from a ladder over twenty-five feet from the ground or floor, the ladder shall be secured at both top and bottom.

(M) No type of work shall be performed on a ladder over twenty-five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(N) The ladder base section must be placed with a secure footing. Safety feet of good substantial design should be installed on all ladders except orchard ladders. Where ladders with no safety shoes or spikes are used on hard, slick surfaces, a foot-ladder board should be employed.

(iii) Training and instruction on the use of ladders:

(A) At the beginning of employment, employers shall provide employees with orientation and training on the proper use of ladders including how to set a ladder and properly dismount with a full load.

(B) Employers shall instruct employees to not stand on the top two steps (the top cap and the next step down) of the ladder.

(C) Employers shall instruct employees to not step off the ladder onto branches of trees except onto the main crotch of the tree.

(D) Employers shall instruct employees to not overreach while standing on the ladder to prevent ladder upset.

(E) Employers shall instruct employees that before climbing ladders, shoes and/or boots shall be free and clean of greasy or slippery substances.

This section does not limit the authority of the director to adopt rules that are specifically required by federal law, and only to the extent specifically required, for the standards in this section to be as effective as the standards adopted or recognized by the United States secretary of labor under the authority of the occupational safety and health act of 1970 (Public Law 91-596; 84 Stat. 1590).

Sec. 2. RCW 49.17.060 and 1973 c 80 s 6 are each amended to read as follows:

Each employer:

(1) Shall furnish to each of his employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his employees: PROVIDED, That no citation or order assessing a penalty shall be issued to any employer solely under the authority of this subsection except where no applicable rule or regulation has been adopted by the department covering the unsafe or unhealthful condition of employment at the work place; and

(2) Shall comply with the rules, regulations, and orders (~~promulgated~~) adopted under this chapter, or, in the case of agricultural employers, comply with section 1 of this act and rules adopted under section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 17.21 RCW to read as follows:

(1) The director shall exercise the authority granted by RCW 17.21.030 to adopt as rules the worker protection standard for agricultural workers and handlers of agricultural pesticides adopted by the United States environmental protection agency in 40 C.F.R., part 170, as it exists on the effective date of this act.

(2) Subsection (1) of this section does not limit in any manner the authority of the director to adopt rules under RCW 17.21.030 including, but not limited to, rules amending the rules adopted under subsection (1) of this section.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 49.17.060; adding a new section to chapter 49.17 RCW; adding a new section to chapter 17.21 RCW; and declaring an emergency."

Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Robertson and Schoesler.

Voting Nay: Representatives R. Fisher, Regala and Rust.

Passed to Committee on Rules for second reading.

March 24, 1995

SSB 5162 Prime Sponsor, Committee on Higher Education: Changing the Vietnam veterans' tuition exemption. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.620 and 1994 c 208 s 1 are each amended to read as follows:

(1) The legislature finds that military and naval veterans who have served their country in wars on foreign soil have risked their own lives to defend both the lives of all Americans and the freedoms that define and distinguish our nation. The legislature also finds that veterans of the Vietnam conflict suffered during and after the war as the country anguished over its involvement in the conflict. It is the intent of the legislature to honor Vietnam veterans for the public service they have provided to their country. It is the further intent of the legislature that, for eligible Vietnam veterans, colleges and universities waive tuition and fee increases that have occurred since October 1, 1977.

(2) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Vietnam conflict who have served in the southeast Asia theater of operations from the payment of all or a portion of any increase in tuition and fees that occur after October 1, 1977, if the veteran qualifies as a resident student under RCW 28B.15.012(~~(- was enrolled in state institutions of higher education on or before May 7, 1990, and meets the requirements of subsection (2) of this section).~~

~~((2) Beginning with the fall academic term of 1994, veterans receiving the exemption under subsection (1) of this section must meet these additional requirements:~~

~~(a) Remain continuously enrolled for seven or more quarter credits per academic term or their equivalent, except summer term and not including community service courses;~~

~~(b) Have an adjusted gross family income as most recently reported to the internal revenue service that does not exceed Washington state's median family income as established by the federal bureau of the census; and~~

~~(c) Have exhausted all entitlement to federal vocational or educational benefits conferred by virtue of their military service.)~~

(3) For the purposes of this section, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or ~~((naval))~~ naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975.

(4) This section shall expire June 30, ~~((1997))~~ 1999."

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "and amending RCW 28B.15.620."

Signed by Representatives Carlson, Chairman; Mulliken, Vice Chairman; Mason, Assistant Ranking Minority Member; Basich; Benton; Blanton; Delvin; Goldsmith and Sheahan.

Voting Yea: Representatives Basich, Benton, Blanton, Carlson, Delvin, Goldsmith, Mason, Mulliken and Sheahan.

Excused: Representatives Jacobsen and Mastin.

Referred to Committee on Appropriations.

March 24, 1995

SSB 5209 Prime Sponsor, Committee on Government Operations: Authorizing the extension of water or sewer service within an approved coordinated water system plan service area. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

" **Sec. 1.** RCW 36.93.090 and 1987 c 477 s 2 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file within one hundred eighty days a notice of intention with the board: PROVIDED, That when the initiator is the legislative body of a governmental unit, the notice of intention may be filed immediately following the body's first acceptance or approval of the action. The board may review any such proposed actions pertaining to:

(1) The: (a) Creation, incorporation, or change in the boundary, other than a consolidation, of any city, town, or special purpose district; (b) consolidation of special purpose districts, but not including consolidation of cities and towns; or (c) dissolution or disincorporation of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW: PROVIDED, That the change in the boundary of a city or town arising from the annexation of contiguous city or town owned property held for a public purpose shall be exempted from the requirements of this section; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065 or chapter 57.40 RCW, as now or hereafter amended; or

(4) The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter amended; or

(5) The extension of permanent water or sewer service outside of its existing (~~corporate boundaries~~) service area by a city, town, or special purpose district. The service area of a city, town, or special purpose district shall include all of the area within its corporate boundaries plus, (a) for extensions of water service, the area outside of the corporate boundaries which it is designated to serve pursuant to a coordinated water system plan approved in accordance with RCW 70.116.050; and (b) for extensions of sewer service, the area outside of the corporate boundaries which it is designated to serve pursuant to a comprehensive sewerage plan approved in accordance with chapter 36.94 RCW and RCW 90.48.110.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "boundaries;" strike the remainder of the title and insert "amending RCW 36.93.090; and declaring an emergency."

Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 24, 1995

SB 5378 Prime Sponsor, Haugen: Modifying border area fund distribution. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

" **Sec. 1.** RCW 66.08.190 and 1991 sp.s. c 32 s 34 are each amended to read as follows:

When excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

(1) Three-tenths of one percent to ~~((the department of community development to be allocated to))~~ border areas under RCW 66.08.195; and

(2) From the amount remaining after distribution under subsection (1) of this section, fifty percent to the general fund of the state, ten percent to the counties of the state, and forty percent to the incorporated cities and towns of the state.

~~((3))~~ The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to RCW 36.70A.340.

Sec. 2. RCW 66.08.195 and 1988 c 229 s 3 are each amended to read as follows:

For the purposes of this ~~((section, the term))~~ chapter: (1) "Border area" means ~~((Blaine, Everson, Friday Harbor, Lynden, Nooksack, Northport, Oroville, Port Angeles, Sumas, and that area of Whatcom county commonly referred to as Point Roberts.~~

~~Funds allocable to border areas under RCW 66.08.190 shall be distributed pursuant to a formula developed by the department of community development, by rule, based on border traffic and historical public impacts of law enforcement problems caused by the border on local budgets. All such funds received by Whatcom county pursuant to this allocation shall be spent within the Point Roberts area)) any incorporated city or town located within seven miles of the Washington-Canadian border or any unincorporated area that is a point of land surrounded on three sides by saltwater and adjacent to the Canadian border.~~

~~(2) "Border area per-capita law-enforcement spending" equals total per capita expenditures in a border area on: Law enforcement operating costs, court costs, law enforcement-related insurance, and detention expenses, minus funds allocated to a border area under RCW 66.08.190 and section 3 of this act.~~

~~(3) "Border-crossing traffic total" means the number of vehicles, vessels, and aircraft crossing into the United States through a United States customs service border crossing that enter into the border area during a federal fiscal year, using border crossing statistics and criteria included in guidelines adopted by the department of community, trade, and economic development.~~

~~(4) "Border-related crime statistic" means the sum of infractions and citations issued, and arrests of persons permanently residing outside Washington state in a border area during a calendar year.~~

NEW SECTION. **Sec. 3.** A new section is added to chapter 66.08 RCW to read as follows:

Distribution of funds to border areas under RCW 66.08.190 shall be as follows:

(1) Sixty-five percent of the funds shall be distributed to border areas ratably based on border area traffic totals;

(2) Twenty-five percent of the funds shall be distributed to border areas ratably based on border-related crime statistics; and

(3) Ten percent of the funds shall be distributed to border areas ratably based upon border area per capita law enforcement spending.

Distributions to an unincorporated area that is a point of land surrounded on three sides by saltwater and adjacent to the Canadian border shall be made to the county in which such an area is located and may only be spent on services provided to that area.

NEW SECTION. **Sec. 4.** A new section is added to chapter 66.08 RCW to read as follows:

The department of community, trade, and economic development shall develop guidelines to determine the figures used under the three distribution factors defined in RCW 66.08.195. At the request of any border community, the department may review these guidelines once every three years.

Sec. 5. RCW 43.63A.190 and 1984 c 125 s 11 are each amended to read as follows:

Funds appropriated by the legislature as supplemental resources for border areas shall be distributed by the state treasurer pursuant to ~~((a))~~ the formula ~~((developed by the department under chapter 34.05 RCW based on border traffic and historical public impacts of law enforcement problems caused by the border on local budgets. All funds received by Whatcom county under this section shall be spent within the Point Roberts area.~~

~~As used in this section, "border area" means any incorporated city or town located within seven miles of the Washington-Canadian border and any point of land surrounded on three sides by water and adjacent to the Canadian border)) for distributing funds from the liquor revolving fund to border areas, and expenditure requirements for such distributions, under section 3 of this act.~~

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 66.08.190, 66.08.195, and 43.63A.190; adding new sections to chapter 66.08 RCW; providing an effective date; and declaring an emergency."

Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives Chopp, R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, D. Schmidt, Scott, L. Thomas, Van Luven and Wolfe.
Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 27, 1995

SB 5429 Prime Sponsor, Haugen: Authorizing a deputy to vote on behalf of the insurance commissioner. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.37.030 and 1989 1st ex.s. c 9 s 261 are each amended to read as follows:

There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington health care facilities authority. The authority shall constitute a political subdivision of the state established as an instrumentality exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010, as now or hereafter amended. The authority shall consist of the governor who shall serve as chairman, the lieutenant governor, the insurance commissioner, the secretary of health, and one member of the public who shall be appointed by the governor, subject to confirmation by the senate, on the basis of the member's interest or expertise in health care delivery, for a term expiring on the fourth anniversary of the date of appointment. In the event that any of the offices referred to shall be abolished the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof. The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority shall constitute a quorum.

The ~~((governor))~~ state officials who are members of the authority may designate an employee ~~((of governor's office))~~ from their office or agency to act on their behalf ~~((of the governor))~~ during ~~((the absence of the governor))~~ their absence at one or more of the meetings of the authority. The vote of the designee shall have the same effect as if cast by the ~~((governor))~~ member if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member to preside during the governor's absence."

Signed by Representatives L. Thomas, Chairman; Smith, Vice Chairman; Wolfe, Ranking Minority Member; Campbell; Dellwo; Huff; Kessler; Ogden and Pelesky.

MINORITY recommendation: Do not pass. Signed by Representatives Beeksma, Vice Chairman; Dyer and Mielke.

Voting Yea: Representatives Campbell, Dellwo, Huff, Kessler, Ogden, Pelesky, Smith, L. Thomas and Wolfe.

Voting Nay: Representatives Beeksma and Mielke.

Excused: Representatives Benton, Costa, Dyer and Grant.

Passed to Committee on Rules for second reading.

March 27, 1995

SSB 5463 Prime Sponsor, Committee on Labor, Commerce & Trade: Requiring alcohol servers to have alcohol servers permits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove, Vice Chairman.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Horn, Lisk, Romero and Thompson.

Voting Nay: Representative Hargrove.

Passed to Committee on Rules for second reading.

March 27, 1995

ESSB 5503 Prime Sponsor, Committee on Financial Institutions & Housing: Streamlining temporary worker housing safety and health regulations. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Referred to Committee on Appropriations.

March 27, 1995

SB 5583 Prime Sponsor, Newhouse: Determining unemployment insurance contribution rates for successor employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

March 27, 1995

SB 5584 Prime Sponsor, Newhouse: Affecting noncharging of benefits to employers' unemployment insurance experience rating accounts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Chairman; Conway, Assistant Ranking Minority Chairman; Cairnes; Cody; Cole; Fuhrman; Goldsmith; and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

March 27, 1995

SB 5668 Prime Sponsor, Hale: Revising provisions relating to sureties for industrial insurance self-insurers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

March 27, 1995

SB 5705 Prime Sponsor, Newhouse: Establishing requirements for work force development programs in the employment security department. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9, strike "Wagner Payser" and insert "Wagner-Peyser"

Signed by Representatives Lisk, Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove, Vice Chairman.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Horn, Lisk, Romero and Thompson.

Voting Nay: Representative Hargrove.

Passed to Committee on Rules for second reading.

March 27, 1995

SSB 5769 Prime Sponsor, Committee on Labor, Commerce & Trade: Revising provision on recovery of unemployment insurance overpayments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member;

Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

March 27, 1995

ESB 5962 Prime Sponsor, Rasmussen: Changing dairy products regulations. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 4, after "The" strike "department of agriculture" and insert "dairy inspection program advisory committee created by RCW 15.36.561"

On page 1, line 7, after "The" strike "department" and insert "committee"

On page 1, line 12, after "The" strike "department" and insert "committee"

Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Passed to Committee on Rules for second reading.

March 27, 1995

SSB 5997 Prime Sponsor, Committee on Labor, Commerce & Trade: Regulating fireworks. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Horn, Lisk, Romero and Thompson.

Voting Nay: Representative Hargrove.

Passed to Committee on Rules for second reading.

March 27, 1995

SJM 8012 Prime Sponsor, Newhouse: Requesting that unemployment benefits be removed from the IRS definition of taxable income. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

March 27, 1995

SSJM 8015 Prime Sponsor, Ecology & Parks: Requesting a variance in order to preserve man-made wetlands. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.
Excused: Representatives R. Fisher and Kremen.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, March 29, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SEVENTY-NINTH DAY, MARCH 28, 1995

JOURNAL OF THE HOUSE

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

EIGHTIETH-DAY

—————
MORNING SESSION

—————
House Chamber, Olympia, Wednesday, March 29, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding) presiding. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Namoni Whitmore and Brianne Testa. Prayer was offered by Reverend Karen Lindvig, Unity Church of Truth, Seattle.

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

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

INTRODUCTIONS AND FIRST READING

HJR 4213 by Representatives Appelwick, Foreman, Cooke, B. Thomas and D. Schmidt

Amending the Constitution to authorize legislative invalidation of agency rules.

Referred to Committee on Government Operations.

MOTION

On motion of Representative Foreman, the resolution listed on today's introduction sheet under the fourth order of business was referred to the committee so designated.

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

RESOLUTION

HOUSE RESOLUTION NO. 95-4644, by Representatives Foreman, Ebersole, Robertson, Thompson, Conway, Chandler, Ogden, Rust, Basich and Cooke

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, Deloris Lichter has served the people of the State of Washington with distinction for almost twenty-two years; and

WHEREAS, Deloris began her public service on November 26, 1973, as an Accounting Assistant with the Washington State House of Representatives and became Supervisor of Accounting Services for the House of Representatives on November 26, 1989; and

WHEREAS, Deloris has worked for no less than eight different Speakers of the House of Representatives and eight different Chief Clerks; and

WHEREAS, During her tenure with the House of Representatives, Deloris has distinguished herself as a dedicated and hard-working employee, continually seeking creative and innovative ways to improve accounting services for the members and employees of the House of Representatives; and

WHEREAS, Deloris is especially admired and respected by members and employees of the House of Representatives for her honesty, diligence, and hard work as well as the endless compassion, support, and kindness for which she is so well known; and

WHEREAS, Deloris is particularly appreciated by her own staff for the example she sets through her seemingly tireless hard work, her thoughtful and caring supervision, and her cheerful disposition; and

WHEREAS, Deloris has announced that she will be retiring from state service on March 31, 1995;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes and honors Deloris Lichter for her many years of service and her great contribution to this institution and the people of the State of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives extends to Deloris a most sincere "thank you" along with wishes for many years of happiness that is so richly deserved; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Deloris Lichter.

Representative Foreman moved adoption of the resolution.

Representatives Foreman, Ebersole, Brumsickle, Basich, Silver, Dellwo, Thompson, Jacobsen, Wolfe, Johnson, Hankins and Van Iuven spoke in favor of adoption of the resolution.

House Resolution No. 4644 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Voloria: To the families and friends of Susana Remerata Blackwell, Phoebe Dizon and Veronica Laureta, we know that you have gone through some difficult times and we acknowledge you for your tragic loss. Susana, Phoebe and Veronica were all heroes fighting against domestic violence.

This sad event symbolizes the need to deal with domestic violence in our society and I agree with the Speaker. That we hope that lots can be made so we can address this issue. Please, let us not let what they forgot go in vain. I urge you to take a look at domestic violence.

MOTION

Representative Appelwick moved that the House advance to the eighth order of business.

Representative Foreman spoke against the motion and Representative Appelwick spoke for the motion.

Representative Appelwick demanded an electronic roll call vote on the motion and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to advance the House to the eighth order of business and the motion failed by the following vote: Yeas - 35, Nays - 58, Absent - 2, Excused - 3.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Grant, Hatfield, Jacobsen, Kessler,

Kremen, Mastin, Morris, Ogden, Pelesky, Quall, Radcliff, Robertson, Rust, Schmidt, D., Sehlin, Sherstad, Stevens, Thomas, B., Valle, Van Luven, Wolfe and Mr. Speaker - 35.

Voting nay: Representatives Backlund, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pennington, Poulsen, Reams, Regala, Romero, Schmidt, K., Schoesler, Scott, Sheahan, Sheldon, Silver, Skinner, Sommers, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Veloria - 58.

Absent: Representatives Ballasiotes and Mason - 2.

Excused: Representatives Fisher, G., Patterson and Smith - 3.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

REPORTS OF STANDING COMMITTEES

March 28, 1995

SSB 5129 Prime Sponsor, Committee on Ways & Means: Excluding utility line clearing from the definition of retail sale. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Crouse, Hankins, Huff, Kessler, Kremen, Mastin, Mielke, Mitchell and Patterson.

Excused: Representative Chandler.

Passed to Committee on Rules for second reading.

March 28, 1995

ESSB 5156 Prime Sponsor, Committee on Energy, Telecommunications & Utilities: Promoting competition for long distance telecommunications. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Huff; Mastin; Mielke; Mitchell and Patterson.

MINORITY recommendation: Do not pass. Signed by Representative Hankins, Vice Chairman.

Voting Yea: Representatives Casada, Crouse, Huff, Kessler, Kremen, Mastin, Mielke, Mitchell and Patterson.

Voting Nay: Representative Hankins.

Excused: Representative Chandler.

Passed to Committee on Rules for second reading.

March 28, 1995

SSB 5164 Prime Sponsor, Committee on Law & Justice: Allowing a conformed copy of certain orders to be served. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 27, 1995

SSB 5222 Prime Sponsor, Committee on Transportation: Regulating length of log trucks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Buck; Cairnes; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Buck, Cairnes, Chopp, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt and Scott.

Excused: Representatives Brown, Chandler, Elliot, Skinner and Tokuda.

Passed to Committee on Rules for second reading.

March 28, 1995

SB 5292 Prime Sponsor, Sutherland: Revising the level of civil penalties for violation of gas pipeline safety regulations. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 13, after "specified in" strike all material through "1992" on line 15, and insert "federal pipeline safety laws (49 U.S.C. 60101 et seq.) in effect on the effective date of this act"

Signed by Representatives Casada, Chairman; Crouse, Vice Chairman; Hankins, Vice Chairman; Kessler, Ranking Minority Member; Kremen, Assistant Ranking Minority Member; Huff; Mastin; Mielke; Mitchell and Patterson.

Voting Yea: Representatives Casada, Crouse, Hankins, Huff, Kessler, Kremen, Mastin, Mielke, Mitchell and Patterson.

Excused: Representative Chandler.

Passed to Committee on Rules for second reading.

March 28, 1995

SSB 5334 Prime Sponsor, Committee on Law & Justice: Amending the corporations act. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 28, 1995

SSB 5335 Prime Sponsor, Committee on Financial Institutions & Housing: Updating uniform commercial code provisions on investment securities. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 27, 1995

E2SSB 5632 Prime Sponsor, Committee on Ways & Means: Providing for flood damage reduction. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that river and stream systems can threaten public and private property during flood events. The legislature therefore declares that reducing flood damage through the use of structural and nonstructural projects is in the public interest and that it is the duty of the state to properly fund flood control projects. Structural and nonstructural projects include but are not limited to: Streambank stabilization, river channel maintenance, land use restrictions, land buy-outs, flood easements, and emergency notification.

Sec. 2. RCW 36.70A.060 and 1991 sp.s. c 32 s 21 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development

regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

(5) All development regulations developed under this section shall be consistent with the flood plain management plan adopted by the county under RCW 86.26.105.

Sec. 3. RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map, and the comprehensive flood plain management plan adopted by the county under RCW 86.26.105. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

- (iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;
- (v) Identification of system expansion needs and transportation system management needs to meet current and future demands;
- (c) Finance, including:
 - (i) An analysis of funding capability to judge needs against probable funding resources;
 - (ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;
 - (iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;
 - (d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;
 - (e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

Sec. 4. RCW 36.70A.170 and 1990 1st ex.s. c 17 s 17 are each amended to read as follows:

(1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

- (a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;
- (b) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;
- (c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and
- (d) Critical areas.

(2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to RCW 36.70A.050, and shall make such designations so that they are consistent with the flood plain management plan adopted by the county under RCW 86.26.105.

Sec. 5. RCW 43.21C.020 and 1971 ex.s. c 109 s 2 are each amended to read as follows:

(1) The legislature, recognizing that ~~((man))~~ people depend~~((s))~~ on ~~((his))~~ their biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well~~((;))~~, and recognizing further the profound impact of ~~((man's))~~ human activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of ~~((man))~~ people, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) ~~((te))~~ create and maintain conditions under which ~~((man))~~ people and

nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; ~~(and)~~

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources; and

(h) Provide for the prevention, minimization, and repair of flood damage as defined in RCW 86.16.120.

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

NEW SECTION. Sec. 6. A new section is added to chapter 75.20 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply to RCW 75.20.100, 75.20.103, and 75.20.130.

(1) "Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by humans.

(2) "Commercial" means any facility or building used for commerce, including those used for agricultural or industrial purposes.

(3) "Emergency" means an immediate threat to life, public land, or private property, or an immediate threat of serious environmental degradation.

(4) "Streambank stabilization" includes but is not limited to log and debris removal; bank protection including riprap, jetties, and groins; gravel removal; and erosion control.

(5) "To construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

NEW SECTION. Sec. 7. A new section is added to chapter 75.20 RCW to read as follows:

The permitting department may impose the following conditions on persons applying under RCW 75.20.100 or 75.20.103:

(1) The permittee shall establish an excavation line. "Excavation line" means a line on the dry bed, parallel to the water's edge unless otherwise stated, that changes with water level fluctuations.

(2) The permittee may not remove bed material from the water side of the excavation line.

(3) The permittee shall begin excavating at the excavation line and proceed toward the bank, perpendicular to the alignment of the watercourse.

(4) The permittee shall keep the maximum distance of excavation toward the bank from the excavation line approximately equal throughout the excavation zone. "Excavation zone" means the area between the excavation line and the bank.

(5) The permittee shall identify the excavation zone with boundary markers.

(6) The permittee shall maintain a minimum one-half percent gradient upward from the excavation line in the excavation zone.

(7) The permittee shall ensure that the excavation zone is free of pits or potholes.

(8) The permittee shall not stockpile or spoil excavated materials within the ordinary high water line except from June 15 to October 15.

(9) The permittee may not allow any equipment within the wetted perimeter of the watercourse without specific permission.

(10) The permittee shall dispose of debris in the excavation zone so it does not reenter the watercourse.

(11) The permittee may not perform gravel washing or crushing operations below the ordinary high water line.

(12) The permittee shall be allowed to remove only that amount of rock, sand, gravel, or silt which is naturally replenished on an annual basis, except in instances where a lapse in material removal has occurred. If such lapse has occurred, then an amount of material equivalent to the amount estimated to have accumulated since the last material removal operation, including debris and vegetation, may be removed.

Sec. 8. RCW 75.20.100 and 1993 sp.s. c 2 s 30 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department as to the adequacy of the means proposed for the protection of fish life. The hydraulic project approval authority of the department shall be limited to construction or other work that occurs at or below the mean higher high water line in salt water and estuaries or at or below the ordinary high water line in fresh water. The department shall neither deny nor condition a hydraulic project approval on the basis of human or animal actions or environmental conditions that occur above the higher high water line in salt water and estuaries or above the ordinary high water line in fresh water. The department may not limit, condition, or otherwise affect the amount, timing, or delivery method of water diverted under chapter 90.03 RCW. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 ((and 75.20.1002)), the department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if ((4)) (a) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; ((2)) (b) the site is physically inaccessible for inspection; or ((3)) (c) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned.

(2) In making a decision as to whether fish life is protected, the department shall determine if a project as proposed or modified:

(a) Presents no substantial risk to fish life and provides fish habitat productivity that is equivalent to preproject conditions at the project site within three years of the project's completion; or

(b)(i) Protects a residential, commercial, or industrial facility or structure that is likely to incur significant flood damage during the next flood season if the project is not completed; and (ii) lessens the loss of fish life or habitat as compared to a project resulting from an emergency request under this section.

The department shall approve a project if it determines that the project meets either (a) or (b) of this subsection. This subsection (2) shall apply only to projects that are consistent with a comprehensive flood control management plan, as determined by the county.

(3) Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

~~((For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.~~

~~The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.)~~

(4) In case of an emergency arising from weather or stream flow conditions or other natural conditions, upon request the department, through its authorized representatives, shall ~~((issue))~~ grant immediately ~~((upon request))~~, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or ~~((to protect))~~ protecting property threatened by the stream or a change in the stream flow without ~~((the necessity of obtaining))~~ requiring a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

(5) In granting approval for projects submitted by local flood control agencies, the department shall grant a special duration hydraulic permit approval if the submitted project is a multiyear maintenance program. The approval shall be granted for up to five years, or the actual number of years covered by the maintenance program, whichever is less.

(6) This section shall not apply to the repair of an existing flood control project if the project is determined by the county to be:

(a) Consistent with a currently approved comprehensive flood control management plan; and

(b) Necessary to avoid flood damage during the next flood season.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

Sec. 9. RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization or flood damage reduction to protect farm and agricultural land as defined in RCW 84.34.020, and when such ~~((diversion or streambank stabilization))~~ hydraulic project will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department as to the adequacy of the means proposed for the protection of fish life. The hydraulic project approval authority of the department shall be limited to construction or other work that occurs at or below the mean higher high water line in salt water and estuaries or at or below the ordinary high water line in fresh water. The department shall neither deny nor condition a hydraulic project approval on the basis of human or animal actions or environmental conditions that occur above the higher high water line in salt water and estuaries or above the ordinary high water line in fresh water. The department may not limit, condition, or otherwise affect the amount, timing, or delivery method of water diverted under

chapter 90.03 RCW. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 ((and 75.20.1002)), the department shall grant or deny the approval within forty-five calendar days of the receipt of a complete application ((and notice of compliance with any applicable requirements of the state environmental policy act,)) made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail.

(2) A complete application for an approval shall:

(a) Contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life; and

(b) Not be required to include notice of compliance with any applicable requirements of the state environmental policy act. Final approval of a project may not be granted until any applicable requirements of the state environmental policy act have been satisfied.

(3) The forty-five day requirement shall be suspended if ((4)):

(a) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; ((2))

(b) The site is physically inaccessible for inspection; ((or 3)) (c) After forty-four days of receipt of a complete application, a notice of compliance with the state environmental policy act has not been issued; or

(d) The applicant requests delay.

(4) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(5) In making a decision as to whether fish life is protected, the department shall determine if a project as proposed or modified:

(a) Presents no substantial risk to fish life and provides fish habitat productivity that is equivalent to preproject conditions at the project site within three years of the project's completion; or

(b)(i) Protects a residential, commercial, or industrial facility or structure that is likely to incur significant flood damage during the next flood season if the project is not completed; and (ii) lessens the loss of fish life or habitat as compared to a project resulting from an emergency request under this section.

The department shall approve a project if it determines that the project meets either (a) or (b) of this subsection. This subsection (5) shall apply only to projects that are consistent with a comprehensive flood control management plan, as determined by the county.

(6) An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

(7) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

(8) The department may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

(9) A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

(10) If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the

adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

(11) In granting approval for projects submitted by local flood control agencies, the department shall grant a special duration hydraulic permit approval if the submitted project is a multiyear maintenance program. The approval shall be granted for up to five years, or the actual number of years covered by the maintenance program, whichever is less.

(12) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency.

~~((For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.))~~

(13) This section shall not apply to a project involving the repair of an existing flood control facility if the project is determined by the county to be:

- (a) Consistent with a previously approved comprehensive flood control management plan; and
- (b) Necessary to avoid flood damage during the next flood season.

Sec. 10. RCW 75.20.130 and 1993 sp.s. c 2 s 37 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department under the authority granted in RCW 75.20.103 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 75.20.103 may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

(c) If a review proceeding authorized in (a) of this subsection finds for the aggrieved permit applicant, the applicant may be awarded any legal and engineering costs involved in challenging the permit decision.

NEW SECTION. Sec. 11. A new section is added to chapter 79.90 RCW to read as follows:

(1) Use or modification, or both, of any river system must involve basic hydraulic principles, as well as harmonize as much as possible with existing aquatic ecosystems, and human needs.

- (2) The department, commissioner, and board shall:
- (a) Encourage bank and island stabilization programs which rely mainly on natural vegetative systems as holding elements;
 - (b) Encourage research to develop alternative methods of channel control, utilizing natural systems of stabilization;
 - (c) Recognize natural plant and animal communities and other features that provide an ecological balance to a streamway in evaluating competing human uses and require protection from significant human impact; and
 - (d) Recognize that hydraulic conditions may require the installation of riprap or other similar measure to further protect natural systems of stabilization.
- (3) No person may remove normal stream depositions of logs, uprooted tree snags, and stumps which abut on shorelands and do not intrude on the navigational channel or reduce flow, or adversely redirect a river course, and are not harmful to life and property without the department's permission but the department must consider the need to protect the resultant dependent aquatic systems.
- (4) No person may fill indentations such as mudholes, eddies, pools, and aeration drops without permission of the department.
- (5) The department may permit river channel relocations only when an overriding public benefit can be shown. Filling, grading, lagooning, or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation, or impairment of fish and aquatic life are not authorized.
- (6) No person may remove sand and gravel below the wetted perimeter of navigable rivers unless authorized by a hydraulics permit issued by either the department of fisheries or department of wildlife under RCW 75.20.100 and 75.20.103. These removals may be authorized for maintenance and improvement of navigational channels or for creating backwater channels for fish rearing or improvement of the flow capacity of the channels.
- (7) The department may allow sand and gravel removals above the wetted perimeter of a navigable river which are not harmful to public health and safety when any or all of the following situations exist:
- (a) The removal is designed to create or improve a feature such as a pond, wetland, or other habitat valuable for fish and wildlife;
 - (b) The removal provides recreational benefits;
 - (c) The removal will aid in reducing a detrimental accumulation of aggregates in downstream lakes, reservoirs, and river beds;
 - (d) The removal will aid in reducing damage to private or public land and property abutting a navigable river; or
 - (e) The removal will contribute to increased flood protection for private or public land.
- (8) The department may not allow sand and gravel removals above the wetted perimeter of a navigable river when:
- (a) The location of such material is below a dam and has inadequate supplementary feeding of gravel or sand;
 - (b) Removal will cause unstable hydraulic conditions detrimental to fish, wildlife, public health, and safety; or
 - (c) Removal will impact esthetics of nearby recreational facilities.
- (9) No person may perform bank dumping or junk revetment on aquatic lands.
- (10) The department shall condition sand and gravel removal leases to allow removal of only that amount which is naturally replenished on an annual basis, except in instances where a lapse in material removal has occurred. If such a lapse has occurred, then an amount of material equivalent to the amount estimated to have accumulated since the last material removal operation, including debris and vegetation, may be removed.

Sec. 12. RCW 79.90.150 and 1991 c 337 s 1 are each amended to read as follows:

When gravel, rock, sand, silt or other material from any aquatic lands is removed by any public agency or under public contract for channel or harbor improvement, or flood control, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the state or any municipality, county, or public corporation: PROVIDED, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to

be for a public purpose. Prior to removal and use, the state agency, municipality, county, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: PROVIDED, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material. No charge shall be required for any use of the material obtained under the provisions of this chapter when used solely on an authorized site. No charge shall be required for any use of the material obtained under the provisions of this chapter if the material is used for public purposes by local governments. No charge may be required for removal or use of such material if the removal of the material is determined by the local government to be for flood control purposes. Public purposes include, but are not limited to, construction and maintenance of roads, dikes, and levies. Nothing in this section shall repeal or modify the provisions of RCW 75.20.100 or eliminate the necessity of obtaining a permit for such removal from other state or federal agencies as otherwise required by law.

Sec. 13. RCW 79.90.300 and 1991 c 322 s 26 are each amended to read as follows:

(1) The department of natural resources, upon application by any person or when determined by the department to be in the best interest of the state, may enter into a contract or lease providing for the removal and sale of rock, gravel, sand, and silt, or other valuable materials located within or upon beds of navigable waters, or upon any tidelands or shorelands belonging to the state and providing for payment to be made therefor by such royalty as the department may fix, by negotiation, by sealed bid, or at public auction. If application is made for the purchase of any valuable material situated within or upon aquatic lands the department shall inspect and appraise the value of the material in the application. The department may reduce or eliminate royalties in areas prone to flooding. Removal of material from within the ordinary high water mark must be construed as being removed for flood control purposes. The department may include a provision in contracts for the removal of rock, gravel, sand, or silt that allows for payment to be made as the material is sold.

(2) The department shall actively seek to encourage through permit requirements and adjusted fees the removal of accumulated materials from rivers and streams where there is a flood damage reduction benefit. The department shall develop policies to accomplish this goal.

Sec. 14. RCW 86.15.030 and 1969 ex.s. c 195 s 2 are each amended to read as follows:

Upon receipt of a petition asking that a zone be created, or upon motion of the board, the board shall adopt a resolution which shall describe the boundaries of such proposed zone; describe in general terms the flood control needs or requirements within the zone; set a date for public hearing upon the creation of such zone, which shall be not more than thirty days after the adoption of such resolution. Notice of such hearing and publication shall be had in the manner provided in RCW 36.32.120(7).

At the hearing scheduled upon the resolution, the board shall permit all interested parties to be heard. Thereafter, the board may reject the resolution or it may modify the boundaries of such zone and make such other corrections or additions to the resolutions as they deem necessary to the accomplishment of the purpose of this chapter: PROVIDED, That if the boundaries of such zone are enlarged, the board shall hold an additional hearing following publication and notice of such new boundaries: PROVIDED FURTHER, That the boundaries of any zone shall generally follow the boundaries of the watershed area affected: PROVIDED FURTHER, That the immediately preceding proviso shall in no way limit or be construed to prohibit the formation of a county-wide flood control zone district authorized to be created by RCW 86.15.025.

Within ~~((ten))~~ thirty days after final hearing on a resolution, the board shall issue its ~~((order))~~ ordinance creating the flood control zone district.

Sec. 15. RCW 86.15.050 and 1961 c 153 s 5 are each amended to read as follows:

The board ~~((of county commissioners of each county))~~ shall be ex officio, by virtue of their office, supervisors of the zones created in each county. The supervisors of the district shall conduct the business of the flood control zone district according to the regular rules and procedures that it adopts.

Sec. 16. RCW 86.15.160 and 1986 c 278 s 60 are each amended to read as follows:

For the purposes of this chapter the supervisors may authorize:

- (1) An annual excess ad valorem tax levy within any zone or participating zones when authorized by the voters of the zone or participating zones under RCW 84.52.052 and 84.52.054;
- (2) An assessment upon property, including state property, specially benefitted by flood control improvements or storm water control improvements imposed under chapter 86.09 RCW;
- (3) Within any zone or participating zones an annual ad valorem property tax levy of not to exceed fifty cents per thousand dollars of assessed value when the levy will not take dollar rates that other taxing districts may lawfully claim and that will not cause the combined levies to exceed the constitutional and/or statutory limitations, and the additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies under chapter 39.67 RCW;
- (4) A charge, under RCW 36.89.080 through 36.89.100, for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities ~~((and))~~ or who are contributing to an increase in surface water runoff. Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state and state property, shall be liable for the charges to the same extent a private person and privately owned property is liable for the charges, and in setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;
- (5) The creation of local improvement districts and utility local improvement districts, the issuance of improvement district bonds and warrants, and the imposition, collection, and enforcement of special assessments on all property, including any state-owned or other publicly-owned property, specially benefitted from improvements in the same manner as provided for counties by chapter 36.94 RCW.

Sec. 17. RCW 86.26.105 and 1986 c 46 s 5 are each amended to read as follows:

~~((A comprehensive flood control management plan shall determine the need for flood control work, consider alternatives to in-stream flood control work, identify and consider potential impacts of in-stream flood control work on the state's in-stream resources, and identify the river's meander belt or floodway.))~~ (1) A comprehensive flood control management plan shall be completed and adopted ~~((within at least three years of the certification that it is being prepared, as provided in RCW 86.26.050))~~ by any county that has experienced at least two presidentially declared flood disasters within the most recent ten-year period by December 31, 1999, or within two years of a second presidentially declared flood disaster.

(2) If ~~((after this three-year period has elapsed))~~, by December 31, 1999, or within two years of a second presidentially declared flood disaster, such a comprehensive flood control plan has not been completed and adopted, grants for flood control maintenance projects shall not be made to the county or municipal corporations in the county until a comprehensive flood control plan is completed and adopted by the appropriate local authority. These limitations on grants shall not preclude allocations for emergency purposes made pursuant to RCW 86.26.060, however, priority consideration for emergency assistance shall be given to those counties that are required to plan, and have completed a plan, as required under this section.

Sec. 18. RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6).

Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his or her request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines

hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW.

(4) If the review proceedings authorized in subsection (1) of this section find for the requestor, and if the requestor is the permit applicant, the requestor may be awarded any legal and engineering costs involved in challenging the permit decision.

(5) A local government may appeal to the shorelines hearings board any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

If the board determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department by the local government; or

(e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

~~((5))~~ (6) Rules, regulations, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection ~~((4))~~ (5) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board.

NEW SECTION. Sec. 19. A new section is added to chapter 43.17 RCW to read as follows:

Each appropriate agency shall actively seek to encourage through permit requirements the removal of accumulated materials from rivers and streams where there is a flood damage reduction benefit. Each agency shall develop policies to accomplish this goal. Policies shall be developed from a designed, open-channel hydraulic engineering criteria to facilitate the natural downstream movement of detrimental material.

Sec. 20. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a ~~((cost/benefit))~~ cost-benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b)

establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; ~~((and))~~ (e) identifying areas where a river may migrate into a new channel and developing options to prevent the creation of the new channel, and identifying practices that will avoid long-term accretion of sediments; and (f) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; and

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific flood plain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to chapter 86.16 RCW and RCW 86.26.050 relating to flood plain management activities. When a county plans under chapter 36.70A RCW, it ~~((may))~~ must incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

Sec. 21. RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

- (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,
- (B) Birch Bay--from Point Whitehorn to Birch Point,
- (C) Hood Canal--from Tala Point to Foulweather Bluff,
- (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and
- (E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology (~~PROVIDED, That~~). However, any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet (~~therefrom~~);

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

- (ii) Improvements to dikes and levees if the improvement is determined by a county to be consistent with a flood control management plan developed under chapter 86.26 RCW;
- (iii) Streambed maintenance including sediment removal, sediment disposal, and streambank stabilization if performed to provide public flood control benefit as determined by the appropriate county legislative authority;
- (iv) Construction of stream flow regulation, retention, or detention facilities if consistent with a flood control management plan developed under chapter 86.26 RCW;
- (v) Construction of the normal protective bulkhead common to single family residences;
- ~~((iii))~~ (vi) Emergency construction necessary to protect property from damage by the elements;
- ~~((iv))~~ (vii) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
- ~~((v))~~ (viii) Construction or modification of navigational aids such as channel markers and anchor buoys;
- ~~((vi))~~ (ix) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;
- ~~((vii))~~ (x) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;
- ~~((viii))~~ (xi) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
- ~~((ix))~~ (xii) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- ~~((x))~~ (xiii) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;
- ~~((xi))~~ (xiv) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge.

NEW SECTION. Sec. 22. A new section is added to chapter 86.26 RCW to read as follows:

A flood protection project is work necessary to preserve, restore, or improve either natural or human-made stream banks or flood control facilities that repair or prevent flood damage as defined in RCW 86.16.120 including but not limited to damage by erosion, stream flow, sheet runoff, or other damages by the sea or other bodies of water.

NEW SECTION. Sec. 23. A new section is added to chapter 86.12 RCW to read as follows:

Upon request by a county or city preparing a comprehensive flood management plan under chapter 86.12 RCW, the department of transportation shall:

- (1) Provide an inventory of all state highways and bridges located in a floodplain as designated by the federal emergency management agency;

(2) Identify any state roads or bridges that may cause a constriction to the natural flow of flood waters;

(3) Identify state roads that, either by themselves or in conjunction with levees or other structures in the floodplain, may entrap floodwaters in areas originally intended to be flood-proofed; and

(4) Provide any other information available to the department to assist in preventing or minimizing flood damages.

NEW SECTION. Sec. 24. A new section is added to chapter 75.20 RCW to read as follows:
By December 31, 1996, the departments of fish and wildlife, natural resources, and ecology shall jointly develop a memorandum of understanding to facilitate the consideration of projects that will aid in the minimization or prevention of flood damage as defined in RCW 86.16.120. To reduce the duplication of information required by a project's permits, the departments must provide in their memorandum procedures to share data to the extent practicable among themselves and with other agencies that may be involved in approving or denying a permit application. The departments' memorandum must provide a plan to implement a comprehensive permit process that is streamlined and easily understandable to permit applicants.

NEW SECTION. Sec. 25. RCW 79.90.325 and 1984 c 212 s 10 are each repealed.

NEW SECTION. Sec. 26. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "reduction;" strike the remainder of the title and insert "amending RCW 36.70A.060, 36.70A.070, 36.70A.170, 43.21C.020, 75.20.100, 75.20.103, 75.20.130, 79.90.150, 79.90.300, 86.15.030, 86.15.050, 86.15.160, 86.26.105, 90.58.180, 86.12.200, and 90.58.030; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.90 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 86.26 RCW; adding a new section to chapter 86.12 RCW; creating new sections; repealing RCW 79.90.325; and declaring an emergency."

Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; Honeyford; Johnson; Kremen; Robertson and Schoesler.

MINORITY recommendation: Do not pass. Signed by Representatives R. Fisher; Poulsen; Regala and Rust.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Robertson and Schoesler.

Voting Nay: Representatives R. Fisher, Poulsen, Regala and Rust.

Referred to Committee on Appropriations.

March 27, 1995

SSB 5992 Prime Sponsor, Committee on Labor, Commerce & Trade: Clarifying the role of the work force training and education coordinating board. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature continues to recognize the vital role that work force development efforts play in equipping the state's workers with the skills they need to succeed in an economy that requires higher levels of skill and knowledge. The legislature also recognizes that

businesses are increasingly relying on the state's work force development programs and expect them to be responsive to their changing skill requirements. The state benefits from a work force development system that allows firms and workers to be highly competitive in global markets.

(2) The establishment of the work force training and education coordinating board was an integral step in developing a strategic approach to work force development. For the coordinating board to carry out its intended role, the board must be able to give unambiguous guidance to operating agencies, the governor, and the legislature. It is the intent of this act to clarify the preeminent role intended for the work force training and education coordinating board in coordination and policy development of the state's work force development efforts.

(3) In the event that federal work force development funds are block granted to the state, it is the intent of the legislature to seek the broadest possible input, from local and state-wide organizations concerned with work force development, on the allocation of the federal funds.

(4) For purposes of sections 2 and 4 through 6 of this act, the term "program" shall not refer to the activities of individual institutions such as individual community or technical colleges, common schools, service delivery areas, or job service centers; nor shall it refer to individual fields of study or courses.

NEW SECTION. Sec. 2. (1) The state comprehensive plan for work force training and education shall be updated every two years and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan and the updates. The plan shall then become the state's work force training policy unless legislation is enacted to alter the policies set forth in the plan.

(2) The comprehensive plan shall include work force training role and mission statements for the work force development programs of operating agencies represented on the board and sufficient specificity regarding expected actions by the operating agencies to allow them to carry out actions consistent with the comprehensive plan.

(3) Operating agencies represented on the board shall have operating plans for their work force development efforts that are consistent with the comprehensive plan and that provide detail on implementation steps they will take to carry out their responsibilities under the plan. Each operating agency represented on the board shall provide an annual progress report to the board.

(4) The comprehensive plan shall include recommendations to the legislature and the governor on the modification, consolidation, initiation, or elimination of work force training and education programs in the state.

(5) The board shall report to the appropriate legislative policy committees by December 1 of each year on its progress in implementing the comprehensive plan and on the progress of the operating agencies in meeting their obligations under the plan.

Sec. 3. RCW 28C.18.050 and 1991 c 238 s 6 are each amended to read as follows:

(1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall perform the functions of the human resource investment council as provided for in the federal job training partnership act, P.L. 97-300, as amended.

(3) The board shall provide policy advice for any federal act pertaining to work force development that is not required by state or federal law to be provided by another state body.

(4) Upon enactment of new federal initiatives relating to work force development, the board shall advise the governor and the legislature on mechanisms for integrating the federal initiatives into the state's work force development system and make recommendations on the legislative or administrative measures necessary to streamline and coordinate state efforts to meet federal guidelines.

(5) The board shall monitor for consistency with the state comprehensive plan for work force training and education the policies and plans established by the state job training coordinating council, the advisory council on adult education, and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for work force training and education.

NEW SECTION. Sec. 4. (1) The board shall specify, by December 31, 1995, the common core data to be collected by the operating agencies of the state training system and the standards for data collection and maintenance required in RCW 28C.18.060(8).

(2) The minimum standards for program evaluation by operating agencies required in RCW 28C.18.060(9) shall include biennial program evaluations; the first of such evaluations shall be completed by the operating agencies July 1, 1996. The program evaluation of adult basic skills education shall be provided by the advisory council on adult education.

(3) The board shall complete, by January 1, 1996, its first outcome-based evaluation and, by September 1, 1996, its nonexperimental net-impact and cost-benefit evaluations of the training system. The outcome, net-impact, and cost-benefit evaluations shall for the first evaluations, include evaluations of each of the following programs: Secondary vocational-technical education, work-related adult basic skills education, postsecondary work force training, job training partnership act titles II and III, as well as of the system as a whole.

(4) The board shall use the results of its outcome, net-impact, and cost-benefit evaluations to develop and make recommendations to the legislature and the governor for the modification, consolidation, initiation, or elimination of work force training and education programs in the state.

The board shall perform the requirements of this section in cooperation with the operating agencies.

NEW SECTION. Sec. 5. The board shall, by January 1, 1996, and biennially thereafter: (1) Assess the total demand for training from the perspective of workers, and from the perspective of employers; (2) assess the available supply of publicly and privately provided training which workers and employers are demanding; (3) assess the costs to the state of meeting the demand; and (4) present the legislature and the governor with a strategy for bridging the gap between the supply and the demand for training services.

NEW SECTION. Sec. 6. The board shall, in cooperation with the operating agencies, by January 1, 1996:

(1) Identify policies to reduce administrative and other barriers to efficient operation of the state's work force development system and barriers to improved coordination of work force development in the state. These policies shall include waivers of statutory requirements and administrative rules, as well as implementation of one-stop access to work force development services and school-to-work transition;

(2) Identify ways for operating agencies to share resources, instructors, and curricula through collaboration with other public and private entities to increase training opportunities and reduce costs; and

(3) Report to the governor and the appropriate legislative committees its recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination. The board shall work with the operating agencies of the state's work force development system to reduce administrative barriers that do not require statutory changes.

NEW SECTION. Sec. 7. Sections 2 and 4 through 6 of this act are each added to chapter 28C.18 RCW."

Correct the title accordingly.

Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman; Goldsmith and Horn.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Horn, Lisk, Romero and Thompson.

Passed to Committee on Rules for second reading.

March 27, 1995

ESB 5998 Prime Sponsor, Sheldon: Authorizing local government waivers from specific requirements of on-site sewage system rules adopted by the board of health. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 11, after "section" insert "until such inconsistencies have been corrected"

Signed by Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Chappell, Assistant Ranking Minority Member; Boldt; Clements; R. Fisher; Honeyford; Johnson; Kremen; Regala; Rust and Schoesler.

Voting Yea: Representatives Boldt, Chandler, Chappell, Clements, Delvin, R. Fisher, Honeyford, Johnson, Koster, Kremen, Mastin, McMorris, Poulsen, Regala, Robertson, Rust and Schoesler.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 9:55 a.m., Thursday, March 30, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

EIGHTIETH-DAY, MARCH 29, 1995

JOURNAL OF THE HOUSE

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

EIGHTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 30, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

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

REPORTS OF STANDING COMMITTEES

March 29, 1995

ESB 5243 Prime Sponsor, Oke: Revising provision authorizing a special permit for miniature boilers.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Goldsmith.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Lisk, Romero and Thompson.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

March 28, 1995

SB 5355 Prime Sponsor, Drew: Providing for payment of claims for damages caused by deer or elk.
Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Basich, Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Romero; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Pennington, Vice Chairman; Regala, Assistant Ranking Minority Member; and Jacobsen.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, Fuhrman, G. Fisher, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives Jacobsen, Pennington and Regala.

Passed to Committee on Rules for second reading.

March 29, 1995

ESB 5397 Prime Sponsor, Franklin: Revising provisions regulating asbestos certification. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Goldsmith.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Lisk, Romero and Thompson.

Excused: Representative Horn.

Referred to Committee on Appropriations.

March 29, 1995

SB 5771 Prime Sponsor, Pelz: Establishing unemployment insurance liability for third party employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Goldsmith.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Lisk, Romero and Thompson.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

March 29, 1995

SSB 5773 Prime Sponsor, Committee on Labor, Commerce & Trade: Revising provision relating to charges against industrial insurance awards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 3, beginning on line 1, strike all of section 2 and insert the following:

"**Sec. 2.** RCW 50.20.085 and 1991 c 117 s 2 are each amended to read as follows:

(1) An individual is disqualified from benefits with respect to any day or days for which he or she is receiving, has received, or will receive compensation under RCW 51.32.060 or 51.32.090.

(2)(a) By accepting benefits under this title, the individual shall be deemed to have subrogated the employment security department to the individual's right to recover temporary total disability compensation or permanent total disability compensation, or both, due the individual under Title 51 RCW to the extent of such unemployment benefits or compensation under Title 51 RCW, whichever is less, furnished to the recipient for the period for which compensation under Title 51 RCW is payable.

(b)(i) The employment security department may assert and enforce a lien and notice to withhold and deliver as provided in this section to secure reimbursement of any benefits paid for or during the period and for the purposes expressed in this section.

(ii) The effective date of the lien and notice to withhold and deliver shall be the day that it is received by the director of the department of labor and industries or an employee of the director's office of suitable discretion, or by a self-insurer as defined in chapter 51.08 RCW, whichever is applicable. Service of the lien and notice to withhold and deliver may be made personally, by regular mail postage prepaid, or by electronic transmission. A copy of the lien and notice to withhold and deliver shall be mailed to the individual at his or her last known address by certified mail, return receipt requested, no later than the next business day after the lien and notice to withhold and deliver has been mailed or delivered to the department of labor and industries or to a self-insurer."

Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes, Cody; Cole; Fuhrman and Goldsmith.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Lisk, Romero and Thompson.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

March 28, 1995

SB 5806 Prime Sponsor, Johnson: Allowing the superintendent of public instruction to delay the time at which school district budgets are made public if the state's operating budget is not finally approved before June 1st. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representative Quall.

Passed to Committee on Rules for second reading.

March 28, 1995

SB 5830 Prime Sponsor, McAuliffe: Changing provisions for students transferring between private and public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.195.010 and 1993 c 336 s 1101 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.150.220.

(2) The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. However, the state board shall not require private school students to meet the student learning goals, obtain a certificate of mastery to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.630.885. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take these assessments, and obtain certificates of mastery. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district. Policies shall include but not be limited to, requiring the transmission of information by telephone, facsimile, or other means regarding a student's academic performance, special placement, and disciplinary history within two school days after receiving a request when the student transfers from the school. The school shall subsequently send the records as soon as any obligations between the student and the school have been met.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 2. RCW 28A.225.330 and 1994 c 304 s 2 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action. If the student has not paid a fine or fee under RCW 28A.635.060, the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, and records of disciplinary action. If the official transcript is not sent due to unpaid fees or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible.

(4) If a student transfers from a public school to a private school that has been approved by the state board of education, the private school enrolling the student may request the public school the student previously attended to send the student's permanent record including records of disciplinary action. If the student has not paid a fine or fee under RCW 28A.635.060, the public school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, and disciplinary history. The public school shall transmit the information by telephone, facsimile, or other means within two school days after receiving the request and shall send the records as soon as possible.

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert " and amending RCW 28A.195.010 and 28A.225.330."

Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; Quall; Radcliff; Talcott; B. Thomas and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives McMahan; Pelesky and Thompson.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, Poulsen, Radcliff, Talcott, B. Thomas and Veloria.

Voting Nay: Representatives McMahan, Pelesky, Smith and Thompson.

Excused: Representative Quall.

Passed to Committee on Rules for second reading.

March 29, 1995

ESSB 5868 Prime Sponsor, Committee on Financial Institutions & Housing: Providing mobile home relocation assistance. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Van Luven, Chairman; Radcliff, Vice Chairman; Sheldon, Ranking Minority Member; Veloria, Assistant Ranking Minority Member; Backlund; Ballasiotes; Hatfield; Sherstad and Valle.

Voting Yea: Representatives Ballasiotes, Hatfield, Radcliff, Sheldon, Sherstad, Valle, Veloria and Van Luven.

Excused: Representatives Backlund, Hickel, Mason, D. Schmidt and Skinner.

Passed to Committee on Rules for second reading.

March 28, 1995

SB 6011 Prime Sponsor, McAuliffe: Changing provisions relating to the purchase of liability insurance by school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen,

Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Fuhrman, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Passed to Committee on Rules for second reading.

March 28, 1995

ESB 6045 Prime Sponsor, Bauer: Allowing retired administrators to serve as replacement administrators without a reduction of pension benefits. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.32.570 and 1994 c 69 s 2 are each amended to read as follows:

(1) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state shall cease to receive pension payments while engaged in such service. PROVIDED, That service may be rendered up to seventy-five days per school year without reduction of pension.

(2) In addition to the seventy-five days of service permitted under subsection (1) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional fifteen days per school year without reduction of pension if:

(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the additional fifteen days of extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or

(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers or retired administrators who are retired teachers eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.

(3) In addition to the seventy-five days of service permitted under subsection (1) of this section, a retired administrator may also serve as a substitute administrator up to an additional fifteen days per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department. However, a retired administrator may not serve more than a total of fifteen additional days per school year pursuant to subsections (2) and (3) of this section.

(4) Subsection (1) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

((4)) (5) Subsection (2) of this section shall apply to all persons governed by the provisions of plan I, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "administrators;" strike the remainder of the title and insert "amending RCW 41.32.570; and declaring an emergency."

Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; Hatfield; McMahan; Pelesky; Quall; Radcliff; Talcott; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting Yea: Representatives Brumsickle, Cole, Clements, Dickerson, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Talcott, B. Thomas, Thompson and Veloria.

Voting Nay: Representatives Fuhrman and Smith.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

SPEAKER'S PRIVILEGE

The Speaker (Representative Horn presiding) appointed Representative Lisk to the Rules Committee.

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

MOTION

There being no objection, the House adjourned until 1:30 p.m., Friday, March 31, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

EIGHTY-FIRST DAY, MARCH 30, 1995

JOURNAL OF THE HOUSE

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

EIGHTY-SECOND DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, March 31, 1995

The House was called to order at 1:30 p.m. by the Speaker (Representative Horn presiding).

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

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

REPORTS OF STANDING COMMITTEES

March 28, 1995

ESB 5011 Prime Sponsor, Owen: Concerning specialized forest product permits. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.48.020 and 1992 c 184 s 1 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" ~~((shall))~~ means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" ~~((shall))~~ means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, ~~((shall))~~ means evergreen boughs, huckleberry, salal, fern, Oregon grape, mosses, bear grass, rhododendron, and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones or seeds.

(4) "Cedar products" ~~((shall))~~ means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(5) "Cedar salvage" ~~((shall))~~ means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(6) "Processed cedar products" ~~((shall))~~ means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, ~~((or))~~ rails~~((;))~~, or rounds less than one foot in length.

(7) "Cedar processor" ~~((shall))~~ means any person who purchases ~~((and/or))~~, takes, or retains possession of cedar products or cedar salvage~~((;))~~ for later sale in the same or modified form~~((;))~~ following ~~((their))~~ removal and delivery from the land where harvested.

(8) "Cascara bark" ~~((shall))~~ means the bark of a Cascara tree.

(9) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

(10) "Specialized forest products" ~~((shall))~~ means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, wild edible mushrooms, and Cascara bark.

(11) "Person" (~~shall~~) includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

(12) "Harvest" (~~shall~~) means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection (~~with~~) or contact with the land or vegetation upon which it (~~was or has been~~) is or was growing(~~;~~) or (b) from the position in which it (~~has been~~) is lying upon (~~such~~) the land.

(13) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site(~~;~~~~including but not limited to conveyance by a motorized vehicle designed for use on improved roadways, or by vessel, barge, raft, or other waterborne conveyance.~~ "Transportation" also means any conveyance of specialized forest products by helicopter) by any means.

(14) "Landowner" means, with regard to (~~any~~) real property, the private owner (~~thereof~~), the state of Washington or any political subdivision (~~thereof~~), the federal government, or (~~any~~) a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at (~~any~~) a public or private timber sale.

(15) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees(~~;~~) which (~~form~~) contains the information required by RCW 76.48.080, (~~and~~) a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(16) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(17) "Specialized forest products permit" (~~shall~~) means a printed document in a form specified by the department of natural resources, or true copy thereof, that is signed by a landowner or his (~~duly~~) or her authorized agent or representative (~~herein~~), referred to in this chapter as "permitters" (~~;~~) and validated by the county sheriff (~~authorizing~~) and authorizes a designated person (~~herein~~), referred to in this chapter as "permittee" (~~;~~), who (~~shall~~) has also (~~have~~) signed the permit, to harvest (~~and/or~~) and transport a designated specialized forest product from land owned or controlled and specified by the permittor(~~;~~) and that is located in the county where (~~such~~) the permit is issued.

(18) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

(19) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

(20) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

Sec. 2. RCW 76.48.030 and 1979 ex.s. c 94 s 2 are each amended to read as follows:

It (~~shall be~~) is unlawful for any person to:

(1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;

(2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; or

(3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner or his or her duly authorized agent or representative.

Sec. 3. RCW 76.48.040 and 1994 c 264 s 51 are each amended to read as follows:

Agencies charged with the enforcement of this chapter shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, county or municipal police forces, ~~((authorized personnel of the United States forest service,))~~ and authorized personnel of the ~~((departments of natural resources and))~~ department of fish and wildlife. Primary enforcement responsibility lies in the county sheriffs and their deputies.

Sec. 4. RCW 76.48.050 and 1979 ex.s. c 94 s 4 are each amended to read as follows:

Specialized forest products permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. Each permit shall be separately numbered and the permits shall be issued by consecutive numbers. All specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. A properly completed specialized forest products permit form shall include:

- (1) The date of its execution and expiration;
- (2) The name, address, telephone number, if any, and signature of the permittor;
- (3) The name, address, telephone number, if any, and signature of the permittee;
- (4) The type of specialized forest products to be harvested or transported;
- (5) The approximate amount or volume of specialized forest products to be harvested or transported;
- (6) The legal description of the property from which the specialized forest products are to be harvested or transported, including the name of the county, or the state or province if outside the state of Washington;
- (7) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;
- (8) At the discretion of the county sheriff, the person's driver's license number or other valid picture identification number; and
- (9) Any other condition or limitation which the permittor may specify.

Except for the harvesting of Christmas trees, the permit or true copy thereof must be carried by the permittee and available for inspection at all times. For the harvesting of Christmas trees only a single permit or true copy thereof is necessary to be available at the harvest site.

Sec. 5. RCW 76.48.060 and 1992 c 184 s 2 are each amended to read as follows:

A specialized forest products permit validated by the county sheriff shall be obtained by ~~((any))~~ a person prior to harvesting from any lands, including his or her own, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than three United States gallons of a single species of wild edible mushroom and ~~((not))~~ more than an aggregate total of nine United States gallons of wild edible mushrooms, plus one wild edible mushroom. Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permittors in reasonable quantities. A permit form shall be completed in triplicate for each permittor's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct ~~((such))~~ other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of ~~((such))~~ the information, the form shall be validated with the sheriff's validation stamp ~~((provided by the department of natural resources))~~. Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession ~~((and/or))~~, or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. Two copies of the permit shall be given or mailed to the permittor, or one copy shall be given or mailed to the permittor and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit. In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county. While engaged in harvesting

of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

Sec. 6. RCW 76.48.070 and 1992 c 184 s 3 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and 76.48.075, it ~~((shall be))~~ is unlawful for any person (a) to possess, ~~((and/or))~~ (b) to transport, or (c) to possess and transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or more than five pounds of Cascara bark, or more than three gallons of a single species of wild edible mushrooms and ~~((not))~~ more than an aggregate total of nine gallons of wild edible mushrooms, plus one wild edible mushroom without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported.

(2) It ~~((shall be))~~ is unlawful for any person either (a) to possess ~~((and/or))~~, (b) to transport, or (c) to possess and transport within the state of Washington any cedar products or cedar salvage without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported.

Sec. 7. RCW 76.48.075 and 1979 ex.s. c 94 s 15 are each amended to read as follows:

(1) It is unlawful for any person to transport or cause to be transported into this state from any other state or province specialized forest products, except those harvested from that person's own property, without: (a) First acquiring and having readily available for inspection a document indicating the true origin of the specialized forest products as being outside the state, or (b) without acquiring a specialized forest products permit as provided in subsection (4) of this section.

(2) Any person transporting or causing to be transported specialized forest products into this state from any other state or province shall, upon request of any person to whom the specialized forest products are sold or delivered or upon request of any law enforcement officer, prepare and sign a statement indicating the true origin of the specialized forest products, the date of delivery, and the license number of the vehicle making delivery, and shall leave the statement with the person making the request.

(3) It is unlawful for any person to possess specialized forest products, transported into this state, with knowledge that the products were introduced into this state in violation of this chapter.

(4) When any person transporting or causing to be transported into this state specialized forest products elects to acquire a specialized forest products permit, the specialized forest products transported into this state shall be deemed to be harvested in the county of entry, and the sheriff of that county may validate the permit as if the products were so harvested, except that the permit shall also indicate the actual harvest site outside the state.

(5) A cedar processor shall comply with RCW 76.48.096 by requiring a person transporting specialized forest products into this state from any other state or province to display a specialized forest products permit, or true copy thereof, or other document indicating the true origin of the specialized forest products as being outside the state. The cedar processor shall make and maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage in compliance with RCW 76.48.094.

(6) If, ~~((pursuant to))~~ under official inquiry, investigation, or other authorized proceeding regarding specialized forest products not covered by a valid specialized forest products permit or other acceptable document, the inspecting law enforcement officer has probable cause to believe that the specialized forest products were harvested in this state or wrongfully obtained in another state or province, the officer may take into custody and detain, for a reasonable time, the specialized forest products, all supporting documents, invoices, and bills of lading, and the vehicle in which the products were transported until the true origin of the specialized forest products can be determined.

Sec. 8. RCW 76.48.096 and 1979 ex.s. c 94 s 10 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any cedar processor to purchase, take possession, or retain cedar products or cedar salvage subsequent to the harvesting and prior to the retail sale of ~~((such))~~ the products, unless the supplier thereof displays a specialized forest products permit, or true copy

thereof (~~(, which)~~) that appears to be valid, or obtains the information (~~(pursuant to)~~) under RCW 76.48.075(5).

Sec. 9. RCW 76.48.098 and 1979 ex.s. c 94 s 11 are each amended to read as follows:

Every cedar processor shall prominently display a valid registration certificate, or copy thereof, obtained from the department of revenue (~~(pursuant to)~~) under RCW 82.32.030 at each location where (~~(such)~~) the processor receives cedar products or cedar salvage.

Permittees shall sell cedar products or cedar salvage only to cedar processors displaying registration certificates which appear to be valid.

Sec. 10. RCW 76.48.100 and 1979 ex.s. c 94 s 12 are each amended to read as follows:

The provisions of this chapter (~~(shall)~~) do not apply to:

(1) Nursery grown products.

(2) Logs (except as included in the definition of "cedar salvage" under RCW 76.48.020), poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed, and cedar salvage when harvested concurrently with timber stands (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government.

(3) The activities of a landowner, his or her agent, or representative, or of a lessee of land in carrying on noncommercial property management, maintenance, or improvements on or in connection with the land of (~~(such)~~) the landowner or lessee.

Sec. 11. RCW 76.48.110 and 1979 ex.s. c 94 s 13 are each amended to read as follows:

Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products in violation of the provisions of this chapter, he or she may, at the time of making an arrest, seize and take possession of any (~~(such)~~) specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he or she shall dispose of (~~(such)~~) the specialized forest products at the discretion or order of the court before which the arrested person is ordered to appear.

Upon any disposition of the case by the court, the court shall make a reasonable effort to return the specialized forest products to (~~(their)~~) its rightful owner or pay the proceeds of any sale of specialized forest products less any reasonable expenses of (~~(such)~~) the sale to the rightful owner. If for any reason, the proceeds of (~~(such)~~) the sale cannot be disposed of to the rightful owner, (~~(such)~~) the proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of the county in which the violation occurred. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the proceeds of any sale of products seized to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

Sec. 12. RCW 76.48.120 and 1979 ex.s. c 94 s 14 are each amended to read as follows:

It (~~(shall be)~~) is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, or true copy thereof, authorization, sales invoice, or bill of lading, or to make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, knowing the same to be in any manner false, fraudulent, forged, or stolen.

Any person who knowingly or intentionally violates this section (~~(shall be)~~) is guilty of forgery, and shall be punished as a class C felony providing for imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both (~~(such)~~) imprisonment and fine.

Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or stolen, it may be retained by the officer until its authenticity can be verified.

Sec. 13. RCW 76.48.130 and 1977 ex.s. c 147 s 10 are each amended to read as follows:

~~((Any))~~ A person who violates ~~((any))~~ a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, ~~((shall be))~~ is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both ~~((such))~~ a fine and imprisonment.

NEW SECTION. **Sec. 14.** A new section is added to chapter 76.48 RCW to read as follows: Buyers who purchase specialized forest products are required to record (1) the permit number; (2) the type of forest product purchased; (3) the permit holder's name; and (4) the amount of forest product purchased. The buyer shall keep a record of this information for a period of one year from the date of purchase and make the records available for inspection by authorized enforcement officials.

The buyer of specialized forest products must record the seller's permit number on the bill of sale. This section shall not apply to transactions involving Christmas trees.

This section shall not apply to buyers of specialized forest products at the retail sales level.

NEW SECTION. **Sec. 15.** A new section is added to chapter 76.48 RCW to read as follows: County sheriffs may contract with other entities to serve as authorized agents to validate specialized forest product permits. These entities include the United States forest service, the bureau of land management, the department of natural resources, local police departments, and other entities as decided upon by the county sheriffs' departments.

NEW SECTION. **Sec. 16.** A new section is added to chapter 76.48 RCW to read as follows: Records of buyers of specialized forest products collected under the requirements of section 14 of this act may be made available to colleges and universities for the purpose of research.

NEW SECTION. **Sec. 17.** A new section is added to chapter 76.48 RCW to read as follows: Minority groups have long been participants in the specialized forest products industry. The legislature encourages agencies serving minority communities, community-based organizations, refugee centers, social service agencies, agencies and organizations with expertise in the specialized forest products industry, and other interested groups to work cooperatively to accomplish the following purposes:

(1) To provide assistance and make referrals on translation services and to assist in translating educational materials, laws, and rules regarding specialized forest products;

(2) To hold clinics to teach techniques for effective picking; and

(3) To work with both minority and nonminority permittees in order to protect resources and foster understanding between minority and nonminority permittees.

To the extent practicable within their existing resources, the commission on Asian-American affairs, the commission on Hispanic affairs, and the department of natural resources are encouraged to coordinate this effort.

NEW SECTION. **Sec. 18.** RCW 76.48.092 and 1979 ex.s. c 94 s 8 & 1977 ex.s. c 147 s 14 are each repealed.

NEW SECTION. **Sec. 19.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Pennington, Vice Chairman; Stevens and B. Thomas.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Regala, Romero, Sheldon and Thompson.

Voting Nay: Representatives Pennington, Stevens and B. Thomas.

Passed to Committee on Rules for second reading.

March 28, 1995

SSB 5012 Prime Sponsor, Committee on Natural Resources: Revising the fee for transfer of fishery licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 75.28.011 and 1993 sp.s. c 17 s 34 are each amended to read as follows:

(1) Unless otherwise provided in this title, a license issued under this chapter is not transferable from the license holder to any other person.

(2) The following restrictions apply to transfers of commercial fishery licenses, salmon delivery licenses, and salmon charter licenses that are transferable between license holders:

(a) The license holder shall surrender the previously issued license to the department.

(b) The department shall complete no more than one transfer of the license in any seven-day period.

(c) The fee to transfer a license from one license holder to another is:

(i) The same as the resident license renewal fee if the license is not limited under chapter 75.30 RCW; ~~((or))~~

(ii) Three and one-half times the resident renewal fee if the license is limited under chapter 75.30 RCW. However, this subsection (2)(c)(ii) does not apply to any commercial salmon license; or

~~((d))~~ (iii) If a license is transferred from a resident to a nonresident, ~~((the transferee shall pay))~~ the difference between the resident and nonresident license fees at the time of transfer, to be paid by the transferee.

(3) A commercial license that is transferable under this title survives the death of the holder. Though such licenses are not personal property, they shall be treated as analogous to personal property for purposes of inheritance and intestacy. Such licenses are subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license. There is no fee for transfer of a license from a license holder to the license holder's surviving spouse or estate, or to a beneficiary of the estate."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 75.28.011."

Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Romero; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representative Jacobsen.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representative Jacobsen.

Referred to Committee on Finance.

March 28, 1995

SSB 5013 Prime Sponsor, Committee on Natural Resources: Excluding all species of tuna, mackerel, and jack from the definitions of food fish and enhanced food fish. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 4, strike all of section 1

On page 4, after line 35, strike all of section 3

On page 1, line 2 of the title, after "fish;" strike the remainder of the title and insert "and amending RCW 82.27.010."

Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens and Thompson.

MINORITY recommendation: Without recommendation. Signed by Representatives Pennington, Vice Chairman; and B. Thomas.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Regala, Romero, Sheldon, Stevens and Thompson.

Voting Nay: Representatives Pennington and B. Thomas.

Referred to Committee on Finance.

March 28, 1995

SSB 5017 Prime Sponsor, Committee on Natural Resources: Establishing commercial fishery license fee and renewal provisions for years with no fishing season. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 75.28 RCW to read as follows: If, for any reason, the department does not allow any opportunity for a commercial fishery during a calendar year, the department shall either: (1) Waive the requirement to obtain a license for that commercial fishery for that year; or (2) refund applicable license fees upon return of the license.

NEW SECTION. Sec. 2. A new section is added to chapter 75.30 RCW to read as follows: (1) The department shall waive license requirements, including landing or poundage requirements, if, during the calendar year that a license issued pursuant to chapter 75.28 RCW is valid, no harvest opportunity occurs in the fishery corresponding to the license.

(2) For each license limitation program, where the person failed to hold the license and failed to make landing or poundage requirements because of a license waiver by the department during the previous year, the person shall qualify for a license by establishing that the person held the license during the last year in which the license was not waived."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "adding a new section to chapter 75.28 RCW; and adding a new section to chapter 75.30 RCW."

Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

March 30, 1995

SB 5029 Prime Sponsor, Hargrove: Modifying membership and duties of children's services advisory committee. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 3, after "thereto." strike all material through "community.))" on line 6, and insert "At ~~((least one third of the membership shall be composed of child care providers, and at))~~ least one member shall represent the adoption community.

Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Lambert, Stevens, Thibaudeau and Tokuda.

Excused: Representative Patterson.

Passed to Committee on Rules for second reading.

March 30, 1995

SB 5032 Prime Sponsor, Hargrove: Modifying adoption support provisions. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike line 6, and insert "At least ~~((annually))~~ once every five years, the secretary shall review the"

Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Lambert, Stevens, Thibaudeau and Tokuda.

Excused: Representative Patterson.

Passed to Committee on Rules for second reading.

March 28, 1995

E2SSB 5064 Prime Sponsor, Committee on Ways & Means: Revising the regional fisheries enhancement program. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 75.50 RCW to read as follows:
The legislature finds that:

(1) Regional enhancement groups are a valuable resource for anadromous fish recovery. They improve critical fish habitat and directly contribute to anadromous fish populations through fish restoration technology.

(2) Due to a decrease in recreational and commercial salmon license sales, regional enhancement groups are receiving fewer financial resources at a time when recovery efforts are needed most.

(3) To maintain regional enhancement groups as an effective enhancement resource, technical assets of state agencies must be coordinated and utilized to maximize the financial resources of regional enhancement groups and overall fish recovery efforts.

NEW SECTION. Sec. 2. A new section is added to chapter 75.50 RCW to read as follows:

The department's habitat division shall work with cities, counties, and regional fisheries enhancement groups to develop a program to identify and expedite the removal of human-made or caused impediments to anadromous fish passage. A priority shall be given to projects that immediately increase access to available and improved spawning and rearing habitat for depressed, threatened, and endangered stocks. The department may contract with cities and counties to assist in the identification and removal of impediments to anadromous fish passage.

A report on the progress of impediment identification and removal and the need for any additional legislative action shall be submitted to the senate and the house of representatives natural resources committees no later than January 1, 1996.

NEW SECTION. Sec. 3. A new section is added to chapter 75.50 RCW to read as follows:

To maximize available state resources, the department and the department of transportation shall work in partnership with the regional fisheries enhancement group advisory board to identify cooperative projects to eliminate fish passage barriers caused by state roads and highways. The advisory board may provide input to the department to aid in identifying priority barrier removal projects that can be accomplished with the assistance of regional fisheries enhancement groups. The department of transportation shall provide engineering and other technical services to assist regional fisheries enhancement groups with fish passage barrier removal projects, provided that the barrier removal projects have been identified as a priority by the department of fish and wildlife and the department of transportation has received an appropriation to continue the fish barrier removal program.

NEW SECTION. Sec. 4. A new section is added to chapter 90.58 RCW to read as follows:

A regional fisheries enhancement group or cooperative group project that is primarily designed to improve fish habitat or fish passage; has been approved by the department of fish and wildlife; has been given or is qualified to be given a hydraulic permit; and has been determined by local government to not substantially affect other concerns of this chapter is exempt from the permitting requirements of this chapter. A letter of exemption must be obtained from the local government, which shall be provided in a timely manner.

Sec. 5. RCW 75.50.110 and 1990 c 58 s 4 are each amended to read as follows:

(1) A regional fisheries enhancement group advisory board is established to make recommendations to the director. ~~((The advisory board shall make recommendations regarding regional enhancement group rearing project proposals and funding of those proposals.))~~ The members shall be appointed by the director and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. At least two of the advisory board members shall be members of a regional fisheries enhancement group. Advisory board members shall serve three-year terms. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal fish commission. The chair of the regional fisheries enhancement group advisory board shall be elected annually by members of the regional fisheries enhancement advisory board. The advisory board shall meet at least quarterly. All meetings of the advisory board shall be open to the public under the open public meetings act, chapter 42.30 RCW.

The department shall invite the advisory board to comment and provide input into all relevant policy initiatives, including, but not limited to, wild stock, hatcheries, and habitat restoration efforts.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department may use account funds to provide agency assistance to the groups, to provide professional, administrative or clerical services to the advisory board, or to implement the training and technical services plan as developed by the advisory board pursuant to section 6 of this act. The level of account funds used by the department shall be determined by the director after review ((and)) of recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

NEW SECTION. Sec. 6. A new section is added to chapter 75.50 RCW to read as follows:

(1) The regional fisheries enhancement group advisory board shall:

- (a) Assess the training and technical assistance needs of the regional fisheries enhancement groups;
 - (b) Develop a training and technical assistance services plan in order to provide timely, topical technical assistance and training services to regional fisheries enhancement groups. The plan shall be provided to the director and to the senate and house of representatives natural resources committees no later than October 1, 1995, and shall be updated not less than every year. The advisory board shall provide ample opportunity for the public and interested parties to participate in the development of the plan. The plan shall include but is not limited to:
 - (i) Establishment of an information clearinghouse service that is readily available to regional fisheries enhancement groups. The information clearinghouse shall collect, collate, and make available a broad range of information on subjects that affect the development, implementation, and operation of diverse fisheries and habitat enhancement projects. The information clearinghouse service may include periodical news and informational bulletins;
 - (ii) An ongoing program in order to provide direct, on-site technical assistance and services to regional fisheries enhancement groups. The advisory board shall assist regional fisheries enhancement groups in soliciting federal, state, and local agencies, tribal governments, institutions of higher education, and private business for the purpose of providing technical assistance and services to regional fisheries enhancement group projects; and
 - (iii) A cost estimate for implementing the plan;
 - (c) Propose a budget to the director for operation of the advisory board and implementation of the technical assistance plan;
 - (d) Make recommendations to the director regarding regional enhancement group project proposals and funding of those proposals; and
 - (e) Establish criteria for the redistribution of unspent project funds for any regional enhancement group that has a year ending balance exceeding one hundred thousand dollars.
- (2) The regional fisheries enhancement group advisory board may:
- (a) Facilitate resolution of disputes between regional fisheries enhancement groups and the department;
 - (b) Promote community and governmental partnerships that enhance the salmon resource and habitat;
 - (c) Promote environmental ethics and watershed stewardship;
 - (d) Advocate for watershed management and restoration;
 - (e) Coordinate regional fisheries enhancement group workshops and training;
 - (f) Monitor and evaluate regional fisheries enhancement projects;
 - (g) Provide guidance to regional fisheries enhancement groups; and
 - (h) Develop recommendations to the director to address identified impediments to the success of regional fisheries enhancement groups.

Sec. 7. RCW 75.50.120 and 1990 c 58 s 5 are each amended to read as follows:

The department and the regional fisheries enhancement group advisory board shall report biennially to the senate (~~(environment and natural resources committee,)~~) and the house of representatives (~~(fisheries and wildlife)~~) natural resources committees, the senate ways and means committee and house of representatives fiscal committees, or any successor committees beginning October 1, 1991. The report shall include but not be limited to the following:

- (1) An evaluation of enhancement efforts;
- (2) A description of projects;
- (3) A region by region accounting of financial contributions and expenditures including the enhancement group account funds; (~~and~~)
- (4) Volunteer participation and member affiliation, including an inventory of volunteer hours dedicated to the program;
- (5) An evaluation of technical assistance training efforts and agency participation;
- (6) Identification of impediments to regional fisheries enhancement group success; and
- (7) Suggestions for legislative action that would further the enhancement of salmonid resources.

Sec. 8. RCW 75.50.100 and 1993 sp.s. c 17 s 11 and 1993 c 340 s 53 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A surcharge of one dollar shall be collected on each recreational personal use food fish license sold in the state. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. The department shall study methods for collecting and making available, an annual list, including names and addresses, of all persons who obtain recreational and commercial salmon fishing licenses. This list may be used to assist formation of the regional fisheries enhancement groups and allow the broadest participation of license holders in enhancement efforts. The results of the study shall be reported to the house of representatives fisheries and wildlife committee and the senate environment and natural resources committee by October 1, 1990. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110. Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. Revenue from any enhancement group's sale of salmon carcasses and eggs conducted pursuant to section 9 of this act shall also be deposited in the regional fisheries enhancement group account. The director shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 75.50 RCW to read as follows:

The department shall establish a hatchery egg and carcass take program for projects conducted by regional fisheries enhancement groups. Under the program, salmon that have returned to the hatchery of a regional fisheries enhancement group, and the eggs from those salmon, may be sold by the group in accordance with rules established by the department. All proceeds from sales of salmon eggs and carcasses that return to group facilities shall be deposited in the dedicated regional fisheries enhancement group account for reallocation to the regional fisheries enhancement group or groups sponsoring the project.

Prior to engaging in salmon egg sales under this program, the regional fisheries enhancement group shall ensure that all on-station needs are fulfilled and that the eggs are made available for other appropriate department or tribal hatchery needs, or other group projects.

The department, in consultation with the regional fisheries enhancement group advisory board, shall develop rules in accordance with chapter 34.05 RCW for the purpose of implementing this section. The rules shall include the following:

- (1) Requirements for conducting sales under the program;
- (2) Accounting procedures for tracking sales;
- (3) Provisions for ensuring compliance with the wild salmonid policy established under RCW 75.28.760; and
- (4) Provisions for reallocating proceeds generated under this section to the regional fisheries enhancement group or groups sponsoring the project that generated the proceeds.

NEW SECTION. Sec. 10. A new section is added to chapter 75.50 RCW to read as follows:

The department shall coordinate with the regional fisheries enhancement group advisory board to field test coho and chinook salmon remote site incubators. The purpose of field testing efforts shall be to gather conclusive scientific data on the effectiveness of coho and chinook remote site incubators.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 75.50.110 and 75.50.120; reenacting and amending RCW 75.50.100; adding new sections to chapter 75.50 RCW; adding a new section to chapter 90.58 RCW; and declaring an emergency."

Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksmas; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Referred to Committee on Appropriations.

March 29, 1995

SSB 5088 Prime Sponsor, Committee on Law & Justice: Revising the law relating to sexual predators. Reported by Committee on Corrections

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.09.020 and 1992 c 145 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(3) "Likely to engage in predatory acts of sexual violence" means that the person more probably than not will engage in such acts. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(4) "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

~~((4))~~ (5) "Recent overt act" means any act that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm.

(6) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to chapter 71.09 RCW, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(7) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement.

(8) "Secretary" means the secretary of social and health services or his or her designee.

Sec. 2. RCW 71.09.025 and 1992 c 45 s 3 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020(1), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county where that person was charged, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW 10.77.090(3); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall ~~((inform))~~ provide the prosecutor ~~((of))~~ with all relevant information including but not limited to the following information:

~~((The person's name, identifying factors, anticipated future residence, and offense history; and))~~ A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

~~((Documentation of institutional adjustment and any treatment received))~~ A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

~~((All records relating to the psychological or psychiatric evaluation and/or treatment of the person;~~

~~((iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and~~

~~((v) A current mental health evaluation or mental health records review.~~

(2) This section applies to acts committed before, on, or after March 26, 1992.

(3) The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(4) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

Sec. 3. RCW 71.09.030 and 1992 c 45 s 4 are each amended to read as follows:

When it appears that: (1) ~~((The term of total confinement of))~~ A person who at any time previously has been convicted of a sexually violent offense is about to ((expire, or has expired)) be released from total confinement on, before, or after July 1, 1990; (2) ~~((the term of total confinement of))~~ a person found to have committed a sexually violent offense as a juvenile is about to ((expire, or has expired)) be released from total confinement on, before, or after July 1, 1990; (3) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW 10.77.090(3); ~~((of))~~ (4) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150; or (5) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act; and it appears that the person may be a sexually violent predator, the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition alleging that the person is a "sexually violent predator" and stating sufficient facts to support such allegation.

Sec. 4. RCW 71.09.040 and 1990 c 3 s 1004 are each amended to read as follows:

(1) Upon the filing of a petition under RCW 71.09.030, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made the judge shall direct that the person be taken into custody ~~((and))~~.

(2) Within seventy-two hours after a person is taken into custody pursuant to subsection (1) of this section, the court shall provide the person with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as to whether the person is a sexually violent predator. At this hearing, the court shall (a) verify the person's identity, and (b) determine whether probable cause exists to believe that the person is a sexually violent predator. At the probable cause hearing, the state may

rely upon the petition and certification for determination of probable cause filed pursuant to RCW 71.09.030. The state may supplement this with additional documentary evidence or live testimony.

(3) At the probable cause hearing, the person shall have the following rights in addition to the rights previously specified: (a) To be represented by counsel; (b) to present evidence on his or her behalf; (c) to cross-examine witnesses who testify against him or her; (d) to view and copy all petitions and reports in the court file.

(4) If the probable cause determination is made, the judge shall direct that the person ((shall)) be transferred to an appropriate facility for an evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination pursuant to rules developed by the department of social and health services. In adopting such rules, the department of social and health services shall consult with the department of health and the department of corrections. In no event shall the person be released from confinement prior to trial.

Sec. 5. RCW 71.09.050 and 1990 c 3 s 1005 are each amended to read as follows:

(1) Within forty-five days after the ((filing of a petition pursuant to RCW 71.09.030)) completion of any hearing held pursuant to RCW 71.09.040, the court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist him or her. The person shall be confined in a secure facility for the duration of the trial.

(2) Whenever any person is subjected to an examination under this chapter, he or she may retain experts or professional persons to perform an examination on their behalf. When the person wishes to be examined by a qualified expert or professional person of his or her own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf.

(3) The person, the prosecuting attorney or attorney general, or the judge shall have the right to demand that the trial be before a twelve-person jury. If no demand is made, the trial shall be before the court.

Sec. 6. RCW 71.09.060 and 1990 1st ex.s. c 12 s 4 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. When the determination is made by a jury, the verdict must be unanimous. If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020((4))(6)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person is safe either (a) to be at large, or (b) to be released to a less restrictive alternative as set forth in section 10 of this act. ((Such control, care, and treatment shall be provided at a facility operated by the department of social and health services.)) If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to or has been released pursuant to RCW 10.77.090(3), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.090(3) that the person committed the act or acts charged. The hearing on

this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter, except that during all court proceedings the person shall be detained in a secure facility. The facility shall not be located on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

Sec. 7. RCW 71.09.070 and 1990 c 3 s 1007 are each amended to read as follows:

Each person committed under this chapter shall have a current examination of his or her mental condition made at least once every year. The annual report shall include consideration of whether conditional release to a less restrictive alternative is in the best interest of the person and will adequately protect the community. The person may retain, or if he or she is indigent and so requests, the court may appoint a qualified expert or a professional person to examine him or her, and such expert or professional person shall have access to all records concerning the person. The periodic report shall be provided to the court that committed the person under this chapter.

Sec. 8. RCW 71.09.080 and 1990 c 3 s 1008 are each amended to read as follows:

~~((The involuntary detention or commitment of persons under this chapter shall conform to constitutional requirements for care and treatment.))~~ (1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter.

(2) Any person committed pursuant to this chapter has the right to adequate care and individualized treatment. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting attorney, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

(3) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this subsection, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

(4) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

(5) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so.

Sec. 9. RCW 71.09.090 and 1992 c 45 s 7 are each amended to read as follows:

(1) If the secretary (~~(of the department of social and health services)~~) determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to engage in predatory acts of sexual violence if conditionally released to a less restrictive alternative or unconditionally discharged, the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative or unconditional discharge. The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall within forty-five days order a hearing. The prosecuting attorney or the attorney general, if requested by the county, shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his or her choice. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney or attorney general. The burden of proof shall be upon the prosecuting attorney or attorney general to show beyond a reasonable doubt that the petitioner's mental abnormality or personality disorder remains such that the petitioner is not safe to be at large and that if conditionally released to a less restrictive alternative or unconditionally discharged is likely to engage in predatory acts of sexual violence.

(2) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for conditional release to a less restrictive alternative or unconditional discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for conditional release to a less restrictive alternative or unconditional discharge over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall forward the notice and waiver form to the court with the annual report. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether facts exist that warrant a hearing on whether the person's condition has so changed that he or she is safe to be ~~((at large))~~ conditionally released to a less restrictive alternative or unconditionally discharged. The committed person shall have a right to have an attorney represent him or her at the show cause hearing but the person is not entitled to be present at the show cause hearing. If the court at the show cause hearing determines that probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is ~~((safe to be at large and is))~~ not likely to engage in predatory acts of sexual violence if conditionally released to a less restrictive alternative or unconditionally discharged, then the court shall set a hearing on the issue. At the hearing, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting attorney or the attorney general if requested by the county shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is ~~((not safe to be at large and if released is))~~ likely to engage in predatory acts of sexual violence if conditionally released to a less restrictive alternative or unconditionally discharged.

(3) The jurisdiction of the court over a person civilly committed pursuant to this chapter continues until such time as the person is unconditionally discharged.

NEW SECTION. Sec. 10. Before the court may enter an order directing conditional release to a less restrictive alternative, it must find the following: (1) The person will be treated by a treatment provider who is qualified to provide such treatment in the state of Washington under chapter 18.155 RCW; (2) the treatment provider has presented a specific course of treatment and has agreed to assume responsibility for such treatment and will report progress to the court on a regular basis, and will report violations immediately to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center; (3) housing exists that is sufficiently secure to protect the community, and the person or agency providing housing to the conditionally released person has agreed in writing to accept the person, to provide the level of security required by the court, and immediately to report to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center if the person leaves the housing to which he or she has been assigned without authorization; (4) the person is willing to comply with the treatment provider

and all requirements imposed by the treatment provider and by the court; and (5) the person is willing to comply with supervision requirements imposed by the department of corrections.

NEW SECTION. Sec. 11. (1) Upon the conclusion of the evidence in a hearing held pursuant to RCW 71.09.090, if the court finds that there is no legally sufficient evidentiary basis for a reasonable jury to find that the conditions set forth in section 10 of this act have been met, the court shall grant a motion by the state for a judgment as a matter of law on the issue of conditional release to a less restrictive alternative.

(2) Whenever the issue of conditional release to a less restrictive alternative is submitted to the jury, the court shall instruct the jury to return a verdict in substantially the following form: Has the state proved beyond a reasonable doubt that the proposed less restrictive alternative is not in the best interests of respondent or will not adequately protect the community? Answer: Yes or No.

NEW SECTION. Sec. 12. (1) If the court or jury determines that conditional release to a less restrictive alternative is in the best interest of the person and will adequately protect the community, and the court determines that the minimum conditions set forth in section 9 of this act are met, the court shall enter judgment and direct a conditional release.

(2) The court shall impose any additional conditions necessary to ensure compliance with treatment and to protect the community. If the court finds that conditions do not exist that will both ensure the person's compliance with treatment and protect the community, then the person shall be remanded to the custody of the department of social and health services for control, care, and treatment in a secure facility as designated in RCW 71.09.060(1).

(3) If the service provider designated to provide inpatient or outpatient treatment or to monitor or supervise any other terms and conditions of a person's placement in a less restrictive alternative is other than the department of social and health services or the department of corrections, then the service provider so designated must agree in writing to provide such treatment.

(4) Prior to authorizing any release to a less restrictive alternative, the court shall impose such conditions upon the person as are necessary to ensure the safety of the community. The court shall order the department of corrections to investigate the less restrictive alternative and recommend any additional conditions to the court. These conditions shall include, but are not limited to the following: Specification of residence, prohibition of contact with potential or past victims, prohibition of alcohol and other drug use, participation in a specific course of inpatient or outpatient treatment that may include monitoring by the use of polygraph and plethysmograph, supervision by a department of corrections community corrections officer, a requirement that the person remain within the state unless the person receives prior authorization by the court, and any other conditions that the court determines are in the best interest of the person or others. A copy of the conditions of release shall be given to the person and to any designated service providers.

(5) Any service provider designated to provide inpatient or outpatient treatment shall monthly, or as otherwise directed by the court, submit to the court, to the department of social and health services facility from which the person was released, to the prosecutor of the county in which the person was found to be a sexually violent predator, and to the supervising community corrections officer, a report stating whether the person is complying with the terms and conditions of the conditional release to a less restrictive alternative.

(6) Each person released to a less restrictive alternative shall have his or her case reviewed by the court that released him or her no later than one year after such release and annually thereafter until the person is unconditionally discharged. Review may occur in a shorter time or more frequently, if the court, in its discretion on its own motion, or on motion of the person, the secretary, or the prosecuting attorney so determines. The sole question to be determined by the court is whether the person shall continue to be conditionally released to a less restrictive alternative. The court in making its determination shall be aided by the periodic reports filed pursuant to subsection (5) of this section and the opinions of the secretary and other experts or professional persons.

NEW SECTION. Sec. 13. (1) Any service provider submitting reports pursuant to section 12(5) of this act, the supervising community corrections officer, the prosecuting attorney, or the attorney general may petition the court, or the court on its own motion may schedule an immediate hearing, for the purpose of revoking or modifying the terms of the person's conditional release to a less

restrictive alternative if the petitioner or the court believes the released person is not complying with the terms and conditions of his or her release or is in need of additional care and treatment.

(2) If the prosecuting attorney, the supervising community corrections officer, or the court, based upon information received by them, reasonably believes that a conditionally released person is not complying with the terms and conditions of his or her conditional release to a less restrictive alternative, the court or community corrections officer may order that the conditionally released person be apprehended and taken into custody until such time as a hearing can be scheduled to determine the facts and whether or not the person's conditional release should be revoked or modified. The court shall be notified before the close of the next judicial day of the person's apprehension. Both the prosecuting attorney and the conditionally released person shall have the right to request an immediate mental examination of the conditionally released person. If the conditionally released person is indigent, the court shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.

(3) The court, upon receiving notification of the person's apprehension, shall promptly schedule a hearing. The issue to be determined is whether the state has proven by a preponderance of the evidence that the conditionally released person did not comply with the terms and conditions of his or her release. Hearsay evidence is admissible if the court finds it otherwise reliable. At the hearing, the court shall determine whether the person shall continue to be conditionally released on the same or modified conditions or whether his or her conditional release shall be revoked and he or she shall be committed to total confinement, subject to release only in accordance with provisions of this chapter.

Sec. 14. RCW 71.09.110 and 1990 c 3 s 1011 are each amended to read as follows:

The department of social and health services shall be responsible for all costs relating to the evaluation and treatment of persons committed to their custody whether in a secure facility or under a less restrictive alternative under any provision of this chapter. Reimbursement may be obtained by the department for the cost of care and treatment of persons committed to its custody whether in a secure facility or under a less restrictive alternative pursuant to RCW 43.20B.330 through 43.20B.370.

Sec. 15. RCW 9A.76.120 and 1982 1st ex.s. c 47 s 24 are each amended to read as follows:

(1) A person is guilty of escape in the second degree if:

(a) He or she escapes from a detention facility; ~~((or))~~

(b) Having been charged with a felony or an equivalent juvenile offense, he or she escapes from custody; or

(c) Having been found to be a sexually violent predator and being under an order of conditional release, he or she leaves the state of Washington without prior court authorization.

(2) Escape in the second degree is a class C felony.

NEW SECTION. Sec. 16. In the event of an escape by a person committed under this chapter from a state institution or the disappearance of such a person while on conditional release, the superintendent or community corrections officer shall notify the following as appropriate: Local law enforcement officers, other governmental agencies, the person's relatives, and any other appropriate persons about information necessary for the public safety or to assist in the apprehension of the person.

NEW SECTION. Sec. 17. (1) At the earliest possible date, and in no event later than thirty days before conditional release or unconditional discharge, except in the event of escape, the department of social and health services shall send written notice of conditional release, unconditional discharge, or escape, to the following:

(a) The chief of police of the city, if any, in which the person will reside or in which placement will be made under a less restrictive alternative;

(b) The sheriff of the county in which the person will reside or in which placement will be made under a less restrictive alternative; and

(c) The sheriff of the county where the person was last convicted of a sexually violent offense, if the department does not know where the person will reside.

The department shall notify the state patrol of the release of all sexually violent predators and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific person found to be a sexually violent predator under this chapter:

(a) The victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. "Next of kin" as used in this section means a person's spouse, parents, siblings, and children;

(b) Any witnesses who testified against the person in his or her commitment trial under RCW 71.09.060; and

(c) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the committed person.

(3) If a person committed as a sexually violent predator under this chapter escapes from a department of social and health services facility, the department shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the committed person resided immediately before his or her commitment as a sexually violent predator, or immediately before his or her incarceration for his or her most recent offense. If previously requested, the department shall also notify the witnesses and the victims of the sexually violent offenses for which the person was convicted in the past or the victim's next of kin if the crime was a homicide. If the person is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(4) If the victim or victims of any sexually violent offenses for which the person was convicted in the past or the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(5) The department of social and health services shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(6) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

NEW SECTION. Sec. 18. For purposes of sections 19 through 21 of this act:

(1) "Escorted leave" means a leave of absence from a facility housing persons detained or committed pursuant to this chapter under the continuous supervision of an escort.

(2) "Escort" means a correctional officer or other person approved by the superintendent or the superintendent's designee to accompany a resident on a leave of absence and be in visual or auditory contact with the resident at all times.

(3) "Resident" means a person detained or committed pursuant to this chapter.

NEW SECTION. Sec. 19. The superintendent of any facility housing persons detained or committed pursuant to this chapter may, subject to the approval of the secretary, grant escorted leaves of absence to residents confined in such institutions to:

(1) Go to the bedside of the resident's wife, husband, child, mother or father, or other member of the resident's immediate family who is seriously ill;

(2) Attend the funeral of a member of the resident's immediate family listed in subsection (1) of this section; and

(3) Receive necessary medical or dental care which is not available in the institution.

NEW SECTION. Sec. 20. A resident shall not be allowed to start a leave of absence under section 19 of this act until the secretary, or the secretary's designee, has notified any county and city law enforcement agency having jurisdiction in the area of the resident's destination.

NEW SECTION. Sec. 21. (1) The secretary is authorized to adopt rules providing for the conditions under which residents will be granted leaves of absence and providing for safeguards to prevent escapes while on leaves of absence. Leaves of absence granted to residents under section 19 of this act, however, shall not allow or permit any resident to go beyond the boundaries of this state.

(2) The secretary shall adopt rules requiring reimbursement of the state from the resident granted leave of absence, or the resident's family, for the actual costs incurred arising from any leave of absence granted under the authority of section 19 (1) and (2) of this act. No state funds shall be expended in connection with leaves of absence granted under section 19 (1) and (2) of this act unless the resident and the resident's immediate family are indigent and without resources sufficient to reimburse the state for the expenses of such leaves of absence.

NEW SECTION. **Sec. 22.** RCW 71.09.100 and 1990 c 3 s 1010 are each repealed.

NEW SECTION. **Sec. 23.** Sections 10 through 13 and 16 through 21 of this act are each added to chapter 71.09 RCW."

On page 1, line 1 of the title, after "predators;" strike the remainder of the title and insert "amending RCW 71.09.020, 71.09.025, 71.09.030, 71.09.040, 71.09.050, 71.09.060, 71.09.070, 71.09.080, 71.09.090, 71.09.110, and 9A.76.120; adding new sections to chapter 71.09 RCW; repealing RCW 71.09.100; and prescribing penalties."

Signed by Representatives Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Excused: Representative Ballasiotes.

Referred to Committee on Appropriations.

March 29, 1995

ESSB 5093 Prime Sponsor, Committee on Government Operations: Changing provisions relating to fire protection. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Excused: Representatives Chopp and D. Schmidt,

Passed to Committee on Rules for second reading.

March 28, 1995

SB 5108 Prime Sponsor, Snyder: Concerning the hunter education training program. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksmas; Cairnes; Elliot; Sheldon; Stevens; B. Thomas and Thompson.

MINORITY recommendation: Do not pass. Signed by Representatives Regala, Assistant Ranking Minority Member; G. Fisher; Jacobsen and Romero.

Voting Yea: Representatives Basich, Beeksmas, Buck, Cairnes, Elliot, Fuhrman, Pennington, Sheldon, Stevens, B. Thomas and Thompson.

Voting Nay: Representatives G. Fisher, Jacobsen, Regala and Romero.

Passed to Committee on Rules for second reading.

March 30, 1995

ESSB 5131 Prime Sponsor, Committee on Ecology & Parks: Revising account names and accounting procedures of the IAC. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 1, after "legislatures" strike "shall" and insert "~~((shall))~~ may"

On page 5, line 7, after "disbursement." insert "The committee shall include a list of prioritized state agency projects to be funded from the recreation resource account with its biennial budget request."

Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Hankins; McMorris; Mitchell; Pennington; Regala; Silver; L. Thomas and Valle.

Voting Yea: Representatives Hankins, Honeyford, Mitchell, Ogden, Pennington, Regala, Sehlin, Silver, L. Thomas and Valle.

Excused: Representatives Chopp, Costa and McMorris.

Passed to Committee on Rules for second reading.

March 29, 1995

SSB 5141 Prime Sponsor, Committee on Law & Justice: Revising provisions relating to offenses involving alcohol or drugs. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I - IMPLIED CONSENT AND ADMINISTRATIVE REVOCATION

Sec. 1. RCW 46.20.308 and 1994 c 275 s 13 are each amended to read as follows:

(1)(a) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the ~~((alcoholic content of))~~ alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug.

(b) A person under the age of twenty-one who drives or is in physical control of a motor vehicle within this state is deemed to have given consent, subject to the relevant portions of RCW 46.61.506, to be detained long enough, and be transported if necessary, to take a test or tests of that person's blood or breath for the purpose of determining the alcohol concentration in his or her system if requested or signaled to stop by a law enforcement officer pursuant to RCW 46.20.309 (as recodified by this act) where, at the time of the stop, the officer has reasonable grounds to believe the person is under the age of twenty-one and had been driving or was in actual physical control of a motor vehicle while having alcohol in a concentration of 0.02 or more in his or her system.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration of 0.02 or more in his or her system and being under the age of twenty-one. However, in those instances where ~~((:-(a)))~~ the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample ~~((:-(b) as a result of a traffic accident))~~ or where the person is being treated ~~((for a medical condition))~~ in a hospital, clinic, doctor's office, emergency medical

vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that:

(a) His or her license, permit, or privilege to drive will be revoked or denied if he or she refuses to submit to the test ~~((, and (b) that))~~:

(b) His or her license, permit, or privilege to drive will be suspended, revoked, denied, or placed in probationary status and the person will be subject to possible criminal penalties if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.10 or more, in the case of a person age twenty-one or over, or 0.02 in the case of a person under age twenty-one; and

(c) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502 or is under detention for driving with alcohol in his or her system as provided in RCW 46.20.309 (as recodified by this act), which arrest or detention results from an accident in which there has been serious bodily injury to another person ~~((has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident))~~, a breath or blood test may be administered without the consent of the individual so arrested or detained.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest or detention and receipt of warnings under subsection (2) of this section, the person arrested or detained refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest or detention and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.10 or more if the person is age twenty-one or over, or is 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest or detention results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, deny, or place in probationary status the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing. Within thirty days after the notice has been given, the person may, in writing, request a formal hearing as provided by subsection (8) of this section. If such request is made by mail it must be postmarked within thirty days after the notice has been given;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or detention or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest or detention and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested or detained person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.10 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report ~~((of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive))~~ or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, deny, or place in probationary status the person's license ~~((er)),~~ permit, or privilege to drive or any nonresident operating privilege, as provided in section 3 of this act, such suspension, revocation, denial, or placement in probationary status to be effective beginning sixty days from the date of arrest or detention or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

~~((7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. The person shall pay a fee of one hundred dollars as part of the request.))~~

(8) Upon timely receipt of ~~((such))~~ a request ~~((and such fee))~~ for a formal hearing, the department shall afford the person an opportunity for a hearing ~~((as provided in))~~. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest or detention, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or detention or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of ~~((such))~~ the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system and was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.10 or more if the person was age twenty-one or over at the time of the arrest, or was 0.02 or more if the person was under the age of twenty-one at the time of the arrest or detention. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system

and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, denial, or placement in probationary status either be rescinded or sustained. ~~((Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.~~

~~(8))~~ (9) If the suspension, revocation, denial, or placement in probationary status is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, denied, or placed in probationary status has the right to file a petition in the superior court of the county of arrest or detention to review the final order of revocation by the department in the same manner ~~((provided in RCW 46.20.334))~~ as an appeal from a decision of a court of limited jurisdiction. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer plus an additional one hundred dollars to the department. The filing of the appeal does not stay the effective date of the suspension, revocation, denial, or placement in probationary status. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, denial, or placement in probationary status as expeditiously as possible. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, denial, or placement in probationary status it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, denied, or placed in probationary status under subsection (7) of this section, other than as a result of a breath test refusal, and who has not committed an offense within the last five years for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, denial, or placement in probationary status for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, denial, or placement in probationary status, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

~~((9))~~ (11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 2. RCW 46.20.309 and 1994 c 275 s 10 are each amended to read as follows:

~~((4))~~ Notwithstanding any other provision of this title, a person under the age of twenty-one may not drive, operate, or be in physical control of a motor vehicle while having alcohol in his or her system in a concentration of 0.02 or above.

~~((2))~~ A person under the age of twenty-one who drives or is in physical control of a motor vehicle within this state is deemed to have given consent, subject to the relevant portions of RCW 46.61.506, to be detained long enough, and be transported if necessary, to take a test or tests of that person's blood or breath for the purpose of determining the alcohol concentration in his or her system.

~~(3)~~ A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the driver, has reasonable grounds to believe that the driver was driving or in actual physical control of a motor vehicle while having alcohol in his or her system.

~~(4)~~ The law enforcement officer requesting the test or tests under subsection (2) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person's driver's license or driving privilege being revoked.

~~(5)~~ If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.02 or more, the law enforcement officer shall:

~~(a)~~ Serve the person notice in writing on behalf of the department of licensing of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive;

~~(b)~~ Serve the person notice in writing on behalf of the department of licensing of the person's right to a hearing, specifying the steps required to obtain a hearing;

~~(c)~~ Confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit. The temporary license shall be valid for thirty days from the date of the traffic stop or until the suspension or revocation of the person's license or permit is sustained at a hearing as provided by subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit it replaces;

~~(d)~~ Notify the department of licensing of the traffic stop, and transmit to the department any confiscated license or permit and a sworn report stating:

~~(i)~~ That the officer had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle within this state with alcohol in his or her system;

~~(ii)~~ That pursuant to this section a test of the person's alcohol concentration was administered or that the person refused to be tested;

~~(iii)~~ If administered, that the test indicated the person's alcohol concentration was 0.02 or higher; and

~~(iv)~~ Any other information that the department may require by rule.

~~(6)~~ Upon receipt of the sworn report of a law enforcement officer under subsection (5) of this section, the department shall suspend or revoke the driver's license or driving privilege beginning thirty days from the date of the traffic stop or beginning when the suspension, revocation, or denial is sustained at a hearing as provided by subsection (7) of this section. Within fifteen days after notice of a suspension or revocation has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the revocation of the person's driver's license or driving privilege, and, if the test or tests of the person's breath or blood was administered, whether the results indicated an alcohol concentration of 0.02 or more. The department shall order that the suspension or revocation of the person's driver's license or driving privilege either be rescinded or sustained. Any decision by the department suspending or revoking a person's driver's license or driving privilege is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the suspension or revocation of the person's driver's license or driving privilege is sustained after the hearing, the person may file a petition in the superior court of the county of arrest to

review the final order of suspension or revocation by the department in the manner provided in RCW 46.20.334.

(7) The department shall suspend or revoke the driver's license or driving privilege of a person as required by this section as follows:

(a) In the case of a person who has refused a test or tests:

(i) For a first refusal within five years, revocation for one year;

(ii) For a second or subsequent refusal within five years, revocation or denial for two years.

(b) In the case of an incident where a person has submitted to a test or tests indicating an alcohol concentration of 0.02 or more:

(i) For a first incident within five years, suspension for ninety days;

(ii) For a second or subsequent incident within five years, revocation for one year or until the person reaches age twenty-one whichever occurs later.

(8) For purposes of this section, "alcohol concentration" means (a) grams of alcohol per two hundred ten liters of a person's breath, or (b) the percent by weight of alcohol in a person's blood.)

NEW SECTION. Sec. 3. A new section is added to chapter 46.20 RCW to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested or detained person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within five years, where there has not been a previous incident within five years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within five years, or for a first refusal where there has been one or more previous incidents within five years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. A revocation imposed under this subsection (1)(b) shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.10 or more:

(a) For a first incident within five years, where there has not been a previous incident within five years that resulted in administrative action under this section, placement in probationary status as provided in RCW 46.20.355;

(b) For a second or subsequent incident within five years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was more than 0.02:

(a) For a first incident within five years, suspension or denial for ninety days;

(b) For a second or subsequent incident within five years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

Sec. 4. RCW 46.20.355 and 1994 c 275 s 8 are each amended to read as follows:

(1) Upon ~~((notification of a conviction under RCW 46.61.502 or 46.61.504 for which the issuance of a probationary driver's license is required))~~ receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under RCW 46.20.308, or upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, the department of licensing shall order the person to surrender ~~((his or her))~~ any Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) ~~((Upon receipt of the surrendered license, and following the expiration of any period of license suspension or revocation, or following receipt of a sworn statement under RCW 46.20.365 that requires issuance of a probationary license, the department shall issue the person a probationary license if otherwise qualified. The probationary license shall be renewed on the same cycle as the person's regular license would have been renewed until five years after the date of its issuance.))~~ The department shall place a person's driving privilege in probationary status as required by RCW

10.05.060 or 46.20.308 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or following receipt of a sworn report under RCW 46.20.308 that requires immediate placement in probationary status under section 3(2)(a) of this act, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) For each original issue or ((reissue)) renewal of a probationary license under this section, the department ((may)) shall charge ((the)) a fee ((authorized under RCW 46.20.311 for the reissuance of a license following a revocation for a violation of RCW 46.61.502 or 46.61.504)) of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the fifty-dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

((4)) (5) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status((, including the period of that status, for a violation of RCW 46.61.502 or 46.61.504 or 46.20.365)). ((That)) The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

PART II - CRIMINAL SANCTIONS

NEW SECTION. Sec. 5. A new section is added to chapter 46.61 RCW, to be codified between RCW 46.61.500 and 46.61.520, to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The court may suspend all or part of the ninety-day period of suspension. The court shall notify the department of licensing of the conviction and of any period of license, permit, or privilege suspension and shall notify the department of the person's completion of any such period of suspension; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one hundred twenty days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than seven days nor more than one year. Seven days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ten days nor more than one year. Ten days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of four hundred fifty days. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year. Ninety days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of two years. The period of license, permit, or privilege revocation

may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year. One hundred twenty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of three years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(7)(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), or (iv) of this subsection if committed in this state; or

(vi) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) "Within five years" means that the arrest for a prior offense occurred within five years of the arrest for the current offense.

Sec. 6. RCW 46.61.5058 and 1994 c 139 s 1 are each amended to read as follows:

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.61.502 or 46.61.504 or any similar municipal ordinance, if such person has a ~~((previous conviction for violation of either RCW 46.61.502 or 46.61.504 or other similar municipal ordinance, and where the offense occurs within a five-year period of the previous conviction))~~ prior offense within five years as defined in section 5 of this act, and where the person has been provided written notice that any transfer, sale, or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest, the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On ~~((a second or subsequent))~~ conviction for a violation of either RCW 46.61.502 or 46.61.504 or any similar municipal ordinance where ~~((such offense was committed within a five-year period of the previous conviction))~~ the person convicted has a prior offense within five years as defined in section 5 of this act, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in the vehicle, is subject to seizure and forfeiture pursuant to this section.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or

the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under Title 46 RCW or is lawfully entitled to possession of the vehicle.

(7) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1) (a) or (c) of this section.

(8) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(9) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(12) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

PART III - TECHNICAL AMENDMENTS

Sec. 7. RCW 3.62.090 and 1994 c 275 s 34 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under ((RCW 46.61.5051, 46.61.5052, and 46.61.5053)) section 5 of this act, and in addition to the public safety and education assessment

required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

Sec. 8. RCW 10.05.060 and 1994 c 275 s 17 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. ~~((Upon receipt of the abstract of the docket, the department shall issue the petitioner a probationary license in accordance with RCW 46.20.355, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge.))~~ The department shall maintain the record for ten years from date of entry of the order granting deferred prosecution.

Sec. 9. RCW 35.21.165 and 1994 c 275 s 36 are each amended to read as follows:

Except as limited by the maximum penalties authorized by law, no city or town may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in ~~((RCW 46.61.5051, 46.61.5052, and 46.61.5053))~~ section 5 of this act.

Sec. 10. RCW 36.32.127 and 1994 c 275 s 37 are each amended to read as follows:

No county may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided for in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in ~~((RCW 46.61.5051, 46.61.5052, and 46.61.5053))~~ section 5 of this act.

Sec. 11. RCW 46.04.480 and 1994 c 275 s 38 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, 46.20.265, ~~((46.61.5051, 46.61.5052, or 46.61.5053))~~ or section 5 of this act, and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 12. RCW 46.20.311 and 1994 c 275 s 27 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or other provision of law. Except for a suspension under RCW 46.20.289 and 46.20.291(5), whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. The department shall not issue to the person a new, duplicate, or renewal license until the

person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by ~~((RCW 46.20.308 or 46.61.5052, 46.61.5053, or 46.20.365))~~ section 3 or 5 of this act; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504 ~~((or is the result of administrative action under RCW 46.20.365))~~, the reissue fee shall be fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars.

Sec. 13. RCW 46.20.391 and 1994 c 275 s 29 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed for a violation of RCW 46.61.502 or 46.61.504. ~~((No person may petition for, and the department shall not issue, an occupational driver's license if the person is ineligible for such a license under RCW 46.61.5052 or 46.61.5053.))~~ A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed ~~((of))~~ any ~~((committed any))~~ offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 14. RCW 46.61.5054 and 1994 c 275 s 7 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 46.61.5051 through 46.61.5053 until September 1, 1995, and section 5 of this act thereafter, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol breath test program.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) If the case involves a blood test by the state toxicology laboratory, the remainder of the fee shall be forwarded to the state treasurer for deposit in the death investigations account to be used solely for funding the state toxicology laboratory blood testing program.

(c) Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit in the state patrol highway account to be used solely for funding the Washington state patrol breath test program.

(3) This section applies to any offense committed on or after July 1, 1993.

Sec. 15. RCW 46.61.5056 and 1994 c 275 s 9 are each amended to read as follows:

(1) A person subject to alcohol assessment and treatment under ~~((RCW 46.61.5051, 46.61.5052, or 46.61.5053))~~ section 5 of this act shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) Any agency that provides treatment ordered under ~~((RCW 46.61.5051, 46.61.5052, or 46.61.5053))~~ section 5 of this act, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined

two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(5) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

Sec. 16. RCW 46.61.5151 and 1994 c 275 s 39 are each amended to read as follows:

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act in nonconsecutive or intermittent time periods. However, any mandatory minimum sentence under (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act shall be served consecutively unless suspended or deferred as otherwise provided by law.

Sec. 17. RCW 46.63.020 and 1994 c 275 s 33 and 1994 c 141 s 2 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.021 relating to driving without a valid driver's license;
- (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (16) RCW 46.25.170 relating to commercial driver's licenses;
- (17) Chapter 46.29 RCW relating to financial responsibility;
- (18) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (19) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (21) RCW 46.48.175 relating to the transportation of dangerous articles;
- (22) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

- (28) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (31) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (33) RCW 46.61.500 relating to reckless driving;
- (34) RCW 46.61.502((;)) and 46.61.504((; 46.61.5051, 46.61.5052, and 46.61.5053)) relating to persons under the influence of intoxicating liquor or drugs;
- (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (36) RCW 46.61.522 relating to vehicular assault;
- (37) RCW 46.61.525 relating to negligent driving;
- (38) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- (39) RCW 46.61.530 relating to racing of vehicles on highways;
- (40) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (41) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (43) Chapter 46.65 RCW relating to habitual traffic offenders;
- (44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (46) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (47) Chapter 46.82 RCW relating to driver's training schools;
- (48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- (49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 18. RCW 46.04.015 and 1994 c 275 s 1 are each amended to read as follows:
 "Alcohol concentration" means (1) grams of alcohol per two hundred ten liters of a person's breath, or (2) ~~((the percent by weight of alcohol in))~~ grams of alcohol per one hundred milliliters of a person's blood.

Sec. 19. RCW 46.61.506 and 1994 c 275 s 26 are each amended to read as follows:

- (1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.10, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.
- (2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.
- (3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.
- (4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic or drug content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.
- (5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an

additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

NEW SECTION. Sec. 20. A new section is added to chapter 46.04 RCW to read as follows: "Reasonable grounds", when used in the context of a law enforcement officer's decision to make an arrest or take other enforcement action, means probable cause.

NEW SECTION. Sec. 21. RCW 46.20.309 is recodified as a section in chapter 46.61 RCW.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

- (1) RCW 46.20.365 and 1994 c 275 s 12;
- (2) RCW 46.61.5051 and 1994 c 275 s 4;
- (3) RCW 46.61.5052 and 1994 c 275 s 5; and
- (4) RCW 46.61.5053 and 1994 c 275 s 6.

NEW SECTION. Sec. 23. 1994 c 275 s 44 (uncodified) is hereby repealed.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. This act shall take effect September 1, 1995, except for sections 14 and 23 of this act which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 46.20.308, 46.20.309, 46.20.355, 46.61.5058, 3.62.090, 10.05.060, 35.21.165, 36.32.127, 46.04.480, 46.20.311, 46.20.391, 46.61.5054, 46.61.5056, 46.61.5151, 46.04.015, and 46.61.506; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.20 RCW; adding new sections to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; recodifying RCW 46.20.309; repealing RCW 46.20.365, 46.61.5051, 46.61.5052, and 46.61.5053; repealing 1994 c 275 s 44 (uncodified); prescribing penalties; providing an effective date; and declaring an emergency."

Signed by Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 28, 1995

2SSB 5157 Prime Sponsor, Committee on Ways & Means: Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member;

Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens and Thompson.

MINORITY recommendation: Without recommendation. Signed by Representative B. Thomas.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens and Thompson.
Voting Nay: Representative B. Thomas.

Referred to Committee on Appropriations.

March 30, 1995

SSB 5211 Prime Sponsor, Committee on Government Operations: Revising guidelines for receipt and expenditure of federal and private funds by local governments. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Vice Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Hankins; McMorris; Mitchell; Pennington; Regala; Silver; L. Thomas and Valle.

Voting Yea: Representatives Hankins, Honeyford, Mitchell, Ogden, Pennington, Regala, Sehlin, Silver, L. Thomas and Valle.
Excused: Representatives Chopp, Costa and McMorris.

Passed to Committee on Rules for second reading.

March 29, 1995

SB 5251 Prime Sponsor, Rasmussen: Affecting the transportation authority of first class cities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Buck; Cairnes; Chandler; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Patterson; Quall; Robertson; Romero; D. Schmidt; Scott and Tokuda.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Cairnes, Elliot, R. Fisher, Hankins, Hatfield, Horn, McMahan, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt and Tokuda.

Excused: Representatives Buck, Chandler, Chopp, Johnson, Koster, Scott and Skinner.

Passed to Committee on Rules for second reading.

March 29, 1995

SB 5275 Prime Sponsor, Haugen: Affecting the consolidation of cities and towns. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.10.460 and 1985 c 281 s 9 are each amended to read as follows:
((Ballot titles on the questions shall be prepared as provided in RCW 35A.29.120.)) If a proposal for assumption of indebtedness is to be submitted to the voters of a city in which the

indebtedness did not originate, the proposal shall be separately stated and the ballots shall contain, as a separate proposition to be voted on, the words "For Assumption of Indebtedness to be paid by the levy of annual property taxes in excess of regular property taxes" and "Against Assumption of Indebtedness to be paid by the levy of annual property taxes in excess of regular property taxes" or words equivalent thereto. If the question of the form or plan of government is to be submitted to the voters, the question shall be separately stated and the ballots shall contain, as a separate proposition to be voted on, the option of a voter to select one of the three forms or plans of government. If the question of the name of the proposed consolidated city is to be submitted to the voters, the question shall be separately stated and the ballots shall contain, as a separate proposition to be voted on, the option of a voter to select one of the names of the proposed consolidated city.

Sec. 2. RCW 35.10.470 and 1985 c 281 s 10 are each amended to read as follows:

The county canvassing board in each county involved shall canvass the returns in each election. The votes cast in each of such cities shall be canvassed separately, and the statement shall show the whole number of votes cast, the number of votes cast in each city for consolidation, and the number of votes cast in each city against such consolidation. If a proposal for assumption or indebtedness was voted upon in a city in which the indebtedness did not originate, the statement shall show the number of votes cast in such a city for assumption of indebtedness and the number of votes cast against assumption of indebtedness. If a question of the form or plan of government was voted upon, the statement shall show the number of votes cast in each city for each of the optional forms or plans of government. If a name for the proposed consolidated city was voted upon, the statement shall show the number of votes cast in each city for each optional name. A certified copy of such statement shall be filed with the legislative body of each of the cities proposed to be consolidated.

If it appears from such statement of canvass that a majority of the votes cast in each of the cities were in favor of consolidation, the consolidation shall be authorized and shall be effective when the newly elected legislative body members assume office, as provided in RCW 35.10.480.

If a question of the form or plan of government was voted upon, that form or plan receiving the greatest combined number of votes shall become the form or plan of government for the consolidated city. If two or three of the forms or plans of government received the same highest number of votes, the form or plan of government shall be chosen by lot between those receiving the same highest number, where the mayor of the largest of the cities proposed to be consolidated draws the lot at a public meeting.

If a proposition to assume indebtedness was submitted to voters of a city in which the indebtedness did not originate, the proposition shall be deemed approved if approved by a majority of at least three-fifths of the voters of the city, and the number of persons voting on the proposition constitutes not less than forty percent of the number of votes cast in the city at the last preceding general election. Approval of the proposition authorizes annual property taxes to be levied on the property within the city in which the indebtedness did not originate that are in excess of regular property taxes. However, if the general indebtedness in question was incurred by action of a city legislative body, a proposition for assuming the indebtedness need only be approved by a simple majority vote of the voters of the city in which such indebtedness did not originate.

If a question of the name of the proposed consolidated city was voted upon, that name receiving the greatest combined number of votes shall become the name of the consolidated city. If two proposed names receive the same number of votes, the name shall be chosen by lot, where the mayor of the largest of the cities proposed to be consolidated draws the lot at a public meeting.

Sec. 3. RCW 35.10.480 and 1985 c 281 s 11 are each amended to read as follows:

If the voters of each of the cities proposed to consolidate approve the consolidation, elections to nominate and elect the elected officials of the consolidated city shall be held at times specified in RCW 35A.02.050. If the joint resolution or the petitions prescribe that councilmembers of the consolidated city shall be elected from wards, then the councilmembers shall be elected from wards under RCW 35A.12.180. Terms shall be established as if the city is initially incorporating.

The newly elected officials shall take office immediately upon their qualification. The effective date of the consolidation shall be when a majority of the newly elected members of the legislative body assume office. The clerk of the newly consolidated city shall transmit a duly certified copy of an abstract of the votes to authorize the consolidation and of the election of the newly elected city officials to the secretary of state and the office of financial management.

Sec. 4. RCW 35.10.490 and 1985 c 281 s 12 are each amended to read as follows:

A joint resolution or the petitions may prescribe the name of the proposed consolidated city or may provide that a ballot proposition to determine the name of the proposed consolidated city be submitted to the voters of the cities proposed to be consolidated. If two alternative names are submitted, the name receiving the simple majority vote of the voters voting on the question shall become the name of the consolidated city. If the name for the proposed consolidated city is not prescribed by the joint resolution or petition, or a proposition on the name is not submitted to the voters of the cities proposed to be consolidated, then the newly consolidated city shall be known as the city of (listing the names of the cities that were consolidated in alphabetical order). The legislative body of the newly consolidated city may present another name or two names for the newly consolidated city to the city voters for their approval or rejection at the next municipal general election held after the effective date of the consolidation. If only one alternative name is submitted, this alternative name shall become the name of the consolidated city if approved by a simple majority vote of the voters voting on the question. If two alternative names are submitted, the name receiving the simple majority vote of the voters voting on the question shall become the name of the consolidated city.

Sec. 5. RCW 35.21.010 and 1991 c 363 s 37 are each amended to read as follows:

(1) Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of, or the town of, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title(~~(: PROVIDED, That)~~). However, not more than two square miles in area shall be included within the corporate limits of a town having a population of fifteen hundred or less, or located in a county with a population of one million or more, and not more than three square miles in area shall be included within the corporate limits of a town having a population of more than fifteen hundred in a county with a population of less than one million, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of a town without the consent of the owner of such unplatted land(~~(: PROVIDED FURTHER, That)~~).

(2) Notwithstanding subsections (1) and (3) of this section, a town located in three or more counties is excluded from a limitation in square mileage.

(3) Except as provided in subsection (2) of this section, the original incorporation of a town shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040.

NEW SECTION. Sec. 6. A new section is added to chapter 35.10 RCW to read as follows:

Unless a commission form of government is prescribed or submitted to the voters under RCW 35.10.430, a joint resolution or petition may prescribe that wards be used to elect the council members of the consolidated city. The joint resolution or petition must contain a map of the proposed consolidated city that clearly delineates the boundaries of each ward. Each ward in the proposed consolidated city shall contain approximately the same population. To the greatest extent possible, the integrity of the boundaries of the cities that are proposed to be consolidated shall be respected when the wards are drawn so that the territory within each city is: (1) Included within the fewest number of wards, to the extent the city has a population that is greater than the maximum population established for each ward; or (2) included wholly within one ward, to the extent the city has a population that is equal to or less than the maximum population established for each ward. After the election specified in RCW 35.10.480, election wards may be modified in the manner specified in RCW 35A.12.180.

Sec. 7. RCW 35.10.420 and 1985 c 281 s 5 are each amended to read as follows:

The submission of a ballot proposal to the voters of two or more contiguous cities for the consolidation of these contiguous cities may also be caused by the filing of a petition with the legislative body of each such city, signed by the voters of each city in number equal to not less than ten percent of ~~((the votes cast))~~ voters who voted in the city at the last general municipal election therein, seeking consolidation of such contiguous cities. A copy of the petition shall be forwarded immediately by each city to the auditor of the county or counties within which that city is located.

The county auditor or auditors shall determine the sufficiency of the signatures in each petition within ten days of receipt of the copies and immediately notify the cities proposed to be consolidated of the sufficiency. If each of the petitions is found to have sufficient valid signatures, the auditor or auditors shall call a special election at which the question of whether such cities shall consolidate shall be submitted to the voters of each of such cities. If a general election is to be held more than ninety days but not more than one hundred eighty days after the filing of the last petition, the question shall be submitted at that election. Otherwise the question shall be submitted at a special election to be called for that purpose at the next special election date, as specified in RCW 29.13.020, that occurs ninety or more days after the date when the last petition was filed.

If each of the petitions is found to have sufficient valid signatures, the auditor or auditors also shall notify the county legislative authority of each county in which the cities are located of the proposed consolidation.

Petitions shall conform with the requirements for form prescribed in RCW 35A.01.040, except different colored paper may be used on petitions circulated in the different cities. A legal description of the cities need not be included in the petitions."

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.10.460, 35.10.470, 35.10.480, 35.10.490, 35.21.010, and 35.10.420; and adding a new section to chapter 35.10 RCW."

Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, Scott, Sommers, L. Thomas, Van Luven and Wolfe.
Excused: Representatives Chopp and D. Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1995

ESB 5276 Prime Sponsor, McAuliffe: Changing references from "handicapped" to "with disabilities" in the common school education code. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representatives Dickerson and Fuhrman.

Passed to Committee on Rules for second reading.

March 30, 1995

SB 5310 Prime Sponsor, Haugen: Requiring a process to solicit proposals for and prioritize heritage capital projects. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 3, after "field," insert "including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the state office of archaeology and historic preservation,"

On page 2, line 6, after "1996." insert "The prioritized list shall be developed through open and public meetings."

Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Hankins; McMorris; Mitchell; Pennington; Regala; Silver and L. Thomas.

Voting Yea: Representatives Hankins, Honeyford, McMorris, Mitchell, Ogden, Pennington, Regala, Sehlin, Silver, L. Thomas and Valle.
Excused: Representatives Chopp and Costa.

Passed to Committee on Rules for second reading.

March 29, 1995

SSB 5326 Prime Sponsor, Committee on Human Services & Corrections: Revising provision for registration of sex offenders. Reported by Committee on Corrections

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.44.130 and 1994 c 84 s 2 are each amended to read as follows:

(1) Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense, shall register with the county sheriff for the county of the person's residence.

(2) The person shall provide the county sheriff with the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) aliases used; and (h) social security number.

(3)(a) Sex offenders shall register within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses:

(i) **SEX OFFENDERS IN CUSTODY.** Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The agency that has jurisdiction over the offender shall provide notice to the sex offender of the duty to register. Failure to register within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (7) of this section.

(ii) **SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders, who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(ii) as of July 28, 1991, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **SEX OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. A change in supervision status of a sex offender who was required to register under this subsection (3)(a)(iii) as of July 23, 1995, shall not relieve the

offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

~~((iv))~~ (v) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990. Sex offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) SEX OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released prior to July 23, 1995, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify offenders who were released prior to July 23, 1995. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (7) of this section.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (7) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(4) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within ten days of ~~((establishing the new residence))~~ moving. If any person required to register pursuant to this section moves to a new county, the person must register with the county sheriff in the new county within ten days of ~~((establishing the new residence))~~ moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state.

(5) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex offense by RCW 9.94A.030.

(7) A person who knowingly fails to register or who moves without notifying the county sheriff as required by this section is guilty of a class C felony ~~((if the crime for which the individual was convicted was a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony. If the crime was other than a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony, violation of this section is a gross misdemeanor)).~~

Sec. 2. RCW 9A.44.140 and 1991 c 274 s 3 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony: Such person may only be relieved of the duty to register under subsection ~~((2))~~ (3) or ~~((3))~~ (4) of this section.

(b) For a person convicted of a class B felony: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) The provisions of subsection (1) of this section shall apply equally to a person who has been found not guilty by reason of insanity under chapter 10.77 RCW of a sex offense.

~~((2))~~ (3) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, a foreign country, or a federal or military court, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided in subsection ~~((3))~~ (4) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

~~((3))~~ (4) An offender having a duty to register under RCW 9A.44.130 for a sex offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was under the age of fifteen if the petitioner (a) has not been adjudicated of any additional sex offenses during the twenty-four months following the adjudication for the sex offense giving rise to the duty to register, and (b) the petitioner proves by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

~~((4))~~ (5) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

~~((5))~~ (6) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.44 RCW to read as follows:

When a sex offender registers with the county sheriff pursuant to RCW 9A.44.130, the county sheriff shall make reasonable attempts to verify that the sex offender is residing at the registered address. Reasonable attempts at verifying an address shall include at a minimum sending certified mail, with return receipt requested, to the sex offender at the registered address, and if the return receipt is not signed by the sex offender, talking in person with the residents living at the address. The sheriff shall make reasonable attempts to locate any sex offender who cannot be located at the registered address."

Correct the title accordingly.

Signed by Representatives Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

Voting Yea: Representatives Blanton, Cole, Dickerson, Koster, Quall, Radcliff, K. Schmidt, Sherstad, Schoesler and Tokuda.

Excused: Representative Ballasiotes.

Referred to Committee on Appropriations.

March 29, 1995

SB 5369 Prime Sponsor, Haugen: Allowing a majority vote to authorize merger of fire protection districts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Honeyford; Hymes; D. Schmidt; Sommers and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives L. Thomas, Vice Chairman; Hargrove; Mulliken and Van Luven.

Voting Yea: Representatives R. Fisher, Goldsmith, Honeyford, Hymes, Reams, Rust, Scott, Sommers and Wolfe.

Voting Nay: Representatives Hargrove, Mulliken, L. Thomas and Van Luven.

Excused: Representatives Chopp and D. Schmidt.

Passed to Committee on Rules for second reading.

March 29, 1995

SB 5398 Prime Sponsor, Franklin: Removing the filing requirement for expert witness personal service contracts. Reported by Committee on Government Operations

MAJORITY recommendation: Do pass. Signed by Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Voting Yea: Representatives R. Fisher, Goldsmith, Hargrove, Honeyford, Hymes, Mulliken, Reams, Rust, Scott, Sommers, L. Thomas, Van Luven and Wolfe.

Excused: Representatives Chopp and D. Schmidt.

Passed to Committee on Rules for second reading.

March 29, 1995

SB 5399 Prime Sponsor, Pelz: Refining industrial insurance actions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 10, after line 19, insert the following:

" **Sec. 6.** RCW 51.32.050 and 1993 c 521 s 1 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two (~~thousand dollars~~) hundred percent of the average monthly wage in the state as defined in RCW 51.08.018 shall be paid.

(2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker but not less than one hundred eighty-five dollars;

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker but not less than two hundred twenty-two dollars;

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker but not less than two hundred fifty-three dollars;

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker but not less than two hundred seventy-six dollars;

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker but not less than two hundred ninety-nine dollars; or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker but not less than three hundred twenty-two dollars.

(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section exceed the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%

June 30, 1996 120%

(e) In addition to the monthly payments provided for in subsection (2) (a) through ((2))(c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid ~~((the))~~ a sum ~~((of one thousand six hundred dollars))~~ equal to one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to subsection (2)(a)(i) of this section and subject to any modifications specified under subsection (2)(d) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in subsection (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in subsection (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in subsection (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)(f)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under subsection (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067."

On page 11, after line 35, insert the following:

"**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the sections consecutively, correct internal references accordingly, and correct the title.

Signed by Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Conway, Assistant Ranking Minority Member; Cairnes; Cody; Cole; Fuhrman and Goldsmith.

Voting Yea: Representatives Cairnes, Cody, Cole, Conway, Fuhrman, Goldsmith, Hargrove, Lisk, Romero and Thompson.

Excused: Representative Horn.

Passed to Committee on Rules for second reading.

March 28, 1995

SSB 5410 Prime Sponsor, Committee on Ecology & Parks: Designating the Washington park arboretum as an official state arboretum. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksm; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beekma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

March 30, 1995

E2SSB 5439 Prime Sponsor, Committee on Ways & Means: Revising procedures for nonoffender at-risk youth and their families. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.010 and 1979 c 155 s 15 are each amended to read as follows:

The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, experience and maturity are better qualifications for establishing guidelines beneficial to and protective of individual members and the group as a whole than are youth and inexperience. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

The legislature recognizes that the public is concerned about the growing problem with runaways. The legislature further recognizes that children have run away from home, are substance abusers, or have serious acting out behaviors and their parents have sought help. The legislature recognizes that families with children who are endangering themselves and others by their behavior also need services.

The legislature finds that many parents do not know their rights regarding their adolescent children and law enforcement, and parents and courts feel they have insufficient legal recourse for the chronic runaway child who is endangering himself or herself through his or her behavior. The legislature further finds that the juvenile justice reform enacted in 1977 does not adequately protect youth and families and that chronic runaways with substantial problems are left without adequate protection or legal recourse.

The legislature further recognizes that for chronic runaways whose behavior puts them in serious danger of harming themselves or others, secure facilities must be provided to assist parents and protect their children. The legislature intends, in chapter . . . , Laws of 1995 (this act), to give tools to law enforcement, courts, and parents to keep families together and reunite them whenever possible.

The legislature intends to provide for the protection of children who, through their behavior, are endangering themselves. The legislature intends to provide appropriate residential services, including secure facilities, to protect, stabilize, and treat children with serious problems. The legislature further intends to empower parents by providing them with the assistance they require to raise their children.

NEW SECTION. **Sec. 2.** This act may be known and cited as the "Becca bill."

Sec. 3. RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Department" means the department of social and health services;
- (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;
- (3) "Parent" means the legal custodian(s) or guardian(s) of a child;
- (4) "~~((Semi-secure))~~ Secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away(~~(: PROVIDED, That such facility shall not be a secure~~

institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves);

(5) "Multidisciplinary team" means those persons involved in helping a child who meets the definition of an at-risk youth. This group shall include the parent, guardian, or custodian, a department case worker, a representative of the counties, and a member of the following disciplines: Mental health and substance abuse. This group may include, but is not limited to the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, a member of the child's cultural community, therapists, medical personnel, social service providers, placement providers, and extended family members. Team members shall be volunteers who do not receive compensation for team activities unless an individual team member's employer chooses to provide such compensation.

(6) "At-risk youth" means an individual under the chronological age of eighteen years who:

(a) Is absent from home for more than seventy-two consecutive hours without consent of his or her parent;

(b) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or

(c) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse.

NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW to read as follows:

The department shall establish appropriate security requirements for all crisis residential centers. The requirements shall be designed to prevent children from leaving the centers without authorization. Security requirements may include, but not be limited to, locked doors and windows, electronic monitoring bracelets, and perimeter fences or patrols. The crisis residential center administrator shall notify parents and the appropriate law enforcement within four hours of all unauthorized leaves.

Sec. 5. RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth may request family reconciliation services from the department. The department shall involve the local multidisciplinary teams in determining the services to be provided and in providing those services, if a local multidisciplinary team exists. Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family. Upon a referral by a school or other appropriate agency, family reconciliation services may also include training in parenting, conflict management, and dispute resolution skills.

Sec. 6. RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in the placement under the rules established for the center for a period not to exceed five consecutive days from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make ~~((a-coordinated))~~ every reasonable effort to protect the child and

achieve a reconciliation of the family. If a reconciliation, using family reconciliation services, and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the ~~((person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of any alternative residential placement))~~ facility administrator or his or her designee shall immediately convene the multidisciplinary team, if one exists.

At no time shall information regarding a parent's or child's rights be withheld if requested. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

NEW SECTION. Sec. 7. A new section is added to chapter 13.32A RCW to read as follows:

(1) Each county shall have the authority to assemble a multidisciplinary team. To the extent possible, the multidisciplinary team shall draw upon existing community resources.

(2) The multidisciplinary team, if one exists, shall make every reasonable effort to protect the child and achieve a reconciliation of the family whenever possible. If a crisis residential center administrator or his or her designee makes a referral, the team must respond as soon as possible but no later than twelve hours after the referral is made. The team shall have the authority to assess the juvenile, and family members, if appropriate and agreed to, and shall:

(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;

(b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if appropriate;

(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or

(d) With the family's consent, work with the family on a longer-term basis to achieve reconciliation of the child and family, whenever possible.

(3) To the maximum extent possible, the members of the multidisciplinary team shall include members who are representative of the cultures in the family's community.

NEW SECTION. Sec. 8. A new section is added to chapter 13.32A RCW to read as follows:

(1) The purpose of the multidisciplinary team is to coordinate and communicate about services offered to the child and family.

(2) At the first meeting of the multidisciplinary team, it shall choose a member to act as case manager for the family. The parent member of the multidisciplinary team must agree with the choice of case manager. Thereafter, the team shall meet periodically.

Sec. 9. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read as follows:

~~((The department shall))~~ A juvenile, his or her parent, guardian, or custodian, or the case manager of the multidisciplinary team may file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

- (2) The child has been admitted to a crisis residential center and:
 - (a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;
 - (b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and
 - (c) The child has no suitable place to live other than the home of his or her parent.
- (3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:
 - (a) The party to whom the arrangement is no longer acceptable has so notified the department;
 - (b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;
 - (c) No new agreement between parent and child as to where the child shall live has been reached;
 - (d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent;
 - (e) The parent has not filed an at-risk youth petition; and
 - (f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 10. RCW 13.32A.150 and 1992 c 205 s 208 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment provided by the department shall involve the multidisciplinary team as provided in RCW 13.32A.040, if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under subsection (3) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

(3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

- (a) The child is an at-risk youth as defined in this chapter;
- (b) The petitioning parent has the right to legal custody of the child;
- (c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and
- (d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not

dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted. Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.

Sec. 11. RCW 13.50.010 and 1994 sp.s. c 7 s 541 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the multidisciplinary team formed under chapter 13.32A RCW, the department of social and health services and its contracting agencies, schools; and, in addition, persons or public or private agencies having children committed to their custody;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Social file" means the juvenile court file containing the records and reports of the probation counselor;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes

shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

Sec. 12. RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer receives a report that causes the officer to have reasonable suspicion that a child is being harbored under RCW 13.32A.080 or for other reasons has a reasonable suspicion that a child is being ~~((unlawfully))~~ harbored under RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

Sec. 13. RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 (1) or (2) shall inform the child of the reason for such custody and shall either:

(a) Transport the child to his or her home. The officer releasing a child into the custody of the parent shall inform the parent of the reason for the taking of the child into custody and shall inform the child and the parent of the nature and location of appropriate services available in their community; or

(b) Take the child to the home of an ~~((adult))~~ extended family member, a designated crisis residential center, or the home of a responsible adult after attempting to notify the parent or legal guardian:

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing in the home some type of child abuse or neglect, as defined in RCW 26.44.020, as now law or hereafter amended; or

(ii) If it is not practical to transport the child to his or her home; or

(iii) If there is no parent available to accept custody of the child.

The officer releasing a child into the custody of an extended family member or a responsible adult shall inform the child and the extended family member or responsible adult of the nature and location of appropriate services available in the community.

(2) An officer taking a child into custody under RCW 13.32A.050 (3) or (4) shall inform the child of the reason for custody~~((, and))~~. An officer taking a child into custody under RCW 13.32A.050(3) shall take the child to a designated crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. ~~((However,))~~ An officer taking a child into custody under RCW 13.32A.050(4) ~~((may))~~ shall place the child in a juvenile detention facility as provided in RCW 13.32A.065. The department shall ensure that all the enforcement authorities are informed on a

regular basis as to the location of the designated crisis residential center or centers in their judicial district, where children taken into custody under RCW 13.32A.050 may be taken.

(3) "Extended family members" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

Sec. 14. RCW 13.32A.065 and 1981 c 298 s 4 are each amended to read as follows:

(1) A child (~~may~~) shall be placed in detention after being taken into custody pursuant to RCW 13.32A.050(4). The court shall hold a detention review hearing within twenty-four hours, excluding Saturdays, Sundays, and holidays. The court shall release the child after twenty-four hours, excluding Saturdays, Sundays, and holidays, unless:

(a) A motion and order to show why the child should not be held in contempt has been filed and served on the child at or before the detention hearing; and

(b) The court believes that the child would not appear at a hearing on contempt.

(2) If the court orders the child to remain in detention, the court shall set the matter for a hearing on contempt within seventy-two hours, excluding Saturdays, Sundays, and holidays.

Sec. 15. RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read as follows:

(1) Except when expressly required otherwise in this chapter, an officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent or extended family member where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent or extended family member shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.

(2) A law enforcement officer acting in good faith pursuant to this chapter in failing to take a child into custody, in taking a child into custody, or in releasing a child to a person other than a parent or extended family member of such child is immune from civil or criminal liability for such action.

(3) A person other than a parent of such child who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse.

(4) As used in this section, "extended family member" has the meaning prescribed in RCW 13.32A.060.

NEW SECTION. Sec. 16. A new section is added to chapter 13.32A RCW to read as follows:

(1) Any person who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home without the permission of the parent, shall promptly report the location of the child to a local law enforcement agency. The report may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within four hours after the person has knowledge that the minor is away from home without parental permission.

(c) "Parent" means any parent having legal custody of the child, whether individually or joint.

(3) Violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 17. A new section is added to chapter 46.20 RCW to read as follows:

When the department of licensing is provided with a notice under section 18 of this act, the department shall suspend for ninety days all driving privileges of the juvenile identified in the notice. To the extent it may be required to provide due process, the department may adopt rules to provide the juvenile with an opportunity to challenge the notice.

NEW SECTION. **Sec. 18.** A new section is added to chapter 13.32A RCW to read as follows:

When petitioned to do so by a parent, the department shall determine whether the parent's child has, on two or more occasions within a twelve-month period, been absent from home for more than seventy-two consecutive hours without parental consent. If the department finds that the child has and also that the child has a Washington state driver's license, then the department shall provide a notice of its findings to the department of licensing which shall suspend the child's driver's license as provided in section 17 of this act. The twelve-month period shall be the twelve-calendar-month period immediately before the month in which the department receives the petition. The department shall develop procedures for verifying absences and if requested by either a parent or child shall conduct a hearing on the question of whether the absences have occurred.

Sec. 19. RCW 13.32A.196 and 1991 c 364 s 14 are each amended to read as follows:

(1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;

(c) Participation in a substance abuse treatment program;

(d) If ordered under subsection (3) of this section, placement in a secure facility or other secure program of treatment;

(e) Reporting on a regular basis to the department or any other designated person or agency; and

~~((e))~~ (f) Any other condition the court deems an appropriate condition of supervision.

(3) If requested by a parent of an at-risk youth who is a habitual runaway, the court may include in its dispositional order or orders a requirement that the youth be placed, for up to one hundred eighty consecutive days, in a secure facility or other court-ordered secure program of treatment. The court may not include this requirement unless, at the disposition hearing, it finds that the placement is necessary in order to protect the at-risk youth and that a less-restrictive order or orders not requiring such placement would be inadequate to protect the youth, given the youth's age, maturity, propensity to run away from home, past exposure to serious risk when the youth ran away from home, and possible future exposure to serious risk should the youth run away from home again. For purposes of this section, an at-risk youth is a "habitual runaway" if the youth, on each of three or more occasions within the twelve-month period preceding the month in which the at-risk youth petition was filed, has been absent from home for more than seventy-two consecutive hours without parental consent; or if the youth during such twelve-month period has been absent from home without parental consent for more than thirty consecutive days. This subsection constitutes a method of placement or commitment that is in addition to methods prescribed under other laws and is not intended as the exclusive method for placement or commitment of children who qualify as at-risk youth.

(4) Except as provided in this section for habitual runaways, no dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

~~((4))~~ (5) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled. The parent may request dismissal of an at-risk youth proceeding at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless a contempt action is pending in the case. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

~~((5))~~ (6) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

Sec. 20. RCW 13.32A.198 and 1990 c 276 s 15 are each amended to read as follows:

(1) Upon making a disposition regarding an adjudicated at-risk youth, the court shall schedule the matter on the calendar for review (~~((within three months))~~), advise the parties of the date thereof, appoint legal counsel for the child, advise the parent of the right to be represented by legal counsel at the review hearing at the parent's own expense, and notify the parties of their rights to present evidence at the hearing. The review hearing shall commence within ninety consecutive days after the date in which the dispositional order or orders are entered. However, if the order or orders provide for the placement of a habitual runaway in a secure facility or secure program of treatment, then the review hearing shall commence within thirty consecutive days after such date.

(2) At the review hearing, the court shall approve or disapprove the continuation of court supervision in accordance with the goal of assisting the parent to maintain the care, custody, and control of the child. The court shall determine whether the parent and child are complying with the dispositional plan. If court supervision is continued, the court may modify the dispositional plan. However, in the case of a habitual runaway placed in a secure facility or secure program of treatment, the court may continue the placement for an additional period only if requested by the parent and if the court finds that its findings under RCW 13.32A.196 are still accurate.

(3) Except for the placement of a habitual runaway in a secure facility or secure program of treatment, court supervision of the child may not be continued past one hundred eighty consecutive days from the day the review hearing commenced unless the court finds, and the parent agrees, that there are compelling reasons for an extension of supervision. Any extension granted pursuant to this subsection shall not exceed ninety days. The court may not require the placement of a habitual runaway for longer than a period of one hundred eighty consecutive days and may not provide for any extension of the placement beyond such period.

(4) The court may dismiss an at-risk youth proceeding at any time if the court finds good cause to believe that continuation of court supervision, including the placement of a habitual runaway, would serve no useful purpose or that the parent is not cooperating with the court-ordered case plan. The court shall dismiss an at-risk youth proceeding if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 21. RCW 28A.225.020 and 1992 c 205 s 202 are each amended to read as follows:

If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification, the juvenile's school shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing or by telephone that the juvenile has failed to attend school without valid justification after one unexcused absence within any month during the current school year;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(3) Take steps to eliminate or reduce the juvenile's absences. These steps shall include, where appropriate, adjusting the juvenile's school program or school or course assignment, providing more individualized or remedial instruction, preparing the juvenile for employment with specific vocational courses or work experience, or ~~((both))~~ refer the juvenile to a community truancy board, and assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

Sec. 22. RCW 28A.225.030 and 1992 c 205 s 203 are each amended to read as follows:

If action taken by a school pursuant to RCW 28A.225.020 is not successful in substantially reducing a student's absences from school, any of the following actions may be taken after five or more unexcused absences during the current school year: (1) The attendance officer of the school district or the community truancy board through its attorney may petition the ~~((juvenile))~~ court to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the purpose of alleging a violation of RCW 28A.225.010 by the parent; or (2) a petition alleging a violation of RCW 28A.225.010 by a child may be filed with the ~~((juvenile))~~ court by the parent of such child or by the attendance officer of the school district or the community truancy board through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the

provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except where otherwise stated, shall apply.

NEW SECTION. Sec. 23. A new section is added to chapter 28A.225 RCW to read as follows:

For purposes of this chapter, "community truancy board" means a board comprised of members of the local community in which the juvenile attends school. The local school district shall direct the formation of the board, and if possible include a variety of representatives from the community. The community truancy board shall set conditions designed to improve school attendance and monitor subsequent school attendance.

Sec. 24. RCW 28A.225.150 and 1992 c 205 s 205 are each amended to read as follows:

The school district attendance officer shall report biannually to the educational service district superintendent, in the instance of petitions filed alleging a violation by a child under RCW 28A.225.030:

- (1) The number of petitions filed by a school district or by a parent;
- (2) The frequency of each action taken under RCW 28A.225.020 prior to the filing of such petition;
- (3) When deemed appropriate under RCW 28A.225.020, the frequency of delivery of supplemental services; and
- (4) Disposition of cases filed with the ((juvenile)) court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.225.090.

The educational service district superintendent shall compile such information and report annually to the superintendent of public instruction. The superintendent of public instruction shall compile such information and report to the committees of the house of representatives and the senate by September 1 of each year.

Sec. 25. RCW 70.96A.095 and 1991 c 364 s 9 are each amended to read as follows:

(1) Any person fourteen years of age or older may give consent for himself or herself to the furnishing of counseling, care, treatment, or rehabilitation by a treatment program or by any person. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age is not necessary to authorize the care, except that the person shall not become a resident of the treatment program without such permission except as provided in RCW 70.96A.120 or 70.96A.140. The parent, parents, or legal guardian of a person less than eighteen years of age are not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the counseling, care, treatment, or rehabilitation. The parent's, parents', or guardians' insurance carrier is also not liable for payment and shall not be billed for payment unless the parent, parents, or guardian has given consent.

(2) The parent of any minor may apply to an approved treatment program for the admission of the minor for purposes authorized in this chapter. The consent of the minor shall not be required for the application or admission. The approved treatment program shall accept the application as if it were submitted voluntarily by the minor. The ability of a parent to apply to an approved treatment program for the involuntary admission of his or her child does not create any right to this treatment or to obtain or benefit from any public funds or resources.

NEW SECTION. Sec. 26. A new section is added to chapter 70.96A RCW to read as follows:

Nothing in this chapter authorizes school district personnel to refer minors to any treatment program or treatment provider without providing notice of the referral to the parent, parents, or guardians.

Sec. 27. RCW 70.96A.110 and 1990 c 151 s 7 are each amended to read as follows:

(1) An alcoholic or other drug addict may apply for voluntary treatment directly to an approved treatment program. If the proposed patient is ((a minor or)) an incompetent person, he or she, a parent, a legal guardian, or other legal representative may make the application. If the proposed patient is a minor, the minor or the minor's parent, legal guardian, or other legal representative may make the application as provided in RCW 70.96A.095.

(2) Subject to rules adopted by the secretary, the administrator in charge of an approved treatment program may determine who shall be admitted for treatment. If a person is refused admission to an approved treatment program, the administrator, subject to rules adopted by the secretary, shall refer the person to another approved treatment program for treatment if possible and appropriate.

(3) If a patient receiving inpatient care leaves an approved treatment program, he or she shall be encouraged to consent to appropriate outpatient treatment. If it appears to the administrator in charge of the treatment program that the patient is an alcoholic or other drug addict who requires help, the department may arrange for assistance in obtaining supportive services and residential programs.

(4) If a patient leaves an approved public treatment program, with or against the advice of the administrator in charge of the program, the department may make reasonable provisions for his or her transportation to another program or to his or her home. If the patient has no home he or she should be assisted in obtaining shelter. If the patient is less than ~~((fourteen))~~ eighteen years of age or an incompetent person the request for discharge from an inpatient program shall be made by a parent, legal guardian, or other legal representative or by the ~~((minor or))~~ incompetent if he or she was the original applicant.

Sec. 28. RCW 70.96A.140 and 1993 c 362 s 1 are each amended to read as follows:

(1) When a designated chemical dependency specialist receives information alleging that a person is incapacitated as a result of chemical dependency, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020. If placement in a chemical dependency program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and is incapacitated by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for detoxification or chemical dependency treatment pursuant to RCW 70.96A.110, and is in need of a more sustained treatment program, or that the person is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.050, ~~((as now or hereafter amended,))~~ in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is chemically dependent shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment program. It shall not order commitment of a person unless it determines that an approved treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed under this section shall remain in the program for treatment for a period of sixty days unless sooner discharged. At the end of the sixty-day period, he or she shall be discharged automatically unless the program, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she is chemically dependent and likely to inflict physical harm on another, the program shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(7) The approved treatment program shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to the custody of a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a chemically dependent person committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further

treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a chemically dependent person committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

Sec. 29. RCW 71.34.030 and 1985 c 354 s 3 are each amended to read as follows:

(1) Any minor (~~thirteen~~) fourteen years or older may request and receive outpatient treatment without the consent of the minor's parent provided that the treatment provider provides notice to the minor's parent. The treatment provider must provide notice within forty-eight hours of the minor's request for treatment excluding Saturdays, Sundays, and holidays. The notice shall contain the same information as required under subsection (2)(c) of this section. Parental authorization is required for outpatient treatment of a minor under the age of (~~thirteen~~) fourteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is

not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) A minor under ~~((thirteen))~~ fourteen years of age may only be admitted on the application of the minor's parent.

(b) A minor ~~((thirteen years or older))~~ may be voluntarily admitted by application of the parent. ~~((Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor.))~~ The consent of the minor is not required.

(c) A minor ~~((thirteen))~~ fourteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(d) Written renewal of voluntary consent must be obtained from the applicant ~~((and the minor thirteen years or older))~~ no less than once every twelve months.

(e) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of ~~((thirteen))~~ fourteen and any minor fourteen or older admitted by a parent under subsection (2)(b) of this section must be discharged immediately upon written request of the parent.

(b) Any minor ~~((thirteen))~~ fourteen years or older voluntarily admitted by himself or herself under subsection (2)(c) of this section may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, ~~((thirteen))~~ fourteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional or a parent or legal guardian files a petition or an application for initial detention within the time prescribed by this chapter.

(4) The ability of a parent to apply for treatment of his or her child under this section does not create a right to obtain this treatment or to obtain or benefit from any public funds or resources.

Sec. 30. RCW 71.34.040 and 1985 c 354 s 4 are each amended to read as follows:

If a minor, (~~thirteen~~) fourteen years or older, is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the minor's mental condition, determine whether the minor suffers from a mental disorder, and whether the minor is in need of immediate inpatient treatment. If it is determined that the minor suffers from a mental disorder, inpatient treatment is required, the minor is unwilling to consent to voluntary admission, and the professional person believes that the minor meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the minor for up to twelve hours in order to enable a county-designated mental health professional to evaluate the minor and commence initial detention proceedings under the provisions of this chapter.

NEW SECTION. Sec. 31. A new section is added to chapter 71.34 RCW to read as follows:
Nothing in this chapter authorizes school district personnel to refer minors to any evaluation and treatment program or mental health professional without providing notice of the referral to the minor's parent.

Sec. 32. RCW 71.34.050 and 1985 c 354 s 5 are each amended to read as follows:

(1) When a county-designated mental health professional receives information that a minor, (~~thirteen~~) fourteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the county-designated mental health professional may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

If the minor is not taken into custody for evaluation and treatment, the parent who has custody of the minor may seek review of that decision made by the county designated mental health professional in court. The parent shall file notice with the court and provide a copy of the county designated mental health professional's report or notes.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, the county-designated mental health professional shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The county-designated mental health professional shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The county-designated mental health professional shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the county-designated mental health professional shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further mental health treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) Whenever the county designated mental health professional petitions for detention of a minor under this chapter, an evaluation and treatment facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) If a minor is not approved for admission by the inpatient evaluation and treatment facility, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

Sec. 33. RCW 71.34.070 and 1985 c 354 s 7 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the treatment and evaluation facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed either by two physicians or by one physician and a mental health professional who have examined the minor and shall contain the following:

- (i) The name and address of the petitioner;
- (ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;
- (iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;
- (iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;
- (v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;
- (vi) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and
- (vii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

Sec. 34. RCW 71.34.130 and 1985 c 354 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a minor receiving treatment under the provisions of this chapter and responsible others shall be liable for the costs of treatment, care, and transportation to the extent of available resources and ability to pay.

(2) The minor's parent shall not be liable for payment for the costs of treatment, care, and transportation unless the parent gave consent to the treatment, care, and transportation. The parent's insurance carrier is also not liable for payment and shall not be billed for payment unless the parent has given consent.

(3) The secretary shall establish rules to implement this section and to define income, resources, and exemptions to determine the responsible person's or persons' ability to pay.

Sec. 35. RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department shall establish, by contracts with private vendors, not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each regional center shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.

(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The department may also locate crisis residential centers in or adjacent to secure juvenile detention facilities operated by the county. Where a center is located in or adjacent to a secure juvenile detention facility, the center shall be operated in a manner that prevents in-person contact between the residents of the center and the persons held in such facility. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

Crisis residential ((facilities)) centers shall be operated as ((semi-secure)) secure facilities.

Sec. 36. RCW 74.13.033 and 1992 c 205 s 213 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises, ~~((which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder))~~. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW ~~((or))~~, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In providing these services, the facility shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; and

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days.

(3) A juvenile taking unauthorized leave from this residence ~~((may))~~ shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile ~~((may))~~ shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

Sec. 37. RCW 74.13.034 and 1992 c 205 s 214 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(2) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) ~~((Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts,~~

when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5)) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030, 13.32A.040, 13.32A.130, 13.32A.140, 13.32A.150, 13.50.010, 13.32A.050, 13.32A.060, 13.32A.065, 13.32A.070, 13.32A.196, 13.32A.198, 28A.225.020, 28A.225.030, 28A.225.150, 70.96A.095, 70.96A.110, 70.96A.140, 71.34.030, 71.34.040, 71.34.050, 71.34.070, 71.34.130, 74.13.032, 74.13.033, and 74.13.034; adding new sections to chapter 13.32A RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 71.34 RCW; creating a new section; and prescribing penalties."

Signed by Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell and Tokuda.

Voting Yea: Representatives Boldt, Brown, Buck, Carrell, Cooke, Lambert, Stevens, Thibaudeau and Tokuda.

Excused: Representative Patterson.

Passed to Committee on Rules for second reading.

March 30, 1995

SSB 5479 Prime Sponsor, Committee on Education: Clarifying transfers under the public school open enrollment program with regard to home-schooled and private school students.
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Hatfield; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

Voting Yea: Representatives Brumsickle, Cole, Clements, Elliot, G. Fisher, Hatfield, Johnson, McMahan, Pelesky, Poulsen, Quall, Radcliff, Smith, Talcott, B. Thomas, Thompson and Veloria.

Excused: Representatives Dickerson and Fuhrman.

Passed to Committee on Rules for second reading.

March 29, 1995

SSB 5556 Prime Sponsor, Committee on Health & Long-Term Care: Revoking the license of a massage practitioner who has been convicted of prostitution. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.108.040 and 1991 c 3 s 255 are each amended to read as follows:

It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the secretary as a massage practitioner or without printing in display advertisement the license number of the massage practitioner. Any person who holds a license to

practice as a massage practitioner in this state may use the title "licensed massage practitioner" and the abbreviation "L.M.P.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

Sec. 2. RCW 18.108.085 and 1991 c 3 s 259 are each amended to read as follows:

- (1) In addition to any other authority provided by law, the secretary may:
 - (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to implement this chapter;
 - (b) Set all license, examination, and renewal fees in accordance with RCW 43.70.250;
 - (c) Establish forms and procedures necessary to administer this chapter;
 - (d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure; and
 - (e) Hire clerical, administrative, and investigative staff as necessary to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations.
- (2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the disciplining of persons under this chapter. The secretary shall be the disciplining authority under this chapter.

(3) Any license issued under this chapter to a person who is or has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090, or an equivalent local ordinance shall automatically be revoked by the secretary upon receipt of a certified copy of the court documents reflecting such conviction. No further hearing or procedure is required, and the secretary has no discretion with regard to revocation of the license. The revocation shall be effective even though the conviction is under appeal or the time period for appeal has not lapsed. Upon presentation of a final appellate decision overturning the conviction, the license shall be reinstated, unless grounds for disciplinary action have been found pursuant to chapter 18.130 RCW. No license may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090, or an equivalent local ordinance within eight years immediately preceding the date of application. For purposes of this subsection, "convicted" does not include a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence, but does include a conviction for an offense for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(4) The secretary shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure under this chapter, with the result of each application.

NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW to read as follows:
RCW 18.108.085 governs the issuance and revocation of licenses under chapter 18.108 RCW issued to or applied for by persons convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090, or equivalent local ordinances.

Sec. 4. RCW 35.21.692 and 1991 c 182 s 1 are each amended to read as follows:

- (1) A state licensed massage practitioner seeking a city or town license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.
- (2) The city or town may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city or town, and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.
- (3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ((not currently imposed on similar health care providers, such as physical therapists or occupational therapists)) under RCW 18.108.100.

Sec. 5. RCW 35A.82.025 and 1991 c 182 s 2 are each amended to read as follows:

- (1) A state licensed massage practitioner seeking a city license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The city may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city, and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

Sec. 6. RCW 36.32.122 and 1991 c 182 s 3 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a county license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The county may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same county, and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

NEW SECTION. Sec. 7. The amendments to RCW 35.21.692, 35A.82.025, and 36.32.122 contained in sections 4 through 6 of this act shall expire July 1, 1997."

On page 1, line 1 of the title, after "practitioners;" strike the remainder of the title and insert "amending RCW 18.108.040, 18.108.085, 35.21.692, 35A.82.025, and 36.32.122; adding a new section to chapter 18.130 RCW; and providing an expiration date."

Signed by Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Smith; Thibaudeau and Veloria.

Voting Yea: Representatives Appelwick, Campbell, Carrell, Chappell, Cody, Costa, Delvin, Hickel, Lambert, McMahan, Morris, Robertson, Sheahan, Smith, Thibaudeau and Veloria.

Passed to Committee on Rules for second reading.

March 28, 1995

2SSB 5574 Prime Sponsor, Committee on Ways & Means: Concerning the return of state forest board transfer land. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

On page 2, after line 26, strike section 4

Signed by Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Voting Yea: Representatives Basich, Beeksma, Buck, Cairnes, Elliot, G. Fisher, Fuhrman, Jacobsen, Pennington, Regala, Romero, Sheldon, Stevens, B. Thomas and Thompson.

Passed to Committee on Rules for second reading.

March 28, 1995

ESSB 5592 Prime Sponsor, Committee on Natural Resources: Revising qualifications for coastal crab fishing licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 75.30.350 and 1994 c 260 s 2 are each amended to read as follows:

(1) Effective January 1, 1995, it is unlawful to fish for coastal crab in Washington state waters without a Dungeness crab—coastal or a Dungeness crab—coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab—coastal fishery license is transferable. Except as provided in subsection (3) of this section, such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection ~~((4))~~ (5) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

(i) Crab pot—Non-Puget Sound license, issued under RCW 75.28.130(1)(b);

(ii) Nonsalmon delivery license, issued under RCW 75.28.125;

(iii) Salmon troll license, issued under RCW 75.28.110;

(iv) Salmon delivery license, issued under RCW 75.28.113;

(v) Food fish trawl license, issued under RCW 75.28.120; or

(vi) Shrimp trawl license, issued under RCW 75.28.130; or

(b) Made a minimum of four landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings; or

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EIGHTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 3, 1995

The House was called to order at 9:55 a.m. by the Speaker (Representative Horn presiding).

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

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

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

REPORTS OF STANDING COMMITTEES

April 3, 1995

ESSB 5001 Prime Sponsor, Committee on Ways & Means: Affecting the property taxation of senior citizens and persons retired because of physical disabilities. Reported by Committee on Finance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.381 and 1994 sp.s. c 8 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home or hospital costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must be sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of twenty-eight thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less but greater than fifteen thousand dollars shall be exempt from all regular property taxes on the greater of thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of thirty-four thousand dollars or fifty percent of the valuation of his or her residence(;

~~(6) For a person who otherwise qualifies under this section and has a combined disposable income of twenty-eight thousand dollars or less, the taxable value of the residence shall not exceed the lesser of (a) the assessed value of the residence as reduced by the exemption under subsection (5) of this section, if any, or (b) the taxable value of the residence for the previous year, increased by the inflation factor for the assessment year. For counties that do not revalue property annually, the amount under (b) of this subsection shall be the previous taxable value increased by the inflation factor for each assessment year since the previous revaluation of the residence. As used in this section, "inflation factor" means the percentage change used by the federal government in adjusting social security payments for inflation at the beginning of each year. The department shall provide inflation factors to the county assessors annually).~~

NEW SECTION. **Sec. 2.** 1994 sp.s. c 8 s 3 (uncodified) is repealed.

NEW SECTION. **Sec. 3.** Chapter 8, Laws of 1994 sp. sess. shall take effect July 1, 1995, and shall be effective for taxes levied in 1995 for collection in 1996 and thereafter.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Correct the title accordingly.

Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5012 Prime Sponsor, Committee on Natural Resources: Revising the fee for transfer of fishery licenses. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources:

Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representative Morris, Ranking Minority Member.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representative Morris.

Passed to Committee on Rules for second reading.

April 3, 1995

ESSB 5064 Prime Sponsor, Committee on Natural Resources: Revising the regional fisheries enhancement program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources:

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Cooke, Clements, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Talcott, Thibaudeau and Wolfe.
Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SB 5075 Prime Sponsor, Owen: Appropriating funds for emergency construction of Crown Hill elementary school. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Talcott, Thibaudeau and Wolfe.
Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5084 Prime Sponsor, Committee on Transportation: Reducing commute trips. Reported by
Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.01.230 and 1993 c 394 s 6 are each amended to read as follows:

State agencies may, ~~((subject to appropriation and))~~ under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes, and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70.94.521 through 70.94.551. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing.

Sec. 2. RCW 43.01.225 and 1993 c 394 s 5 are each amended to read as follows:

(1) There is hereby established an account in the state treasury to be known as the "state ~~((capitol))~~ vehicle parking account." All parking rental income ~~((collected from rental of parking space))~~ resulting from parking fees established by the department of general administration under RCW 46.08.172 at state-owned or leased property shall be deposited in the "state ~~((capitol))~~ vehicle parking account." Revenue deposited in the "state ~~((capitol))~~ vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state ~~((capitol))~~ vehicle parking account" may be used to:

(1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities ~~((on state-owned or leased properties));~~

(2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities ~~((at agency-owned and leased facilities off the capitol campus));~~ and

(3) Support agency commute trip reduction programs under RCW 70.94.521 through 70.94.551.

~~((Distribution of funds from the "state capitol vehicle parking account" are subject to appropriation by the legislature and will be made by the office of financial management after considering recommendations from the director of general administration and the interagency task force for commute trip reduction, under RCW 70.94.551.))~~

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.01 RCW to read as follows:

(1) There is hereby established an account in the state treasury to be known as the state agency parking account. All parking income collected from the fees imposed by state agencies on parking spaces at state-owned or leased facilities, including the capitol campus, shall be deposited in the state agency parking account. Only the office of financial management may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. No agency may receive an allotment greater than the amount of revenue deposited into the state agency parking account.

(2) An agency may, as an element of the agency's commute trip reduction program to achieve the goals set forth in RCW 70.94.527, impose parking rental fees at state-owned and leased properties. These fees will be deposited in the state agency parking account. Each agency shall establish a committee to advise the agency director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. The agency shall solicit representation of the employee population including, but not limited to, management, administrative staff, production workers, and state employee bargaining units. Funds shall be used by agencies to: (a) Support the agencies' commute trip reduction program under RCW 70.94.521 through 70.94.551; (b) support the agencies' parking program; or (c) support the lease or ownership costs for the agencies' parking facilities.

(3) In order to reduce the state's subsidization of employee parking, after July 1997 agencies shall not enter into leases for employee parking in excess of building code requirements, except as authorized by the director of general administration. In situations where there are fewer parking spaces

than employees at a worksite, parking must be allocated equitably, with no special preference given to managers.

(4) The director of general administration must report to the house and senate transportation committees no later than December 1, 1997, regarding the implementation of chapter . . . , Laws of 1995 (this act). The report must include an estimate of the reduction in parking supply and an estimate of the cost savings.

Sec. 4. RCW 46.08.172 and 1993 c 394 s 4 are each amended to read as follows:

The director of the department of general administration shall establish equitable and consistent parking rental fees for ~~((state-owned or leased property))~~ the capitol campus and may, if requested by agencies, establish equitable and consistent parking rental fees for agencies off the capitol campus, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking or to meet the commute trip reduction goals established in RCW 70.94.527. ~~((The department shall solicit representatives from affected state agencies, employees, and state employee bargaining units to meet as regional committees. These regional committees will advise the director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. In the event that such fees become part of a collective bargaining agreement and there is a conflict between the agency and the collective bargaining unit, the terms of the collective bargaining agreement shall prevail.))~~ All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. However, parking rental fees are not to exceed the local market rate of comparable privately owned rental parking.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

NEW SECTION. Sec. 5. A new section is added to chapter 43.01 RCW to read as follows:

All institutions of higher education as defined under RCW 28B.10.016 are exempt from the requirements under RCW 43.01.225.

Sec. 6. RCW 43.99H.070 and 1989 1st ex.s. c 14 s 7 are each amended to read as follows:

In addition to any other charges authorized by law and to assist in the reimbursement of principal and interest payments on bonds issued for the purposes of RCW 43.99H.020(15), the following revenues may be collected:

(1) The director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant of the facility or building constructed with bonds issued for the purposes of RCW 43.99H.020(15) for payment of a proportion of costs for each square foot of floor space assigned to or occupied by the entity. Payment of the amount billed to the entity for such occupancy shall be made quarterly during each fiscal year. The director of general administration shall deposit the payment in the capitol campus reserve account.

(2) The director of general administration may pledge a portion of the parking rental income collected by the department of general administration from parking space developed as a part of the facility constructed with bonds issued for the purposes of RCW 43.99H.020(15). The pledged portion of this income shall be deposited in the capitol campus reserve account. The unpledged portion of this income shall continue to be deposited in the state ~~((capitol))~~ vehicle parking account.

(3) The state treasurer shall transfer four million dollars from the capitol building construction account to the capitol campus reserve account each fiscal year from 1990 to 1995. Beginning in fiscal year 1996, the director of general administration, in consultation with the state finance committee, shall determine the necessary amount for the state treasurer to transfer from the capitol building construction account to the capitol campus reserve account for the purpose of repayment of the general fund of the costs of the bonds issued for the purposes of RCW 43.99H.020(15).

(4) Any remaining balance in the state building and parking bond redemption account after the final debt service payment shall be transferred to the capitol campus reserve account."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.01.230, 43.01.225, 46.08.172, and 43.99H.070; and adding new sections to chapter 43.01 RCW."

Signed by Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Brown; Chandler; Chopp; Hankins; Horn; Ogden; Patterson; Robertson; Romero; Scott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Buck; Cairnes and Johnson.

Voting Yea: Representatives Backlund, Benton, Blanton, Brown, Chandler, Chopp, R. Fisher, Hankins, Hatfield, Mitchell, Ogden, Patterson, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott, and Tokuda.

Voting Nay: Representatives Buck, Cairnes and Johnson.

Excused: Representatives Skinner, Elliot, Horn, Koster and McMahan.

Passed to Committee on Rules for second reading.

April 3, 1995

2SSB 5088 Prime Sponsor, Committee on Ways & Means: Revising the law relating to sexual predators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Corrections:

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Dellwo.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representative Dellwo.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5119 Prime Sponsor, Committee on Ways & Means: Modifying the cost of living allowance for retirement purposes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The intent of this act is to:

- (1) Simplify the calculation of postretirement adjustments so that they can be more easily communicated to plan I active and retired members;
- (2) Provide postretirement adjustments based on years of service rather than size of benefit;
- (3) Provide postretirement adjustments at an earlier age;
- (4) Provide postretirement adjustments to a larger segment of plan I retirees; and
- (5) Simplify administration by reducing the number of plan I postretirement adjustments to one.

NEW SECTION. Sec. 2. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan I" to read as follows:

(1) Beginning July 1, 1995, and annually thereafter, the retirement allowance of a person meeting the requirements of this section shall be increased by the annual increase amount.

(2) The following persons shall be eligible for the benefit provided in subsection (1) of this section:

(a) A beneficiary who has received a retirement allowance for at least one year and has attained at least age sixty-six by July 1st in the calendar year in which the annual increase is given; or

(b) A beneficiary whose retirement allowance is lower than the minimum benefit provided under section 3 of this act.

(3) The following persons shall also be eligible for the benefit provided in subsection (1) of this section:

(a) A beneficiary receiving the minimum benefit on June 30, 1995, under RCW 41.32.485; or

(b) A recipient of a survivor benefit on June 30, 1995, which has been increased by RCW 41.32.575.

(4) If otherwise eligible, those receiving an annual adjustment under RCW 41.32.530(1)(d) shall be eligible for the annual increase adjustment in addition to the benefit that would have been received absent this section.

(5) Those receiving a temporary disability benefit under RCW 41.32.540 shall not be eligible for the benefit provided by this section.

(6) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this postretirement adjustment not granted prior to that time.

NEW SECTION. Sec. 3. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan I" to read as follows:

(1) No one who becomes a beneficiary after June 30, 1995, shall receive a monthly retirement allowance of less than twenty-four dollars and twenty-two cents times the number of years of service creditable to the person whose service is the basis of such retirement allowance.

(2) If the retirement allowance payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum allowance provided in this section shall be adjusted in a manner consistent with that adjustment.

(3) Beginning July 1, 1996, the minimum benefit set forth in subsection (1) of this section shall be adjusted annually by the annual increase.

(4) Those receiving a temporary disability benefit under RCW 41.32.540 shall not be eligible for the benefit provided by this section.

NEW SECTION. Sec. 4. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan I" to read as follows:

(1) The amount of the July 1, 1993, increase to the retirement allowance of beneficiaries under this chapter as a result of the temporary adjustment authorized by section 2, chapter 519, Laws of 1993, shall be made a permanent adjustment on July 1, 1995.

(2) Beneficiaries receiving a benefit under RCW 41.32.485 who are at least age seventy-nine shall receive on July 1, 1995, a permanent adjustment of one dollar and eighteen cents per month per year of service.

(3) Beneficiaries under this chapter who are not subject to subsection (1) of this section and not receiving a benefit under RCW 41.32.485 shall receive the following permanent adjustment to their retirement allowance on July 1, 1995:

(a) Those who are age seventy, thirty-nine cents per month per year of service;

(b) Those who are age seventy-one, seventy-nine cents per month per year of service; and

(c) Those who are at least age seventy-two, one dollar and eighteen cents per month per year of service.

NEW SECTION. Sec. 5. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

(1) Beginning July 1, 1995, and annually thereafter, the retirement allowance of a person meeting the requirements of this section shall be increased by the annual increase amount.

(2) The following persons shall be eligible for the benefit provided in subsection (1) of this section:

(a) A beneficiary who has received a retirement allowance for at least one year and has attained at least age sixty-six by July 1st in the calendar year in which the annual increase is given; or

(b) A beneficiary whose retirement allowance is lower than the minimum benefit provided under section 7 of this act.

(3) The following persons shall also be eligible for the benefit provided in subsection (1) of this section:

(a) A beneficiary receiving the minimum benefit on June 30, 1995, under RCW 41.40.198; or

(b) A recipient of a survivor benefit on June 30, 1995, which has been increased by RCW 41.40.325.

(4) If otherwise eligible, those receiving an annual adjustment under RCW 41.40.188(1)(c) shall be eligible for the annual increase adjustment in addition to the benefit that would have been received absent this section.

(5) Those receiving a benefit under RCW 41.40.220(1), or a survivor of a disabled member under RCW 41.44.170(5) shall be eligible for the benefit provided by this section.

(6) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this postretirement adjustment not granted prior to that time.

NEW SECTION. Sec. 6. A new section is added to chapter 41.40 RCW under the subchapter heading "Part I" to read as follows:

For the purposes of sections 5, 7, and 8 of this act, "beneficiary" means a beneficiary under RCW 41.40.010 or 41.44.030, or both RCW 41.40.010 and 41.44.030.

NEW SECTION. Sec. 7. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

(1) Except as provided in subsections (4) and (5) of this section, no one who becomes a beneficiary after June 30, 1995, shall receive a monthly retirement allowance of less than twenty-four dollars and twenty-two cents times the number of years of service creditable to the person whose service is the basis of such retirement allowance.

(2) Where the retirement allowance payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum allowance provided in this section shall be adjusted in a manner consistent with that adjustment.

(3) Beginning July 1, 1996, the minimum benefit set forth in subsection (1) of this section shall be adjusted annually by the annual increase.

(4) Those receiving a benefit under RCW 41.40.220(1) or under RCW 41.44.170 (3) and (5) shall not be eligible for the benefit provided by this section.

(5) For persons who served as elected officials and whose accumulated employee contributions and credited interest was less than seven hundred fifty dollars at the time of retirement, the minimum benefit under subsection (1) of this section shall be ten dollars per month per each year of creditable service.

NEW SECTION. Sec. 8. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan I" to read as follows:

(1) The amount of the July 1, 1993, increase to the retirement allowance of beneficiaries under this chapter as a result of the temporary adjustment authorized by section 3, chapter 519, Laws of 1993, shall be made a permanent adjustment on July 1, 1995.

(2) Beneficiaries receiving a benefit under RCW 41.40.198 who are at least age seventy-nine shall receive on July 1, 1995, a permanent adjustment of one dollar and eighteen cents per month per year of service.

(3) Beneficiaries under this chapter who are not subject to subsection (1) of this section and are not receiving a benefit under RCW 41.40.198 shall receive the following permanent adjustment to their retirement allowance on July 1, 1995:

(a) Those who are age seventy, thirty-nine cents per month per year of service;

(b) Those who are age seventy-one, seventy-nine cents per month per year of service; and

(c) Those who are at least age seventy-two, one dollar and eighteen cents per month per year of service.

Sec. 9. RCW 41.32.010 and 1994 c 298 s 3, 1994 c 247 s 2, and 1994 c 197 s 12 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan I members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan II members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan I members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan I members.

(10)(a) "Earnable compensation" for plan I members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(ii) "Earnable compensation" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(iii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only

as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(iv) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Earnable compensation" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Earnable compensation" for plan II members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan I members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan I members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan I members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan I members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan I members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan II members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan I members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan II members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iv) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(v) When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(vi) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(viii) The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan II members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (24) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan II members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan II on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan I" means the teachers' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan II" means the teachers' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(40) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

(41) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(42) "Index B" means the index for the year prior to index A.

(43) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(44) "Adjustment ratio" means the value of index A divided by index B.

(45) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

Sec. 10. RCW 41.40.010 and 1994 c 298 s 2, 1994 c 247 s 5, 1994 c 197 s 23, and 1994 c 177 s 8 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan I members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan II members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023. RCW 41.26.045 does not prohibit a person otherwise eligible for membership in the retirement system from establishing such membership effective when he or she first entered an eligible position.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan I members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

(A) "Compensation earnable" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(I) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit;

(II) If a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(III) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(IV) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(V) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(B) "Compensation earnable" does not include:

(I) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(II) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Compensation earnable" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

"Compensation earnable" for plan II members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit;

(B) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(I) The compensation earnable the member would have received had such member not served in the legislature; or

(II) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(B)(II) of this subsection is greater than compensation earnable under (b)(ii)(B)(I) of this subsection shall be paid by the member for both member and employer contributions;

(C) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(D) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(E) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(9)(a) "Service" for plan I members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088.

Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits. Time spent in standby status, whether compensated or not, is not service.

(i) Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(ii) An individual shall receive no more than a total of twelve service credit months of service during any calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(iii) A school district employee may count up to forty-five days of sick leave as creditable service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan I "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than twenty-two days equals one-quarter service credit month;

(B) Twenty-two days equals one service credit month;

(C) More than twenty-two days but less than forty-five days equals one and one-quarter service credit month.

(b) "Service" for plan II members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid.

Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(i) Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

(ii) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(iii) Up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his or her employer, except as qualified by RCW 41.40.023: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(17)(a) "Average final compensation" for plan I members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan II members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.023.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (21) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan I" means the public employees' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan II" means the public employees' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(35) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(36) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(37) "Index B" means the index for the year prior to index A.

(38) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(39) "Adjustment ratio" means the value of index A divided by index B.

(40) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

- (1) RCW 41.32.487 and 1989 c 272 s 6 & 1987 c 455 s 3;
- (2) RCW 41.32.4871 and 1993 c 519 s 2;
- (3) RCW 41.32.499 and 1991 c 35 s 56, 1973 2nd ex.s. c 32 s 1, & 1973 1st ex.s. c 189 s 9;
- (4) RCW 41.32.575 and 1994 c 247 s 3 & 1989 c 272 s 3;
- (5) RCW 41.40.195 and 1991 c 35 s 79, 1973 2nd ex.s. c 14 s 1, 1973 1st ex.s. c 190 s 11, 1971 ex.s. c 271 s 6, & 1970 ex.s. c 68 s 1;
- (6) RCW 41.40.198 and 1989 c 272 s 8, 1987 c 455 s 2, 1986 c 306 s 3, & 1979 ex.s. c 96 s 1;
- (7) RCW 41.40.1981 and 1989 c 272 s 9 & 1987 c 455 s 4;
- (8) RCW 41.40.1983 and 1993 c 519 s 3; and
- (9) RCW 41.40.325 and 1994 c 247 s 6 & 1989 c 272 s 2.

NEW SECTION. Sec. 12. RCW 41.32.488 is decodified.

NEW SECTION. Sec. 13. The department of retirement systems may continue to pay cost-of-living adjustments consistent with the provisions of the statutes repealed by section 11 of this act, in lieu of the benefits provided by sections 2, 4, 5, and 8 of this act, if the department determines that: (1) A member earned service credit under chapter 41.40 or 41.32 RCW on or after May 8, 1989; and (2) a retiree would receive greater increases in the next ten years under the statutes repealed by section 11 of this act than under the provisions of sections 2, 4, 5, and 8 of this act; and (3) the retiree does not elect the benefits provided by this act over the benefits provided under the statutes repealed by section 11 of this act. The election must be made in a manner prescribed by the department.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "reenacting and amending RCW 41.32.010 and 41.40.010; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; creating new sections; decodifying RCW 41.32.488; repealing RCW 41.32.487, 41.32.4871, 41.32.499, 41.32.575, 41.40.195, 41.40.198, 41.40.1981, 41.40.1983, and 41.40.325; and declaring an emergency."

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksmas.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5127 Prime Sponsor, Committee on Government Operations: Changing provisions regarding public facilities districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Government Operations:

Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Schoesler and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Pennington and Sheldon.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Schoesler, B. Thomas and Van Luven.

Voting Nay: Representatives Pennington and Sheldon.

Passed to Committee on Rules for second reading.

March 30, 1995

ESSB 5131 Prime Sponsor, Committee on Ecology & Parks: Revising account names and accounting procedures of the IAC. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 1, after "legislatures" strike "shall" and insert "~~shall~~) may"

On page 5, line 7, after "disbursement." insert "The committee shall include a list of prioritized state agency projects to be funded from the recreation resource account with its biennial budget request."

Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Hankins; McMorris; Mitchell; Pennington; Regala; Silver; L. Thomas and Valle.

Voting Yea: Representatives Chopp, Hankins, Honeyford, Mitchell, Ogden, Pennington, Regala, Sehlin, Silver, L. Thomas and Valle.

Excused: Representatives Chopp, Costa and McMorris.

Passed to Committee on Rules for second reading.

April 3, 1995

2SSB 5157 Prime Sponsor, Committee on Ways & Means: Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5162 Prime Sponsor, Committee on Higher Education: Changing the Vietnam veterans' tuition exemption. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following by Committee on Higher Education as such amendment, with the following amendment by Committee on Appropriations:

On page 1, line 28 of the striking amendment, after "." insert "Institutions shall give priority in granting the waivers to any veteran defined under this section who could have qualified as a Washington resident student under RCW 28B.15.012(2) had he or she been enrolled as a student at the time he or she entered military or naval service."

On page 1, line 28 of the striking amendment, after "." insert "In addition, to receive a tuition and fees waiver under this subsection, the veteran must have an adjusted gross family income as most recently reported to the federal internal revenue service that is lower than Washington state's median family income as established by the federal bureau of the census."

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representatives Sommers and Beekma.

Passed to Committee on Rules for second reading.

April 3, 1995

SB 5200 Prime Sponsor, Haugen: Exempting from use tax naval equipment transferred due to base closure. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representative Morris, Ranking Minority Member.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representative Morris.

Passed to Committee on Rules for second reading.

April 3, 1995

ESSB 5219 Prime Sponsor, Committee on Law & Justice: Changing domestic violence provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment by Committee on Law & Justice as further amended with the following amendment by Committee on Appropriations:

On page 12, beginning on line 10, strike all of section 11

Re-number the remaining sections consecutively, correct internal references accordingly, and correct the title.

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beekma.

Passed to Committee on Rules for second reading.

April 3, 1995

2SSB 5235 Prime Sponsor, Committee on Ways & Means: Adding a superior court judge in Clark county. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beekma.

Passed to Committee on Rules for second reading.

April 3, 1995

SB 5282 Prime Sponsor, Fraser: Modifying department of revenue tax information disclosure regulations. Reported by Committee on Finance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.32.330 and 1991 c 330 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency; ((and))

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer; and

(f) "Department" means the department of revenue or its officer, agent, employee, or representative.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue (~~nor any officer, employee, agent, or representative thereof~~) nor any other person may disclose any return or tax information.

(3) The foregoing, however, shall not prohibit the department of revenue (~~or an officer, employee, agent, or representative thereof~~) from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or (~~failed to be~~) filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; (~~or~~)

(i) Disclosing any such return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

(j) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410; (~~or~~)

(k) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business. This

subsection shall not be construed as giving authority to the department to give, sell, or provide access to any list of taxpayers for any commercial purpose; or

(1) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.17 RCW or is a document maintained by a court of record not otherwise prohibited from disclosure.

(4) (a) The department may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure must be in connection with the department's official duties relating to an audit, collection activity, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The department may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the department may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the department shall, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence shall clearly identify the data, materials, or documents to be disclosed. The department may not disclose any tax return or tax information under this subsection (4) until the time period allowed in (c) of this subsection has expired or until the court has ruled on any challenge brought under (c) of this subsection.

(c) The person in possession of the data, materials, or documents to be disclosed by the department has twenty days from the receipt of the written request required under (b) of this subsection to petition the superior court of the county in which the petitioner resides for injunctive relief. The court shall limit or deny the request of the department if the court determines that:

(i) The data, materials, or documents sought for disclosure are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the department, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The department shall reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under (b) of this subsection that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3) (f), (g), (h), or (i) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, shall upon conviction be punished by a fine not exceeding one thousand dollars and, if the person guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Correct the title accordingly.

Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5315 Prime Sponsor, Committee on Agriculture & Agriculture Trade & Develop: Modifying agriculture regulations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment by Committee on Agriculture & Ecology as such amendment with the following amendment by Committee on Appropriations:

On page 8, line 32 of the amendment, strike "shall make annual inspections of each food storage warehouse" and insert "may inspect food storage warehouses"

On page 8, beginning on line 34 of the amendment, after "69.04 RCW" strike all material through "department" on line 36

On page 54, beginning on line 4 of the amendment, strike all of sections 71, 72, and 73

Renumber the remaining sections consecutively, correct internal references, and correct the title amendment accordingly.

On page 66, beginning on line 13 of the amendment, strike all of section 100

Renumber the remaining sections consecutively, correct internal references, and correct the title amendment accordingly.

On page 64, line 7 of the amendment, after "(2)" strike all material through "department." on line 9

Beginning on page 64, line 34 of the amendment, strike all of sections 93 and 94

Renumber the remaining sections consecutively, correct internal references, and correct the title amendment accordingly.

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Grant; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Valle, Assistant Ranking Minority Member; Basich; Dellwo; Hargrove; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver, Sommers and Talcott.

Voting Nay: Representatives Basich, Dellwo, Hargrove, Jacobsen, Poulsen, Rust, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5326 Prime Sponsor, Committee on Human Services & Corrections: Revising provision for registration of sex offenders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment by Committee on Corrections as such amendment with the following amendment by Committee on Appropriations:

On page 4, beginning on line 33 of the amendment, after "class C felony" strike all material through "~~misdemeanor~~)." on line 39, and insert "if the crime for which the individual was convicted was a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony. If the crime was other than a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony, violation of this section is a gross misdemeanor."

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

E2SSB 5342 Prime Sponsor, Committee on Ways & Means: Redefining the program to aid rural natural resources impact areas. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 41, beginning on line 14, strike all material through "1997" and insert "The rural natural resources impact area programs shall be terminated on June 30, 1997, as provided in section 35 of this act"

On page 41, line 34, after "RCW" strike "43.160.210 and 1991 c 314 s 25" and insert "43.160.200 and 1995 c . . . s 16 (section 16 of this act), 1993 c 320 s 7, 1993 c 316 s 4, & 1991 c 314 s 23"

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Hargrove.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representative Hargrove.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SB 5372 Prime Sponsor, Sheldon: Appropriating funds for projects recommended by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Chairman; Honeyford, Vice Chairman; Ogden, Ranking Minority Member; Chopp, Assistant Ranking Minority Member; Costa; Hankins; McMorris; Mitchell; Pennington; Regala; L. Thomas and Valle.

Voting Yea: Costa, Hankins, Honeyford, McMorris, Mitchell, Ogden, Pennington, Regala, Sehlin, L. Thomas and Valle.
Excused: Representatives Chopp and Silver.

Passed to Committee on Rules for second reading.

April 3, 1995

ESSB 5386 Prime Sponsor, Committee on Health & Long-Term Care: Modifying provision of the basic health plan. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care:

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Dellwo; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Basich, Dellwo, G. Fisher, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

2SSB 5387 Prime Sponsor, Committee on Ways & Means: Providing tax incentives for multiple-unit housing in urban centers. Reported by Committee on Finance

MAJORITY recommendation: Do pass with the following amendment by Committee on Trade & Economic Development:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds:

(1) That in many of Washington's urban centers there is insufficient availability of desirable and convenient residential units to meet the needs of a growing number of the public who would live in these urban centers if these desirable, convenient, attractive, and livable places to live were available;

(2) That the lack of these sufficient residential opportunities has resulted in an underutilization of these areas as a place to live by permanent residents and such absence of

permanent residents has contributed to the existence of vandalism, juvenile delinquency, the proclivity by some to commit crimes, unreported crimes, and a perception by a large segment of the public that some urban centers are unsafe or undesirable areas to visit or to inhabit after normal working hours;

(3) That the development of additional and desirable residential units in these urban centers that will attract and maintain a significant increase in the number of permanent residents in these areas will help to alleviate the detrimental conditions and social liability that tend to exist in the absence of a viable residential population and will help to achieve the planning goals mandated by the growth management act under RCW 36.70A.020, including, but not limited to, the encouragement of development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner, the reduction of sprawl, the efficient utilization of multimode transportation systems, and the increased availability of housing to all economic segments of the population of this state;

(4) That planning solutions to solve the problems of urban sprawl often lack incentive and implementation techniques needed to encourage residential redevelopment in those urban centers lacking sufficient residential opportunities, and it is in the public interest and will benefit, provide, and promote the public health, safety, and welfare to stimulate new or enhanced residential opportunities within urban centers through a tax incentive as provided by this chapter; and

(5) That in order to maximize the purpose of this chapter to provide needed livable and attractive places to live in urban centers and to achieve the objectives of the growth management act, it is necessary to allow for the maximum participation by cities in determining where the greatest need for increased residential opportunity exists within urban centers and the location, configuration, and amenities of such residential redevelopment which will best meet the objectives of this chapter and the growth management plan of a city adopted in conformance with the growth management act.

NEW SECTION. Sec. 2. It is the purpose of this chapter to encourage increased residential opportunities for individuals of all income levels in cities with a population of at least one hundred fifty thousand that are required to plan or choose to plan under the growth management act within urban centers where the legislative body of the affected city has found there is insufficient housing opportunities, and that a particular residential development or redevelopment is needed to properly advance the intent and purposes of this chapter. It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities within these urban centers and that will assist in reducing urban sprawl, locating housing close to work locations, promoting land use patterns that support and encourage the use of public transit or other alternatives to automobile use and in making these urban centers a place where more people can, and will, live. To achieve these purposes, this chapter provides for special valuations for eligible improvements associated with multiunit housing in residentially deficient urban centers.

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

(1) "City" means a city with a population of at least one hundred fifty thousand located in a county planning under the growth management act.

(2) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

(3) "Growth management act" means chapter 36.70A RCW.

(4) "Multiple-unit housing" or "multifamily housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing. At least twenty percent of the units may be set aside for households that earn no more than fifty percent of the median income or forty percent of the units may be set aside for households who earn no more than sixty percent of the median income, adjusted for household size.

(5) "Owner" means the property owner of record.

(6) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(7) "Public benefit features" means amenities, uses, and other features of benefit to the public as may be locally designated. Examples include, but are not limited to, plazas, public open spaces, sidewalk surfacing, midblock connections, light standards, street level awnings, canopies or other weather protection features, street level retail uses, street furniture, pedestrian amenities, miniparks, tot lots, daycare centers, common meeting rooms, and other public amenities.

(8) "Rehabilitation improvements" means modifications made to existing structures that have been vacant for at least twelve months and failed to comply with one or more standards of the applicable state or local building or housing codes on or after the effective date of this section.

(9) "Residential targeted area" means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter.

(10) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(11) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

NEW SECTION. Sec. 4. The provisions of this chapter relating to special valuation apply only to locally designated residential targeted areas of those cities planning under the growth management act.

NEW SECTION. Sec. 5. (1) The appraised value of new housing construction, conversion, rehabilitation improvements, and public benefit features qualifying under this chapter is exempt from ad valorem property taxation, for ten successive years beginning January 1 of the year immediately following the calendar year after issuance of the certificate of tax exemption eligibility. However, the exemption does not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(2) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

(3) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

NEW SECTION. Sec. 6. An owner of property making application under this chapter must meet the following requirements:

(1) The new or rehabilitated multiple-unit housing must be located in a residential targeted area as designated by the city;

(2) The multiple-unit housing must meet the guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, design, and other adopted requirements indicated necessary by the city. The required amenities should be relative to the size of the project and tax benefit to be

obtained. The governing authority may determine design and other criteria necessary for the new or rehabilitated multihousing unit to attract and keep permanent residents and to properly enhance the appearance and livability of the residential targeted area in which it is to be located;

(3) The new, converted, or rehabilitated multiple-unit housing must provide for a minimum of fifty percent of the space for permanent residential occupancy. At least twenty percent of the units may be set aside for households that earn no more than fifty percent of the median income or forty percent of the units may be set aside for households who earn no more than sixty percent of the median income, adjusted for household size;

(4) New construction of multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application;

(5) Property proposed to be rehabilitated must be vacant at least twelve months before submitting an application and fail to comply with one or more standards of the applicable state or local building or housing codes on or after the effective date of this section;

(6) The applicant must enter into a contract with the city approved by the governing body under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority; and

(7) The applicant must not have received an exemption under this chapter for this multiunit housing project.

NEW SECTION. Sec. 7. (1) The following criteria must be met before an area may be designated as a residential targeted area:

(a) The area must be within an urban center, as determined by the governing authority;

(b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing for persons of all incomes to meet the needs of the public who would be likely to live in the urban center, if the desirable, attractive, and livable places to live were available; and

(c) The providing of additional housing opportunity in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter.

(2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority shall give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate by resolution, all or a portion of the area described in the resolution of intent as a residential targeted area if it finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority shall adopt standards and guidelines to be utilized in considering applications and making the determinations required under section 9 of this act. The standards and guidelines must establish basic requirements for both new construction and rehabilitation including application process and procedures. These guidelines may include the following:

(a) Requirements that address demolition of existing structures and site utilization;

(b) Building design requirements that may include elements addressing aesthetics, parking, height, density, environmental impact, public benefit features, and compatibility with the existing surrounding property and such other amenities as will attract and keep permanent residents and that will properly enhance the appearance and livability of the residential targeted area in which they are to be located; and

(c) Provision for providing public benefit features and continued use of public facilities constructed.

NEW SECTION. Sec. 8. An owner of property seeking tax incentives under this chapter must complete the following procedures:

(1) In the case of rehabilitation or where demolition or new construction is required, the owner shall secure from the governing authority or duly authorized agent, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building and housing codes;

(2) In the case of new and rehabilitated multifamily housing, the owner shall apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption including information indicated on the application form or in the guidelines;

(b) A description of the project and site plan, including location of public facilities, floor plan of units, and other information requested;

(c) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(3) The applicant must verify the application by oath or affirmation; and

(4) The application must be made on or before April 1 and must be accompanied by the application fee, if any, required under section 10 of this act. The governing authority may permit the applicant to revise an application before final action by the governing authority.

NEW SECTION. Sec. 9. The duly authorized administrative official or committee of the city may approve the application if it finds that:

(1) The owner has agreed to include in the new construction or rehabilitation of housing one or more public benefit features;

(2) A minimum of four units are being constructed or rehabilitated;

(3) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(4) The owner has complied with all standards and guidelines adopted by the city under this chapter; and

(5) The site is located in a residential targeted area of an urban center that has been designated by the governing authority in accordance with procedures and guidelines indicated in section 7 of this act.

NEW SECTION. Sec. 10. (1) The governing authority or an administrative official or commission authorized by the governing authority shall approve or deny an application filed under this chapter within ninety days after receipt of the application.

(2) If the application is approved, the city shall issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in section 8 of this act.

(3) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission shall state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by a duly authorized administrative official or commission, an applicant may appeal the denial to the governing authority within thirty days after receipt of the denial. The appeal before the governing authority will be based upon the record made before the administrative official with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official's decision. The decision of the governing body in denying or approving the application is final.

NEW SECTION. Sec. 11. The governing authority may establish an application fee. This fee may not exceed an amount determined to be required to cover the cost to be incurred by the governing authority and the assessor in administering this chapter. The application fee

must be paid at the time the application for limited exemption is filed. If the application is approved, the governing authority shall pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the governing authority shall retain that portion of the application fee attributable to its own administrative costs and refund the balance to the applicant.

NEW SECTION. Sec. 12. (1) Upon completion of rehabilitation or new construction for which an application for limited exemption under this chapter has been approved and after issuance of the certificate of occupancy, the owner shall file with the city the following:

(a) A statement of the amount of rehabilitation or construction expenditures made with respect to each housing unit and the composite expenditures made in the rehabilitation or construction of the entire property;

(b) A description of the work that has been completed and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption under this chapter; and

(c) A statement that the work has been completed within three years of the issuance of the conditional certificate of tax exemption.

(2) Within thirty days after receipt of the statements required under subsection (1) of this section, the authorized representative of the city shall determine whether the work completed is consistent with the application and the contract approved by the governing authority and is qualified for limited exemption under this chapter. The city shall also determine which specific improvements completed meet the requirements and required findings.

(3) If the rehabilitation, conversion, or construction is completed within three years of the date the application for limited exemption is filed under this chapter, or within an authorized extension of this time limit, and the authorized representative of the city determines that improvements were constructed consistent with the application and other applicable requirements and the owner's property is qualified for limited exemption under this chapter, the city shall file the certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section. The county assessor shall determine the appraised value of the improvements eligible for the tax exemption under this chapter.

(4) The authorized representative of the city shall notify the applicant that a certificate of tax exemption is not going to be filed if the representative determines that:

(a) The rehabilitation or new construction was not completed within three years of the application date, or within any authorized extension of the time limit;

(b) The improvements were not constructed consistent with the application or other applicable requirements; or

(c) The owner's property is otherwise not qualified for limited exemption under this chapter.

(5) If the authorized representative of the city finds that construction or rehabilitation of multiple-unit housing was not completed within the required time period due to circumstances beyond the control of the owner and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed twenty-four consecutive months.

(6) The governing authority may provide by ordinance for an appeal of a decision by the deciding officer or authority that an owner is not entitled to a certificate of tax exemption to the governing authority, a hearing examiner, or other city officer authorized by the governing authority to hear the appeal in accordance with such reasonable procedures and time periods as provided by ordinance of the governing authority. The owner may appeal a decision by the deciding officer or authority that is not subject to local appeal or a decision by the local appeal authority that the owner is not entitled to a certificate of tax exemption in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty days of notification by the city to the owner of the decision being challenged.

NEW SECTION. Sec. 13. (1) Within thirty days of the anniversary of the date of the certificate of tax exemption and each year for a period of ten years, the owner of the rehabilitated or newly constructed property shall file with a designated agent of the city an annual report indicating the following:

(a) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the previous twelve months ending with the anniversary date;

(b) A certification by the owner that the property has not changed use since the date of the certificate approved by the city;

(c) A certification that all public amenities and improvements are still available for use by the public;

(d) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(e) For applicable projects, a certification of income eligibility for low-income tenants inhabiting the rehabilitated or newly constructed housing units during the previous twelve months.

(2) The designated agent of the city shall forward a copy of the annual report to the county assessor.

NEW SECTION. Sec. 14. (1) If improvements have been exempted under this chapter, the improvements continue to be exempted and not be converted to another use for at least ten years from date of issuance of the certificate of tax exemption. If the owner intends to convert the multifamily development to another use, the owner shall notify the assessor within sixty days of the change in use. If, after a certificate of tax exemption has been filed with the county assessor the city or assessor or agent discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements as previously approved or agreed upon by contract between the governing authority and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty amounting to twenty percent. The tax shall be imposed on the value of the improvement at the time the tax exemption certificate was issued. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority shall notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing

authority may hear the appeal. At the hearing, all interested parties may be heard and all competent evidence received. After the hearing, the deciding body or officer shall either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor shall make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

NEW SECTION. **Sec. 15.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 16.** Sections 1 through 15 of this act shall constitute a new chapter in Title 84 RCW."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "and adding a new chapter to Title 84 RCW."

Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mulliken; Pennington; Sheldon and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives Mason and Schoesler.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Morris, Mulliken, Pennington, Sheldon, B. Thomas and Van Luven.

Voting Nay: Representatives Mason and Schoesler.

Passed to Committee on Rules for second reading.

April 3, 1995

ESB 5397 Prime Sponsor, Franklin: Revising provisions regulating asbestos certification.
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 5, line 12, after "sought" insert ". The department may require the successful completion of annual refresher courses provided or approved by the department for continued certification as an asbestos worker or supervisor. However, the authority of the director to adopt rules implementing this section is limited to rules that are specifically required, and only to the extent specifically required, for the standards to be as stringent as the applicable federal laws governing work subject to this chapter"

On page 5, beginning on line 18, after "training." strike all material through "supervisor." on line 21, and insert "((The department may require the successful completion of annual refresher courses provided or approved by the department for continued certification as an asbestos worker or supervisor.))"

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5431 Prime Sponsor, Committee on Health & Long-Term Care: Repealing rural health care statutes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care:

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

E2SSB 5448 Prime Sponsor, Committee on Ways & Means: Modifying provisions for public water system regulation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment by Committee on Agriculture & Ecology:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Protection of the state's water resources, and utilization of such resources for provision of public water supplies, requires more efficient and effective management than is currently provided under state law;

(2) The provision of public water supplies to the people of the state should be undertaken in a manner that is consistent with the planning principles of the growth management act and the comprehensive plans adopted by local governments under the growth management act;

(3) Small water systems have inherent difficulties with proper planning, operation, financing, management and maintenance. The ability of such systems to provide safe and reliable supplies to their customers on a long-term basis needs to be assured through proper management and training of operators;

(4) New water quality standards and operational requirements for public water systems will soon generate higher rates for the customers of those systems, which may be difficult for

customers to afford to pay. It is in the best interest of the people of this state that small systems maintain themselves in a financially viable condition;

(5) County governments are ultimately responsible to act as receivers of any failing water systems within their jurisdictions;

(6) The drinking water 2000 task force has recommended maintaining a strong and properly funded state-wide drinking water program, retaining primary responsibility for administering the federal safe drinking water act in Washington. The task force has further recommended delegation of as many water system regulatory functions as possible to local governments, with provision of adequate resources and elimination of barriers to such delegation. In order to achieve these objectives, the state should provide adequate future funding from both general state funds and funding directly from the regulated water system;

(7) The public health services improvement plan recommends that the principal public health functions in Washington, including regulation of public water systems, should be undertaken by local jurisdictions with the capacity to perform them; and

(8) State government, local governments, water suppliers, and other interested parties should work for continuing economic growth of the state by maximizing the use of existing water supply management alternatives, including regional water systems, satellite management, and coordinated water system development.

Sec. 2. RCW 70.116.060 and 1977 ex.s. c 142 s 6 are each amended to read as follows:

(1) A coordinated water system plan shall be submitted to the secretary for design approval within two years of the establishment of the boundaries of a critical water supply service area.

(2) The secretary shall review the coordinated water system plan and, to the extent the plan is consistent with the requirements of this chapter and regulations adopted hereunder, shall approve the plan, provided that the secretary shall not approve those portions of a coordinated water system plan ((which)) that fail to meet the requirements for future service area boundaries until any boundary dispute is resolved as set forth in RCW 70.116.070.

(3) Following the approval of a coordinated water system plan by the secretary:

(a) All purveyors constructing or proposing to construct public water system facilities within the area covered by the plan shall comply with the plan.

(b) No other purveyor shall establish a public water system within the area covered by the plan, unless the ((secretary)) local legislative authority determines that existing purveyors are unable to provide the service in a timely and reasonable manner, pursuant to guidelines developed by the secretary. An existing purveyor is unable to provide the service in a timely manner if the water cannot be provided to an applicant for water within one hundred twenty days. If such a determination is made, the ((secretary may)) local legislative authority shall require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area. The service area boundaries in the coordinated plan for the affected utilities shall be revised to reflect the decision of the local legislative authority.

(4) The secretary may deny proposals to establish or to expand any public water system within a critical water supply service area for which there is not an approved coordinated water system plan at any time after two years of the establishment of the critical water supply service area: PROVIDED, That service connections shall not be considered expansions.

(5) The affected legislative authorities may develop and utilize a mechanism for addressing disputes that arise in the implementation of the coordinated water system plan after the plan has been approved by the secretary.

(6) After adoption of the initial coordinated water system plan, the local legislative authority or the secretary may determine that the plan should be updated or revised. The legislative authority may initiate an update at any time, but the secretary may initiate an update no more frequently than once every five years. The update may encompass all or a portion of the plan, with the scope of the update to be determined by the secretary and the legislative authority. The process for the update shall be the one prescribed in RCW 70.116.050.

(7) The provisions of subsection (3) of this section shall not apply in any county for which a coordinated water system plan has not been approved under subsection (2) of this section.

Sec. 3. RCW 70.119A.060 and 1991 c 304 s 4 are each amended to read as follows:

(1) In order to assure safe and reliable public drinking water and to protect the public health, public water systems shall:

- (a) Protect the water sources used for drinking water;
- (b) Provide treatment adequate to assure that the public health is protected;
- (c) Provide and effectively operate and maintain public water system facilities;
- (d) Plan for future growth and assure the availability of safe and reliable drinking

water;

(e) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and

(f) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.

(2) No new public water system may be approved or created unless: (a) It is owned or operated by a satellite system management agency established under RCW 70.116.134 and the satellite system management system complies with financial viability requirements of the department; or (b) a satellite management system is not available and it is determined that the new system has sufficient management and financial resources to provide safe and reliable service. The approval of any new system that is not owned by a satellite system management agency shall be conditioned upon future connection to another system if such connection may be made with reasonable economy and efficiency, or upon periodic review of the system's operational history to determine its ability to meet the department's financial viability and other operating requirements. The department and local health jurisdictions shall enforce this requirement under authority provided under this chapter, chapter 70.116, or 70.05 RCW, or other authority governing the approval of new water systems by the department or a local jurisdiction.

(3) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2)(a) and other rules adopted by the department relating to public water systems.

NEW SECTION. **Sec. 4.** A new section is added to chapter 70.119A RCW to read as follows:

The department shall create a water supply advisory committee. Membership on the committee shall reflect a broad range of interests in the regulation of public water supplies, including water utilities of all sizes, local governments, business groups, special purpose districts, local health jurisdictions, other state and federal agencies, financial institutions, environmental organizations, the legislature, and other groups substantially affected by the department's role in implementing state and federal requirements for public water systems. Members shall be appointed for fixed terms of no less than two years, and may be reappointed. Any members of an existing advisory committee to the drinking water program may remain as members of the water supply advisory committee. The committee shall provide advice to the department on the organization, functions, service delivery methods, and funding of the drinking water program. The committee shall also review the adequacy and necessity of the current and prospective funding for the drinking water program, and the results of the committees' review shall be forwarded to the department for inclusion in a report to the appropriate standing committees of the legislature no later than November 1, 1996. The report shall include a discussion of the extent to which the drinking water program has progressed toward achieving the objectives of the public health improvement plan, and an assessment of any changes to the program necessitated by modifications to the federal safe drinking water act.

Sec. 5. RCW 82.16.020 and 1989 c 302 s 204 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

(d) Urban transportation business: Six-tenths of one percent;

(e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

(4) Fifteen percent of the moneys collected under subsection (1) of this section on water distribution businesses shall be deposited in the safe drinking water account created in RCW 70.119A.120.

Sec. 6. RCW 70.119.020 and 1991 c 305 s 2 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.

(2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

(4) "Department" means the department of health.

(5) "Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers.

(6) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(a) Significant occurrence of insects or other microorganisms, algae, or large diameter pathogens such as giardia lamblia; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(7) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

(8) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

(9) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption or domestic use, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

(10) "Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

(11) "Secretary" means the secretary of the department of health.

(12) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

(13) "Surface water" means all water open to the atmosphere and subject to surface runoff.

Sec. 7. RCW 70.119.030 and 1991 c 305 s 3 are each amended to read as follows:

(1) A public water system shall have a certified operator if:

(a) ~~((The system serves one hundred or more services in use at any one time))~~ It is a group A water system; or

(b) ~~It is a ((group A))~~ public water system using a surface water source or a ground water source under the direct influence of surface water.

(2) The certified operators shall be in charge of the technical direction of a water system's operation, or an operating shift of such a system, or a major segment of a system necessary for monitoring or improving the quality of water. The operator shall be certified as provided in RCW 70.119.050.

(3) ~~A certified operator may provide required services to more than one system or to a group of systems.~~ The amount of time that a certified operator shall be required to be present at any given system shall be based upon the time required to properly operate and maintain the public water system as designed and constructed in accordance with RCW 43.20.050. The employing or appointing officials shall designate the position or positions requiring mandatory certification within their individual systems and shall assure that such certified operators are responsible for the system's technical operation.

(4) The department shall, in establishing by rule or otherwise the requirements for public water systems with fewer than one hundred connections, phase in such requirements in order to assure that (a) an adequate number of certified operators are available to serve the additional systems, (b) the systems have adequate notice and time to plan for securing the services of a certified operator, (c) the department has the additional data and other administrative capacity, (d) adequate training is available to certify additional operators as necessary, and (e) any additional requirements under federal law are satisfied. The department shall waive the requirement for a certified operator for a system with fewer than one hundred connections if that system satisfactorily demonstrates to the department that: It has not had a significant number of violations of any monitoring or water quality standards; it otherwise meets the requirements of the department with regard to adequacy and financial viability; and it does not have, or is not required to have, any water treatment facilities. The waiver shall only be valid while the system meets these requirements.

(5) Operators not required to be certified by this chapter are encouraged to become certified on a voluntary basis.

Sec. 8. RCW 70.116.050 and 1977 ex.s. c 142 s 5 are each amended to read as follows:

(1) Each purveyor within the boundaries of a critical water supply service area shall develop a water system plan for the purveyor's future service area if such a plan has not already been developed: PROVIDED, That nonmunicipally owned public water systems are exempt from the planning requirements of this chapter, except for the establishment of service area boundaries if they ~~((:-(a) Were in existence as of September 21, 1977; and (b)))~~ have no

plans for water service beyond their existing service area (~~(, and (c) meet minimum quality and pressure design criteria established by the state board of health~~): PROVIDED FURTHER, That if the county legislative authority permits a change in development that will increase the demand for water service of such a system beyond the existing system's ability to provide minimum water service, the purveyor shall develop a water system plan in accordance with this section. The establishment of future service area boundaries shall be in accordance with RCW 70.116.070.

(2) After the boundaries of a critical water supply service area have been established pursuant to RCW 70.116.040, the committee established in RCW 70.116.040 shall participate in the development of a coordinated water system plan for the designated area. Such a plan shall incorporate all water system plans developed pursuant to subsection (1) of this section. The plan shall provide for maximum integration and coordination of public water system facilities consistent with the protection and enhancement of the public health and well-being. Decisions of the committee shall be by majority vote of those present at meetings of the committee.

(3) Those portions of a critical water supply service area not yet served by a public water system shall have a coordinated water system plan developed by existing purveyors based upon permitted densities in county plans, ordinances, and/or growth policies for a minimum of five years beyond the date of establishment of the boundaries of the critical water supply service area.

(4) To insure that the plan incorporates the proper designs to protect public health, the secretary shall adopt regulations pursuant to chapter 34.05 RCW concerning the scope and content of coordinated water system plans, and shall ensure, as minimum requirements, that such plans:

(a) Are reviewed by the appropriate local governmental agency to insure that the plan is not inconsistent with the land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects.

(b) Recognize all water resource plans, water quality plans, and water pollution control plans which have been adopted by units of local, regional, and state government.

(c) Incorporate the fire protection standards developed pursuant to RCW 70.116.080.

(d) Identify the future service area boundaries of the public water system or systems included in the plan within the critical water supply service area.

(e) Identify feasible emergency inter-ties between adjacent purveyors.

(f) Include satellite system management requirements consistent with RCW 70.116.134.

(g) Include policies and procedures that generally address failing water systems for which counties may become responsible under RCW 43.70.195.

(5) If a "water general plan" for a critical water supply service area or portion thereof has been prepared pursuant to chapter 36.94 RCW and such a plan meets the requirements of subsections (1) and (4) of this section, such a plan shall constitute the coordinated water system plan for the applicable geographical area.

(6) The committee established in RCW 70.116.040 may develop and utilize a mechanism for addressing disputes that arise in the development of the coordinated water system plan.

(7) Prior to the submission of a coordinated water system plan to the secretary for approval (~~(of the design of the proposed facilities)~~) pursuant to RCW 70.116.060, (~~(the plan shall be reviewed for consistency with subsection (4) of this section by)~~) the legislative authorities of the counties in which the critical water supply service area is located shall hold a public hearing thereon and shall determine the plan's consistency with subsection (4) of this section. If within sixty days of receipt of the plan, the legislative authorities find any segment of a proposed service area of a purveyor's plan or any segment of the coordinated water system plan to be inconsistent with any current land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects, the secretary shall not approve that portion of the plan until the inconsistency is resolved between the local government and the purveyor. If no

comments have been received from the legislative authorities within sixty days of receipt of the plan, the secretary may consider the plan for approval.

(8) Any county legislative authority may adopt an abbreviated plan for the provision of water supplies within its boundaries that includes provisions for service area boundaries, minimum design criteria, and review process. The elements of the abbreviated plan shall conform to the criteria established by the department under subsection (4) of this section and shall otherwise be consistent with other adopted land use and resource plans. The county legislative authority may, in lieu of the committee required under RCW 70.116.040, and the procedures authorized in this section, utilize an advisory committee that is representative of the water utilities and local governments within its jurisdiction to assist in the preparation of the abbreviated plan, which may be adopted by resolution and submitted to the secretary for approval. Purveyors within the boundaries covered by the abbreviated plan need not develop a water system plan, except to the extent required by the secretary or state board of health under other authority. Any abbreviated plan adopted by a county legislative authority pursuant to this subsection shall be subject to the same provisions contained in RCW 70.116.060 for coordinated water system plans that are approved by the secretary.

Sec. 9. RCW 70.119A.040 and 1993 c 305 s 2 are each amended to read as follows:

(1)(a) In addition to or as an alternative to any other penalty or action allowed by law, a person who violates a law or rule regulating public water systems and administered by the department of health is subject to a penalty of not more than five thousand dollars per day for every such violation, or, in the case of a violation that has been determined to be a public health emergency, a penalty of not more than ten thousand dollars per day for every such violation. Every such violation shall be a separate and distinct offense. The amount of fine shall reflect the health significance of the violation and the previous record of compliance on the part of the public water supplier. In case of continuing violation, every day's continuance shall be a separate and distinct violation.

(b) In addition, a person who constructs, modifies, or expands a public water system or who commences the construction, modification, or expansion of a public water system without first obtaining the required departmental approval is subject to penalties of not more than five thousand dollars per service connection, or, in the case of a system serving a transient population, a penalty of not more than four hundred dollars per person based on the highest average daily population the system serves or is anticipated to serve. The total penalty that may be imposed pursuant to this subsection (1)(b) is five hundred thousand dollars, except that the total penalty may not exceed one thousand dollars if the public water system has less than one thousand connections and an attempt was first made to secure departmental approval for modification or expansion of the system. For the purpose of computing the penalty under this subsection, a service connection shall include any new service connection actually constructed, any anticipated service connection the system has been designed to serve, and, in the case of a system modification not involving expansions, each existing service connection that benefits or would benefit from the modification.

(c) Every person who, through an act of commission or omission, procures, aids, or abets a violation is considered to have violated the provisions of this section and is subject to the penalty provided in this section.

(2) The penalty provided for in this section shall be imposed by a notice in writing to the person against whom the civil penalty is assessed and shall describe the violation. The notice shall be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for an adjudicative proceeding is filed as provided in subsection (3) of this section.

(3) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the department or board of health.

(4) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed

penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served and such reasonable attorney's fees as are incurred in securing the final administrative order.

(5) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorney's fees for the cost of the attorney general's office in representing the department.

(6) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the superior court in which the public water system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.

(7) A judgment entered under subsection (5) or (6) of this section shall have the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

(8) All penalties imposed under this section shall be payable to the state treasury and credited to the ~~((general fund))~~ safe drinking water account, and shall be used by the department to provide training and technical assistance to system owners and operators.

(9) Except in cases of public health emergencies, the department may not impose monetary penalties under this section unless a prior effort has been made to resolve the violation informally.

Sec. 10. RCW 70.119A.130 and 1991 c 304 s 7 are each amended to read as follows:
~~((Until July 1, 1996, local governments shall be prohibited from administering a separate operating permit requirement for public water systems. After July 1, 1996,))~~ Local governments may establish separate operating permit requirements for public water systems provided the operating permit requirements have been approved by the department. The department shall not approve local operating permit requirements unless the local system will result in an increased level of service to the public water system. There shall not be duplicate operating permit requirements imposed by local governments and the department.

NEW SECTION. **Sec. 11.** A new section is added to chapter 70.119A RCW to read as follows:

A drinking water assistance account is created in the state treasury. The purpose of the account is to allow the state to take advantage of any federal funds that become available for safe drinking water. Expenditures from the account may only be made by the secretary or the public works board after appropriation. Moneys in the account may only be used to assist water systems to provide safe drinking water.

Sec. 12. RCW 80.04.110 and 1991 c 134 s 1 and 1991 c 100 s 2 are each reenacted and amended to read as follows:

(1) Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, or by the public counsel section of the office of the attorney general, or its successor, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission: PROVIDED, That no complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or telecommunications company, unless the same be signed by the mayor, council or commission of the city or town

in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or telecommunications service, or at least twenty-five percent of the consumers or purchasers of the company's service: PROVIDED, FURTHER, That when two or more public service corporations, (meaning to exclude municipal and other public corporations) are engaged in competition in any locality or localities in the state, either may make complaint against the other or others that the rates, charges, rules, regulations or practices of such other or others with or in respect to which the complainant is in competition, are unreasonable, unremunerative, discriminatory, illegal, unfair or intending or tending to oppress the complainant, to stifle competition, or to create or encourage the creation of monopoly, and upon such complaint or upon complaint of the commission upon its own motion, the commission shall have power, after notice and hearing as in other cases, to, by its order, subject to appeal as in other cases, correct the abuse complained of by establishing such uniform rates, charges, rules, regulations or practices in lieu of those complained of, to be observed by all of such competing public service corporations in the locality or localities specified as shall be found reasonable, remunerative, nondiscriminatory, legal, and fair or tending to prevent oppression or monopoly or to encourage competition, and upon any such hearing it shall be proper for the commission to take into consideration the rates, charges, rules, regulations and practices of the public service corporation or corporations complained of in any other locality or localities in the state.

(2) All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: PROVIDED, All grievances to be inquired into shall be plainly set forth in the complaint. No complaint shall be dismissed because of the absence of direct damage to the complainant.

(3) Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or corporation complained of, which shall be accompanied by a notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. The commission shall enter its final order with respect to a complaint filed by any entity or person other than the commission within ten months from the date of filing of the complaint, unless the date is extended for cause. Rules of practice and procedure not otherwise provided for in this title may be prescribed by the commission. Such rules may include the requirement that a complainant use informal processes before filing a formal complaint.

(4) The commission shall, as appropriate, audit a nonmunicipal water system upon receipt of an administrative order from the department, or the city or county in which the water system is located, finding that the water delivered by a system does not meet state board of health standards adopted under RCW 43.20.050(2)(a) or standards adopted under chapters 70.116 and 70.119A RCW, and the results of the audit shall be provided to the requesting department, city, or county. However, the number of nonmunicipal water systems referred to the commission in any one calendar year shall not exceed twenty percent of the water companies subject to commission regulation as defined in RCW 80.04.010.

Every nonmunicipal water system referred to the commission for audit under this section shall pay to the commission an audit fee in an amount, based on the system's twelve-month audited period, equal to the fee required to be paid by regulated companies under RCW 80.24.010.

(5) Any customer or purchaser of service from a water system or company that is subject to commission regulation may file a complaint with the commission if he or she has reason to believe that the water delivered by the system to the customer does not meet state drinking water standards under chapter 43.20 or 70.116 RCW. The commission shall investigate such a complaint, and shall request that the state department of health or local health department of the county in which the system is located test the water for compliance with state drinking water standards, and provide the results of such testing to the commission. The commission may decide not to investigate the complaint if it determines that the complaint has been filed in bad faith, or for the purpose of harassment of the water system or company, or

for other reasons has no substantial merit. The water system or company shall bear the expense for the testing. After the commission has received the complaint from the customer and during the pendency of the commission investigation, the water system or company shall not take any steps to terminate service to the customer or to collect any amounts alleged to be owed to the company by the customer. The commission may issue an order or take any other action to ensure that no such steps are taken by the system or company. The customer may, at the customer's option and expense, obtain a water quality test by a licensed or otherwise qualified water testing laboratory, of the water delivered to the customer by the water system or company, and provide the results of such a test to the commission. If the commission determines that the water does not meet state drinking water standards, it shall exercise its authority over the system or company as provided in this title, and may, where appropriate, order a refund to the customer on a pro rata basis for the substandard water delivered to the customer, and shall order reimbursement to the customer for the cost incurred by the customer, if any, in obtaining a water quality test.

Sec. 13. RCW 70.116.070 and 1977 ex.s. c 142 s 7 are each amended to read as follows:

(1) ~~The proposed service area boundaries of public water systems within the critical water supply service area that are required to submit water system plans under this chapter shall be ((determined by written agreement among the purveyors and with the approval of the appropriate legislative authority. Failure of the legislative authority to file with the secretary objections to the proposed service area boundaries within sixty days of receipt of the proposed boundary agreement may be construed as approval of the agreement)) identified in the system's plan. The local legislative authority, or its planning department or other designee, shall review the proposed boundaries to determine whether the proposed boundaries of one or more systems overlap. The boundaries determined by the local legislative authority not to overlap shall be incorporated into the coordinated water system plan. Where any overlap exists, the local legislative authority may attempt to resolve the conflict through procedures established under RCW 70.116.060(5).~~

(2) ~~((If no service area boundary agreement has been established within a reasonable period of time, or if the legislative authority has filed with the secretary objections in writing as provided in subsection (1) of this section)) Any final decision by a local legislative authority regarding overlapping service areas, or any unresolved disputes regarding service area boundaries, may be appealed or referred to the secretary in writing for resolution. After receipt of an appeal or referral, the secretary shall hold a public hearing thereon. The secretary shall provide notice of the hearing by certified mail to each purveyor ((providing service in the critical water supply service area)) involved in the dispute, to each county legislative authority having jurisdiction in the area and to the public. The secretary shall provide public notice pursuant to the provisions of chapter 65.16 RCW. Such notice shall be given at least twenty days prior to the hearing. The hearing may be continued from time to time and, at the termination thereof, the secretary may restrict the expansion of service of any purveyor within the area if the secretary finds such restriction is necessary to provide the greatest protection of the public health and well-being.~~

NEW SECTION. Sec. 14. Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 70.116.060, 70.119A.060, 82.16.020, 70.119.020, 70.119.030, 70.116.050, 70.119A.040, 70.119A.130, and 70.116.070; reenacting and amending RCW 80.04.110; adding new sections to chapter 70.119A RCW; creating a new section; providing an effective date; and declaring an emergency."

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo;

G. Fisher; Foreman; Grant; Hickel; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Hargrove; Jacobsen and Thibaudeau.

Voting Yea: Representatives Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, G. Fisher, Foreman, Grant, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Talcott and Wolfe.

Voting Nay: Representatives Basich, Dellwo, Hargrove, Jacobsen, Sommers, Thibaudeau and Valle.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

ESSB 5503 Prime Sponsor, Committee on Financial Institutions & Housing: Streamlining temporary worker housing safety and health regulations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 5, beginning on line 29, strike all of section 11

Re-number the remaining sections consecutively and correct the title accordingly.

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5516 Prime Sponsor, Committee on Labor, Commerce & Trade: Providing for drug-free workplaces. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor:

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

ESB 5529 Prime Sponsor, McAuliffe: Changing school district levy provisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 24, after "levies" insert "approved before June 30, 1995, and"

On page 3, line 25, strike "1997" and insert "1996"

On page 3, line 27, strike "1998" and insert "1997"

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Chappell; Cooke; Crouse; G. Fisher; Grant; Jacobsen; Lambert; Lisk; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representatives Carlson; Foreman; Hargrove; Hickel and McMorris.

Voting Yea: Representatives Basich, Brumsickle, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Grant, Huff, Jacobsen, Lambert, Lisk, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives Carlson, Foreman, Hargrove, Hickel and McMorris.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5551 Prime Sponsor, Committee on Ways & Means: Authorizing special taxation of lodging. Reported by Committee on Finance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any city meeting the criteria in subsection (2) or (3) of this section may impose a special excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, not to exceed the rate specified in the subsection. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2)(a) In a county east of the crest of the Cascade mountains with a population of at least fifty-five thousand but less than sixty-two thousand:

(i) A city with a population of at least three thousand but less than four thousand may impose a tax under this section not to exceed three percent.

(ii) A city with a population of at least one thousand eight hundred but less than two thousand five hundred may impose a tax under this section not to exceed three percent.

(b) All taxes levied and collected under this subsection (2) shall be credited to a special fund in the treasury of the city collecting the tax. Such taxes shall only be used for tourism promotion.

(3)(a) In a county east of the crest of the Cascade mountains with a population of at least fifty-five thousand but less than sixty-two thousand, a city with a population of at least twenty-two thousand but less than twenty-eight thousand may impose a tax under this section not to exceed two percent.

(b) In a county east of the crest of the Cascade mountains with a population of at least twenty-eight thousand but less than thirty-three thousand, a city with a population of at least three thousand but less than six thousand may impose a tax under this section not to exceed two percent.

(c) All taxes levied and collected under this subsection (3) shall be credited to a special fund in the treasury of the city collecting the tax. Such taxes shall only be used for tourism promotion, and for the design, expansion, and construction of public facilities related to tourism promotion.

(4) The taxes authorized in this section are in addition to any other taxes authorized by law.

(5) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the taxes imposed under this section."

Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

April 3, 1995

2SSB 5557 Prime Sponsor, Committee on Ways & Means: Creating a distance learning degree pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education:

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Jacobsen; Lambert; Lisk; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representatives Hickel and McMorris.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Huff, Jacobsen, Lambert, Lisk, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representatives Hickel and McMorris.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5606 Prime Sponsor, Committee on Ecology & Parks: Providing for use of reclaimed water. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment by Committee on Agriculture & Ecology as such amendment with the following amendment by Committee on Appropriations:

On page 4, after line 13 of the amendment, insert the following:

"(3) Reclaimed water that does not meet the ground water recharge criteria may be beneficially used for surface spreading where the department of ecology has specifically authorized such use at such lower standard."

On page 4, beginning on line 17 of the amendment, after "class A" strike "reclaimed water standard" and insert "or B reclaimed water standards"

On page 4, beginning on line 22 of the amendment, after "class A" strike "reclaimed water standard" and insert "or B reclaimed water standards"

On page 4, beginning on line 25 of the amendment, after "lower" strike all material through "treatment" on line 27, and insert "standards"

On page 12, beginning on line 6 of the amendment, strike all of section 17

Renumber the remaining section consecutively and correct the title accordingly.

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

ESSB 5607 Prime Sponsor, Committee on Ways & Means: Auditing state government. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Government Operations:

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott and Wolfe.

MINORITY recommendation: Do not pass. Signed by Representative Thibaudeau.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Valle and Wolfe.

Voting Nay: Representative Thibaudeau.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

E2SSB 5632 Prime Sponsor, Committee on Ways & Means: Providing for flood damage reduction. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Ecology:

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Basich; Brumsickle; Carlson; Chappell; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Cooke; Dellwo; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Crouse, Foreman, Grant, Hargrove, Hickel, Huff, Lambert, Lisk, McMorris, Pelesky, Reams, Sehlin, Sheahan, Silver and Talcott.

Voting Nay: Representatives Cooke, Dellwo, G. Fisher, Jacobsen, Poulsen, Rust, Sommers, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

E2SSB 5633 Prime Sponsor, Committee on Ways & Means: Attempting to limit the growth and spread of the noxious weed spartina. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment by Committee on Agriculture & Ecology as such amendment with the following amendment by Committee on Appropriations:

On page 13, after line 14 of the amendment insert the following:

"NEW SECTION. **Sec. 13.** If specific funding for the purpose of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

Re-number the remaining sections consecutively, correct internal references accordingly, and correct the title amendment.

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Talcott.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Thibaudeau, Valle and Wolfe.

Voting Nay: Representative Talcott.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5739 Prime Sponsor, Committee on Ways & Means: Exempting certain sales by nonprofit organizations from sales and use taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.365 and 1979 ex.s. c 196 s 7 are each amended to read as follows:

BAZAARS, RUMMAGE SALES, MEALS, AND LIBRARY SALES-BUSINESS AND OCCUPATION TAX EXEMPTION. (1) This chapter does not apply to ~~((amounts derived))~~ the first thirty-five thousand dollars received in a calendar year by a nonprofit organization as a result of conducting or participating in a bazaar or rummage sale if:

(a) The organization does not conduct or participate in more than ~~((two))~~ twelve bazaars or rummage sales per year; and

(b) Each bazaar or rummage sale does not extend over a period of more than ~~((two))~~ five days ~~(; and~~

~~((c) The gross income received by each organization from each bazaar or rummage sale does not exceed one thousand dollars)).~~

(2) This chapter does not apply to the first fifty thousand dollars received in a calendar year by a nonprofit organization as a result of meal-serving events for fund-raising purposes, if:

(a) Each meal-serving event occurs no more than one day every two weeks; or

(b) Each meal-serving event does not extend over a period of more than five days and is held no more frequently than three times per year.

(3) This chapter does not apply to the first thirty-five thousand dollars received in a calendar year by a nonprofit organization from sales of used books, used videos, used sound recordings, or similar used information products, if substantially all of the net proceeds from the sales are used to support a library as defined in RCW 27.12.010.

(4) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

BAZAARS, RUMMAGE SALES, MEALS, AND LIBRARY SALES--SALES TAX EXEMPTION. The tax levied by RCW 82.08.020 does not apply to a sale made by a nonprofit organization if the gross income from the sale is exempt under RCW 82.04.365.

Sec. 3. RCW 82.04.366 and 1991 c 51 s 1 are each amended to read as follows:
AUCTIONS--BUSINESS AND OCCUPATION TAX EXEMPTION. (1) This chapter does not apply to amounts received by a public benefit nonprofit organization from sales at an auction that the organization conducts or participates in, if:

(a) The organization does not conduct or participate in more than ~~((one))~~ two auctions per year; and

(b) The auction does not extend over a period of more than ~~((two))~~ five days.

(2) As used in this section, "public benefit nonprofit organization" means an organization exempt from tax under section 501(c)(3) of the federal internal revenue code, as in effect on January 1, 1991, or a subsequent date provided by the director by rule consistent with the purpose of this section.

Sec. 4. RCW 82.08.02571 and 1991 c 51 s 2 are each amended to read as follows:
AUCTIONS--SALES TAX EXEMPTION. (1) The tax levied by RCW 82.08.020 does not apply to sales made by a public benefit nonprofit organization at an auction that the organization conducts or participates in, if:

(a) The organization does not conduct or participate in more than ~~((one))~~ two auctions per year; and

(b) The auction does not extend over a period of more than ~~((two))~~ five days.

(2) As used in this section, "public benefit nonprofit organization" means an organization exempt from tax under section 501(c)(3) of the federal internal revenue code, as in effect on January 1, 1991, or a subsequent date provided by the director by rule consistent with the purpose of this section.

NEW SECTION. **Sec. 5.** CAPTIONS. Captions as used in this act constitute no part of the law.

NEW SECTION. **Sec. 6.** EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Correct the title accordingly.

Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

April 3, 1995

SB 5755 Prime Sponsor, Loveland: Concerning the taxation of property donated to a nonprofit entity. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5800 Prime Sponsor, Committee on Ways & Means: Recognizing that financial savings from efficiencies in the developmental disabilities program should be redirected within the program for community-based services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 13, after "program" strike "shall" and insert "should"

On page 1, line 15, after "be" insert "unidentified or"

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Voting Nay: Representative Hargrove.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

SB 5819 Prime Sponsor, Spanel: Providing for property tax deferrals for seniors and persons retired because of physical disability. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Pennington; Schoesler; Sheldon and Van Luven.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Pennington, Schoesler, Sheldon, B. Thomas and Van Luven.

Passed to Committee on Rules for second reading.

April 3, 1995

ESSB 5880 Prime Sponsor, Committee on Ways & Means: Authorizing retirement to care for a disabled spouse. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 7, strike "under RCW 41.40.185" and insert "and receive a benefit under RCW 41.40.190 actuarially reduced from the earliest age the member could have retired under RCW 41.40.180"

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

April 3, 1995

ESSB 5901 Prime Sponsor, Committee on Government Operations: Clarifying the authorized uses of the special excise tax on lodging. Reported by Committee on Finance

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 14, after "located" strike all material through "islands" on line 17 and insert ", a city within a county made up entirely of islands, or a city bordering on the Skagit river with a population of not less than twenty thousand"

Signed by Representatives B. Thomas, Chairman; Boldt, Vice Chairman; Carrell, Vice Chairman; Morris, Ranking Minority Member; Dickerson, Assistant Ranking Minority Member; Hymes; Mason; Mulliken; Schoesler and Van Luven.

MINORITY recommendation: Without recommendation. Signed by Representatives Pennington and Sheldon.

Voting Yea: Representatives Boldt, Carrell, Dickerson, Hymes, Mason, Morris, Mulliken, Schoesler, B. Thomas and Van Luven.

Voting Nay: Representatives Pennington and Sheldon.

Passed to Committee on Rules for second reading.

April 3, 1995

SSB 5977 Prime Sponsor, Committee on Government Operations: Revising administration of forensic investigations. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass with the following amendment by Committee on Appropriations and without the amendment by Committee on Law & Justice:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.670 and 1980 c 69 s 2 are each amended to read as follows:

There is created in the Washington state patrol a crime laboratory system which is authorized to:

(1) Provide laboratory services for the purpose of analyzing and scientifically handling any physical evidence relating to any crime.

(2) Provide training assistance for local law enforcement personnel.

The crime laboratory system shall assign priority to a request for services with due regard to whether the case involves criminal activity against persons. The Washington state ((advisory)) forensic investigations council ((on criminal justice services)) shall assist the crime laboratory system in devising policies to promote the most efficient use of laboratory resources consistent with this section. The forensic investigations council shall be actively involved in

the preparation of the crime laboratory budget and shall approve the crime laboratory budget prior to its formal submission by the state patrol to the office of financial management pursuant to RCW 43.88.030.

Sec. 2. RCW 43.103.010 and 1983 1st ex.s. c 16 s 1 are each amended to read as follows:

The purposes of this act are declared by the legislature to be as follows:

(1) To preserve and enhance the state crime laboratory, which is an essential part of the criminal justice system in the state of Washington;

(2) To fund the death investigation system and to make related state and local institutions more efficient;

~~((2))~~ (3) To preserve and enhance the state toxicology laboratory which is an essential part of the criminal justice and death investigation systems in the state of Washington;

~~((3))~~ (4) To provide resources necessary for the performance, by qualified pathologists, of autopsies which are also essential to the criminal justice and death investigation systems of this state and its counties;

~~((4))~~ (5) To improve the performance of death investigations and the criminal justice system through the formal training of county coroners and county medical examiners;

~~((5))~~ (6) To establish and maintain a dental identification system; and

~~((6))~~ (7) To provide flexibility so that any county may establish a county morgue when it serves the public interest.

Sec. 3. RCW 43.103.020 and 1983 1st ex.s. c 16 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the Washington state ~~((death))~~ forensic investigations council.

(2) "Crime laboratory" means the Washington state patrol crime laboratory system created in RCW 43.43.670.

(3) "Toxicology laboratory" means the Washington state toxicology laboratory.

Sec. 4. RCW 43.103.030 and 1991 c 176 s 2 are each amended to read as follows:

There is created the Washington state ~~((death))~~ forensic investigations council. The council shall oversee the state toxicology laboratory and, together with the president of the University of Washington or the president's designee, control the laboratory's operation. The council may also study and recommend cost-efficient improvements to the death investigation system in Washington and report its findings to the legislature.

Further, the council shall, jointly with the chairperson of the pathology department of the University of Washington's School of Medicine, or the chairperson's designee, oversee the state forensic pathology fellowship program, determine the budget for the program and set the fellow's annual salary, and take those steps necessary to administer the program.

The forensic investigations council shall be actively involved in the preparation of the crime laboratory and toxicology laboratory budgets and shall approve the crime laboratory and toxicology laboratory budgets prior to their formal submission to the office of financial management pursuant to RCW 43.88.030.

Sec. 5. RCW 43.103.040 and 1983 1st ex.s. c 16 s 4 are each amended to read as follows:

The council shall consist of ~~((nine))~~ twelve members who shall be selected as follows: One county coroner; one county prosecutor; one county prosecutor who also serves as ex officio county coroner; one county medical examiner; one county sheriff; one chief of police; ~~((one representative))~~ the chief of the state patrol; ~~((one))~~ two members of a county legislative authority; ~~((and))~~ one pathologist who is currently in private practice; and two members of a city legislative authority.

~~((All members shall be appointed to the council by the governor.))~~ The governor shall appoint members to the council from among the nominees submitted for each position as follows: The Washington association of county officials shall submit two nominees each for

the coroner position and the medical examiner position; the Washington state association of counties shall submit two nominees each for the two county legislative authority positions; the association of Washington cities shall submit two nominees each for the two city legislative authority positions; the Washington association of prosecuting attorneys shall submit two nominees each for the county prosecutor-ex officio county coroner and for the county prosecutor position; the Washington association of sheriffs and police chiefs shall submit two nominees each for the county sheriff position and the chief of police position; and the Washington association of pathologists shall submit two nominees for the private pathologist position.

Sec. 6. RCW 43.103.050 and 1983 1st ex.s. c 16 s 5 are each amended to read as follows:

All members of the council are appointed for terms of four years, commencing on July 1 and expiring on June 30. However, of the members appointed to the ~~((initial))~~ council, five shall be appointed for two-year terms and ~~((four))~~ six shall be appointed for four-year terms. A person chosen to fill a vacancy created other than by the natural expiration of a member's term shall be nominated and appointed as provided in RCW 43.103.040 for the unexpired term of the member he or she is to succeed. Any member may be reappointed for additional terms.

Sec. 7. RCW 43.103.070 and 1983 1st ex.s. c 16 s 7 are each amended to read as follows:

The council shall elect a ~~((chairman))~~ chair and a vice ~~((chairman))~~ chair from among its members. ~~((Five))~~ The chair shall not vote except in case of a tie vote. Seven members of the council shall constitute a quorum. The governor shall summon the council to its first meeting. Otherwise, meetings may be called by the ~~((chairman))~~ chair and shall be called by him or her upon the written request of five members of the council. Conference calls by telephone are a proper form of meeting.

Sec. 8. RCW 43.103.090 and 1983 1st ex.s. c 16 s 9 are each amended to read as follows:

The council ~~((has the following powers))~~ may:

(1) ~~((To))~~ Meet at such times and places as may be designated by a majority vote of the council members or, if a majority cannot agree, by the ~~((chairman))~~ chair;

(2) ~~((To))~~ Adopt rules governing the council and the conduct of its meetings;

(3) ~~((To))~~ Require reports from the state toxicologist on matters pertaining to the toxicology laboratory;

(4) ~~((To review and, if necessary, require changes in the budget request of the toxicology laboratory))~~ Require reports from the chief of the Washington state patrol on matters pertaining to the crime laboratory;

(5) Be actively involved in the preparation of the crime laboratory and toxicology laboratory budgets and shall approve the crime laboratory and toxicology laboratory budgets prior to their formal submission to the office of financial management pursuant to RCW 43.88.030; ~~((and~~

~~((To))~~ (6) Do anything, necessary or convenient, which enables the council to perform its duties and to exercise its powers;

(7) Appoint a toxicologist as state toxicologist to serve at the pleasure of the council;

and

(8) Set the salary for the state toxicologist.

Sec. 9. RCW 43.79.445 and 1991 sp.s. c 13 s 21 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations' account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations' account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The

treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the University of Washington to fund the state forensic pathology fellowship program, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state ~~((death))~~ forensic investigations council.

The University of Washington and the Washington state ~~((death))~~ forensic investigations council shall jointly determine the yearly amount for the state forensic pathology fellowship program established by RCW 28B.20.426.

Sec. 10. RCW 68.50.107 and 1986 c 87 s 2 are each amended to read as follows:

There shall be established ~~((at))~~ in conjunction with the University of Washington Medical School and under the authority of the state forensic investigations council a state toxicological laboratory under the direction of the state toxicologist whose duty it will be to perform all necessary toxicologic procedures requested by all coroners, medical examiners, and prosecuting attorneys. ~~((Annually the president of the University of Washington, with the consent of))~~ The state ~~((death))~~ forensic investigations council~~((r))~~ shall appoint a ~~((competent))~~ toxicologist as state toxicologist ~~((who shall serve a one-year term. The state toxicologist may be reappointed to as many additional one-year terms as the president of the university and the death investigations council deem proper. The facilities of the police school of the Washington State University and the services of its professional staff shall be made available to coroners, medical examiners, and prosecuting attorneys in their investigations under this chapter. This)).~~ The laboratory shall be funded by disbursement from the class H license fees as provided in RCW 66.08.180 and by appropriation from the death investigations account as provided in RCW 43.79.445.

Sec. 11. RCW 82.14.310 and 1993 sp.s. c 21 s 1 are each amended to read as follows:

- (1) The county criminal justice assistance account is created in the state treasury.
- (2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under RCW 82.44.110, shall be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.
 - (a) A county's funding factor is the sum of:
 - (i) The population of the county, divided by one thousand, and multiplied by two-tenths;
 - (ii) The crime rate of the county, multiplied by three-tenths; and
 - (iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.
 - (b) Under this section and RCW 82.14.320 and 82.14.330:
 - (i) The population of the county or city shall be as last determined by the office of financial management;
 - (ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;
 - (iii) The annual number of criminal cases filed in the county superior court shall be determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts.
 - (iv) Distributions and eligibility for distributions in the 1989-91 biennium shall be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions shall be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.
- (3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which

may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

Sec. 12. RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to read as follows:

- (1) The municipal criminal justice assistance account is created in the state treasury.
- (2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:
 - (a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;
 - (b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(3) at the maximum rate; and
 - (c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.
- (3) The moneys deposited in the municipal criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under RCW 82.44.110, shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:
 - (a) Unless reduced by this subsection, thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than one hundred seventy-five percent of the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a) but, if a city distribution is reduced as a result of exceeding the fifty percent limitation, the amount not distributed shall be distributed under (b) of this subsection.
 - (b) The remainder of the moneys, including any moneys not distributed in subsection (2)(a) of this section, shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.
- (4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.
- (5) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.
- (6) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

Sec. 13. RCW 82.14.330 and 1994 c 273 s 22 are each amended to read as follows:

(1) The moneys deposited in the municipal criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under RCW 82.44.110, shall be distributed to the cities of the state as follows:

(a) Twenty percent appropriated for distribution shall be distributed to cities with a three-year average violent crime rate for each one thousand in population in excess of one hundred fifty percent of the state-wide three-year average violent crime rate for each one thousand in population. The three-year average violent crime rate shall be calculated using the violent crime rates for each of the preceding three years from the annual reports on crime in Washington state as published by the Washington association of sheriffs and police chiefs. Moneys shall be distributed under this subsection (1)(a) ratably based on population as last determined by the office of financial management, but no city may receive more than one dollar per capita. Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

(b) Sixteen percent shall be distributed to cities ratably based on population as last determined by the office of financial management, but no city may receive less than one thousand dollars.

The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection shall be distributed at such times as distributions are made under RCW 82.44.150.

Moneys distributed under this subsection shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(2) In addition to the distributions under subsection (1) of this section:

(a) Fourteen percent shall be distributed to cities that have initiated innovative law enforcement strategies, including alternative sentencing and crime prevention programs. No city may receive more than one dollar per capita under this subsection (2)(a).

(b) Twenty percent shall be distributed to cities that have initiated programs to help at-risk children or child abuse victim response programs. No city may receive more than fifty cents per capita under this subsection (2)(b).

(c) Twenty percent shall be distributed to cities that have initiated programs designed to reduce the level of domestic violence within their jurisdictions or to provide counseling for domestic violence victims. No city may receive more than fifty cents per capita under this subsection (2)(c).

(d) Ten percent shall be distributed to cities that contract with another governmental agency for a majority of the city's law enforcement services.

Moneys distributed under this subsection shall be distributed to those cities that submit funding requests under this subsection to the department of community, trade, and economic development based on criteria developed under RCW 82.14.335. Allocation of funds shall be in proportion to the population of qualified jurisdictions, but the distribution to a city shall not exceed the amount of funds requested. Cities shall submit requests for program funding to the department of community, trade, and economic development by November 1 of each year for funding the following year. The department shall certify to the state treasurer the cities eligible for funding under this subsection and the amount of each allocation.

The moneys deposited in the municipal criminal justice assistance account for distribution under this subsection, less any moneys appropriated for purposes under RCW 82.44.110, shall be distributed at the times as distributions are made under RCW 82.44.150.

Moneys remaining undistributed under this subsection at the end of each calendar year shall be distributed to the criminal justice training commission to reimburse participating city law enforcement agencies with ten or fewer full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training, as provided in RCW 43.101.200.

If a city is found by the state auditor to have expended funds received under this subsection in a manner that does not comply with the criteria under which the moneys were received, the city shall be ineligible to receive future distributions under this subsection until the use of the moneys are justified to the satisfaction of the director or are repaid to the state general fund. The director may allow noncomplying use of moneys received under this subsection upon a showing of hardship or other emergent need.

(3) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

Sec. 14. RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c 492 s 253 are each reenacted and amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) 5.88 percent into the general fund to be distributed under RCW 82.44.155.

(e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) 62.6440 percent into the general fund through June 30, 1995, and 57.6440 percent into the general fund beginning July 1, 1995.

(h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1995.

(i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310.

(j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320.

(k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330.

(l) 2.95 percent into the general fund to be distributed by the state treasurer to county health departments to be used exclusively for public health. The state treasurer shall distribute these funds proportionately among the counties based on population as determined by the most recent United States census.

Notwithstanding (i) through (k) of this subsection, no more than sixty million dollars shall be deposited into the accounts specified in (i) through (k) of this subsection for the period January 1, 1994, through June 30, 1995. Not more than five percent of the funds deposited to these accounts shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Motor vehicle excise tax funds appropriated for such enhancements shall not supplant existing funds from the state general fund. For the fiscal year ending June 30, 1998, and for each fiscal year thereafter, the amounts deposited into the accounts specified in (i) through (k) of this subsection shall not increase by more than the amounts deposited into those accounts in the previous fiscal year

increased by the implicit price deflator for the previous fiscal year. Any revenues in excess of this amount shall be deposited into the general fund.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015.

Sec. 15. RCW 46.61.5054 and 1994 c 275 s 7 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 46.61.5051 through 46.61.5053, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol ~~((breath test program))~~ for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) ~~((If the case involves a blood test by the state toxicology laboratory,))~~ The remainder of the fee shall be forwarded to the state treasurer ((for)) who shall, through June 30, 1997, deposit: Fifty percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs((-

deposit)); and fifty percent in the state patrol highway account to be used solely for funding ((the Washington state patrol breath test program)) activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs. Effective July 1, 1997, the remainder of the fee shall be forwarded to the state treasurer who shall deposit: Fifteen percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and eighty-five percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

Sec. 16. RCW 66.08.180 and 1987 c 458 s 10 are each amended to read as follows:

Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title ~~((AND PROVIDED FURTHER, That))~~.

(1) All license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board as follows:

~~((1) 5.95 percent to the University of Washington and 3.97 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research;~~

~~((2) 1.75 percent, but in no event less than one))~~ (a) Three hundred ~~((fifty))~~ thousand dollars per biennium, to the University of Washington for the forensic investigations council to conduct the state toxicological laboratory pursuant to RCW ((68.08.407)) 68.50.107; and ~~((3) 88.33))~~ (b) Of the remaining funds:

(i) 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research; and

(ii) 89.9 percent to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW (~~70.96.085, as now or hereafter amended~~) 70.96A.050;

~~((4))~~ (2) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

~~((5))~~ (3) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW (~~70.96.085~~) 70.96A.050; and

~~((6))~~ (4) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

NEW SECTION. Sec. 17. 1994 c 275 s 44 (uncodified) is repealed.

NEW SECTION. Sec. 18. Section 17 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "investigations;" strike the remainder of the title and insert "amending RCW 43.43.670, 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.070, 43.103.090, 43.79.445, 68.50.107, 82.14.310, 82.14.320, 82.14.330, 46.61.5054, and 66.08.180; reenacting and amending RCW 82.44.110; repealing 1994 c 275 s 44 (uncodified); and declaring an emergency."

Signed by Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Voting Yea: Representatives Basich, Brumsickle, Carlson, Chappell, Clements, Cooke, Crouse, Dellwo, G. Fisher, Foreman, Grant, Hargrove, Hickel, Huff, Jacobsen, Lambert, Lisk, McMorris, Pelesky, Poulsen, Reams, Rust, Sehlin, Sheahan, Silver, Sommers, Talcott, Thibaudeau, Valle and Wolfe.

Excused: Representative Beeksma.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Tuesday, April 4,
1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

EIGHTY-FIFTH DAY, APRIL 3, 1995

JOURNAL OF THE HOUSE

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

EIGHTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 4, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by Representatives from various Veteran's organizations from throughout the State of Washington. Prayer was offered by Pastor Tom Hardebeck from Tahoma Assembly of God Church.

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

RESOLUTION

HOUSE RESOLUTION NO. 95-4653, by Representatives D. Schmidt, Scott, Campbell, Lambert, Conway, Basich, Hatfield, L. Thomas, Chandler, Thompson, Ogden, Kremen, Casada, Cooke, Schoesler and Robertson

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in service and contribution to the great state of Washington; and

WHEREAS, Washington State Ex-POW's, American Legion, Veterans of Foreign Wars, Northwest Chapter of The Chosin Few, Disabled American Veterans, Kitsap County Veterans Coalition, Retired Officers Association, Military Order of Purple Hearts, Paralyzed Veterans of America, and Military Order of World Wars have all demonstrated excellence in service and contribution to the great state of Washington by their principled and selfless efforts; and

WHEREAS, The Stars and Stripes, with fifty stars representing each of the fifty states and thirteen stripes representing each of the thirteen original colonies, is the National Flag of these United States of America; and

WHEREAS, Each time the Stars and Stripes is unfurled, it proudly and boldly proclaims the blessings of providence, the unwavering strength of democracy, the radiant light of freedom, the resounding ring of justice, and the perennial promise of liberty for all; and

WHEREAS, The ideals richly and deeply embodied in the Stars and Stripes have been guaranteed, protected, purchased, and ensured with the sacrifice of the very breath of life itself, in battles near and far, recent and long ago, by valiant and courageous American citizens serving in our Armed Forces; and

WHEREAS, As the House of Representatives undertakes and labors in the most noble and honorable of endeavors for and on behalf of the citizens of this great state of Washington, the Stars and Stripes should be prominently installed and displayed alongside our State Flag in all public rooms and places of the legislature as a testament to the ideals it so intrepidly embodies and declares and to honor all the sacrifices that have guaranteed, protected, and ensured the very freedom and liberty for the legislative process; and

WHEREAS, Washington State Ex-POW's, American Legion, Veterans of Foreign Wars, Northwest Chapter of The Chosin Few, Disabled American Veterans, Kitsap County Veterans Coalition, Retired Officers Association, Military Order of Purple Hearts, Paralyzed Veterans of America, and Military Order of World Wars, each with the highest honor and reverence for the Stars

and Stripes, borne upon virtuous service to these United States of America, and for all the ideals so richly and deeply embodied by the Stars and Stripes, have graciously provided the House of Representatives of the great state of Washington with the Stars and Stripes to prominently install and display in each of the public rooms and places of the legislature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in service and contribution demonstrated by all organizations, and their respective members, indicated in this Resolution, and for the example of inspiration they have set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each of the distinctive organizations indicated in this Resolution.

Representative D. Schmidt moved adoption of the resolution.

Representatives D. Schmidt, Basich and Conway spoke in favor of adoption of the resolution.

House Resolution No. 4653 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5129, by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon, McCaslin, West and Snyder; by request of Department of Revenue)

Excluding utility line clearing from the definition of retail sale.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Huff spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5129.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5129, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 2, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Absent: Representatives Fisher, G. and Patterson - 2.

Substitute Senate Bill No. 5129, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5279, by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Roach, Prince, Spanel, Hale, Heavey, Kohl, Sellar and C. Anderson)

Making small loans.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative G. Fisher was excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5279.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5279, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Fisher, G. - 1.

Substitute Senate Bill No. 5279, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5406, by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Sellar and C. Anderson)

Continuing market interest rates for consumer credit transactions.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments see Journal, 74th Day, March 23, 1995).

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5406 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5406 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Cole and Thibaudeau - 2.

Excused: Representative Fisher, G. - 1.

Substitute Senate Bill No. 5406, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5630, by Senators Cantu and Haugen; by request of Attorney General

Limiting nonconsensual common law liens.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sheahan and Appelwick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5630.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5630, and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Benton, Chappell, Goldsmith, Kremen and Pennington - 5.

Excused: Representative Fisher, G. - 1.

Senate Bill No. 5630, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5660, by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Hale, Snyder, Sellar, Fraser, Kohl and Winsley)

Providing for heating oil liability protection.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5660.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5660, and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lisk, Mason, Mastin, McMahan, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 85.

Voting nay: Representatives Casada, Fuhrman, Goldsmith, Hargrove, Koster, McMorris, Pennington, Robertson, Sherstad and Stevens - 10.

Absent: Representative Lambert - 1.

Excused: Representative Fisher, G. - 1.

Substitute Senate Bill No. 5660, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Substitute Senate Bill No. 5660.

KATHY LAMBERT, 45th District

ENGROSSED SUBSTITUTE SENATE BILL NO. 5662, by Senate Committee on Natural Resources (originally sponsored by Senators Owen, Swecker and Morton)

Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Natural Resources: Majority, do pass as amended. (For committee amendments see Journal, 74th Day, March 23, 1995).

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Elliot spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5662 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5662 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Fisher, G. - 1.

Engrossed Substitute Senate Bill No. 5662, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5668 and the bill held it's place on the second reading calendar.

SENATE BILL NO. 5931, by Senators Prentice and Hale

Providing parity among financial institutions.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 27, 1995).

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5931 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5931 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen,

Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Fisher, G. - 1.

Senate Bill No. 5931, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5997, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Palmer, Bauer, Owen and Newhouse)

Regulating fireworks.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5997.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5997, and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Fisher, R., Jacobsen, Thibaudeau and Tokuda - 4.

Excused: Representative Fisher, G. - 1.

Substitute Senate Bill No. 5997, having received the constitutional majority, was declared passed.

There being no objection, the House moved to the Suspension Calendar.

SUBSTITUTE SENATE BILL NO. 5022, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Fairley and Winsley)

Allowing United States military dependents' identification as identification cards for liquor purchases.

There being no objection, the committee recommendation be adopted and Substitute Senate Bill No. 5022 be advanced to third reading.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5022.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5022, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Absent: Representative Schmidt, D. - 1.

Excused: Representative Fisher, G. - 1.

Substitute Senate Bill No. 5022, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Substitute Senate Bill No. 5022.

DAVE SCHMIDT, 44th District

SENATE BILL NO. 5027, by Senators Smith, McCaslin, Rasmussen, Prentice, Kohl and Schow

Extending the period of time within which a prosecution for homicide by abuse may be commenced.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Senate Bill No. 5027 be advanced to third reading.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5027.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5027, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden,

Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting yea: Representatives Sommers and Valle - 2.

Excused: Representative Fisher, G. - 1.

Senate Bill No. 5027, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 5027.

GEORGETTE VALLE, 34th District

SENATE BILL NO. 5039, by Senator Fairley

Clarifying the elements of the crime of luring.

The bill was read the second time.

There being no objection, the committee recommendation be adopted (For committee amendments see Journal, 73rd Day, March 22, 1995) and Senate Bill No. 5039 as amended by the House be advanced to third reading.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5039 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5039 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Fisher, G. - 1.

Senate Bill No. 5039 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease until 1:00 p.m.

The Speaker (Representative Horn presiding) called the House to order.

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

INTRODUCTIONS AND FIRST READING

HB 2089 by Representatives B. Thomas, Foreman, Carrell, L. Thomas, Goldsmith, Cairnes, Johnson, Sehlin, Silver, Talcott, Smith, Campbell, Sheahan, Huff, Horn, McMorris, Beeksma, Fuhrman, Hymes, Thompson, Schoesler, Hargrove, Carlson, Pennington, Backlund, Lambert, Mitchell, Casada, Mielke, Mulliken, Honeyford, Robertson, McMahan, Buck, Stevens, Brumsickle, Benton, Sherstad, Dyer, Radcliff, Cooke, Delvin, D. Schmidt, Chandler, Ballasiotes, Elliot, Van Luven, Skinner, Blanton and Boldt

AN ACT Relating to revenue reductions; amending RCW 82.04.190, 82.60.040, 82.60.045, 82.60.070, 82.61.010, 82.63.010, 82.04.4452, 82.04.255, 82.04.290, 82.04.290, 82.04.255, 82.04.290, 82.04.260, 84.33.035, 84.33.170, 83.100.070, 82.27.030, 82.04.365, 82.04.366, 82.08.02571, 82.08.050, 82.62.030, 84.36.035, 84.36.805, 48.32.145, 48.32A.090, 82.04.2201, 82.04.050, and 66.24.290; reenacting and amending RCW 82.60.020 and 9.41.070; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.63 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 84.55 RCW; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 82.61.020, 82.61.040, 82.63.040, 82.63.050, and 82.04.2201; providing effective dates; and declaring an emergency.

There being no objection, the bill listed on today's introduction sheet under the fourth order of business was referred to the Rules Committee.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: House Bill No. 2074, Engrossed Substitute Senate Bill No. 5156 and Senate Bill No. 5688.

HOUSE BILL NO. 2074, by Representatives Backlund, Lambert, Reams, Van Luven, Dyer, Horn, K. Schmidt and R. Fisher

Clarifying a 1994 transportation appropriation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Backlund and R. Fisher spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2074.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2074, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

House Bill No. 2074, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5156, by Senate Committee on Energy, Telecommunications & Utilities (originally sponsored by Senators Sutherland, Gaspard, Sellar, Hochstatter and Loveland)

Promoting competition for long distance telecommunications.

The bill was read the second time.

Representative Jacobsen moved adoption of the following amendment by Representative Jacobsen:

On page 1, beginning on line 5, strike all of section 1

On page 1, line 3 of the title, strike "new sections" and insert "a new section"

Representative Jacobsen spoke in favor of the adoption of the amendment.

Representative Casada spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Casada and Kremen spoke in favor of passage of the bill.

Representatives Patterson and Jacobsen spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5156.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5156, and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Qual, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 87.

Voting nay: Representatives Brown, Chandler, Chappell, Fisher, R., Hankins, Hargrove, Jacobsen, Lisk, Mulliken and Rust - 10.

Engrossed Substitute Senate Bill No. 5156, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5668, by Senators Hale, Wood, Fraser, Pelz, Prince, Newhouse, A. Anderson, Palmer, Franklin, Hargrove, Bauer, Deccio, C. Anderson, Prentice and Winsley

Revising provisions relating to sureties for industrial insurance self-insurers.

The bill was read the second time.

Representative McMorris moved adoption of the following amendment by Representative McMorris:

On page 1, line 6, after "(1)" insert "(a)"

On page 1, after line 16, insert the following:

"(1) (b) Any two or more employers in the logging industry may qualify as self-insurance groups for the purposes of this chapter if the formation and operation of the group self-insurance program will improve accident prevention and claim management. The employers must be members of an organization that will administer the self-insurance group under the following conditions:

(i) The self-insurance group shall operate under rules promulgated by the director under RCW 51.14.160, including rules establishing surety requirements and group self-insurers' insolvency trust account, funded on a post-insolvency basis, to secure the payment of compensation and employer assessments on the part of self-insurance groups; and

(ii) The organization has been in existence for at least five years.

POINT OF ORDER

Representative Romero: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

SPEAKER'S RULING

Representative Romero, the Speaker is prepared to Rule on your Point of Order which challenges amendment 643 as being beyond the Scope and Object of Senate Bill No. 5668.

The title of Senate Bill No. 5668 is "AN ACT Relating to sureties for industrial insurance self insures. The bill amends RCW 51.14.020.

Amendment 643 would create a new group of employers who could self insure and thereby be subject to the new rules on sureties.

While Amendment 643 is cleverly drafted and may represent good policy, the Speaker finds that the amendment is beyond the scope of Senate Bill No. 5688's title.

Representative Romero, Your Point of Order is well taken.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5668.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5668, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins,

Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5668, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5042, by Senators Winsley and Haugen

Directing cities and towns to deliver copies of new ordinances to the municipal research council.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Senate Bill No. 5042 be advanced to third reading.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5042.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5042, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Benton - 1.

Senate Bill No. 5042, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5046, by Senator Haugen

Revising filing requirements for interlocal agreements.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Senate Bill No. 5046 be advanced to third reading.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5046.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5046, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5046, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5052, by Senators Winsley and Haugen

Deleting obsolete provisions relating to the printing and duplicating center.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Senate Bill No. 5052 be advanced to third reading.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5052.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5052, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Carlson - 1.

Senate Bill No. 5052, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5067, by Senate Committee on Government Operations (originally sponsored by Senators Snyder and Sellar)

Simplifying distribution and pricing of state legal publications.

The bill was read the second time.

There being no objection the committee recommendation be adopted and Substitute Senate Bill No. 5067 be advanced to third reading.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5067.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5067, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5067, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5083, by Senators Oke, Bauer, Franklin, Haugen and C. Anderson; by request of Department of Veterans Affairs

Changing the composition of the veterans affairs advisory committee.

The bill was read the second time.

There being no objection the committee recommendation be adopted and Senate Bill No. 5083 be advanced to third reading.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5083.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5083, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5083, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5142 and the bill held it's place on the second reading calendar.

The Speaker called on Representative Horn to preside.

SUBSTITUTE SENATE BILL NO. 5182, by Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Hale, Deccio and Palmer)

Allowing county fiscal biennium budgets.

The bill was read the second time.

There being no objection, the committee recommendation be adopted (For committee amendments see Journal, 78th Day, March 27, 1995) and Substitute Bill No. 5182 as amended by the House be advanced to third reading.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5182 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5182 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representatives Benton and Pennington - 2.

Substitute Senate Bill No. 5182, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5222, by Senate Committee on Transportation (originally sponsored by Senators Owen, Haugen, Prince, Morton and Winsley)

Regulating length of log trucks.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Substitute Senate Bill No. 5222 be advanced to third reading.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5222.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5222, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5222, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5239, by Senators Oke and Owen

Requiring any person convicted of communication with a minor to register as a sex offender.

The bill was read the second time.

There being no objection, the committee recommendation be adopted (For committee amendments see Journal, 78th Day, March 27, 1995) and Senate Bill No. 5239 as amended by the House be advanced to third reading.

Representative Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5239 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5239 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 96.

Absent: Representative Veloria - 1.

Senate Bill No. 5239, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Senate Bill No. 5239.

VELMA VELORIA, 11th District

SENATE BILL NO. 5266, by Senators Pelz, Newhouse, Heavey, Wood and West; by request of Department of Licensing

Revising provisions regulating court reporting.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Senate Bill No. 5266 be advanced to third reading.

Representative Lisk spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5266.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5266, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5266, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5274, by Senators Haugen, McCaslin, Winsley, Wood and Palmer

Clarifying the funding formula for the municipal research council.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Senate Bill No. 5274 be advanced to third reading.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5274.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5274, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken,

Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5274, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5330, by Senators Smith and Franklin; by request of Washington State Patrol

Regulating background checks.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Senate Bill No. 5330 be advanced to third reading.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5330.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5330, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5330, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5332, by Senators Prentice, Hale, Fraser and Winsley; by request of Department of Financial Institutions

Regulating securities.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Senate Bill No. 5332 be advanced to third reading.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5332.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5332, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5332, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5370, by Senate Committee on Government Operations (originally sponsored by Senators Hale, Winsley, Haugen and Wood)

Authorizing use of credit cards by local governments.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Substitute Senate Bill No. 5370 be advanced to third reading.

Representative Reams spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5370.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5370, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Benton, Blanton and Pennington - 3.

Substitute Senate Bill No. 5370, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5378, by Senators Haugen, Morton and Winsley; by request of Department of Community, Trade, and Economic Development

Modifying border area fund distribution.

The bill was read the second time.

There being no objection, the committee recommendation be adopted (For committee amendments see Journal, 79th Day, March 28, 1995) and Senate Bill No. 5378 as amended by the House be advanced to third reading.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5378 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5378 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Brown - 1.

Senate Bill No. 5378, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5400, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, C. Anderson, Haugen and Winsley; by request of Department of Labor & Industries)

Providing for reimbursements to the department of labor and industries related to crime victim compensation.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Substitute Senate Bill No. 5400 be advanced to third reading.

Representatives Sheahan and Costa spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5400.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5400, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero,

Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5400, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5419, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley and Quigley; by request of Department of Social and Health Services)

Modifying federal financial participation related to health insurer's and children's health care.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Substitute Senate Bill No. 5419 be advanced to third reading.

Representative Dyer spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5419.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5419, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5419, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5432, by Senators Prentice and Hale; by request of Insurance Commissioner

Regulating unearned premium, loss, and loss expense reserves.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Senate Bill No. 5432 be advanced to third reading.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5432.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5432, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5432, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5523, by Senators Smith and Johnson

Regulating payment of criminal defendants' costs.

The bill was read the second time.

There being no objection, the committee recommendation be adopted (For committee amendments see Journal, 78th Day, March 27, 1995) and Senate Bill No. 5523 as amended by the House be advanced to third reading.

Representative Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5523 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5523 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Dellwo - 1.

Senate Bill No. 5523, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to Substitute Senate Bill No. 5957.

SUBSTITUTE SENATE BILL NO. 5957, by Senate Committee on Government Operations (originally sponsored by Senator Cantu)

Amending plats.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Substitute Senate Bill No. 5957 be advanced to third reading.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5957.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5957, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5957, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5962, by Senators Rasmussen and Newhouse

Changing dairy products regulations.

The bill was read the second time.

There being no objection, the committee recommendation be adopted (For committee amendments see Journal, 79th Day, March 28, 1995) and Engrossed Senate Bill No. 5962 be advanced to third reading.

Representative Elliot spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5962 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5962, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken,

Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Engrossed Senate Bill No. 5962, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SUBSTITUTE SENATE BILL NO. 6002, by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Wood, Rinehart and Kohl; by request of State Board for Community and Technical Colleges)

Changing community and technical college tuition refund and fee cancellation provisions.

The bill was read the second time.

There being no objection, the committee recommendation be adopted and Substitute Senate Bill No. 6002 be advanced to third reading.

Representative Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 6002.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6002, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Pennington - 1.

Substitute Senate Bill No. 6002, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8012, by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Fraser, Prentice, Prince and Oke; by request of Joint Task Force on Unemployment Insurance

Requesting that unemployment benefits be removed from the IRS definition of taxable income.

The memorial was read the second time.

There being no objection, the committee recommendation be adopted and Senate Joint Memorial No. 8012 be advanced to third reading.

Representative Lisk spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of Senate Joint Memorial No. 6002.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8012, and the memorial passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Beeksma and Goldsmith - 2.

Absent: Representative Veloria - 1.

Senate Joint Memorial No. 8012, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015, by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Swecker, Oke, McDonald, Wojahn, Deccio, McAuliffe, Hargrove, Rasmussen and Winsley)

Requesting a variance in order to preserve man-made wetlands.

The memorial was read the second time.

There being no objection, the committee recommendation be adopted and Substitute Senate Joint Memorial No. 8015 be advanced to third reading.

Representative Chandler spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of Substitute Senate Joint Memorial No. 8015.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8015, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Joint Memorial No. 8015, having received the constitutional majority, was declared passed.

There being no objection, the following Senate bills were re-referred to the Rules Committee: Senate Bill No. 5142, Senate Bill No. 5581, Senate Bill No. 5848 and Engrossed Senate Bill No. 5873.

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

MOTION

On motion of Representative Foreman, the House adjourned until 9:00 a.m., Wednesday, April 5, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

EIGHTY-SIXTH DAY, APRIL 4, 1995

JOURNAL OF THE HOUSE

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

EIGHTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 5, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jon Thomas and Charlie Mitchell. Prayer was offered by Pastor Greg Howell, from Community Grace Brethren Church of Goldendale.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4647, by Representative Foreman

WHEREAS, the ongoing preservation of historical landmarks furthers and enhances the unique cultural heritage of Washington state; and

WHEREAS, The War Creek Cabin, built by the Forest Service in the North Cascades Sawtooth Wilderness area in the early 1930's, is such a landmark located on public lands; and

WHEREAS, The War Creek Cabin, although in excess of sixty years old, is structurally sound and has been maintained over the years as a functional and integral part of maintaining an appropriate connection with our natural resource system; and

WHEREAS, The War Creek Cabin was historically used as a shelter for crews providing year-round maintenance on the telephone line, the only communication link to the outside world at the time for the remote community of Stehekin; and

WHEREAS, The War Creek Cabin is one of many landmark structures located on state wilderness and forest lands that have the potential for continued and critical use by the citizens of this state; and

WHEREAS, The War Creek Cabin and other similar publicly available structures located on state wilderness and forest lands also provide a variety of recreational backcountry opportunities for the residents of Washington state, including hikers, backpackers, campers, skiers, and horse riders; and

WHEREAS, The War Creek Cabin and other such structures located on state wilderness and forest lands provide shelter in certain emergency situations for various people such as fire fighters, individuals who are lost or injured, and those caught in the inclement weather situations; and

WHEREAS, The War Creek Cabin and other structures located on state wilderness and forest lands should be devoted to the public purposes of recreational, scenic, educational, conservational, and use; and

WHEREAS, It serves the best interests of the state of Washington to preserve, maintain, and make available for use the War Creek Cabin and other such structures located on state wilderness and forest lands; and

WHEREAS, In the laudable spirit of public service the Backcountry Horsemen of Washington have expressed a desire to preserve and maintain the War Creek Cabin and ensure its availability for the use and enjoyment of the people of this state and for future generations to come; and

WHEREAS, The Backcountry Horsemen of Washington is an organization dedicated to protecting our priceless backcountry environment, working with local, state, and federal agencies and

the general public in cooperative work programs to maintain backcountry resources, and expanding responsible backcountry activities and opportunities for all the people of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington declare its support for the continued preservation, maintenance, and use of the War Creek Cabin and its gratitude to the Backcountry Horsemen of Washington for their generous offer to assist in ensuring its ongoing availability for the enjoyment of the citizens of Washington state.

Representative Foreman moved adoption of the resolution.

Representative Foreman spoke in favor of adoption of the resolution.

House Resolution No. 4647 was adopted.

HOUSE RESOLUTION NO. 95-4648, by Representatives L. Thomas, Robertson, Cooke, Cairnes, Patterson, G. Fisher, Dyer and Smith

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Kent-Meridian High School girls varsity basketball team has exhibited the highest level of excellence in winning the state AAA basketball championship on March 11, 1995; and

WHEREAS, This level of excellence is built upon an admirable and solid foundation of success; and

WHEREAS, Achievement in sports is kindred and akin to the values for achievement in life, inasmuch as the setting of the very highest goals and aspirations and the persistence, dedication, sacrifice, commitment, focus, effort, teamwork, skill, and talent to obtain those goals and aspirations all correspond to lifetime and personal achievement; and

WHEREAS, The extraordinary achievements of the Kent-Meridian High School girls varsity basketball team are due to the outstanding individual efforts of each team member; and

WHEREAS, These outstanding accomplishments would not have been possible without the instruction, guidance, and leadership of the Head Coach, Derek Powell, nor would these accomplishments have been possible without the unequivocal support and encouragement of the Kent-Meridian High School student body, faculty and staff, alumni, family and friends, community members, and fans;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in achievement and spirit shown by the Kent-Meridian High School and for the example of inspiration such achievements have set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the Championship Team and Coaching Staff indicated herewith as well as the Principal of Kent-Meridian High School.

Representative L. Thomas moved adoption of the resolution.

Representatives L. Thomas and Robertson spoke in favor of adoption of the resolution.

House Resolution No. 4648 was adopted.

HOUSE RESOLUTION NO. 95-4642, by Representatives Jacobsen and Appelwick

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Blanchet High School women's basketball team from Seattle won the 1995 Class AA State Basketball Championship; and

WHEREAS, The Blanchet coaches showed leadership and skill in focusing their team on accomplishing their goal by defeating Franklin High School 54-42 for the State AA Basketball Championship; and

WHEREAS, Captains Tanya Hallett, Shannon Ryan, and Jessica Jones contributed greatly to winning the Class AA Championship and finishing the season with a record of 28-1; and

WHEREAS, The Blanchet team wishes to acknowledge the dedication of Athletic Director George Monica for his support and contributions to the Women's Basketball Program;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and honor the Blanchet women's basketball team and Coach Terry Wilkinson for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Coach Terry Wilkinson, to the members of the Blanchet women's basketball team, and to the principal and faculty of Blanchet High School.

Representative Jacobsen moved adoption of the resolution.

Representatives Jacobsen and L. Thomas spoke in favor of adoption of the resolution.

House Resolution No. 4642 was adopted.

HOUSE RESOLUTION NO. 95-4654, by Representatives L. Thomas, Robertson, Cooke, Cairnes, Patterson and Dyer

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Mat Orndorff exhibited the highest level of excellence by winning the State AAA Wrestling Championship, heavyweight division, in the 1995 academic year; and

WHEREAS, This level of excellence is built upon an admirable and solid foundation of success, that includes a distinctive 1995 season record of 34 wins, 30 by pins, and 0 losses, and a career record of 86 wins and 17 losses; and

WHEREAS, Achievement in sports is kindred and akin to the values for achievement in life, inasmuch as the setting of the very highest goals and aspirations and the persistence, dedication, sacrifice, commitment, focus, effort, teamwork, skill, and talent to obtain those goals and aspirations all correspond to lifetime and personal achievement; and

WHEREAS, Participation and contribution in extracurricular programs demonstrates the initiative of success, the inspiration of improvement, the motivation of competition, and the surmounting of challenge; and

WHEREAS, The extraordinary achievements and talents of Mat Orndorff have also been recognized by Oregon State University, which Mat Orndorff will attend next year on a wrestling scholarship; and

WHEREAS, These outstanding accomplishments would not have been possible without the instruction, guidance, and leadership of his Coach, Dave Johnston, nor would these accomplishments have been possible without the unequivocal support and encouragement of the Kent-Meridian High School student body, faculty and staff, alumni, family and friends, community members, and fans;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in achievement and spirit shown by Mat Orndorff and for the example of inspiration such achievements have set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mat Orndorff, and his Coach, Dave Johnston, as indicated herewith.

Representative L. Thomas moved adoption of the resolution.

Representatives L. Thomas, Smith and Elliot spoke in favor of adoption of the resolution.

House Resolution No. 4654 was adopted.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

SECOND SUBSTITUTE SENATE BILL NO. 5003, by Senate Committee on Ways & Means (originally sponsored by Senators Rasmussen, Newhouse, Loveland, Sellar, Snyder, Hochstatter, Prince, Bauer, Morton, Haugen, Winsley and A. Anderson)

Providing criteria to be used in determining whether a fund or account receives interest earnings.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Agriculture & Ecology recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5003 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5003 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mason - 1.

Second Substitute Senate Bill No. 5003, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5024, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Smith, Winsley, McCaslin, Rasmussen, Bauer, Schow and Oke; by request of Department of Corrections)

Requiring offenders to assist in paying for certain health care services.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Corrections recommendation: Majority, do pass as amended. (For committee amendment see Journal, 74th Day, March 23, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Mason was excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5024 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5024 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mason - 1.

Substitute Senate Bill No. 5024, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5025, by Senators Smith, Rasmussen and Schow

Removing the repealer of the criminal profiteering act.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5025 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5025 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel,

Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Beeksma, Goldsmith, Hargrove, McMahan and Sherstad - 5.
Excused: Representative Mason - 1.

Senate Bill No. 5025, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5029, by Senators Hargrove, Fraser and Winsley; by request of Department of Social and Health Services

Modifying membership and duties of children's services advisory committee.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Children & Family Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Thibaudeau spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5029 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5029 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mason - 1.

Senate Bill No. 5029, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5040 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5053, by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Modifying real estate disclosure provisions.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendment see Journal, 74th Day, March 23, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cairnes spoke in favor of passage of the bill.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5053 as amended by the House and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5040, by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Prescribing the selection process for district court districting committees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reams and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5040.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5040, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mason - 1.

Substitute Senate Bill No. 5040, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5078, by Senators Fraser, Prentice, Newhouse and Sellar

Concerning premium finance agreements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5078.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5078, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mason - 1.

Senate Bill No. 5078, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5089, by Senate Committee on Energy, Telecommunications & Utilities (originally sponsored by Senators Loveland, Finkbeiner and Sutherland)

Requiring 911 compatibility of private telecommunications systems and private shared telecommunications services.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendment see Journal, 45th Day, February 22, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Casada and Kessler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5089 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5089 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster,

Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mason - 1.

Substitute Senate Bill No. 5089, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5093, by Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Rasmussen and Drew)

Changing provisions relating to fire protection.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5093.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5093, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mason - 1.

Engrossed Substitute Senate Bill No. 5093, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5098, by Senators Loveland and Winsley

Reenacting sections about county financial functions.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 74th Day, March 23, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5098 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5098 as amended by the House, and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mastin, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 86.

Voting nay: Representatives Benton, Boldt, Crouse, Hargrove, Koster, McMahan, Mulliken, Pennington, Smith and Stevens - 10.

Excused: Representative Mason - 1.

Senate Bill No. 5098, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Engrossed Substitute Senate Bill No. 5101, Senate Bill No. 5120 and Substitute Senate Bill No. 5183 and the bills held their place on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5190, by Senate Committee on Law & Justice (originally sponsored by Senators Roach, Pelz, Smith and Heavey)

Making it a crime to tattoo a person under age eighteen without parental consent.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 74th Day, March 23, 1995.)

With the consent of the House, amendment number 651 to Engrossed Substitute Senate Bill No. 5190 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sheahan and K. Schmidt spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Ballasiotes was excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5190 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5190 as amended by the House, and the bill passed the House by the following vote: Yeas - 80, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Conway, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 80.

Voting nay: Representatives Cody, Cole, Costa, Dickerson, Fisher, R., Hatfield, Ogden, Quall, Radcliff, Regala, Rust, Scott, Tokuda, Veloria and Wolfe - 15.

Excused: Representatives Ballasiotes and Mason - 2.

Engrossed Substitute Senate Bill No. 5190, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5209, by Senate Committee on Government Operations (originally sponsored by Senators McCaslin, Haugen, Swecker, Drew, Schow, Heavey and Winsley)

Authorizing the extension of water or sewer service within an approved coordinated water system plan service area.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 79th Day, March 28, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reams and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5209 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5209 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Ballasiotes and Mason - 2.

Substitute Senate Bill No. 5209, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5211 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5234, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Smith, Long, Haugen and Kohl; by request of Department of Social and Health Services)

Modifying eligibility for juvenile offender basic training camp option.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sherstad spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5234.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5234, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Ballasiotes and Mason - 2.

Substitute Senate Bill No. 5234, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5243, by Senator Oke

Revising provision authorizing a special permit for miniature boilers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5243.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5243, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Ballasiotes and Mason - 2.

Engrossed Senate Bill No. 5243, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5251, by Senators Rasmussen, Fraser, Oke, Wojahn, Franklin, Winsley, Schow, Swecker and Gaspard

Affecting the transportation authority of first class cities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5251.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5251, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 95.

Absent: Representative Veloria - 1.

Excused: Representative Mason - 1.

Senate Bill No. 5251, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5253, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Quigley, Moyer, Hargrove and C. Anderson; by request of Department of Health)

Implementing the public health improvement plan.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5253.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5253, and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Benton, Boldt, Elliot and Pennington - 4.

Excused: Representative Mason - 1.

Engrossed Substitute Senate Bill No. 5253, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5267 and the bill held it's place on the second reading calendar.

SENATE BILL NO. 5275, by Senators Haugen, McCaslin and Winsley

Affecting the consolidation of cities and towns.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5275 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5275 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler,

Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Ebersole - 1.

Excused: Representative Mason - 1.

Senate Bill No. 5275, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

HOUSE RESOLUTION NO. 95-4650, by Representatives Robertson, L. Thomas, Brumsickle, Chappell and Smith

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The White River High School boys varsity basketball team exhibited the highest level of excellence in taking second place in the state AA championship playoffs; and

WHEREAS, This level of excellence is built upon an admirable and solid foundation of success demonstrated by matriculating into the state championship; and

WHEREAS, Achievement in sports is kindred and akin to the values for achievement in life, inasmuch as the setting of the very highest goals and aspirations and the persistence, dedication, sacrifice, commitment, focus, effort, teamwork, skill, and talent to obtain those goals and aspirations all correspond to lifetime and personal achievement; and

WHEREAS, The extraordinary achievements of the White River High School boys varsity basketball team are due to the outstanding individual efforts of its team members; namely, Glenn Beatty, Paul Tomaszewski, Ryan Banks, Ben Addink, Carbon Argo, Randy Hyppa, Brian Van Sickle, Michael Kruse, Jon Argo, Kelly Wozeniak, Charles Gillis, and Aaron Streepy; and

WHEREAS, These outstanding achievements would not have been possible without the instruction, guidance, and leadership of the coaching staff, Doug Galloway, Head Coach, Tracy Albrecht, Assistant Coach, John Hyppa, Assistant Coach, Doug Argo, Assistant Coach, and Chris Banks, Assistant Coach; and

WHEREAS, Nor would these accomplishments have been possible without the unequivocal support and encouragement of the White River High School student body, faculty and staff, alumni, family and friends, community members, and fans and especially the members of the Cheer Squad, including Angie Banks, Alisha Satterthwaite, Sabrina Benjamin, Latisha Gutherie, Melissa Robbins, Emily Lawrence, Jasmine Martinez, Lisa Scheffler, Michelle Watkins;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in achievement and spirit shown by the White River High School boys varsity basketball team and for the example of inspiration such achievements have set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the White River High School boys varsity basketball team as well as Keith Banks, Principal of White River High School.

Representative Robertson moved adoption of the resolution.

Representatives Robertson, Tokuda and L. Thomas spoke in favor of adoption of the resolution.

House Resolution No. 4650 was adopted.

HOUSE RESOLUTION NO. 95-4651, by Representatives Robertson, L. Thomas, Brumsickle and Chappell

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The White River High School, District No. 416, varsity wrestling team has exhibited the highest level of excellence in winning the AA title of State Wrestling Championship on February 18, 1995; and

WHEREAS, This level of excellence is built upon an admirable and solid foundation of success illustrated by attainment of first place in the Pierce County League District in 1995 as well as earning the title of Champion of the Regional 2 Championship tournament in 1994 and 1995; and

WHEREAS, Achievement in sports is kindred and akin to the values for achievement in life, inasmuch as the setting of the very highest goals and aspirations and the persistence, dedication, sacrifice, commitment, focus, effort, teamwork, skill, and talent to obtain those goals and aspirations all correspond to lifetime and personal achievement; and

WHEREAS, The extraordinary achievements of the White River High School varsity wrestling team are due to the outstanding individual efforts of its team members, namely, Scott Tugby, Jason Parlari, Corey Cooksey, Pat Ming, Jerome Dickson, Burt Haugen, Chris Hahto, and Joe Thatcher; and

WHEREAS, These outstanding accomplishments would not have been possible without the instruction, guidance, and leadership of the coaching staff, Michael Salcido, Head Coach, Rod Hodel, Assistant Coach, Robert Price, Assistant Coach, Bryan Francich, Volunteer Coach, nor would these accomplishments have been possible without the unequivocal support and encouragement of the White River High School student body, faculty and staff, alumni, family and friends, community members, and fans;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in achievement and spirit shown by the White River High School wrestling team and for the example of inspiration such achievements have set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the Championship Team and Coaching Staff indicated herewith as well as Keith Banks, Principal of White River High School.

Representative Robertson moved adoption of the resolution.

Representatives Robertson, L. Thomas and Jacobsen spoke in favor of adoption of the resolution.

House Resolution No. 4651 was adopted.

SUBSTITUTE SENATE BILL NO. 5278, by Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, Oke, Gaspard, Winsley, Franklin, Long, Rasmussen and Wood)

Revising provisions relating to awards to persons found not guilty by reason of self defense.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Delvin spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5278.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5278, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5278, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5292, by Senators Sutherland and Finkbeiner

Revising the level of civil penalties for violation of gas pipeline safety regulations.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendment see Journal, 80th Day, March 29, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Casada and Kessler spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5292 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5292 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5292, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5294, by Senators Sheldon, Winsley, C. Anderson, Haugen, Palmer and Roach

Paying for fire fighters' retirement provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5294.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5294, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Ogden - 1.

Senate Bill No. 5294, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5310 and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5334, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Long and Johnson)

Amending the corporations act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5334.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5334, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken,

Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5334, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5335, by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Smith, Long and Johnson)

Updating uniform commercial code provisions on investment securities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hickel spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5335.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5335, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5335, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5351, by Senators Wojahn, Winsley, Haugen, McCaslin and Drew

Allowing cities to require family day-care provider's home facilities loading areas to be certified by the office of child care policy licenser.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Smith and Rust spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5351.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5351, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5351, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5367, by Senate Committee on Law & Justice (originally sponsored by Senators Smith and Roach)

Clarifying penalties for failure to obey an officer.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Delvin spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5367.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5367, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Benton - 1.

Substitute Senate Bill No. 5367, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

April 4, 1995

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1041,
HOUSE BILL NO. 1086,
HOUSE BILL NO. 1157,
HOUSE BILL NO. 1188,
HOUSE BILL NO. 1285,
SUBSTITUTE HOUSE BILL NO. 1453,
HOUSE BILL NO. 1687,
HOUSE BILL NO. 1702,
HOUSE BILL NO. 1706,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 4, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1001,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,
HOUSE BILL NO. 1243,
HOUSE BILL NO. 1498,

HOUSE BILL NO. 1761,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

April 5, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1062,
HOUSE BILL NO. 1360,
HOUSE BILL NO. 1457,
HOUSE BILL NO. 1525,

and the same are herewith transmitted.

Marty Brown, Secretary

April 4, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1246,
SUBSTITUTE HOUSE BILL NO. 1427,
HOUSE BILL NO. 1624,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1041,
HOUSE BILL NO. 1188,
HOUSE BILL NO. 1223,
SUBSTITUTE HOUSE BILL NO. 1453,
HOUSE BILL NO. 1498,
HOUSE BILL NO. 1706,

MESSAGE FROM THE SENATE

April 5, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5022,
SENATE BILL NO. 5027,
SUBSTITUTE SENATE BILL NO. 5129,
SUBSTITUTE SENATE BILL NO. 5279,
SENATE BILL NO. 5630,
SUBSTITUTE SENATE BILL NO. 5660,
SUBSTITUTE SENATE BILL NO. 5997,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5022,
SENATE BILL NO. 5027,
SUBSTITUTE SENATE BILL NO. 5129,
SUBSTITUTE SENATE BILL NO. 5279,
SENATE BILL NO. 5630,
SUBSTITUTE SENATE BILL NO. 5660,
SUBSTITUTE SENATE BILL NO. 5997,

HOUSE BILL NO. 1070, by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp; by request of Office of Financial Management

Adopting the capital budget.

The bill was read the second time. There being no objection, Substitute House Bill No. 1070 was substituted for House Bill No. 1070 and the substitute bill was placed on second reading.

Substitute House Bill No. 1070 was read the second time.

Representative Silver moved adoption of the following amendment by Representative Silver:

On page 7, after line 4 insert "\$2,000,000 of the appropriation from the state building construction account is provided solely for grants to Habitat for Humanity or similar non-profit organizations. As a condition on the receipt of a grant, the recipient shall agree to use the grant to make no interest loans for low income housing and all loan repayments will be used to make no interest loans for low income housing."

On page 7, line 12, strike "\$41,800,000" and insert "\$43,800,000"

On page 7, line 15, strike "\$46,000,000" and insert "\$48,000,000"

On page 7, line 19, strike "\$259,646,459" and insert "\$261,646,459"

On page 45, beginning on line 40, strike section 252

On page 97, line 34, strike "\$4,748,000" and insert "\$4,000,000"

On page 97, line 37, strike "\$5,000,000" and insert "\$4,252,000"

On page 97, line 39, strike "\$33,942,000" and insert "\$34,690,000"

On page 99, line 29, strike "\$1,700,000" and insert "\$1,138,000"

On page 99, line 31, strike "\$6,000,000" and insert "\$5,438,000"

On page 99, line 35, strike "\$13,685,782" and insert "\$13,123,782"

On page 108, line 36, strike ": Predesign"

On page 108, line 37, strike "To conduct a predesign of" and insert "To predesign, design and make infrastructure improvements to"

On page 109, line 2, strike "\$60,000" and insert "\$3,310,000"

On page 109, line 4, strike "\$25,000,000" and insert "\$21,690,000"

On page 109, line 6, strike "\$25,060,000" and insert "\$25,000,000"

On page 137, after line 10, insert the following:

"(8) The office of the State Treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of Eastern State Hospital, in Medical Lake, and the renovation of the Hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the State Treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the State Treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection."

Representatives Silver, Mielke, Ebersole, Honeyford and Chopp spoke in favor of the adoption of the amendment.

The amendment was adopted.

POINT OF ORDER

Representative Morris: Thank you Mr. Speaker. I've never had one of my amendments amended before, is it my role now to move my amendment and then the following amendment is moved.

Mr. Speaker: Yes, Representative Morris, if you will move your amendment then we will not take further action on your amendment, we will then move the amendment to the amendment and take a vote on that. And then return to your amendment in whatever form it is at that time, and conclude the action on your amendment.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 18, after line 31, insert the following:

"NEW SECTION. Sec. 1. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Juvenile detention facilities: For financial assistance to local governments to build or expand juvenile detention facilities

Each dollar expended from this appropriation shall be matched by at least one dollar from nonstate sources for the same purpose. Prior to making grants to local governments from this appropriation the department shall establish a process for grant applications that includes a priority ranking system for evaluating and approving grant applications and establish maximum allowable costs per square foot for grants of financial assistance. In developing the priority ranking system the department shall consult with the office of financial management, juvenile court administrators, and the association of Washington counties.

Appropriation:

St Bldg Constr Acct	\$28,400,000
Prior Biennia (Expenditures)	0
Future Biennia (Projected Costs)	0
TOTAL	\$28,400,000"

Representative Pennington moved adoption of the following amendment to the amendment by Representative Pennington:

On page 1, beginning on line 10 of the amendment, strike all material through "\$28,400,000" on line 25, and insert "Individual counties or consortiums of counties are eligible to make specific requests for loan authorizations under chapter 39.94 RCW for assistance in the construction or expansion of local juvenile detention centers. If such loans are authorized by the legislature, the participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection."

Representatives Pennington, Sehlin and K. Schmidt spoke in favor of the adoption of the amendment to the amendment.

Representatives Morris and G. Fisher spoke against the adoption of the amendment to the amendment.

Representative Mielke demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the amendment, on page 1, beginning on line 10, to Substitute House Bill No. 1070 and the amendment was adopted by the following vote: Yeas - 59, Nays - 38, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Goldsmith, Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

With the consent of the House, amendment number 656 to Substitute House Bill No. 1070 was withdrawn.

Representative Ballasiotes moved adoption of the amendment number 656.

Representative Ballasiotes spoke in favor of the adoption of the amendment to the amendment.

The amendment as amended was adopted.

Representative Jacobsen moved adoption of the following amendment by Representative Jacobsen:

On page 22, after line 32, insert "To make mechanical, electrical and interior repairs including the installation of stairway handrails to the Legislative building."

Representatives Jacobsen, Sehlin, Cole, Ogden and L. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Benton moved adoption of the following amendment by Representative Benton:

On page 45, after line 33, insert "A maximum of \$5,000 from this appropriation may be used to acquire the surplus military base at Camp Bonneville for the purpose of developing a juvenile rehabilitation facility on the site."

Representative Benton spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Sehlin moved adoption of the following amendment by Representative Sehlin:

On page 51, beginning on line 36, strike all of Section 275

On page 132, after line 26, insert the following:

"NEW SECTION. Sec. 713. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Tacoma Community College: To acquire land for the Gig Harbor center.

Appropriation

St Bldg Constr Acct -- State \$421,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

Total \$421,000"

Representative Sehlin spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Radcliff moved adoption of the following amendment by Representative Radcliff:

On page 62, line 24, strike "\$17,500,000" and insert "\$18,250,000"

On page 62, line 25, strike "\$17,500,000" and insert "\$18,250,000"

On page 62, line 27, strike "\$35,000,000" and insert "\$36,500,000"

On page 62, line 31, strike "\$425,037,382" and insert "\$426,537,382"

Representative Radcliff spoke in favor of the adoption of the amendment.

Representative Sehlin spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ebersole moved adoption of the following amendment by Representative Ebersole:

On page 87, line 1, after "II" strike ": **Pre**design"

On page 87, line 16, strike "**\$220,000**" and insert "**\$33,853,000**"

On page 87, line 20, strike "\$92,057,033" and insert "\$125,420,033"

Representative Ebersole spoke in favor of the adoption of the amendment.

Representative Sehlin spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin, Chopp and Ogden spoke in favor of passage of the bill.

Representative Jacobsen spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1070.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1070, and the bill passed the House by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Radcliff, Reams, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 63.

Voting nay: Representatives Appelwick, Basich, Brown, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Goldsmith, Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Patterson, Poulsen, Quall, Regala, Romero, Scott, Sheldon, Sherstad, Sommers, Thibaudeau, Tokuda, Valle, Van Luven, Voloria and Wolfe - 34.

Engrossed Substitute House Bill No. 1070, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1071, by Representatives Sehlin, Ogden and Dellwo; by request of Office of Financial Management

Authorizing general obligation bonds for costs incidental to the 1995-97 biennium.

The bill was read the second time. There being no objection, Substitute House Bill No. 1071 was substituted for House Bill No. 1071 and the substitute bill was placed on second reading.

Substitute House Bill No. 1071 was read the second time.

With the consent of the House, amendment number 629 to Substitute House Bill No. 1071 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sehlin spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Chopp was excused.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1071.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1071, and the bill passed the House by the following vote: Yeas - 60, Nays - 35, Absent - 1, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Absent: Representative Ogden - 1.

Excused: Representative Chopp - 1.

Substitute House Bill No. 1071, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1001,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,
HOUSE BILL NO. 1285,
HOUSE BILL NO. 1687,
HOUSE BILL NO. 1702,

MOTION FOR RECONSIDERATION

Representative Sehlin: Having voted on the prevailing side moved to immediately reconsider the vote on Substitute House Bill No. 1071. The motion was carried.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1071 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1071 on reconsideration, and the bill passed the House by the following vote: Yeas - 63, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 63.

Voting nay: Representatives Appelwick, Basich, Brown, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Morris, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 33.

Excused: Representative Chopp - 1.

Substitute House Bill No. 1071 on reconsideration, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5374, by Senate Committee on Law & Justice (originally sponsored by Senators Smith and Roach)

Creating registered limited liability partnerships.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5374 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5374 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Chopp - 1.

Substitute Senate Bill No. 5374, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred Senate Bill No. 5401, Substitute Senate Bill No. 5421 and Substitute Senate Bill No. 5440 and the bills held their place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5463, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Newhouse, Prentice and Franklin)

Requiring alcohol servers to have alcohol servers permits.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5463.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5463, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Benton, Sherstad and Thomas, B. - 3.

Excused: Representative Chopp - 1.

Substitute Senate Bill No. 5463, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5479, by Senate Committee on Education (originally sponsored by Senators Hargrove, Hochstatter and Oke)

Clarifying transfers under the public school open enrollment program with regard to home-schooled students.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5479.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5479, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Chopp - 1.

Substitute Senate Bill No. 5479, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5496, by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Newhouse, Loveland, Cantu, Fraser, Winsley and Long)

Exempting employers with qualified retirement plans from additional contributions.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5496 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5496 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Chopp - 1.

Substitute Senate Bill No. 5496, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5520, by Senators Hargrove, Long and Franklin

Modifying placement of juveniles, specifically addressing independent living.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Thibaudeau spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5520.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5520, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Chopp - 1.

Senate Bill No. 5520, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5563, by Senators West, Pelz and McCaslin

Relating to class H liquor licenses issued to hotels operating conference or convention centers or having banquet facilities on property owned or through leasehold interest by the licensed hotel.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5563.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5563, and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Beeksma, Goldsmith, McMahan and Smith - 4.

Excused: Representative Chopp - 1.

Senate Bill No. 5563, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5575, by Senators Sheldon, Gaspard, Moyer, Wood, Finkbeiner and Winsley; by request of Governor Lowry

Allowing persons at least sixteen years of age to make anatomical gifts if a parent or guardian signs the document of gift.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hymes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5575.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5575, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Chopp - 1.

Senate Bill No. 5575, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5583, by Senators Newhouse, Heavey, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince, A. Anderson and Winsley; by request of Joint Task Force on Unemployment Insurance

Determining unemployment insurance contribution rates for successor employers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5583.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5583, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Chopp - 1.

Senate Bill No. 5583, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5584, by Senators Newhouse, Deccio, Hale, Palmer, Franklin, Pelz, Fraser, Prentice, Prince and Winsley; by request of Joint Task Force on Unemployment Insurance

Affecting noncharging of benefits to employers' unemployment insurance experience rating accounts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5584.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5584, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Chopp - 1.

Senate Bill No. 5584, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5609, by Senate Committee on Ecology & Parks (originally sponsored by Senators Loveland, Rasmussen, Prince, Snyder, Morton, West and A. Anderson)

Concerning the powers and duties of air pollution control authorities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5609.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5609, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Chopp - 1.

Substitute Senate Bill No. 5609, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5625, by Senators Haugen, Drew, Oke and Rasmussen

Clarifying hunting license requirements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Basich and Pennington spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5625.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5625, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Chopp - 1.

Senate Bill No. 5625, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5653 and the bill held its place on the second reading calendar.

SENATE BILL NO. 5677, by Senators Roach, Haugen and Winsley; by request of Department of Community, Trade, and Economic Development

Clarifying building code and structure requirements.

The bill was read the second time.

Representative Horn moved adoption of the following amendment by Representative Horn:

On page 4, beginning on line 13, after "(5)" strike all material through "units" on line 14, and insert "Apartment houses with ten or fewer units"

Representatives Horn and Morris spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cairnes spoke in favor of passage of the bill.

Representative Romero spoke against passage of the bill.

MOTION

On motion of Representative Brown, Representative Dellwo was excused.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5677 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5677, as amended by the House and the bill passed the House by the following vote: Yeas - 80, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 80.

Voting nay: Representatives Cody, Cole, Dickerson, Fisher, G., Fisher, R., Mason, Ogden, Regala, Romero, Rust, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 15.

Excused: Representatives Chopp and Dellwo - 2.

Senate Bill No. 5677, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5680, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Franklin, Kohl and Winsley; by request of Department of Social and Health Services)

Modifying licensing enforcement for child care agencies.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Children & Family Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Thibaudeau spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5680 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5680 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Chopp and Dellwo - 2.

Substitute Senate Bill No. 5680, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5688, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Franklin, Rasmussen, C. Anderson, Kohl, Prentice, McAuliffe, Fairley, Drew, Smith, Heavey, Sheldon, Wojahn, Bauer and Winsley)

Improving screening for fetal alcohol syndrome.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hymes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5688.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5688, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield,

Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheehan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Chopp and Dellwo - 2.

Substitute Senate Bill No. 5688, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5699, by Senators Fraser, Prince and Rasmussen; by request of Secretary of State

Revising provisions relating to international student exchange visitor placement organizations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5699.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5699, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheehan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Chopp and Dellwo - 2.

Senate Bill No. 5699, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5718, by Senators Drew and Haugen

Authorizing fund-raising on state property to benefit public fish and wildlife programs.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pennington spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5718 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5718 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Chopp and Dellwo - 2.

Senate Bill No. 5718, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5724, by Senate Committee on Law & Justice (originally sponsored by Senators Quigley, Long and Haugen; by request of State Law Library)

Simplifying publication and distribution of court reports.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 2, line 30, after "decisions)" insert ". The commission shall by July 1, 1997, develop a policy that ensures that if any material prepared pursuant to RCW 2.32.110 is licensed for resale, the material is made available for licensing to all commercial resellers on an equal and non-exclusive basis"

Representatives Appelwick and Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5724 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5724 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Chopp and Dellwo - 2.

Substitute Senate Bill No. 5724, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5757, by Senate Committee on Government Operations (originally sponsored by Senators McCaslin, Haugen, Winsley, Heavey and Sheldon)

Changing provisions relating to bidding requirements.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Rust spoke in favor of passage of the bill.

MOTION

On motion of Representative Grant, Representatives Brown and Poulsen were excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5757 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5757 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens,

Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Brown, Chopp, Dellwo and Poulsen - 4.

Substitute Senate Bill No. 5757, as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Thursday, April 6, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

EIGHTY-SEVENTH DAY, APRIL 5, 1995

JOURNAL OF THE HOUSE

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EIGHTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 6, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Collin Conway and Shelley Bloom.

The Star Spangled Banner was sung by Emily Lawrence.

Prayer was offered by Reverend Bruce Armstrong, Lacey Presbyterian Church.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4652, by Representatives Brown, Schoesler, Hargrove, Kessler, Sheahan, Dellwo, K. Schmidt, Buck and Dyer

WHEREAS, The State of Washington applauds those educators who promote and encourage an interest in science by providing quality science experiences for students and teachers; and

WHEREAS, Gail Demo Smith and Heather Cassidy have been named to the 1995 Honor Roll of Teachers by the Association of Science-Technology Centers and Pacific Science Center for their exemplary use of community resources to enhance and expand the science enrichment opportunities available to students and teachers; and

WHEREAS, Gail Demo Smith, a physical education specialist at Cottonwood Elementary in Bremerton, has done a great deal to enhance science education at Cottonwood Elementary and other schools in the Central Kitsap school district by incorporating health and science into her physical education classes, coordinating the Bremerton Science Celebration classes, and scheduling the Science on Wheels van program in the Central Kitsap school district; and

WHEREAS, Heather Cassidy, a biology teacher at Chase Middle School in Spokane, has expanded the science enrichment opportunities available to Spokane area residents by developing and leading workshops to share her science teaching skills with other educators, and by establishing the Science Celebration program in Spokane, where it is now one of the largest Science Celebration sites in the state, drawing children from all around Spokane and from Idaho; and

WHEREAS, Gail Demo Smith and Heather Cassidy, along with approximately forty other educators nation-wide being named to the 1995 Honor Roll of Teachers, will be honored in Washington, D.C., on May 4 and 5, 1995, before members of Congress; and

WHEREAS, The National Science Foundation has declared April 21 through April 29, 1995, National Science and Technology Week to convey the importance of science to the nation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Gail Demo Smith and Heather Cassidy for their outstanding efforts as science educators; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the Pacific Science Center for its dedication to providing interactive science, mathematics, and technology education to students and teachers throughout the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Gail Demo Smith, Heather Cassidy, and the Directors of the Association of Science-Technology Centers and Pacific Science Center.

Representative Brown moved adoption of the resolution.

Representatives Brown, Kessler, Buck, Schoesler and Brumsickle spoke in favor of adoption of the resolution.

House Resolution No. 4652 was adopted.

HOUSE RESOLUTION NO. 95-4649, by Representative Hankins

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Ed Hendler has exhibited the highest standard of excellence by his volunteer public service from 1970 to 1978 as the chair of the Intercity Bridge Committee which oversaw the design and construction of the Intercity Bridge, which spans the mighty Columbia River, linking the great Eastern Washington cities of Kennewick and Pasco, since September 1978; and

WHEREAS, The Intercity Bridge is an intrepid and enduring engineering endeavor and construction marvel that is 2,503 feet long, 80 feet wide, with a marine navigable vertical clearance of 58.2 feet, known for superior aerodynamic stability, built with 47,550 tons of concrete, 1,738 tons of steel at a cost of 30 million dollars, which attracted renowned international and national engineers for the opportunity to contribute to the building of the first cable-stayed concrete bridge in the United States, which has since won numerous awards for excellence in design and construction; and

WHEREAS, Ed Hendler had the distinctive, committed vision to foresee that such a bridge was indispensable and integral to the continued economic vitality, growth, and prosperity of the Tri-Cities region; and

WHEREAS, As Intercity Bridge chair, Ed Hendler indispensably demonstrated uncommon personal and professional resolve, enthusiasm, skill, talent, commitment, fortitude, sacrifice, perseverance, and the dedication to overcome untold and unforeseeable challenges in all aspects of bridge construction; and

WHEREAS, A powerful, compelling, and symbolic public structure, such as the bridge indicted herewith spanning the mighty Columbia River, embodies and epitomizes the very best of vision and action, struggle and strain, accomplishment and enduring success;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the very highest standard of excellence exhibited by Ed Hendler in service as the chair of the Intercity Bridge Committee, whose accomplishments are truly an inspiration to others; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit a copy of this resolution to Ed Hendler.

Representative Hankins moved adoption of the resolution.

Representatives Hankins, Delvin, Grant, Mastin and R. Fisher spoke in favor of adoption of the resolution.

House Resolution No. 4649 was adopted.

HOUSE RESOLUTION NO. 95-4646, by Representatives Scott, Costa, Basich, Radcliff and Sehlin

WHEREAS, Dick Renken appeared before the Washington State Wildlife Commission in 1987, providing an eloquent plea for accessibility to the wildlife and fishing programs of the State of Washington; and

WHEREAS, Through his leadership and with the cooperation of the Washington State Fish and Wildlife Commission and other citizen sportsmen and women, the Citizen Task Force for the Disabled was founded; and

WHEREAS, This Task Force was identified as an advisory body to the Washington State Department of Fish and Wildlife; and

WHEREAS, This Task Force, with Dick Renken as its President, worked diligently to develop and guide House Bill No. 2010 from the 1989-90 legislative session, addressing specific statutory needs related to disabled hunting, through the legislative process; and

WHEREAS, This legislation was signed by the Governor in May 1989, and was followed by Task Force proposals for, and subsequent adoption of implementing administrative rules by the Wildlife Commission; and

WHEREAS, Dick Renken led efforts by task force members to work with sports clubs and other volunteer groups across the state, at their own expense, to develop cooperative projects, one of which resulted in development of the state's first wheelchair accessible fishing dock on Blackman's Lake, in Snohomish County, which included a 300-foot concrete ramp to the 155-foot dock, utilizing volunteers from the Snohomish Sportmen's Club, local businesses, and Volunteer Co-Op Program funding; and

WHEREAS, Dick led efforts to design, build, and install 12 wheelchair-accessible water fowl viewing and hunting blinds in all regions of the state with the support and contributions of numerous sports clubs, private businesses, and individuals; and

WHEREAS, Dick's leadership and the efforts of other task force members revealed the value of cooperation with the subsequent establishment of several opportunities recognizing the program accessibility needs of all citizens; and

WHEREAS, While following his own desires, seeking the enjoyment of wildlife and the outdoors, while participating in an elk hunt in Eastern Washington, Dick became ill and subsequently passed away;

NOW, THEREFORE, BE IT RESOLVED, That Dick Renken, who was confined to a wheelchair as a result of an accident, is hereby recognized by the Washington State House of Representatives for his contributions to the enhancement and development of increased wildlife recreational opportunity for all citizens, including those with disabilities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Cheryl Renken, Dick Renken's long-time wife and supporter, members of the Citizen Task Force for the Disabled, the Washington Fish and Wildlife Commission, and the Office of the Governor.

Representative Scott moved adoption of the resolution.

Representatives Scott, Sehlin and Basich spoke in favor of adoption of the resolution.

House Resolution No. 4646 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Jacobsen: Thank you Mr. Speaker. Reverend Armstrong has left but I did want to make a comment to the body that I did appreciate the fact that he did an ecumenical invocation. And perhaps I'm a little bit more sensitive to this issue than some of the other people, it happens that my wife is Jewish, and I have two daughters. And they're constantly pointing out to me minor slights, and I think it's more a manner of not being aware of it. But there's a lot of people that live in this state and they're from all different religions.

And I really think what we should do in here is with innovations is focus on non sectarian invocations and show that we are considerate of all peoples and all their faiths. And I suppose I should close with what Lincoln said one time, He didn't care what religion you were but he said, " Be the best", and that 's the kind of thing we need to look at in this body. And I really did appreciate the invocation this morning. Thank you alot, Reverend Armstrong.

The Speaker assumed the chair.

MESSAGES FROM THE SENATE

April 5, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,
HOUSE BILL NO. 1433,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1856,

ENGROSSED HOUSE JOINT MEMORIAL NO. 4004,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 5, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5042,
SENATE BILL NO. 5046,
SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5067,
SENATE BILL NO. 5083,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,
SUBSTITUTE SENATE BILL NO. 5222,
SENATE BILL NO. 5266,
SENATE BILL NO. 5274,
SENATE BILL NO. 5330,
SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5400,
SUBSTITUTE SENATE BILL NO. 5419,
SENATE BILL NO. 5432,
SENATE BILL NO. 5668,
SUBSTITUTE SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 6002,
SENATE JOINT MEMORIAL NO. 8012,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015,

and the same are herewith transmitted.

Marty Brown, Secretary

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

ENGROSSED SENATE BILL NO. 5019, by Senator Snyder

Relating to industrial developments.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 74th Day, March 23, 1995.)

Representative Elliot moved adoption of the following amendment by Representative Elliot:

On page 2, after line 31, insert the following:

"NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county, city, or town shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected twenty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in RCW 78.44.031, shall be established as an allowed use in local development regulations.

The county, city, or town shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used.

Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, the county, city, or town shall discourage the siting of incompatible uses adjacent to mineral resource industries, deposits, and holdings.

For the purposes of this section, "long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land."

On page 1, line 1 of the title, after "adding" strike "a new section" and insert "new sections"

Renumber the remaining section consecutively and correct any internal references accordingly.

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

There being no objection, the House deferred further consideration of Engrossed Senate Bill No. 5019 as amended by the House and the bill held it's place on the second reading calendar.

There being no objection, the House deferred consideration of Engrossed Substitute Senate No. 5101 and the bill held it's place on the second reading calendar.

SENATE BILL NO. 5120, by Senators Long, Newhouse, Bauer, Winsley, Loveland, Fraser and Haugen

Providing death benefits under LEOFF.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Ebersole moved adoption of the following amendment by Representative Ebersole:

On page 3, after line 30, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

(1) A one hundred fifty thousand dollar death benefit award is granted for dying as a result of injuries sustained in the course of employment to any law enforcement officer or fire fighter under chapter 41.26 RCW.

(2) The award under subsection (1) of this section shall be funded by the legislature as a sundry claim in the omnibus appropriations bill under RCW 43.88.080. Payment shall not be made from any of the retirement funds under the administration of the department of retirement systems.

(3) The director of the department of retirement systems shall adopt rules for implementing the death benefit award.

NEW SECTION. Sec. 4. A new section is added to chapter 41.26 RCW under the subchapter heading "provisions applicable to plan I and plan II" to read as follows:

A law enforcement officer or fire fighter is entitled to a death benefit award under section 3 of this act."

Renumber the remaining section consecutively and correct the title accordingly.

POINT OF ORDER

Representative Carlson: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

SPEAKER'S RULING

"Representative Carlson, the Speaker is prepared to Rule on your Point of Order which challenges Amendment 660 to Senate Bill No. 5120 as being beyond the Scope and Object of the bill.

"The title of Senate Bill No. 5120 is "AN ACT Relating to death benefits under the law enforcement officers' and fire fighters' retirement system.

"The title is very broad. The bill amends two sections in chapter 41.26 RCW.

"The bill adds an additional election under certain circumstances for persons having an insurable interest in the member's life to be paid a set percentage of the member's accumulated contributions less certain amounts. The bill also provides that accumulated contributions attributable to certain restorations be refunded at a set percentage.

"Amendment 660 to Senate Bill No. 5120 would add a new section to chapter 41.04 RCW that would grant a cash death benefit award to be funded in an omnibus appropriations bill and expressly prohibits such award from being paid out of any retirement funds under the administration of the department of retirement systems.

"The object of the bill is to provide for certain distributions from funds already paid into a member's retirement system. Amendment 660 awards certain cash grants that would require an appropriation.

"Although this amendment is within the scope of the title of Senate Bill No. 5120, the amendment goes beyond the object of the bill.

"The Speaker finds that Amendment 660 is beyond the scope and object of the bill.

"Representative Carlson, Your Point of Order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Conway spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Costa was excused.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5120 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5120 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5120, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5183, by Senate Committee on Government Operations (originally sponsored by Senators Hale, Haugen, Winsley and Deccio)

Regarding county auditors.

The bill was read the second time.

Representative Honeyford moved adoption of the following amendment by Representative Honeyford:

On page 6, line 30, beginning with "county commissioner" strike all the matter through "commissioner" on line 34, and insert "board of county commissioners of the several counties of the state of Washington shall, on the first Monday of each year (~~beginning with the year 1964~~), file with the auditor of the county (~~wherein such commissioner resides~~) a statement verified by oath (~~of such county commissioner~~)"

Representative Honeyford spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5183 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5183, as amended by the House and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappel, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Benton, Campbell, Hargrove, Koster, McMahan, Smith, Stevens and Thomas, B. - 8.

Substitute Senate Bill No. 5183, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Engrossed Senate Bill No. 5204 and Substitute Senate Bill No. 5211 and the bills held their place on the second reading calendar.

SENATE BILL NO. 5267, by Senators Sheldon, Haugen and Wood

Establishing filing fees and tabulation procedures for write-in candidates.

The bill was read the second time.

Representative Reams moved adoption of the committee amendment. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Pennington moved adoption of the following amendment to the committee amendment by Representative Pennington:

On page 1, line 3 of the amendment, beginning with "and insert" strike all the matter through line 23

Representative Pennington spoke in favor of the adoption of the amendment to the committee amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 55-YEAS, 40-NAYS. The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

There being no objection, Senate Bill No. 5267 was returned to second reading for the purpose of reconsideration of amendment number 661.

MOTION FOR RECONSIDERATION

Representative Reams: Having voted on the prevailing side of amendment 661 to Senate Bill No. 5267 moved that the House immediately reconsider the vote.

A division was called on the motion for reconsideration. The Speaker called on the House to divide. The results of the division was: 76-YEAS, 19-NAYS. The motion for reconsideration was adopted.

Representatives Mielke, Kremen, Rust, R. Fisher and D. Schmidt spoke against adoption of the amendment to the committee amendment.

Representatives Pennington, Talcott, Hargrove, Morris and Campbell spoke for the adoption of the amendment to the committee amendment.

Representative Benton demanded an electronic roll call vote and the demand was not sustained.

RECONSIDERATION

The Speaker stated the question before the House to be reconsideration of amendment number 661 to Senate Bill No. 5267.

A division was called. The Speaker called on the House to divide. The results of the division was: 29-YEAS, 68-NAYS. The amendment to the committee amendment was not adopted.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5267 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5267 as amended by the House, and the bill passed the House by the following vote: Yeas - 80, Nays - 17, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Cairnes, Carlson, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Skinner, Sommers, Stevens, Thibaudeau, Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 80.

Voting nay: Representatives Backlund, Benton, Buck, Campbell, Carrell, Casada, Chappell, Crouse, Fisher, G., Fuhrman, Hargrove, Pennington, Silver, Smith, Talcott, Thomas, B. and Valle - 17.

Senate Bill No. 5267, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Engrossed Senate Bill No. 5276 and Senate Bill No. 5310 and the bills held their place on the second reading calendar.

SENATE BILL NO. 5401, by Senators Quigley, Winsley, Moyer and C. Anderson; by request of Department of Labor & Industries

Extending deadlines for studies of medical benefits for injured workers under a consolidated health care system.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 71st Day, March 20, 1995.)

Representative Dyer moved that the House not adopt the committee amendment.

There being no objection, Senate Bill No. 5401 was returned to second reading for the purpose of an amendment.

Representatives Dyer and Dellwo spoke in favor of not adopting the committee amendment.

The committee amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5401.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5401, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5401, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5421, Substitute Senate Bill No. 5440 and Substitute Senate Bill No. 5653 and the bills held their place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5764, by Senate Committee on Government Operations (originally sponsored by Senator Cantu)

Adjusting the procedures of the redistricting commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5764.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5764, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5764, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5767, by Senators Deccio and McCaslin

Authorizing consolidation of municipal irrigation assessment districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5767.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5767, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5767, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5769 and Engrossed Senate Bill No. 5770 and the bills held their place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5804, by Senate Committee on Law & Justice (originally sponsored by Senators Johnson and Long; by request of Secretary of State)

Clarifying procedures for release of a power of appointment.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5804.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5804, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5804, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5820, by Senate Committee on Energy, Telecommunications & Utilities (originally sponsored by Senators Sutherland, Finkbeiner, Snyder, Smith and Quigley)

Penalizing theft of telecommunication and cable services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Huff, Kremen and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5820.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5820, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 5820, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5835, by Senate Committee on Law & Justice (originally sponsored by Senators Johnson, Smith, Roach, McCaslin, Schow, Long and Winsley)

Changing provisions relating to restraining orders.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5835.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5835, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5835, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5857, by Senators Morton, Pelz, Heavey, McCaslin, Fraser, Moyer, Hochstatter, Deccio, Palmer and Schow

Revising the procedure for identifying subcontractors for specified public works contracts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5857.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5857, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5857, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5871, by Senators Pelz, Hale, Fraser, Newhouse and Deccio

Clarifying the terms of the members of the advisory board of plumbers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5871.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5871, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5871, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Engrossed Senate Bill No. 5876 and the bill held it's place on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5885, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Owen, Kohl, Haugen, Rasmussen, Franklin, Bauer and Winsley)

Modifying services to families.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Children & Family Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Thibaudeau spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5885 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5885 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 5885, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5895 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5918, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Sheldon, Hargrove, Quigley, Prentice, Rasmussen and Kohl)

Revising provisions for a single system of accountability for the mental health service delivery system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Thibaudeau spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5918.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5918, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5918, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5956, by Senators Rasmussen, Strannigan, Rinehart, Hargrove, Smith, Schow, Prentice, Hochstatter, Wojahn, Haugen, Sheldon, Gaspard, Deccio, Spanel, Morton, Pelz, Franklin, Bauer, Kohl, Sutherland, Palmer, McDonald, Wood, A. Anderson, Owen, McAuliffe, Fraser, Long, West, Oke and Winsley

Collecting unpaid court obligations.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5956.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5956, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5956, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5990 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5992, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Bauer, Pelz, Wood, Prince, Kohl, Deccio, Heavey and Rasmussen)

Clarifying the role of the work force training and education coordinating board.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 80th Day, March 29, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk, Ebersole, Conway and Jacobsen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5992 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5992 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Hatfield - 1.

Substitute Senate Bill No. 5992, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5998, by Senators Sheldon, Owen, Oke, Fraser, Hochstatter and Palmer

Authorizing local government waivers from specific requirements of on-site sewage system rules adopted by the board of health.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Agriculture & Ecology recommendation: Majority, do pass as amended. (For committee amendment see Journal, 80th Day, March 29, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5998 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5998 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 97.

Engrossed Senate Bill No. 5998, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6004, by Senators Sellar and Oke

Authorizing joint agreements between cities and counties for criminal justice purposes.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Hymes moved adoption of the following amendment to the committee amendment by Representative Hymes:

On page 1, line 7 of the amendment, after "disposition of" insert "gross misdemeanor and"

Representative Hymes spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hymes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 6004 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6004 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Casada, Chandler, Chappell,

Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Carrell - 1.

Senate Bill No. 6004, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 6004.

MIKE CARRELL, 28th District

SUBSTITUTE SENATE BILL NO. 6026, by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Loveland, A. Anderson, Morton, Bauer, Snyder, Newhouse, Winsley and Kohl)

Using "Washington state grown" for agricultural commodities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Chandler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 6026.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6026, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 6026, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8010, by Senators Cantu, Fraser, Oke, Winsley, Johnson, Snyder, Hochstatter, Finkbeiner, Strannigan, Schow, Moyer, Palmer, Roach, Deccio and West

Postratifying Amendment XXVII.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Lambert, Rust, R. Fisher, Van Luven and Johnson spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of Senate Joint Memorial No. 8010.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8010, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Joint Memorial No. 8010, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8014, by Senators Fraser, Morton, Winsley and Rasmussen

Petitioning Congress regarding water adjudication.

The memorial was read the second time.

There being no objection, the committee amendment was adopted. Committee on Agriculture & Ecology recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Chandler spoke in favor of passage of the memorial.

The Speaker stated the question before the House to be final passage of Senate Joint Memorial No. 8014 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8014 as amended by the House, and the memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Joint Memorial No. 8014, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, all bills passed today will be transmitted to the Senate.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

April 6, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5463,
SUBSTITUTE SENATE BILL NO. 5479,
SENATE BILL NO. 5520,
SENATE BILL NO. 5563,
SENATE BILL NO. 5575,
SENATE BILL NO. 5583,
SENATE BILL NO. 5584,
SUBSTITUTE SENATE BILL NO. 5609,
SENATE BILL NO. 5625,
SUBSTITUTE SENATE BILL NO. 5688,

SENATE BILL NO. 5699,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 6, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5040,
SENATE BILL NO. 5078,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5093,
SENATE BILL NO. 5098,
SUBSTITUTE SENATE BILL NO. 5234,
ENGROSSED SENATE BILL NO. 5243,
SENATE BILL NO. 5251,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5253,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 6, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5278,
SENATE BILL NO. 5294,
SUBSTITUTE SENATE BILL NO. 5334,
SUBSTITUTE SENATE BILL NO. 5335,
SENATE BILL NO. 5351,
SUBSTITUTE SENATE BILL NO. 5367,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 5, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5797,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 4, 1995

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 8400,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8404,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 6, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 6, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1001,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,
HOUSE BILL NO. 1285,
HOUSE BILL NO. 1687,
HOUSE BILL NO. 1702,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 6, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1041,
HOUSE BILL NO. 1188,
HOUSE BILL NO. 1223,
SUBSTITUTE HOUSE BILL NO. 1453,
HOUSE BILL NO. 1498,
HOUSE BILL NO. 1706,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 6, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1873,
and the same are herewith transmitted.

HOUSE BILL NO. 1068,
HOUSE BILL NO. 1213,

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1086,

HOUSE BILL NO. 1157,
 HOUSE BILL NO. 1433,
 HOUSE BILL NO. 1642,
 HOUSE BILL NO. 1761,
 SUBSTITUTE HOUSE BILL NO. 1856,
 SUBSTITUTE SENATE BILL NO. 5040,
 SENATE BILL NO. 5042,
 SENATE BILL NO. 5046,
 SENATE BILL NO. 5052,
 SUBSTITUTE SENATE BILL NO. 5067,
 SENATE BILL NO. 5078,
 SENATE BILL NO. 5083,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5093,
 SENATE BILL NO. 5098,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,
 SUBSTITUTE SENATE BILL NO. 5222,
 SUBSTITUTE SENATE BILL NO. 5234,
 ENGROSSED SENATE BILL NO. 5243,
 SENATE BILL NO. 5251,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5253,
 SENATE BILL NO. 5266,
 SENATE BILL NO. 5274,
 SUBSTITUTE SENATE BILL NO. 5278,
 SENATE BILL NO. 5294,
 SENATE BILL NO. 5330,
 SENATE BILL NO. 5332,
 SUBSTITUTE SENATE BILL NO. 5334,
 SUBSTITUTE SENATE BILL NO. 5335,
 SENATE BILL NO. 5351,
 SUBSTITUTE SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5370,
 SUBSTITUTE SENATE BILL NO. 5400,
 SUBSTITUTE SENATE BILL NO. 5419,
 SENATE BILL NO. 5432,
 SUBSTITUTE SENATE BILL NO. 5463,
 SUBSTITUTE SENATE BILL NO. 5479,
 SENATE BILL NO. 5520,
 SENATE BILL NO. 5563,
 SENATE BILL NO. 5575,
 SENATE BILL NO. 5583,
 SENATE BILL NO. 5584,
 SUBSTITUTE SENATE BILL NO. 5609,
 SENATE BILL NO. 5625,
 SENATE BILL NO. 5668,
 SUBSTITUTE SENATE BILL NO. 5688,
 SENATE BILL NO. 5699,
 SUBSTITUTE SENATE BILL NO. 5957,
 SUBSTITUTE SENATE BILL NO. 6002,
 SENATE JOINT MEMORIAL NO. 8012,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8015,

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

INTRODUCTIONS AND FIRST READING

HB 2090 by Representatives K. Schmidt, R. Fisher, Mitchell, Scott, Robertson, Hatfield, Skinner, Tokuda, Buck, Elliot, Ogden, Cairnes, Romero, Brown, Quall, Chopp, Patterson, Hankins and Blanton

AN ACT Relating to taxation of gasohol; reenacting and amending RCW 46.68.090 and 82.36.2251; adding a new section to chapter 225, Laws of 1994; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SSB 5797 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long and Franklin)

Revising provisions relating to examinations of mental conditions.

Referred to Committee on Law & Justice.

SCR 8400 by Senators Haugen, Winsley, Owen, C. Anderson and Oke

Creating the Joint Select Committee on Veterans and Military Personnel Affairs.

Referred to Committee on Rules.

ESSCR 8402 by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Wojahn, Sellar, Snyder, Newhouse, Gaspard, Fairley, Swecker, Deccio, Palmer, Drew, McDonald, Oke, Sutherland, Winsley and Rasmussen)

Entering Washington state into a sister state relationship with Taiwan.

Referred to the Committee on Rules.

ESCR 8404 by Senators Kohl, Gaspard, Pelz, Winsley, Franklin, Snyder, Sutherland, Haugen, Sheldon, Prentice, Deccio, C. Anderson and Bauer

Establishing a joint select committee on fire suppression.

Referred to the Committee on Rules.

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

RESOLUTION

HOUSE RESOLUTION NO. 95-4656, by Representatives Brown, Jacobsen, Regala, Hatfield, Chappell, Costa, Grant, Valle, Rust, Ogden, Smith, Chopp, Wolfe, Mason, Veloria, Conway, Tokuda, Patterson, Reams, Mitchell, Campbell, Hickel, Cooke, Schoesler, Hankins, Lambert, Robertson, Dellwo, Cole and Dyer

WHEREAS, Children are our most precious resource and hold the future of our nation in their hands; and

WHEREAS, Many parents, including mothers and fathers, must now work outside the home to support their families and avoid dependence on welfare; and

WHEREAS, High-quality child care is essential to the health, safety, and well-being of at least one hundred fifty thousand Washington state children; and

WHEREAS, The productivity of business and state economic vitality are increasingly dependent on the availability of responsive child care services and systems; and

WHEREAS, Our state has thousands of dedicated, hard-working child care providers who work in homes, centers, and schools; and

WHEREAS, The child care providers entrusted with the care of our children earn low wages and have limited access to training; and

WHEREAS, The welfare of our children is the responsibility of individuals, community organizations, businesses, and government at the local, state, and national levels;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the value of a state-wide system of safe, quality, and affordable child care; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and honor on this day of April 6 the valuable contribution of the thousands of professional day care providers across the state who are the foundations of our state's child care system.

Representative Brown moved adoption of the resolution.

Representatives Brown, Wolfe, Beeksma, Conway, Casada, Cole, Cooke, Patterson and Mason spoke in favor of adoption of the resolution.

Representatives Lambert and Goldsmith spoke against adoption of the resolution.

House Resolution No. 4656 was adopted.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5017, by Senate Committee on Natural Resources (originally sponsored by Senator Snyder)

Establishing commercial fishery license fee and renewal provisions for years with no fishing season.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pennington spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5017 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5017 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen,

Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Blanton - 1.

Substitute Senate Bill No. 5017, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5043, by Senators Winsley and Haugen

Revising procedures for adoption of codes and statutes by reference by code cities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5043.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5043, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5043, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5092, by Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley and Quigley)

Authorizing creation of library capital facility areas.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Honeyford spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5092 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5092 as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Beeksma, Benton, Campbell, Casada, Hargrove, Koster, McMahan and Smith - 8.

Substitute Senate Bill No. 5092, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: Engrossed Senate Bill No. 5019, Engrossed Senate Bill No. 5276, Substitute Senate Bill No. 5421, Substitute Senate Bill No. 5440, Substitute Senate Bill No. 5769, Senate Bill No. 5990, Substitute Senate Bill No. 5053 and Substitute Senate Bill No. 5106.

There being no objection, the House resumed consideration of Engrossed Senate Bill No. 5019.

SPEAKER'S RULING

"Representative Rust, the Speaker is prepared to Rule on your Point of Order which challenges Amendment 671 to Engrossed Senate Bill No. 5019 as being beyond the Scope and Object of the bill.

"The title of Engrossed Senate Bill No. 5019 is "AN ACT Relating to industrial developments.

"The title is generally broad but is focused on industrial developments. The bill adds a new section to chapter 36.70A RCW.

"The bill provides that counties may, in consultation with cities, establish a process for siting specific major industrial various criteria that must be met before counties may approve such development sightings.

"Amendment 671 to Engrossed Senate Bill No. 5019 adds a new section to chapter 36.70A RCW that would require under certain, circumstances that all local governments, not just counties, designate sufficient require that use of the mineral resources be an allowed use, and incompatible uses adjacent to mineral resource lands.

"The object of the bill is to authorize counties to site major industrial developments outside urban growth areas if all local governments regarding mineral resource lands and the use of such lands.

"Although this amendment may arguable fall within the scope of the title of Engrossed Senate Bill No. 5019, the amendment goes beyond the object of the bill.

"The Speaker finds that Amendment 671 is beyond the scope and object of the bill.

Representative Rust, Your Point of Order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

MOTION

On motion of Representative Talcott, Representative Horn was excused.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5019 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5019, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Horn - 1.

Engrossed Senate Bill No. 5019, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5276, by Senators McAuliffe, Drew, Bauer, Hochstatter, Sutherland, Long, Pelz, Rasmussen, Haugen, Fairley, Winsley and Kohl

Changing references from "handicapped" to "with disabilities" in the common school education code.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cole spoke in favor of passage of the bill.

MOTION

On motion of Representative Grant, Representative Appelwick was excused.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5276.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5276, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Engrossed Senate Bill No. 5276, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5421, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Fraser)

Modifying the definition of "vulnerable adult" for background check purposes.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Children & Family Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Thibaudeau spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5421 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5421 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Substitute Senate Bill No. 5421, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5440, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Pelz, C. Anderson, Smith, Gaspard, Quigley, Fairley, Rasmussen, Bauer and Palmer)

Requiring expulsion from school for at least one year for possession of a firearm on school property.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5440.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5440, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Substitute Senate Bill No. 5440, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5769, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senator Deccio; by request of Employment Security Department)

Revising provision on recovery of unemployment insurance overpayments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goldsmith spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5769.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5769, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Substitute Senate Bill No. 5769, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5990, by Senators Long, Bauer, Cantu, Rinehart, Newhouse, Winsley, Wood, Deccio, Johnson, Finkbeiner, Loveland and Hochstatter

Requiring public notice regarding excess compensation.

The bill was read the second time.

Representative Carlson moved adoption of the committee amendment. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Carlson moved adoption of the following amendment to the committee amendment by Representative Carlson:

On page 1, line 21 of the striking amendment, after "payment" insert ", including overtime payments,"

On page 1, line 24 of the striking amendment, after "contract" strike "or collective bargaining agreement" and insert ", other than a collective bargaining agreement,"

On page 1, line 29 of the striking amendment, after "contract" strike "collective bargaining agreement"

On page 1, line 31 of the striking amendment, strike "the meeting" and insert "two consecutive public meetings"

On page 1, line 35 of the striking amendment, after "provision." insert "Only after the second of these two public meetings may the governing body adopt the proposed compensation provisions."

Representatives Carlson and Sommers spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

With the consent of the House, amendment number 662 to Senate Bill No. 5990 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5990 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5990 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Senate Bill No. 5990, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, Substitute Senate Bill No. 5053 was returned to second reading for the purpose of an amendment.

Representative Sherstad moved adoption of the following amendment to the committee amendment by Representative Sherstad:

On page 12, beginning on line 36, strike section 7 and insert the following:

"**NEW SECTION. Sec. 7.** Section 2 of this act shall apply to real property transfer disclosure statements completed by sellers of residential real property on or after the effective date of this act. Real property transfer disclosure statements completed by sellers of residential real property prior to the effective date of this act must comply with requirements of RCW 64.06.020 in effect at the time the transaction is started."

Correct the amendment accordingly.

Representatives Sherstad and Sheldon spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5053 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5053 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Benton, Rust and Valle - 3.

Excused: Representatives Appelwick and Horn - 2.

Substitute Senate Bill No. 5053, as amended by the Houses, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 5053.

DON BENTON, 17th District

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5106, Substitute Senate Bill No. 5118 and Substitute Senate Bill No. 5141 and the bills held their place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5155, by Senate Committee on Ecology & Parks (originally sponsored by Senators Hargrove, Owen, Snyder, Hochstatter, A. Anderson and Rasmussen)

Exempting from the shoreline management act certain projects that have been granted hydraulic permits.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, Substitute Senate Bill No. 5155 was returned to second reading for the purpose of committee amendment.

POINT OF ORDER

Representative Rust: I would request a ruling on the scope and object on the committee amendment.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5155 and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5164, by Senate Committee on Law & Justice (originally sponsored by Senator Smith)

Allowing a conformed copy of certain orders to be served.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5164.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5164, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Substitute Senate Bill No. 5164, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5165, by Senator Smith

Revising the statute of limitations for negotiable instruments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5165.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5165, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk,

Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Senate Bill No. 5165, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5166, by Senate Committee on Law & Justice (originally sponsored by Senator Smith)

Regarding the renewal of judgments and the extension of judgment liens.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5166.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5166, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Substitute Senate Bill No. 5166, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5214, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, C. Anderson, Winsley, Haugen and Kohl)

Making admissible childrens' statements concerning acts of physical abuse.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5214.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5214, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representative Ebersole - 1.

Excused: Representatives Appelwick and Horn - 2.

Substitute Senate Bill No. 5214, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote yea on Substitute Senate Bill No. 5214.

BRIAN EBERSOLE, 29th District

ENGROSSED SUBSTITUTE SENATE BILL NO. 5244, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Owen and Hargrove)

Revising the definition of "dependent child" for purposes of aid to families with dependent children.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Children & Family Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Carrell spoke in favor of passage of the bill.

Representatives Thibaudeau and Brown spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5244 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5244 as amended by the House, and the bill passed the House by the following vote: Yeas - 67, Nays - 28, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 67.

Voting nay: Representatives Brown, Chappell, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 28.

Excused: Representatives Appelwick and Horn - 2.

Engrossed Substitute Senate Bill No. 5244, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5269, by Senators Rasmussen, Pelz, Heavey, Winsley, Franklin, Oke and Deccio

Raising the maximum cost for raffle tickets to twenty-five dollars.

The bill was read the second time.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

On page 1, line 6, after "are" strike all material through "each" on line 7 and insert "~~((sold for not more than five dollars each))~~ each sold for an amount specified in this section"

On page 1, line 13, after "game." insert "Individual raffle tickets may be sold for up to twenty-five dollars each, or, if authorized by the commission, up to one hundred dollars each."

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5269 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5269, as amended by the House and the bill passed the House by the following vote: Yeas - 79, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Poulsen, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 79.

Voting nay: Representatives Backlund, Casada, Cole, Fisher, R., Hargrove, Honeyford, Lambert, Lisk, McMahan, Mulliken, Pelesky, Pennington, Quall, Regala, Smith and Thomas, L. - 16.
Excused: Representatives Appelwick and Horn - 2.

Engrossed Senate Bill No. 5269, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5308 and the bill held it's place on the second reading calendar.

SENATE BILL NO. 5355, by Senators Drew, Morton and Rasmussen

Providing for payment of claims for damages caused by deer or elk.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Basich, Fuhrman and Clements spoke in favor of passage of the bill.

Representatives Pennington and Jacobsen spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5355.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5355, and the bill passed the House by the following vote: Yeas - 87, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Honeyford, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 87.

Voting nay: Representatives Benton, Boldt, Cole, Hickel, Jacobsen, Mitchell, Pennington and Quall - 8.

Excused: Representatives Appelwick and Horn - 2.

Senate Bill No. 5355, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5308, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Moyer, Franklin and Deccio; by request of Department of Health)

Changing certain health professional examination procedures.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer, Skinner and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5308 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5308 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Substitute Senate Bill No. 5308, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5365, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Deccio, Wojahn and Winsley; by request of Department of Health)

Revising the uniform disciplinary act.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer, Skinner and Campbell spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Cody.

Representative Cody: Is it your understanding that the Department of Health disciplinary Authorities currently have the authority to administratively categorize and prioritized disciplinary complaints and summarily dismiss false complaints?

Representative Dyer: Yes, that is my understanding.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5365 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5365 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Substitute Senate Bill No. 5365, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5369, by Senators Haugen and Winsley

Allowing a majority vote to authorize merger of fire protection districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5369.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5369, and the bill passed the House by the following vote: Yeas - 88, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Campbell, Casada, Hargrove, McMahan, Mulliken, Smith and Stevens - 7.

Excused: Representatives Appelwick and Horn - 2.

Senate Bill No. 5369, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5398, by Senators Franklin, Pelz and Wojahn; by request of Department of Labor & Industries

Removing the filing requirement for expert witness personal service contracts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5398.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5398, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Horn - 2.

Senate Bill No. 5398, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5399, by Senators Pelz and Franklin; by request of Department of Labor & Industries

Refining industrial insurance actions.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Romero spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Lisk yielded to a question by Representative Romero.

Representative Romero: Under current law, the Department of Labor and Industries is required to credit employer' industrial insurance experience rating accounts when the department is reimbursed from third-party actions for benefits paid to an injured worker. This bill repeals that requirement. What is intended by this amendment?

Representative Lisk: The department has agreed with the business community to adopt a different approach to crediting third-party reimbursements. The current approach is "after-the-fact"

and employers often do not receive timely credits in their experience rating accounts. With the statutory restriction removed, the department will develop a prospective crediting method that will give employers "up-front" credit when a reimbursement is anticipated. Under no circumstances, will the department eliminate the crediting process for employers' experience rating accounts.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5399 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5399 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Horn - 1.

Senate Bill No. 5399, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5402, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz and Franklin; by request of Department of Labor & Industries)

Revising provisions related to industrial insurance penalties.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Romero spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Morris was excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5402 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5402 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Morris - 1.

Substitute Senate Bill No. 5402, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5403, by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, A. Anderson, Rasmussen, Prince, Spanel, Morton, Loveland, Swecker, Snyder, Palmer, Owen, Quigley and Roach)

Establishing the Washington state horse park.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Sehlin moved adoption of the following amendment by Representative Sehlin:

On page 2, line 33, after "park." insert "Any lands acquired by the commission after the effective date of this act for the state horse park shall be purchased under chapter 43.98A RCW."

Representatives Sehlin, Fuhrman and Ogden spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5403 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5403 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins,

Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheehan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Hargrove - 1.

Excused: Representative Morris - 1.

Substitute Senate Bill No. 5403, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5410, by Senate Committee on Ecology & Parks (originally sponsored by Senators C. Anderson, Rasmussen, Gaspard, Newhouse, Snyder, Bauer, Kohl, Pelz, Fraser, Sellar, Wood and Roach)

Designating the Washington park arboretum as an official state arboretum.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fuhrman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5410.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5410, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheehan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Hargrove - 1.

Excused: Representative Morris - 1.

Substitute Senate Bill No. 5410, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

SENATE BILL NO. 5430, by Senators Prentice and Hale; by request of Insurance Commissioner

Regulating the capital and surplus requirements of insurance companies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5430.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5430, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Morris - 1.

Senate Bill No. 5430, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5433, by Senators Prentice, Hale and Fraser; by request of Insurance Commissioner

Regulating investments by insurers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5433.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5433, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Morris - 1.

Senate Bill No. 5433, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5434, by Senators Prentice, Hale and Fraser; by request of Insurance Commissioner

Amending licensing requirements of general agents.

The bill was read the second time.

Representative Smith moved adoption of the following amendment by Representative Smith:

On page 2, after line 22, insert the following:

"**Sec. 2.** RCW 48.17.150 and 1994 c 131 s 4 are each amended to read as follows:

(1) To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must

(a) be eighteen years of age or over, if an individual;

(b) be a bona fide resident of and actually reside in this state, or if a corporation, be other than an insurer and maintain a lawfully established place of business in this state, except as provided in RCW 48.17.330;

(c) be empowered to be an agent or broker, as the case may be, under its members' agreement, if a firm, or by its articles of incorporation, if a corporation;

(d) complete such minimum educational requirements for the issuance of an agent's license for the kinds of insurance specified in RCW 48.17.210 as may be required by regulation issued by the commissioner;

(e) successfully pass any examination as required under RCW 48.17.110;

(f) be a trustworthy person;

(g) if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license; and

(h) if for broker's license, have had at least two years experience either as an agent, solicitor, adjuster, general agent, broker, or as an employee of insurers or representatives of insurers, and special education or training of sufficient duration and extent reasonably to satisfy the commissioner that he possesses the competence necessary to fulfill the responsibilities of broker.

(2) The commissioner shall by regulation establish minimum continuing education requirements for the renewal or reissuance of a license to an agent or a broker(~~(: PROVIDED, That)~~). The commissioner shall require that continuing education courses will be made available on a state-wide basis in order to ensure that persons residing in all geographical areas of this state will have a reasonable opportunity to attend such courses. The continuing education requirements shall be appropriate to the license for the kinds of insurance specified in RCW 48.17.210(~~(: PROVIDED FURTHER, That)~~). The required hours of continuing education shall be a minimum of twenty-four hours per two-year licensing period. The continuing education requirements may be waived by the commissioner for good cause shown.

(3) If the commissioner finds that the applicant is so qualified and that the license fee has been paid, the license shall be issued. Otherwise, the commissioner shall refuse to issue the license."

Correct the title reference accordingly.

Representatives Smith and L. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5434 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5434, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5434, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5435, by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Hale, Fraser, Franklin, C. Anderson and Kohl; by request of Insurance Commissioner)

Restricting limitations in certain medicare policies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dyer spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5435.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5435, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5435, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5437, by Senator Prentice; by request of Insurance Commissioner

Disclosing material transactions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5437.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5437, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Engrossed Senate Bill No. 5437, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Long, Franklin, Smith, Schow, Owen, Moyer, Oke, Strannigan, Gaspard, Snyder, Heavey, Haugen, Rasmussen, Quigley, Wojahn, Loveland, Bauer, Winsley, Deccio, Spanel, Hale, Hochstatter and Palmer)

Revising procedures for nonoffender at-risk youth and their families.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Children & Family Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carrell and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5439 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5439 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Engrossed Second Substitute Senate Bill No. 5439, as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

There being no objection, the House adjourned until 9:00 a.m., Friday, April 7, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

EIGHTY-EIGHTH DAY, APRIL 6, 1995

JOURNAL OF THE HOUSE

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

EIGHTY-NINTH DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Friday, April 7, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Skinner presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chris Kese and Devon Magee. Prayer was offered by Representative Beeksma.

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

Representative Horn assumed the chair.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5443, by Senate Committee on Government Operations (originally sponsored by Senators Drew, Fairley, Quigley, McAuliffe, Hargrove, Haugen, Owen, Rasmussen, Loveland, Smith, Gaspard and Franklin)

Requiring taxing districts to hold hearings about using the authorized amount of property tax.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Rust spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representatives Ebersole, Patterson, Dellwo and Scott were excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5443 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5443 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Dellwo, Ebersole, Patterson, Schmidt, K. and Scott - 5.

Substitute Senate Bill No. 5443, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5445, by Senators Owen, Sellar and Winsley

Clarifying responsibility for abandoned vehicles.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5445 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5445 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Dellwo, Patterson, Schmidt, K. and Scott - 4.

Senate Bill No. 5445, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5501 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5567, by Senate Committee on Government Operations (originally sponsored by Senator Heavey)

Providing for preservation of single-family residential neighborhoods.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith, Reams, Honeyford and Elliot spoke in favor of passage of the bill.

Representatives Rust, Ebersole and Cole spoke against passage of the bill.

POINT OF INQUIRY

Representative Reams yielded to a question by Representative Morris.

Representative Morris: What is happening now that would not be allowed to happen if the bill becomes law?

Representative Reams: The situation right now is very unclear our cities in their comprehensive plans requested, authorized, required, mandated, which one of those, pick your choice, to change the zoning in single family neighborhoods. that's the real question. This bill emphasizes that we want to protect those single family neighborhoods. We don't want to sacrifice them at the same time that we're attempting to implement the growth management act.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5567 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5567 as amended by the House, and the bill passed the House by the following vote: Yeas - 73, Nays - 21, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 73.

Voting nay: Representatives Appelwick, Brown, Carlson, Chopp, Cody, Cole, Ebersole, Fisher, R., Hatfield, Kessler, Mason, Ogden, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 21.

Excused: Representatives Dellwo, Patterson and Schmidt, K. - 3.

Substitute Senate Bill No. 5567, as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5574, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, A. Anderson, Snyder, McDonald, Owen, Long, Rasmussen, Swecker, Heavey, Morton, Deccio, Johnson, Loveland, Hale, Sutherland, Strannigan, Palmer, Moyer, Hochstatter, West, Drew, Haugen, Quigley, Bauer and Roach)

Concerning the return of state forest board transfer land.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Fuhrman moved adoption of the following amendment by Representative Fuhrman:

On page 1, after line 3, strike all of Section 1 and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that in the early 1900's and up through the 1930's, counties took possession of a number of forest land parcels as a result of tax delinquencies. In many cases, the timber had already been harvested from these lands prior to the forfeiture of the property to the counties. Since that time, the department of natural resources has reforested and managed these lands in conjunction with state trust lands. Given changes in forest practices, fluctuation in income from the forest board lands, and questions about forest board land management by the department of natural resources, the legislature finds that a legislative study of forest board lands is appropriate.

There is created a joint select committee on county forest board lands. The committee shall be comprised of eight members of the legislature, who shall be appointed to the committee as follows: the president of the senate shall appoint two members, one from each caucus, to represent the senate natural resources committee, and two members, one from each caucus, to represent the senate ways and means committee; the speaker of the house of representatives shall appoint two members, one from each caucus, to represent the house natural resources committee, and two members, one from each caucus, to represent the house capital budget committee. In conducting this study, the committee shall seek input from the department of natural resources, counties with forest board transfer lands, and Grays Harbor county, which manages its own county forest lands. Staff support for the committee shall be provided by senate committee services and the house office of program research."

Representatives Fuhrman and Basich spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck and Basich spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5574 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5574 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Cole, Rust and Thibaudeau - 3.

Excused: Representatives Dellwo, Patterson and Schmidt, K. - 3.

Second Substitute Senate Bill No. 5574, as amended by the House, having received the constitutional majority, was declared

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 95-4637, by Representatives Tokuda, Mason, Schoesler, Veloria, Chopp, R. Fisher, Cody, Robertson, Talcott, Ogden, Jacobsen and K. Schmidt

WHEREAS, It is the policy of the Washington State House of Representatives to encourage and applaud athletic excellence; and

WHEREAS, On March 11, 1995, the Franklin High School boys basketball team won its second Class AA state championship title in a row; and

WHEREAS, On that same day, the Franklin High School girls basketball team secured a second-place finish in the Class AA state championship tournament; and

WHEREAS, Franklin is the fourth high school in state history ever to send a team to both the boys and girls title games in a single season; and

WHEREAS, Every player on both teams contributed to Franklin High School's tremendous accomplishments in this year's state basketball championship tournament; and

WHEREAS, Takiyah Jackson, forward-center for the Franklin High School girls team, is the tournament's all-time leading scorer with 270 points, and among the top high school basketball players in the nation; and

WHEREAS, Erin Dixon of the Franklin High School boys basketball team sunk the winning basket to cinch the Quakers' victory over the White River Hornets in a close game that ended 70-69; and

WHEREAS, The Franklin High School Quakers boys and girls Class AA basketball teams should be commended for their diligence and discipline, and for their hard-won stature as among the top athletes in Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate the Franklin High School boys and girls basketball teams for their well-deserved victories, and for their contributions to the spirit of the entire Franklin High School student body; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the Washington State House of Representatives to the captains and team members of both the girls and boys basketball teams at Franklin High School, to Head Coaches Ron Drayton and Tanya Washington, to Franklin High School Principal Sharon Green, and to Franklin High School student body President Allison Christie.

Representative Tokuda moved adoption of the resolution.

Representatives Tokuda, Mason and Quall spoke in favor of adoption of the resolution.

House Resolution No. 4637 was adopted.

There being no objection, the House reverted to the sixth order of business.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5592, by Senate Committee on Natural Resources (originally sponsored by Senators Spanel and Swecker)

Revising qualifications for coastal crab fishing licenses.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Fuhrman moved adoption of the following amendment by Representative Fuhrman:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 75.30.350 and 1994 c 260 s 2 are each amended to read as follows:

(1) Effective January 1, 1995, it is unlawful to fish for coastal crab in Washington state waters without a Dungeness crab—coastal or a Dungeness crab—coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab—coastal fishery license is transferable. Except as provided in subsection (3) of this section, such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection ~~((4))~~ (5) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

- (i) Crab pot—Non-Puget Sound license, issued under RCW 75.28.130(1)(b);
- (ii) Nonsalmon delivery license, issued under RCW 75.28.125;
- (iii) Salmon troll license, issued under RCW 75.28.110;
- (iv) Salmon delivery license, issued under RCW 75.28.113;
- (v) Food fish trawl license, issued under RCW 75.28.120; or
- (vi) Shrimp trawl license, issued under RCW 75.28.130; or

(b) Made a minimum of four Washington landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings; or

(c) Made any number of coastal crab landings totaling a minimum of twenty thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets, showed historical and continuous participation in the coastal crab fishery by having held one of the qualifying licenses each calendar year beginning 1990 through 1993, and the vessel was designated on the qualifying license of the person who held that license in 1994.

(3) A Dungeness crab-coastal fishery license shall be issued to a person who had a new vessel under construction between December 1, 1988, and September 15, 1992, if the vessel made coastal crab landings totaling a minimum of five thousand pounds by September 15, 1993, and the new vessel

was designated on the qualifying license of the person who held that license in 1994. All landings shall be documented by valid Washington state shellfish receiving tickets. License applications under this subsection may be subject to review by the advisory review board in accordance with RCW 75.30.050. For purposes of this subsection, "under construction" means either:

(a)(i) A contract for any part of the work was signed before September 15, 1992; and

(ii) The contract for the vessel under construction was not transferred or otherwise alienated from the contract holder between the date of the contract and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988; or

(b)(i) The keel was laid before September 15, 1992; and

(ii) Vessel ownership was not transferred or otherwise alienated from the owner between the time the keel was laid and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988.

(4) A Dungeness crab—coastal class B fishery license is not transferable. Such a license shall be issued to persons who do not meet the qualification criteria for a Dungeness crab—coastal fishery license, if the person has designated on a qualifying license after December 31, 1993, a vessel or replacement vessel that, singly or in combination, made a minimum of four landings totaling a minimum of two thousand pounds of coastal crab, documented by valid Washington state shellfish receiving tickets, during at least one of the four qualifying seasons, and if the person has participated continuously in the coastal crab fishery by having held or by having owned a vessel that held one or more of the licenses listed in subsection (2) of this section in each calendar year subsequent to the qualifying season in which qualifying landings were made through 1994. Dungeness crab—coastal class B fishery licenses cease to exist after December 31, 1999, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

((4)) (5) The four qualifying seasons for purposes of this section are:

(a) December 1, 1988, through September 15, 1989;

(b) December 1, 1989, through September 15, 1990;

(c) December 1, 1990, through September 15, 1991; and

(d) December 1, 1991, through September 15, 1992.

((5)) (6) For purposes of this section and RCW 75.30.420, "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

(7) For purposes of this section, "replacement vessel" means a vessel used in the coastal crab fishery in 1994, and that replaces a vessel used in the coastal crab fishery during any period from 1988 through 1993, and which vessel's licensing and catch history, together with the licensing and catch history of the vessel it replaces, qualifies a single applicant for a Dungeness crab—coastal or Dungeness crab—coastal class B fishery license. A Dungeness crab—coastal or Dungeness crab—coastal class B fishery license may only be issued to a person who designated a vessel in the 1994 coastal crab fishery and who designated the same vessel in 1995."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 75.30.350."

Representatives Fuhrman and Basich spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fuhrman, Basich and Regala spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5592 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5592 as amended by the House, and the bill passed the House by the following vote: Yeas - 88, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Boldt, Brown, Brumsickle, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Blanton, Buck, Costa, Hymes, Kessler, Radcliff and Scott - 7.

Excused: Representatives Patterson and Schmidt, K. - 2.

Engrossed Substitute Senate Bill No. 5592, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5597, by Senate Committee on Law & Justice (originally sponsored by Senators C. Anderson, Roach, Smith, Schow, McCaslin, Pelz, Hargrove, Long and Johnson)

Copying public records.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Wolfe moved adoption of the following amendment to the committee amendment by Representative Wolfe:

On page 4, line 34 of the amendment, after "provisions" strike "specifying" and insert ", other than in this chapter, authorizing or governing"

Representatives Wolfe and Reams spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Rust spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5597 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5597 as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 5, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Costa, Mason, Scott, Sommers and Thibaudeau - 5.

Absent: Representative Basich - 1.

Excused: Representatives Patterson and Schmidt, K. - 2.

Engrossed Substitute Senate Bill No. 5597, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute Senate Bill No. 5597.

PAT THIBAudeau, 43rd District

I intended to vote YEA on Engrossed Substitute Senate Bill No. 5597.

PAT SCOTT, 38th District

ENGROSSED SENATE BILL NO. 5610, by Senators Smith, Deccio, Oke, Winsley, Roach and Schow

Penalizing false accusations of child abuse or neglect.

The bill was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 1, after line 6, strike all material through "by law." on line 17, and insert the following:

"If a court, during a judicial proceeding under this title relating to a parenting plan or child custody, finds by a preponderance of the evidence that a person has intentionally made a false allegation of child abuse or neglect or has induced another person to make a false allegation of child abuse or neglect during the judicial proceeding, the court may impose a monetary penalty not to exceed one thousand dollars against the person making or inducing another to make the accusation. The monetary penalty shall be awarded to the person against whom the false allegation is made. When the court imposes the monetary penalty, the court may also provide that reasonable attorneys' fees may be imposed if the person entitled to the monetary penalty incurs attorneys' fees to recover the penalty. The award may be enforced in the same manner as other civil judgments. A "person" means a witness, a party, or a party's attorney.

The remedy provided by this section is in addition to any other remedy provided by law.

This section shall not apply to unemancipated minors."

Representatives Appelwick and Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 5, beginning on line 1, strike everything through "9A.20 RCW." on line 5, and insert the following:

"A person is guilty of a class C felony punishable in accordance with chapter 9A.20 RCW if the person intentionally: (1) Makes a false accusation of child abuse or neglect during a judicial proceeding under this title relating to a parenting plan or child custody, or (2) induces another person to make a false allegation of child abuse or neglect during a judicial proceeding under this title relating to a parenting plan or child custody."

Representatives Appelwick and Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sheahan and Thibaudeau spoke in favor of passage of the bill.

Representative Tokuda spoke against passage of the bill.

POINT OF INQUIRY

Representative Appelwick yielded to a question to Representative Thibaudeau.

Representative Thibaudeau: Thank you Mr. Speaker. My concern in these child abuse reporting issues, has to do with whether or not this particular bill might have a chilling effect on reporting on child abuse. Do you believe that this would prevent people from reporting some child abuse?

Representative Appelwick: Certainly we're all concerned that child abuse would in fact be reported. The amendments suggest that the penalties and the punishments in court whether civilly or criminally apply only if the person made the allegations or enticed someone else to make them knowing that they're false. But I don't think that should cause parents who are doing so honestly will be afraid of these penalties, I certainly hope not the requirement to be subject to them is you had to know you were doing it and that it wasn't true when you did it.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5610 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5610 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Dickerson, Mason, Romero and Tokuda - 4.

Excused: Representatives Patterson and Schmidt, K. - 2.

Engrossed Senate Bill No. 5610, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

March 31, 3995

Mr. Speaker:

The Senate has passed Engrossed Substitute House Bill No. 1410 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation (FY 1996)	\$ 23,746,000
General Fund Appropriation (FY 1997)	\$ 23,748,000
TOTAL APPROPRIATION	\$ 47,494,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation (FY 1996)	\$ 17,281,000
General Fund Appropriation (FY 1997)	\$ 19,262,000
TOTAL APPROPRIATION	\$ 36,543,000

NEW SECTION. Sec. 103. FOR THE WASHINGTON PERFORMANCE

PARTNERSHIP COUNCIL

General Fund Appropriation (FY 1996)	\$ 250,000
General Fund Appropriation (FY 1997)	\$ 250,000
TOTAL APPROPRIATION	\$ 500,000

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE OFFICE OF PERFORMANCE

AUDIT AND FISCAL ANALYSIS

General Fund Appropriation (FY 1996)	\$ 2,431,000
General Fund Appropriation (FY 1997)	\$ 2,431,000

Performance Audit Revolving Account
Appropriation \$ 2,093,000
TOTAL APPROPRIATION \$ 6,955,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY
Department of Retirement Systems Expense Account
Appropriation \$ 1,574,000

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE
General Fund Appropriation (FY 1996) \$ 4,212,000
General Fund Appropriation (FY 1997) \$ 4,212,000
TOTAL APPROPRIATION \$ 8,424,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE
General Fund Appropriation (FY 1996) \$ 3,056,000
General Fund Appropriation (FY 1997) \$ 3,336,000
TOTAL APPROPRIATION \$ 6,392,000

The appropriations in this section are subject to the following conditions and limitations:
\$55,000 is provided for the uniform legislation commission.

NEW SECTION. Sec. 108. FOR THE SUPREME COURT
General Fund Appropriation (FY 1996) \$ 4,419,000
General Fund Appropriation (FY 1997) \$ 4,456,000
TOTAL APPROPRIATION \$ 8,875,000

NEW SECTION. Sec. 109. FOR THE LAW LIBRARY
General Fund Appropriation (FY 1996) \$ 1,632,000
General Fund Appropriation (FY 1997) \$ 1,633,000
TOTAL APPROPRIATION \$ 3,265,000

NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS
General Fund Appropriation (FY 1996) \$ 8,709,000
General Fund Appropriation (FY 1997) \$ 8,709,000
Public Safety and Education Account
Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 17,618,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the public safety and education account appropriation is provided on a one-time basis for pro tempore judges and staff to reduce court backlog. The court is requested to report to the appropriate committees of the legislature by October 1, 1996, on its use of expanded technology funded through the judicial information system and the use of innovative court management practices to reduce case backlog in the judicial system.

NEW SECTION. Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT
General Fund Appropriation (FY 1996) \$ 607,000
General Fund Appropriation (FY 1997) \$ 620,000
TOTAL APPROPRIATION \$ 1,227,000

NEW SECTION. Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS
General Fund Appropriation (FY 1996) \$ 11,658,000
General Fund Appropriation (FY 1997) \$ 11,728,000
Public Safety and Education Account
Appropriation \$ 42,525,000
Judicial Information Systems Account
Appropriation \$ 6,446,000

TOTAL APPROPRIATION \$ 72,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.

(5) \$26,000 of the public safety and education account and \$110,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(6) \$5,650,000 of the judicial information system account provides a funding pool for various judicial computer equipment items requested by the courts, the law library and the commission on judicial conduct. It is expected that expanding services to courts, technology improvements, and criminal justice proposals would receive priority consideration.

(7) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

(8) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

(9) \$220,000 of the public safety and education account appropriation is provided solely for an assessment of the courts of limited jurisdiction.

(10) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

NEW SECTION. Sec. 113. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation (FY 1996) \$ 2,899,000
General Fund Appropriation (FY 1997) \$ 2,899,000
TOTAL APPROPRIATION \$ 5,798,000

NEW SECTION. Sec. 114. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation (FY 1996) \$ 242,000
General Fund Appropriation (FY 1997) \$ 243,000
TOTAL APPROPRIATION \$ 485,000

NEW SECTION. Sec. 115. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation (FY 1996) \$ 1,112,000
General Fund Appropriation (FY 1997) \$ 1,049,000
Industrial Insurance Premium Refund Account
Appropriation \$ 725
TOTAL APPROPRIATION \$ 2,161,725

NEW SECTION. Sec. 116. FOR THE SECRETARY OF STATE

General Fund Appropriation (FY 1996) \$ 8,167,000
General Fund Appropriation (FY 1997) \$ 6,738,000
Archives and Records Management Account
Appropriation \$ 4,318,000
Department of Personnel Service Account

Appropriation \$ 647,000
TOTAL APPROPRIATION \$ 19,870,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,133,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$6,243,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet, including \$1,285,000 for the implementation of Engrossed Substitute Senate Bill No. 5576 (primary candidates pamphlet). If the bill is not enacted by June 30, 1995, \$1,285,000 of the general fund appropriation shall lapse.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

NEW SECTION. Sec. 117. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 151,000
General Fund Appropriation (FY 1997) \$ 152,000
TOTAL APPROPRIATION \$ 303,000

NEW SECTION. Sec. 118. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 169,000
General Fund Appropriation (FY 1997) \$ 170,000
TOTAL APPROPRIATION \$ 339,000

NEW SECTION. Sec. 119. FOR THE STATE TREASURER

State Treasurer's Service Account
Appropriation \$ 9,921,000

NEW SECTION. Sec. 120. FOR THE STATE AUDITOR

General Fund Appropriation (FY 1996) \$ 10,000
General Fund Appropriation (FY 1997) \$ 10,000
Municipal Revolving Account Appropriation \$ 24,952,000
Auditing Services Revolving Account
Appropriation \$ 11,846,000
TOTAL APPROPRIATION \$ 36,818,000

The appropriations in this section are subject to the following conditions and limitations:

Audits of school districts shall include a finding regarding the accuracy of student enrollment data and the experience and education of the district's certificated instructional staff reported to the superintendent of public instruction for the purposes of allocation of state funding.

NEW SECTION. Sec. 121. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation (FY 1996) \$ 6,000
General Fund Appropriation (FY 1997) \$ 59,000
TOTAL APPROPRIATION \$ 65,000

NEW SECTION. Sec. 122. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 1996) \$ 3,304,000
General Fund--State Appropriation (FY 1997) \$ 3,301,000
General Fund--Federal Appropriation \$ 1,624,000
Public Safety and Education Account
Appropriation \$ 1,242,000
State Investment Board Expense Account

Appropriation	\$ 4,000,000
New Motor Vehicle Arbitration Account	
Appropriation	\$ 1,782,000
Legal Services Revolving Account	
Appropriation	\$ 114,278,000
Health Services Account Appropriation	\$ 176,000
TOTAL APPROPRIATION	\$ 129,707,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management, change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

(4) Recognizing that state legal costs and the financial risk to the state and taxpayers decrease with the retention of experienced legal staff, the legislature directs the attorney general to distribute funds available for salaries in a way which will maintain or increase the quality and experience of staff. Market value, specialization, retention, and merit (including billable hours) shall be the factors in determining the distribution of these funds.

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

General Fund Appropriation (FY 1996)	\$ 96,000
General Fund Appropriation (FY 1997)	\$ 96,000
Securities Regulation Account Appropriation	\$ 4,517,000
TOTAL APPROPRIATION	\$ 4,709,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are provided solely for implementing Senate Bill No. 5389 (regulating escrow agents). If the bill, or similar legislation, is not enacted by June 30, 1995, the general fund appropriations shall be transferred to the department of licensing.

NEW SECTION. Sec. 124. DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 1996)	\$ 51,627,000
General Fund--State Appropriation (FY 1997)	\$ 50,106,000
General Fund--Federal Appropriation	\$ 167,155,000
General Fund--Private/Local Appropriation	\$ 1,691,000
Public Safety and Education Account	
Appropriation	\$ 8,930,000
Enhanced 911 Account Appropriation	\$ 18,544,000
Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 2,006,000
Marketplace Account Appropriation	\$ 150,000
Public Works Assistance Account	
Appropriation	\$ 1,068,000
Building Code Council Account	

Appropriation	\$ 1,289,000	
Administrative Contingency Account		
Appropriation	\$ 1,476,000	
Low-Income Weatherization Assistance Account		
Appropriation	\$ 923,000	
Violence Reduction and Drug Enforcement Account		
Appropriation	\$ 4,699,000	
Manufactured Home Installation Training Account		
Appropriation	\$ 150,000	
Washington Housing Trust Account		
Appropriation	\$ 6,887,000	
Public Facility Construction Loan Revolving		
Account Appropriation	\$ 238,000	
Prostitution Prevention and Intervention Account		
Appropriation	\$ 266,000	
Solid Waste Management Account		
Appropriation	\$ 700,000	
TOTAL APPROPRIATION		\$ 317,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) If House Bill No. 1017 (transferring emergency management services) is enacted by June 30, 1995, funds appropriated in this section for the division of emergency management shall be transferred to the military department pursuant to House Bill No. 1017.

(3) \$6,610,000 of the general fund--state appropriation is provided solely for grants to local jurisdictions for planning and implementation activities resulting from the growth management act. \$1,646,000 of this amount is provided for grants or contracts with local jurisdictions in compliance with the requirements of the growth management act to address ongoing planning, integration, and implementation issues. \$2,000,000 is provided only in the first fiscal year of the biennium for local jurisdictions which, for various reasons, have not met the planning deadlines established in the act. If at the end of the first fiscal year any portion of the \$2,000,000 is unspent, the department shall combine the remaining balance with the amount provided under this subsection to fund ongoing planning, integration, and implementation issues.

(4) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(5) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;

(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;

(c) \$430,000 to the department of community, trade, and economic development to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department of community, trade, and economic development to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$744,000 to the department of community, trade, and economic development to continue the youth violence prevention and intervention projects;

(f) \$250,000 to the department of community, trade, and economic development for grants to support tribal law enforcement needs;

(g) \$433,000 to the Washington state patrol for a state-wide integrated narcotics system;

- (h) \$440,000 to the department of community, trade, and economic development for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;
- (i) \$445,750 to the office of financial management for the criminal history records improvement program;
- (j) \$42,000 to the department of community, trade, and economic development to support local services to victims of domestic violence;
- (k) \$700,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment;
- (l) \$200,000 to local units of government for drug diversion courts;
- (m) \$300,000 to the department of community, trade, and economic development for grants to provide training to defense attorneys in sentencing alternatives; and
- (n) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy.
- (6) \$60,000 of the general fund--state appropriation is provided solely for the Pacific northwest economic region.
- (7) \$1,200,000 of the general fund--state appropriation is provided solely for vendor rate increases in the early childhood education and assistance program. The department is directed to provide vendor rate increases while maintaining at least 6,172 slots in the program.
- (8) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.
- (9) The prostitution prevention and intervention account appropriation is provided solely for grants to local governments and organizations to provide prostitution prevention and intervention services pursuant to Engrossed Second Substitute Senate Bill No. 5262. If the bill is not enacted by June 30, 1995, the prostitution prevention and intervention account appropriation in this section shall lapse.
- (10) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.
- (11) \$150,000 of the general fund--state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.
- (12) \$200,000 of the general fund--state appropriation is provided solely for the center for international trade in forest products program.
- (13) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service. If House Bill No. 1017 (transferring emergency management services) is enacted by June 30, 1995, funds appropriated in this subsection shall be transferred to the military department pursuant to House Bill No. 1017.
- (14) \$50,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.
- (15) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.
- (16) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

NEW SECTION. Sec. 125. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation (FY 1996) \$ 410,000
 General Fund Appropriation (FY 1997) \$ 410,000

TOTAL APPROPRIATION \$ 820,000

NEW SECTION. Sec. 126. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 1996) \$ 9,059,000
General Fund--State Appropriation (FY 1997) \$ 9,060,000
General Fund--Federal Appropriation \$ 12,432,000
General Fund--Private/Local Appropriation \$ 720,000
Judicial Information System Account
Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 31,471,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the judicial information system appropriation is provided solely for a feasibility study on consolidation of state and local criminal justice telecommunications systems.

NEW SECTION. Sec. 127. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account
Appropriation \$ 13,961,000
Ombudsman Account \$ 641,000
TOTAL APPROPRIATION \$ 14,602,000

The appropriations in this account are subject to the following conditions and limitations: The ombudsman account is provided solely for the ombudsman office for private property rights, pursuant to Engrossed Second Substitute Senate Bill No. 5262. If the bill is not enacted by June 30, 1995, the ombudsman account appropriation in this section shall lapse.

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF PERSONNEL

General Fund--State Appropriation (FY 1996) \$ 360,000
General Fund--State Appropriation (FY 1997) \$ 360,000
General Fund--Federal Appropriation \$ 700,000
Personnel Data Revolving Account
Appropriation \$ 880,000
Department of Personnel Service Account
Appropriation \$ 16,187,000
Higher Education Personnel Board Service Account
Appropriation \$ 1,659,000
TOTAL APPROPRIATION \$ 20,146,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) \$811,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of layoff due to reduction-in-force, including employee retraining and career counseling.
- (3) \$32,000 of the department of personnel service account appropriation is provided solely for creation, printing, and distribution of the personal benefits statement for state employees.
- (4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee shall be for actual costs only.
- (5) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (6) \$500,000 of the department of personnel service account appropriation is provided solely to implement Senate Bill No. 5841 (personnel system reform). If Senate Bill No. 5841 or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this section shall lapse.
- (7) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information

data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 129. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account
Appropriation \$ 161,000

NEW SECTION. Sec. 130. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account
Appropriation \$ 18,815,000

NEW SECTION. Sec. 131. FOR THE WASHINGTON STATE GAMBLING COMMISSION

Industrial Insurance Premium Refund Account
Appropriation \$ 14,000

NEW SECTION. Sec. 132. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation (FY 1996) \$ 191,000
General Fund Appropriation (FY 1997) \$ 192,000
TOTAL APPROPRIATION \$ 383,000

NEW SECTION. Sec. 133. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 144,000
General Fund Appropriation (FY 1997) \$ 143,000
TOTAL APPROPRIATION \$ 287,000

NEW SECTION. Sec. 134. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account
Appropriation \$ 1,593,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- OPERATIONS

Dependent Care Administrative Account
Appropriation \$ 188,000
Department of Retirement Systems Expense Account
Appropriation \$ 30,264,000
TOTAL APPROPRIATION \$ 30,452,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$857,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 is provided solely for the in-house design, development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) The department shall report to the fiscal committees of the legislature by January 1, 1996, on recoveries made by audit positions in the employer audit unit. The report shall contain information regarding total recoveries and recoveries per FTE for the 1993-95 biennium by January 1, 1996, and for fiscal year 1996 by January 1, 1997.

NEW SECTION. Sec. 136. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account
Appropriation \$ 8,077,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation (FY 1996) \$ 62,322,000
General Fund Appropriation (FY 1997) \$ 62,828,000
Timber Tax Distribution Account
Appropriation \$ 4,519,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 95,000
State Toxics Control Account
Appropriation \$ 67,000
Solid Waste Management Account
Appropriation \$ 88,000
Oil Spill Administration Account
Appropriation \$ 14,000
Pollution Liability Insurance Program Trust
Account Appropriation \$ 230,000
TOTAL APPROPRIATION \$ 130,163,000

The appropriations in this section are subject to the following conditions and limitations: \$4,161,000 of the general fund appropriation is provided solely to reimburse counties for the senior citizen property tax deferral. \$67,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral enacted by Senate Bill No. 5819 (senior/disabled citizen property tax deferral). If the bill is not enacted by June 30, 1995, \$67,000 of this amount shall lapse.

NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation (FY 1996) \$ 993,000
General Fund Appropriation (FY 1997) \$ 996,000
TOTAL APPROPRIATION \$ 1,989,000

NEW SECTION. Sec. 139. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation (FY 1996) \$ 1,593,000
General Fund Appropriation (FY 1997) \$ 1,637,000
TOTAL APPROPRIATION \$ 3,230,000

NEW SECTION. Sec. 140. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account Appropriation \$ 2,199,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 1996) \$ 280,000
General Fund--State Appropriation (FY 1997) \$ 283,000
General Fund--Federal Appropriation \$ 1,304,000
General Fund--Private/Local Appropriation \$ 388,000
Motor Transport Account Appropriation \$ 10,815,000
Industrial Insurance Premium Refund Account
Appropriation \$ 140,000
Air Pollution Control Account
Appropriation \$ 111,000

General Administration Facilities and Services
Revolving Fund Appropriation \$ 20,942,000
Central Stores Revolving Account
Appropriation \$ 3,561,000
Risk Management Account Appropriation \$ 2,034,000
TOTAL APPROPRIATION \$ 39,858,000

The appropriations in this section are subject to the following conditions and limitations:
\$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account
Appropriation \$ 3,487,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

(2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN network. The department is authorized to recover the costs through billings to affected agencies.

NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$ 104,000
Insurance Commissioner's Regulatory Account
Appropriation \$ 18,474,000
TOTAL APPROPRIATION \$ 18,578,000

NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account
Appropriation \$ 1,296,000

NEW SECTION. Sec. 145. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 1,672,000

The appropriations in this section are subject to the following conditions and limitations:
\$1,660,000 of the death investigations account appropriation is provided solely to implement Second Substitute Senate Bill No. 5082 (death investigations). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 146. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Account Appropriation \$ 4,737,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) This appropriation shall not be expended unless the commission approves at least sixty satellite wagering days for the three licensed state horse racing associations.

NEW SECTION. Sec. 147. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Account Appropriation \$ 110,465,000

NEW SECTION. Sec. 148. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State
Appropriation \$ 25,863,000
Public Service Revolving Account--Federal
Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 26,063,000

NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS
Volunteer Fire Fighters' Relief and Pension
Administrative Account Appropriation \$ 435,000

NEW SECTION. Sec. 150. FOR THE MILITARY DEPARTMENT
General Fund--State Appropriation (FY 1996) \$ 4,194,000
General Fund--State Appropriation (FY 1997) \$ 4,197,000
General Fund--Federal Appropriation \$ 8,676,000
General Fund--Private/Local Appropriation \$ 222,000
Industrial Insurance Premium Refund Account
Appropriation \$ 34,000
TOTAL APPROPRIATION \$ 17,323,000

The appropriations in this section are subject to the following conditions and limitations:
\$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 biennium on installments made in the 1993-95 biennium on installments due between September 1993 and June 1995.

NEW SECTION. Sec. 151. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation (FY 1996) \$ 1,649,000
General Fund Appropriation (FY 1997) \$ 1,669,000
TOTAL APPROPRIATION \$ 3,318,000

NEW SECTION. Sec. 152. FOR THE GROWTH PLANNING HEARINGS BOARD
General Fund Appropriation (FY 1996) \$ 1,331,000
General Fund Appropriation (FY 1997) \$ 1,334,000
TOTAL APPROPRIATION \$ 2,665,000

NEW SECTION. Sec. 153. FOR THE STATE CONVENTION AND TRADE CENTER
State Convention and Trade Center Operations Account
Appropriation \$ 25,610,000

NEW SECTION. Sec. 154. FOR THE WASHINGTON INDEPENDENT REGULATORY REVIEW COMMISSION

General Fund Appropriation (FY 1996) \$ 622,000
Regulatory Review Revolving Account
Appropriation \$ 753,000
TOTAL APPROPRIATION \$ 1,375,000

The appropriations in this section are subject to the following conditions and limitations:
(1) The appropriations are provided solely to implement Engrossed Senate Bill No. 6037 (regulatory review). If the bill is not enacted by June 30, 1995, the appropriations in this section shall lapse.
(2) The regulatory review revolving account is established in the state treasury. Expenditures from the account may be made only by appropriation. The account is established to assist in recovering the cost of regulatory rule reviews from the agency proposing the rules. Subject to

appropriation, the independent regulatory review commission shall assess agencies all or a portion of the cost of the regulatory reviews, including any direct or indirect costs incurred by the commission. Costs of reviews may also be paid from other funds appropriated to the commission.

PART II
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 147,811,000

General Fund--State Appropriation (FY 1997) \$ 153,176,000

General Fund--Federal Appropriation \$ 269,236,000

General Fund--Private/Local Appropriation \$ 400,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 11,894,000

TOTAL APPROPRIATION \$ 582,517,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$10,350,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount, \$150,000 is provided in fiscal year 1996 to develop a plan for the development of an intensive treatment system for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000. Of the amount provided in this subsection, \$5,000,000 is provided in fiscal year 1997 for secure crisis residential centers.

(3) \$8,202,000 of the violence reduction and drug enforcement account appropriation, \$8,247,000 of the general fund--federal appropriation, and \$151,000 of the general fund--state appropriation are provided solely to the family policy council and the community public health and safety networks. In addition to the ongoing activities of the family policy council and the community networks, the family policy council is directed to: (a) Form time-limited steering committees of

several state agencies to link and eliminate access barriers to the following services: Teen pregnancy prevention, substance abuse prevention, youth suicide prevention, and domestic violence/sexual assault; (b) establish and make available a state-wide prevention resource center which includes an array of materials and resources; and (c) provide training, design, technical assistance, consultation, and direct service dollars to community public health and safety networks to assist them in the development and implementation of their comprehensive plans.

(4) \$150,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. The amount is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000.

(5) \$3,827,000 of the general fund--state appropriation for fiscal year 1996 and \$3,827,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(6) \$208,000 of the general fund--state appropriation for fiscal year 1996 and \$3,250,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services child care providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996)	\$ 28,033,000
General Fund--State Appropriation (FY 1997)	\$ 28,800,000
General Fund--Federal Appropriation	\$ 17,642,000
General Fund--Private/Local Appropriation	\$ 286,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 7,141,000
TOTAL APPROPRIATION	\$ 81,902,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,141,000 of the general fund--state appropriation for fiscal year 1996 and \$1,141,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996)	\$ 30,926,000
General Fund--State Appropriation (FY 1997)	\$ 29,755,000
General Fund--Federal Appropriation	\$ 19,993,000
General Fund--Private/Local Appropriation	\$ 830,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 7,674,000

TOTAL APPROPRIATION	\$ 89,178,000
(3) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 1996)	\$ 1,429,000
General Fund--State Appropriation (FY 1997)	\$ 1,431,000
General Fund--Federal Appropriation	\$ 156,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 421,000
TOTAL APPROPRIATION	\$ 3,437,000
(4) SPECIAL PROJECTS	
General Fund--Federal Appropriation	\$ 107,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 1,177,000
TOTAL APPROPRIATION	\$ 1,284,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS	
General Fund--State Appropriation (FY 1996)	\$ 166,423,000
General Fund--State Appropriation (FY 1997)	\$ 169,983,000
General Fund--Federal Appropriation	\$ 244,396,000
General Fund--Private/Local Appropriation	\$ 9,000,000
Health Services Account Appropriation	\$ 19,802,000
TOTAL APPROPRIATION	\$ 609,604,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$6,741,000 of the general fund--state appropriation for fiscal year 1996 and \$6,741,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall transfer sufficient funds to the aging and adult services program to cover the general fund--state cost of medicaid personal care services used by enrolled regional support network consumers. The transfers shall be made at the end of each calendar quarter, based on actual utilization and costs of personal care services for enrolled consumers.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund--state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund--state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.

(2) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 1996)	\$ 56,033,000
General Fund--State Appropriation (FY 1997)	\$ 56,579,000
General Fund--Federal Appropriation	\$ 112,097,000
General Fund--Private/Local Appropriation	\$ 42,512,000
Industrial Insurance Premium Refund Account	
Appropriation	\$ 747,000
TOTAL APPROPRIATION	\$ 267,968,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996) \$ 2,665,000
General Fund Appropriation (FY 1997) \$ 2,665,000
TOTAL APPROPRIATION \$ 5,330,000

The appropriations in this section are subject to the following conditions and limitations: No funds appropriated in this subsection shall be used to reimburse counties for costs incurred in legal proceedings to commit persons to the civil commitment center.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 6,341,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,557,000
General Fund--State Appropriation (FY 1997) \$ 2,539,000
General Fund--Federal Appropriation \$ 1,511,000
TOTAL APPROPRIATION \$ 6,607,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ 121,232,000
General Fund--State Appropriation (FY 1997) \$ 122,961,000
General Fund--Federal Appropriation \$ 168,474,000
Health Services Account Appropriation \$ 4,704,000
TOTAL APPROPRIATION \$ 417,371,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 62,357,000
General Fund--State Appropriation (FY 1997) \$ 62,953,000
General Fund--Federal Appropriation \$ 139,600,000
General Fund--Private/Local Appropriation \$ 9,100,000
TOTAL APPROPRIATION \$ 274,010,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,861,000
General Fund--State Appropriation (FY 1997) \$ 2,855,000
General Fund--Federal Appropriation \$ 8,657,000
TOTAL APPROPRIATION \$ 14,373,000

(4) The appropriations in this section are subject to the following conditions and limitations:

(a) \$5,402,000 of the general fund--state appropriation for fiscal year 1996 and \$5,402,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(b) \$482,000 of the fiscal year 1996 general fund--state appropriation and \$1,466,000 of the fiscal year 1997 general fund--state appropriation are provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

(d) The secretary of social and health services shall work with provider organizations and advocacy groups to plan and implement strategies for increasing the efficiency of community residential services funded under this section. As a result of those efforts, the average number of

persons receiving out-of-home community residential care, on a full-time rather than respite basis, shall be increased by at least 50 persons during fiscal year 1996, to an average of at least 3,361, and by at least 100 more during fiscal year 1997, to an average of at least 3,461. Priority for such services shall be given to persons who are residing with elderly parents or relatives. The secretary shall report on plans and progress to the appropriate fiscal and policy committees of the legislature by November 15, 1995, and November 15, 1996.

(e) If, at the end of any calendar quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels.

(f) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(g) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 374,905,000
General Fund--State Appropriation (FY 1997) \$ 388,395,000
General Fund--Federal Appropriation \$ 771,401,000
TOTAL APPROPRIATION \$ 1,534,701,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,251,000 of the general fund--state appropriation for fiscal year 1996 and \$5,251,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(2) If, at the end of any calendar quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels.

(3) If, at the end of any calendar quarter, either the total expenditures or the average cost per recipient for the community options program entry system exceed allotted levels, the secretary of social and health services shall immediately take action to adjust functional eligibility standards, service levels, and/or the terms of the medicaid waiver sufficiently to bring expenditures back within appropriated levels.

(4) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(5) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

(1) GRANTS AND SERVICES TO CLIENTS
General Fund--State Appropriation (FY 1996) \$ 406,430,000
General Fund--State Appropriation (FY 1997) \$ 411,600,000
General Fund--Federal Appropriation \$ 698,590,000
TOTAL APPROPRIATION \$ 1,516,620,000

The appropriations in this section are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more
Exemption: \$55 71 86 102 117 133 154 170

(b) \$129,000 of the general fund--state appropriation for fiscal year 1996 and \$130,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

(2) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 113,227,000
General Fund--State Appropriation (FY 1997) \$ 109,770,000
General Fund--Federal Appropriation \$ 204,368,000
Health Services Account Appropriation \$ 750,000
TOTAL APPROPRIATION \$ 428,115,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 1996) \$ 8,503,000
General Fund--State Appropriation (FY 1997) \$ 8,539,000
General Fund--Federal Appropriation \$ 76,866,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 73,616,000
Health Services Account Appropriation \$ 969,000
TOTAL APPROPRIATION \$ 168,493,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$1,254,000 of the general fund--state appropriation for fiscal year 1996 and \$1,256,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in direct, front-line service delivery.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 1996) \$ 695,360,000
General Fund--State Appropriation (FY 1997) \$ 726,620,000
General Fund--Federal Appropriation \$ 1,754,009,000
General Fund--Private/Local Appropriation \$ 242,525,000
Health Services Account Appropriation \$ 110,406,000
TOTAL APPROPRIATION \$ 3,528,920,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level

made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$9,206,000 of the general fund--state appropriation for fiscal year 1996 and \$9,206,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 1996)	\$ 7,813,000
General Fund--State Appropriation (FY 1997)	\$ 7,854,000
General Fund--Federal Appropriation	\$ 73,187,000
General Fund--Private/Local Appropriation	\$ 2,904,000
TOTAL APPROPRIATION	\$ 91,758,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund--state appropriation for fiscal year 1996 and \$33,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. At least 60 percent of these amounts shall be used to increase compensation for persons employed in the direct delivery of service to clients.

(2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(3) \$361,000 of the general fund--state appropriation and \$1,336,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 1996)	\$ 25,819,000
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General Fund--State Appropriation (FY 1997) \$ 25,818,000
General Fund--Federal Appropriation \$ 41,493,000
General Fund--Private/Local Appropriation \$ 270,000
TOTAL APPROPRIATION \$ 93,400,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) If Substitute Senate Bill No. 5653 (public assistance fraud) is enacted by June 30, 1995, the department shall enter into an interagency agreement with the office of the attorney general to transfer the appropriate funds, personnel, and equipment to implement the bill.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM

General Fund--State Appropriation (FY 1996) \$ 14,993,000
General Fund--State Appropriation (FY 1997) \$ 15,194,000
General Fund--Federal Appropriation \$ 136,338,000
General Fund--Local Appropriation \$ 33,835,000
TOTAL APPROPRIATION \$ 200,360,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 20,391,000
General Fund--State Appropriation (FY 1997) \$ 20,320,000
General Fund--Federal Appropriation \$ 17,718,000
TOTAL APPROPRIATION \$ 58,429,000

NEW SECTION. Sec. 214. FOR THE HEALTH SERVICES COMMISSION

General Fund--Private/Local Appropriation \$ 110,000
Health Services Account Appropriation \$ 4,462,000
TOTAL APPROPRIATION \$ 4,572,000

NEW SECTION. Sec. 215. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 1996) \$ 3,403,000
General Fund--State Appropriation (FY 1997) \$ 3,403,000
State Health Care Authority Administrative
Account Appropriation \$ 19,499,000
Health Services Account Appropriation \$ 315,632,000
TOTAL APPROPRIATION \$ 341,937,000

NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 1996) \$ 1,910,000

General Fund--State Appropriation (FY 1997) \$ 1,918,000
General Fund--Federal Appropriation \$ 1,347,000
General Fund--Private/Local Appropriation \$ 403,000
TOTAL APPROPRIATION \$ 5,578,000

NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account
Appropriation \$ 20,000
Accident Account Appropriation \$ 9,807,000
Medical Aid Account Appropriation \$ 9,808,000
TOTAL APPROPRIATION \$ 19,635,000

NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000
Public Safety and Education Account
Appropriation \$ 10,972,000
TOTAL APPROPRIATION \$ 11,010,000

The appropriations in this section are subject to the following conditions and limitations:
\$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation (FY 1996) \$ 5,025,000
General Fund Appropriation (FY 1997) \$ 5,004,000
Public Safety and Education Account--State
Appropriation \$ 19,547,000
Public Safety and Education Account--Federal
Appropriation \$ 6,002,000
Public Safety and Education Account--Private/Local
Appropriation \$ 102,000
Electrical License Account Appropriation \$ 19,321,000
Farm Labor Revolving Account--Private/Local
Appropriation \$ 28,000
Worker and Community Right-to-Know Account
Appropriation \$ 2,138,000
Public Works Administration Account
Appropriation \$ 1,928,000
Accident Account--State Appropriation \$ 135,934,000
Accident Account--Federal Appropriation \$ 9,112,000
Medical Aid Account--State Appropriation \$ 145,980,000
Medical Aid Account--Federal Appropriation \$ 1,592,000
Plumbing Certificate Account Appropriation \$ 682,000
Pressure Systems Safety Account Appropriation \$ 2,053,000
TOTAL APPROPRIATION \$ 354,448,000

The appropriations in this section are subject to the following conditions and limitations:
(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.
(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event

that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) By November 1, 1995, the director of labor and industries shall report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.

NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW

BOARD

General Fund Appropriation (FY 1996) \$ 1,201,000
General Fund Appropriation (FY 1997) \$ 1,088,000
TOTAL APPROPRIATION \$ 2,289,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund Appropriation (FY 1996) \$ 1,229,000
General Fund Appropriation (FY 1997) \$ 1,228,000
Industrial Insurance Refund Account
Appropriation \$ 25,000
Charitable, Educational, Penal, and Reformatory
Institutions Account Appropriation \$ 4,000
TOTAL APPROPRIATION \$ 2,486,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 1996) \$ 1,896,000
General Fund--State Appropriation (FY 1997) \$ 1,867,000
General Fund--Federal Appropriation \$ 736,000
General Fund--Private/Local Appropriation \$ 85,000
TOTAL APPROPRIATION \$ 4,584,000

(3) VETERANS HOME

General Fund--State Appropriation (FY 1996) \$ 4,210,000
General Fund--State Appropriation (FY 1997) \$ 4,076,000
General Fund--Federal Appropriation \$ 10,534,000
General Fund--Private/Local Appropriation \$ 7,526,000
TOTAL APPROPRIATION \$ 26,346,000

(4) SOLDIERS HOME

General Fund--State Appropriation (FY 1996) \$ 3,206,000
General Fund--State Appropriation (FY 1997) \$ 3,126,000
General Fund--Federal Appropriation \$ 6,010,000
General Fund--Private/Local Appropriation \$ 4,667,000
TOTAL APPROPRIATION \$ 17,009,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 1996) \$ 43,897,000
General Fund--State Appropriation (FY 1997) \$ 43,896,000
General Fund--Federal Appropriation \$ 233,192,000
General Fund--Private/Local Appropriation \$ 24,971,000
Hospital Commission Account Appropriation \$ 3,020,000
Medical Disciplinary Account Appropriation \$ 1,798,000

Health Professions Account Appropriation \$ 31,234,000
 Safe Drinking Water Account Appropriation \$ 8,717,000
 Public Health Services Account Appropriation \$ 27,003,000
 Waterworks Operator Certification
 Appropriation \$ 605,000
 Water Quality Account Appropriation \$ 2,980,000
 State Toxics Control Account Appropriation \$ 2,825,000
 Violence Reduction and Drug Enforcement Account
 Appropriation \$ 1,074,000
 Medical Test Site Licensure Account
 Appropriation \$ 1,822,000
 Youth Tobacco Prevention Account Appropriation \$ 1,412,000
 Health Services Account Appropriation \$ 18,440,000
 TOTAL APPROPRIATION \$ 446,886,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.

(2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(3) \$7,000,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.

(4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.

(6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.

(7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.

(8) \$3,530,000 of the health services account appropriation is provided solely for data activities associated with health care reform.

(9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation (FY 1996) \$ 12,038,000
 General Fund Appropriation (FY 1997) \$ 12,029,000
 TOTAL APPROPRIATION \$ 24,067,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 260,295,000

General Fund--State Appropriation (FY 1997) \$ 268,740,000

General Fund--Federal Appropriation \$ 2,000,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 830,000

TOTAL APPROPRIATION \$ 531,865,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$7,425,000 of the general fund appropriation is provided solely to implement Initiative 159 (hard time for armed crime). If the initiative is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(b) The department shall coordinate educational programs among its facilities and each superintendent shall ensure that offenders are given the maximum opportunity to participate and complete these programs.

(c) The department may collect fees from inmates to support recreational services.

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1996) \$ 79,426,000

General Fund Appropriation (FY 1997) \$ 82,804,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 770,000

TOTAL APPROPRIATION \$ 163,000,000

The appropriations in this section are subject to the following conditions and limitations: The department of corrections, county probation departments, superior and district court judges, and the misdemeanor corrections association shall recommend standards for the supervision of misdemeanor probationers sentenced in superior court to the Washington state law and justice advisory council. The council shall report the legislative fiscal committees by October 30, 1995, on the adoption of misdemeanor supervision standards and present a proposal for equitable division of supervision responsibilities and costs between the state and local government entities.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1996) \$ 3,196,000

General Fund Appropriation (FY 1997) \$ 3,503,000

TOTAL APPROPRIATION \$ 6,699,000

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1996) \$ 6,302,000

General Fund Appropriation (FY 1997) \$ 6,302,000

TOTAL APPROPRIATION \$ 12,604,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 1996) \$ 1,466,000

General Fund--State Appropriation (FY 1997) \$ 1,123,000

General Fund--Federal Appropriation \$ 9,686,000

General Fund--Private/Local Appropriation \$ 80,000

TOTAL APPROPRIATION \$ 12,355,000

NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION
General Fund Appropriation (FY 1996) \$ 677,000

General Fund Appropriation (FY 1997) \$ 609,000
TOTAL APPROPRIATION \$ 1,286,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5491 (juvenile offender dispositions). If the bill is not enacted by June 30, 1995, the amount provided in the subsection shall lapse.

(2) \$102,000 of the general fund--state appropriation is provided solely to implement Initiative 159 (hard time for armed crime). If the initiative is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 1996) \$ 334,000
General Fund--State Appropriation (FY 1997) \$ 334,000
General Fund--Federal Appropriation \$ 190,949,000
General Fund--Private/Local Appropriation \$ 21,965,000
Unemployment Compensation Administration
Account--Federal Appropriation \$ 177,537,000
Administrative Contingency Account--Federal
Appropriation \$ 8,446,000
Employment Services Administrative Account--
Federal Appropriation \$ 12,199,000
Employment and Training Trust Account
Appropriation \$ 8,769,000
TOTAL APPROPRIATION \$ 420,533,000

The appropriations in this section are subject to the following conditions and limitations: The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation (FY 1996) \$ 666,000
General Fund--Federal Appropriation \$ 8,901,000
General Fund--Private/Local Appropriation \$ 3,419,000
Geothermal Account--Federal Appropriation \$ 21,000
Industrial Insurance Premium Refund Account
Appropriation \$ 2,000
Building Code Council Account
Appropriation \$ 10,000
Air Pollution Control Account
Appropriation \$ 3,140,000
Energy Efficiency Services Account
Appropriation \$ 493,000
TOTAL APPROPRIATION \$ 16,652,000

The appropriations in this section are subject to the following conditions and limitations: \$144,466 of the total appropriation is provided solely to pay the difference between the debt service on the energy partnerships project as obligated in the 1991-93 capital budget and the loan payments from the departments of the military and social and health services.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 1996) \$ 288,000

General Fund--State Appropriation (FY 1997) \$ 291,000
General Fund--Private/Local Appropriation \$ 524,000
TOTAL APPROPRIATION \$ 1,103,000

The appropriations in this section are subject to the following conditions and limitations: State agencies shall provide to the commission, without charge, all available data and information necessary to complete its review of the Columbia river gorge management plan.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 1996) \$ 20,790,000
General Fund--State Appropriation (FY 1997) \$ 20,804,000
General Fund--Federal Appropriation \$ 40,919,000
General Fund--Private/Local Appropriation \$ 1,635,000
Special Grass Seed Burning Research Account
Appropriation \$ 42,000
Reclamation Revolving Account
Appropriation \$ 2,664,000
Flood Control Assistance Account
Appropriation \$ 3,932,000
Emergency Water Projects Revolving Account
Appropriation \$ 312,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 5,407,000
State and Local Improvements Revolving Account
Appropriation \$ 1,000,000
State and Local Improvements Revolving Account--
Water Supply Facilities Appropriation \$ 1,294,000
Stream Gaging Basic Data Fund Appropriation \$ 182,000
Vehicle Tire Recycling Account
Appropriation \$ 3,283,000
Water Resources Administration Account
Appropriation \$ 19,950,000
Water Quality Account Appropriation \$ 2,487,000
Wood Stove Education Account
Appropriation \$ 1,251,000
Worker and Community Right-to-Know Account
Appropriation \$ 408,000
State Toxics Control Account
Appropriation \$ 49,658,000
Local Toxics Control Account
Appropriation \$ 3,192,000
Water Quality Permit Account Appropriation \$ 21,424,000
Underground Storage Tank Account
Appropriation \$ 2,336,000
Solid Waste Management Account
Appropriation \$ 3,631,000
Hazardous Waste Assistance Account
Appropriation \$ 3,476,000
Air Pollution Control Account
Appropriation \$ 13,412,000
Used Motor Oil Recycling Account Appropriation \$ 1,078,000
Oil Spill Administration Account
Appropriation \$ 2,943,000
Air Operating Permit Account Appropriation \$ 4,378,000
Freshwater Aquatic Weed Control Account
Appropriation \$ 1,187,000
Oil Spill Response Account Appropriation \$ 7,060,000

Metals Mining Account Appropriation	\$ 300,000
Water Pollution Control Revolving Account-- State Appropriation	\$ 165,000
Water Pollution Control Revolving Account-- Federal Appropriation	\$ 1,019,000
TOTAL APPROPRIATION	\$ 241,619,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,983,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

(2) \$2,000,000 of the water resources administration account appropriation is provided solely for the watershed resource management planning efforts. This amount is intended for local and tribal participants in the watershed resource management plans for technical studies, facilitation services and other relevant activities.

(3) \$12,950,000 of the water resources administration account appropriation is provided solely to implement approved regional water management plans. Funds are to be expended by local planning groups for projects including but not limited to water conservation and reuse, water meters, and maintenance of instream flows. Local planning groups may create private sector programs including river keepers and student citizen monitoring.

(4) \$600,000 of the water resources administration account appropriation is provided solely to continue basin assessment activities in priority watersheds.

(5) \$950,000 of the water resources administration account appropriation is provided solely to implement information management systems related to water resources.

(6) \$500,000 of the water resources administration account appropriation and a minimum of \$1,854,000 of the general fund--state appropriation is provided solely for continuing the department's participation in the Yakima adjudication process.

(7) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(8) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the army corps of engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(9) The department is authorized to raise waste water discharge permit fees authorized in RCW 90.48.465 in excess of the fiscal growth factors established in RCW 43.135.055. This subsection does not authorize the department to raise and expend permit fees in excess of the revenue level assumed in the water quality permit account appropriation in this section.

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION

COMMISSION

General Fund--State Appropriation (FY 1996) \$ 17,984,000

General Fund--State Appropriation (FY 1997) \$ 17,843,000

General Fund--Federal Appropriation \$ 1,931,000

General Fund--Private/Local Appropriation \$ 1,464,000

Winter Recreation Program Account

Appropriation \$ 727,000

Off Road Vehicle Account Appropriation \$ 241,000

Snowmobile Account Appropriation \$ 2,178,000

Aquatic Lands Enhancement Account
 Appropriation \$ 314,000
 Public Safety and Education Account
 Appropriation \$ 48,000
 Industrial Insurance Premium Refund Account
 Appropriation \$ 10,000
 Waste Reduction, Recycling, and Litter Control
 Account Appropriation \$ 34,000
 Parks Renewal and Stewardship Account
 Appropriation \$ 22,471,000
 Water Trail Program Account Appropriation \$ 26,000
 TOTAL APPROPRIATION \$ 65,271,000

The appropriations in this section are subject to the following conditions and limitations:
 (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.
 (2) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.
 (3) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for operation of a centralized reservation system.

NEW SECTION. Sec. 305. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms Range Account Appropriation \$ 108,000
 Recreation Resources Account--State
 Appropriation \$ 2,388,000
 Recreation Resources Account--Federal
 Appropriation \$ 200,000
 Nonhighway Off-Road Vehicle Activities Project
 Account Appropriation \$ 524,000
 TOTAL APPROPRIATION \$ 3,220,000

The appropriations in this section are subject to the following conditions and limitations:
 \$338,000 of the recreation resources account--state appropriation, \$150,000 of the recreation resources account--federal appropriation, and \$82,000 of the firearms range account appropriation are provided solely for the development and implementation of PRISM, a grant tracking and management system.

NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation (FY 1996) \$ 716,000
 General Fund Appropriation (FY 1997) \$ 714,000
 TOTAL APPROPRIATION \$ 1,430,000

NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION

General Fund Appropriation (FY 1996) \$ 810,000
 General Fund Appropriation (FY 1997) \$ 811,000
 Water Quality Account Appropriation \$ 202,000
 TOTAL APPROPRIATION \$ 1,823,000

The appropriations in this section are subject to the following conditions and limitations:
 (1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.
 (2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.
 (3) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

NEW SECTION. Sec. 308. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation (FY 1996) \$ 1,298,000
General Fund--State Appropriation (FY 1997) \$ 1,247,000
General Fund--Federal Appropriation \$ 188,000
Water Quality Account Appropriation \$ 883,000
Puget Sound License Plate Account
Appropriation \$ 766,000
TOTAL APPROPRIATION \$ 4,382,000

The appropriations in this section are subject to the following conditions and limitations:
(1) \$682,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$879,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.
(2) \$766,000 of the Puget Sound license plate account appropriation may be used for grants to local entities for the implementation of the Puget Sound water quality management plan.

NEW SECTION. Sec. 309. FOR THE OFFICE OF MARINE SAFETY

State Toxics Control Account
Appropriation \$ 276,000
Oil Spill Administration Account
Appropriation \$ 3,506,000
TOTAL APPROPRIATION \$ 3,782,000

The appropriations in this section are subject to the following conditions and limitations:
\$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 1996) \$ 32,339,000
General Fund--State Appropriation (FY 1997) \$ 32,211,000
General Fund--Federal Appropriation \$ 52,315,000
General Fund--Private/Local Appropriation \$ 16,200,000
Off Road Vehicle Account Appropriation \$ 476,000
Aquatic Lands Enhancement Account
Appropriation \$ 5,412,000
Public Safety and Education Account
Appropriation \$ 590,000
Industrial Insurance Premium Refund Account
Appropriation \$ 156,000
Recreational Fisheries Enhancement Account
Appropriation \$ 2,200,000
State Wildlife Account Appropriation \$ 50,312,000
Special Wildlife Account Appropriation \$ 1,884,000
Oil Spill Administration Account
Appropriation \$ 831,000
TOTAL APPROPRIATION \$ 194,926,000

The appropriations in this section are subject to the following conditions and limitations:
(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.
(2) \$289,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fish and wildlife, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interest in tribal

shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(3) \$140,000 of the state wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(4) \$1,320,000 of the general fund--state appropriation is provided solely for the purposes of implementing Substitute Senate Bill No. 5157 (hatchery salmon marking).

(5) \$900,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(6) \$110,000 of the aquatic lands enhancement account may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

(7) \$500,000 of the general fund--state appropriation is provided solely for the purposes of implementing Substitute Senate Bill No. 5632 (flood damage reduction). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(8) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 1996)	\$ 21,603,000
General Fund--State Appropriation (FY 1997)	\$ 21,521,000
General Fund--Federal Appropriation	\$ 6,707,000
General Fund--Private/Local Appropriation	\$ 414,000
Forest Development Account Appropriation	\$ 36,529,000
Off Road Vehicle Account Appropriation	\$ 3,074,000
Surveys and Maps Account Appropriation	\$ 1,788,000
Aquatic Lands Enhancement Account	
Appropriation	\$ 2,512,000
Resource Management Cost Account	
Appropriation	\$ 76,408,000
Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 440,000
Surface Mining Reclamation Account	
Appropriation	\$ 1,263,000
Aquatic Land Dredged Material Disposal Site	
Account Appropriation	\$ 734,000
Natural Resource Conservation Areas Stewardship	
Account Appropriation	\$ 1,003,000
Air Pollution Control Account	
Appropriation	\$ 843,000
Metals Mining Account Appropriation	\$ 41,000
TOTAL APPROPRIATION	\$ 174,880,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,383,000 of the general fund--federal appropriation, and \$7,998,000 of the general fund--state appropriation are provided solely for the emergency fire suppression subprogram.

(2) \$36,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatic lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.

(3) \$450,000 of the general fund--state appropriation and \$900,000 of the resource management cost account appropriation are provided solely for the displaced forest-products worker program under chapter 50.70 RCW.

(4) \$1,400,000 of the general fund--state appropriation is provided solely to address stewardship needs on state lands. Of this amount, \$1,250,000 shall be expended for the Washington conservation corps program established under chapter 43.220 RCW.

(5) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation, is provided solely for the control and eradication of spartina.

(6) \$548,000 of the general fund--state appropriation and \$120,000 of the resource management cost account appropriation are provided solely to conduct a condition inventory and to complete coordinated resource management plans on agency range and agricultural lands in order to bring these lands into compliance with habitat management standards developed for the protection of wild salmonid species as required by RCW 79.01.295(5). To the extent possible, the department shall prioritize planning efforts to coincide with high priority watersheds as identified by the watershed coordinating council.

(7) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.

(9) \$1,448,000 of the resource management cost account appropriation is provided solely for attorney general support and associated costs for the clean-up of contaminated aquatic lands.

(10) \$1,695,000 of the resource management cost account appropriation is provided solely for the development of an aquatic lands geographic information system, increased management of leases on state aquatic lands, and to assess resource damage and develop restoration plans for state aquatic lands.

(11) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(12) Up to \$572,000 of the general fund--state appropriation is provided solely for the natural heritage program.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 1996)	\$ 6,414,000
General Fund--State Appropriation (FY 1997)	\$ 6,317,000
General Fund--Federal Appropriation	\$ 4,278,000
General Fund--Private/Local Appropriation	\$ 406,000
Weights and Measures Account Appropriation	\$ 591,000
Aquatic Lands Enhancement Account	
Appropriation	\$ 800,000
Industrial Insurance Premium Refund Account	
Appropriation	\$ 178,000
State Toxics Control Account	
Appropriation	\$ 1,013,000
TOTAL APPROPRIATION	\$ 19,997,000

The appropriations in this section are subject to the following conditions and limitations: \$800,000 of the aquatic lands enhancement account appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5633 (spartina control).

NEW SECTION. Sec. 313. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Program Trust	
Account Appropriation	\$ 967,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the pollution liability insurance program trust account appropriation is provided solely to conduct a study of privatization of the functions performed by the pollution liability insurance program. The study will be conducted by the pollution liability insurance program management. Results of the study shall be reported to the financial institutions and housing committees of the legislature by November 30, 1995.

PART IV
TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation (FY 1996) \$ 3,301,000
General Fund Appropriation (FY 1997) \$ 3,303,000
Architects' License Account Appropriation \$ 869,000
Cemetery Account Appropriation \$ 171,000
Professional Engineers' Account
Appropriation \$ 2,184,000
Real Estate Commission Account
Appropriation \$ 6,564,000
Master License Account Appropriation \$ 5,977,000
Uniform Commercial Code Account
Appropriation \$ 5,074,000
Real Estate Education Account
Appropriation \$ 618,000
Funeral Directors and Embalmers Account
Appropriation \$ 431,000
TOTAL APPROPRIATION \$ 28,492,000

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 1996) \$ 7,201,000
General Fund--State Appropriation (FY 1997) \$ 7,891,000
General Fund--Federal Appropriation \$ 1,035,000
General Fund--Private/Local Appropriation \$ 254,000
Public Safety and Education Account
Appropriation \$ 4,510,000
County Criminal Justice Assistance Account
Appropriation \$ 3,572,000
Municipal Criminal Justice Assistance Account
Appropriation \$ 1,430,000
Fingerprint Identification Account
Appropriation \$ 1,199,000
Fire Services Trust Account
Appropriation \$ 90,000
Fire Services Training Account
Appropriation \$ 1,740,000
State Toxics Control Account
Appropriation \$ 425,000
TOTAL APPROPRIATION \$ 29,347,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation contained in this section shall be solely for enhancements to crime laboratory services.

(2) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.

(3) \$90,000 of the fire services trust account appropriation \$1,740,000 from the fire services training account appropriation, and \$425,000 from the state toxics account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5093 (fire protection). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall be transferred to the department of community, trade, and economic development.

(4) \$3,572,000 of the county criminal justice assistance account appropriation and \$1,430,000 of the municipal criminal justice assistance account appropriation are provided solely to implement Substitute Senate Bill No. 5977 (forensic investigations). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$1,833,000 of the judicial information systems account appropriation is provided solely for upgrades and improvements to the WACIC and WASIS judicial information network.

PART V
EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation (FY 1996) \$ 15,862,000
General Fund--State Appropriation (FY 1997) \$ 15,093,000
General Fund--Federal Appropriation \$ 39,820,000
Health Services Account Appropriation \$ 400,000
Public Safety and Education Account
 Appropriation \$ 338,000
Violence Reduction and Drug Enforcement Account
 Appropriation \$ 3,122,000
TOTAL APPROPRIATION \$ 74,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$732,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$423,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

(d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) STATE-WIDE PROGRAMS

(a) \$46,000 of the general fund--state appropriation is provided for state-wide curriculum development.

(b) \$2,234,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(d) \$65,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(e) \$3,179,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(f) \$4,491,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on December 17, 1994, at 10:19 hours.

(g) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(h) Districts receiving allocations from subsection (2) (e) and (f) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public

instruction shall make copies of reports available to the office of financial management and fiscal committees of the legislature.

(i) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall contract with the commission of student learning for the plan development and coordination.

(j) \$400,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation (FY 1996) \$ 3,192,457,000

General Fund Appropriation (FY 1997) \$ 3,308,143,000

TOTAL APPROPRIATION \$ 6,500,600,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The general fund appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection.

Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section multiplied by 1.018 for the 1995-96 school year and 1.026 for the 1996-97 school year;

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.144 for the 1995-96 school year and 1.14 for the 1996-97 school year;

(c) Factors in subsections (a) and (b) of this subsection adjust allocations assuming full benefits for employees working half time or more and prorated benefits for less than half-time employees based on the percent of full-time employment.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,122,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in fiscal year 1996; and

(c) A maximum of \$309,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 3.9 percent from the 1994-95 school year to the 1995-96 school year, and 1.8 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 16, 1995, at 15:27 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

**STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR SCHOOL YEARS 1995-96 AND 1996-97**

Years of
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	22,496	23,103	23,733	24,363	26,388
1	23,233	23,860	24,511	25,182	27,266
2	23,985	24,632	25,301	26,038	28,157
3	24,775	25,442	26,130	26,907	29,063
4	25,579	26,287	26,995	27,814	30,026
5	26,420	27,147	27,875	28,755	31,004
6	27,296	28,021	28,789	29,733	32,015
7	28,187	28,930	29,717	30,721	33,060
8	29,090	29,874	30,680	31,767	34,138
9	30,853	31,698	32,825	35,251	
10	32,728	33,936	36,394		
11	35,080	37,592			
12	36,188	38,822			
13	40,081				
14	41,348				

15 or more 42,423

Years of MA+ 90
Service BA+ 135 MA MA+ 45 or PHD

0	27,692	26,971	28,996	30,301
1	28,588	27,790	29,874	31,196
2	29,519	28,646	30,765	32,126
3	30,485	29,515	31,672	33,093
4	31,487	30,422	32,634	34,095
5	32,523	31,363	33,612	35,131
6	33,573	32,341	34,623	36,181
7	34,677	33,330	35,668	37,285
8	35,814	34,375	36,747	38,422
9	36,984	35,432	37,859	39,592
10	38,185	36,544	39,003	40,793
11	39,419	37,688	40,201	42,027
12	40,703	38,878	41,430	43,312
13	42,019	40,107	42,690	44,628
14	43,385	41,375	44,038	45,993
15 or more	44,513	42,450	45,183	47,189

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1993-94 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund Appropriation (FY 1996) \$ 126,273,000

General Fund Appropriation (FY 1997) \$ 165,804,000

TOTAL APPROPRIATION \$ 292,077,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$276,939,000 is provided for cost of living adjustments of 5.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit

allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.97 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$14.05 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$10.99 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$28.59 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) \$13,726,000 is provided to increase insurance benefit allocations above the maintenance rate of \$322.90 per month provided through appropriations made in other sections of part V of this act.

(a) Effective September 1 of each year, the insurance benefit allocations shall be increased by \$5.37 and \$5.34 for 1995-96 and 1996-97 respectively, per state funded certificated and classified employee for the following programs: General apportionment, special education, educational service districts and institutional education. Increases for these programs are applied directly to state formula certificated and classified staff insurance benefit units as adjusted for part-time factors used in each program.

(b) Effective September 1 of each year, the insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection:

(i) For pupil transportation, increases of \$.05 per weighted pupil-mile for the 1995-96 school year and \$.09 for the 1996-97 school year;

(ii) For learning assistance, increases of \$.71 per eligible student for the 1995-96 school year and \$1.43 for the 1996-97 school year;

(iii) For education of highly capable students, increases of \$.36 per formula student for the 1995-96 school year and \$.73 for the 1996-97 school year; and

(iv) For transitional bilingual education, increases of \$.90 per eligible bilingual student for the 1995-96 school year and \$1.83 for the 1996-97 school year.

(c) The rates specified in this subsection are subject to revision each year by the legislature.

(3) Effective September 1, 1995, a maximum of \$1,411,000 is provided for a 5 percent increase in the state allocation for substitute teachers in the general apportionment programs.

NEW SECTION. Sec. 505. INCREMENT SALARY INCREASES The appropriations in sections 502 through 519 of this act contain \$27,880,000 in fiscal year 1996 and \$63,950,000 in fiscal year 1997 for funding of experience and education increments for certificated instructional staff. This provides an average salary increase of 1.55 percent per year.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation (FY 1996) \$ 161,308,000

General Fund Appropriation (FY 1997) \$ 166,841,000

TOTAL APPROPRIATION \$ 328,149,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a centralized state bid process for the purchase of school buses pursuant to Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$7,046,000 may be allocated in the 1995-96 school year and a maximum of \$8,878,000 may be allocated in the 1996-97 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 3,000,000
General Fund--State Appropriation (FY 1997) \$ 3,000,000
General Fund--Federal Appropriation \$ 183,619,000
TOTAL APPROPRIATION \$ 189,619,000

NEW SECTION. Sec. 508. SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 383,367,000
General Fund--State Appropriation (FY 1997) \$ 381,664,000
General Fund--Federal Appropriation \$ 98,684,000
TOTAL APPROPRIATION \$ 863,715,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children with disabilities, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated locally determined individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.943.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12), including the part-time health benefit ratio for the special education program, and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(7) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$22,500,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. By July 1, 1995, the superintendent of public instruction shall, by rule, establish procedures and standards by which such determinations shall be made at each educational service district. The superintendent shall distribute safety net moneys to educational service districts and establish procedures for regional committees to consider district applications and make allocations, without deduction, based on the procedures and standards established by the superintendent subject to the following conditions and limitations:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices.

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(ii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements.

(8)(a) For purposes of making safety net determinations pursuant to subsection (7) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection (7) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (5) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations.

(9) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The superintendent of public instruction, in cooperation with the office of financial management and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (6) and (7) of this section and shall prepare an interim report by December 15, 1995 and a final report on the first school year of operation by October 15, 1996.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(12) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account

Appropriation \$ 17,488,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation (FY 1996) \$ 4,741,000

General Fund Appropriation (FY 1997) \$ 4,511,000

TOTAL APPROPRIATION \$ 9,252,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$250,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$400,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation (FY 1996) \$ 78,642,000

General Fund Appropriation (FY 1997) \$ 86,628,000

TOTAL APPROPRIATION \$ 165,270,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FUNDED UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT

General Fund--Federal Appropriation \$ 222,376,000

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN CHILDREN

General Fund--Federal Appropriation \$ 370,000

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 15,475,000

General Fund--State Appropriation (FY 1997) \$ 15,902,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 39,925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes. Health benefit allocations for the 1995-96 and 1996-97 school years shall include part-time benefit factors of 1.034 and 1.051 respectively for certificated staff and 1.328 and 1.416 respectively for classified staff.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation (FY 1996) \$ 4,466,000
General Fund Appropriation (FY 1997) \$ 4,355,000
TOTAL APPROPRIATION \$ 8,821,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.
- (3) \$403,000 of the appropriation is for the Centrum program at Fort Worden state park.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 59,235,000
General Fund--State Appropriation (FY 1997) \$ 59,393,000
General Fund--Federal Appropriation \$ 12,500,000
TOTAL APPROPRIATION \$ 131,128,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature intends that education reform in Washington not be limited to a few schools or a single part of the educational system. This is consistent with the federal goals 2000: Educate America Act, Title III, "State and Local Education Systemic Improvement", and the legislature intends to pursue education reform in partnership with the federal government. All school districts may compete to participate in education reform by submitting grant applications which meet the requirements of RCW 28A.300.138 as amended by chapter . . . , Laws of 1995 (Substitute Senate Bill No. 5447). Grants shall be awarded to all districts which meet the requirements of RCW 28A.300.138 as amended by chapter . . . , Laws of 1995 (Substitute Senate Bill No. 5447). The superintendent of public instruction shall work with the United States secretary of education as necessary to carry out the intent of both the legislature and congress to achieve systemic education reform. Student learning improvement grant funds are provided as follows:

(a) \$39,960,000 of the general fund--state appropriation and \$4,500,000 of the general fund--federal appropriation are provided for the 1995-96 school year. Grants shall be allocated based on a maximum of \$800 times the number of full-time equivalent certificated staff employed in eligible schools of a district. Allocations from state funds shall be made between September 1, 1995, and June 30, 1996.

(b) \$39,969,000 of the general fund--state appropriation and \$5,500,000 of the general fund--federal appropriation are provided for the 1996-97 school year. Grants shall be allocated based on a maximum of \$800 times the number of full-time equivalent certificated staff employed in eligible schools of a district. Allocations from state funds shall be made between September 1, 1996, and June 30, 1997.

(2) \$3,860,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(3) \$1,100,000 of the general fund--federal appropriation is provided to the commission on student learning for special student learning improvement grants to school districts.

(4) \$5,390,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by Senate Bill No. 5499.

(5) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistance as provided in RCW 28A.415.310.

(6) \$3,300,000 is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.

(7) \$3,300,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260.

(8) \$1,800,000 is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.

(9) \$4,500,000 is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(10) \$8,000,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(11) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and

(b) \$4,558,000 is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(12) \$1,400,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund--Federal Appropriation \$ 51,216,000

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation (FY 1996) \$ 27,494,000

General Fund Appropriation (FY 1997) \$ 29,883,000

TOTAL APPROPRIATION \$ 57,377,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$629.15 per eligible bilingual student in the 1995-96 school year and \$630.16 in the 1996-97 school year.

These amounts include additional health benefit units based on part-time factors of 1.038 and 1.058 for certificated employees for the 1995-96 and 1996-97 school years respectively.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation (FY 1996) \$ 56,440,000

General Fund Appropriation (FY 1997) \$ 58,054,000

TOTAL APPROPRIATION \$ 114,494,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$368.22 per unit for the 1995-96 school year and a maximum of \$368.87 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

- (i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and
 - (ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and
 - (iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.46 percent.
- (b) A school district's units for the 1996-97 school year shall be the sum of the following:
- (i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and
 - (ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and
 - (iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 22.00 percent.

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund Appropriation (FY 1996)	\$ 22,830,000
General Fund Appropriation (FY 1997)	\$ 22,138,000
TOTAL APPROPRIATION	\$ 44,968,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.
- (2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.
- (3) Allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$24.99 for the 1995-96 school year and \$23.67 for the 1996-97 school year. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:
 - (a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;
 - (b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and
 - (c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.
- (4) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The appropriations in sections 502, 504, 506, 508, 510, 514, 515, 518, 519, and 714 of this act include amounts to pay increased state retirement system contributions resulting from enactment of Substitute Senate Bill No. 5119 (Uniform COLA).

NEW SECTION. Sec. 601. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations under sections 602 through 608 of this act.

(2) Resources made available under Substitute Senate Bill No. 5325 that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures which (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. By December 15, 1995, the higher education coordinating board and the state board for community and technical colleges shall report to the appropriate committees of the legislature regarding the actions and plans that have been instituted in response to the directives in this subsection.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in sections 911 and 912 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 5.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 5.0 percent on July 1, 1995. Funding provided for these salary increases in sections 602 through 608 of this act reflect the savings achieved as a result of the budget reductions required by section 601(3), chapter 6, Laws of 1994 sp. sess.

(c) Funds under section 718 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 602 and 603 of this act are in addition to any salary increase provided in this subsection.

(4) The appropriations in sections 602 through 608 of this act provide state general fund or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	1995-96	1996-97
	Annual	Annual
	Average	Average
	FTE	FTE

University of Washington

Main campus	29,857	29,888
Evening Degree Program	570	617
Tacoma branch	588*	687**
Bothell branch	533	617

Washington State University

Main campus	16,211	16,419
Spokane branch	283	308
Tri-Cities branch	594	647
Vancouver branch	675	758

Central Washington University	6,903	6,997
Eastern Washington University	7,638	7,704

The Evergreen State College	3,277	3,298
Western Washington University	9,462	9,566
State Board for Community and Technical Colleges	111,549	112,711
Higher Education Coordinating Board	50	50

* Includes 35 FTE for Olympic 2+ 2 Program

** Includes 50 FTE for Olympic 2+ 2 Program

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund Appropriation (FY 1996)	\$ 346,767,000
General Fund Appropriation (FY 1997)	\$ 366,762,000
Employment and Training Trust Account Appropriation	\$ 56,596,000
TOTAL APPROPRIATION	\$ 770,119,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (timber-dependent communities).

(2) \$56,596,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$39,860,000 is to provide enrollment opportunity for 5,840 full-time equivalent students in fiscal year 1996 and 6,680 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall allocate the enrollments.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,633,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility has been exhausted.

(d) \$700,000 is to provide the operating resources for seven department of employment security job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(5) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(6) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(7) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) Up to \$6,000,000 of the appropriations in this section may be used to address accreditation issues at the technical colleges.

(10) Sufficient funds are available in the appropriations in this section to address settlements relating to separation of the technical colleges from the K-12 system and subsequent merger with the community college system. Specifically, state funds are available to meet one half the cost of payments associated with the lease purchase/development authorized for Clover Park technical college in section 802(3)(b) of House Bill No. 1070.

(11) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international

business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation (FY 1996) \$ 264,021,000
General Fund Appropriation (FY 1997) \$ 272,170,000
Accident Account Appropriation \$ 4,191,000
Medical Aid Account Appropriation \$ 4,185,000
Health Services Account Appropriation \$ 5,993,000
TOTAL APPROPRIATION \$ 550,560,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,636,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$491,000 of the appropriation is provided solely for 30 student full-time equivalent enrollments in the two-plus-two program operated jointly with the Olympic Community College.

(2) \$9,698,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 1st sp. sess. (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(11) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0% may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(12) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(13) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation (FY 1996) \$ 152,072,000
General Fund Appropriation (FY 1997) \$ 162,933,000
Industrial Insurance Premium Refund Account
Appropriation \$ 33,000
Health Services Account Appropriation \$ 1,400,000
TOTAL APPROPRIATION \$ 316,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$11,511,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus.

(2) \$7,200,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus.

(3) \$8,068,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 1st sp. sess. (graduate service appointment health insurance).

(7) \$3,418,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996)	\$ 37,085,000
General Fund Appropriation (FY 1997)	\$ 39,355,000
Health Services Account Appropriation	\$ 200,000
TOTAL APPROPRIATION	\$ 76,640,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 sp. sess. (graduate service appointment health insurance).

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996)	\$ 33,916,000
General Fund Appropriation (FY 1997)	\$ 36,095,000
Industrial Insurance Premium Refund Account Appropriation	\$ 10,000
Health Services Account Appropriation	\$ 140,000
TOTAL APPROPRIATION	\$ 70,161,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 sp. sess. (graduate service appointment health insurance).

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation (FY 1996)	\$ 18,520,000
General Fund Appropriation (FY 1997)	\$ 19,595,000
TOTAL APPROPRIATION	\$ 38,115,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$976,000 of the general fund appropriation is provided solely for the Washington state institute for public policy to conduct studies requested by the legislature.
- (4) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996)	\$ 42,079,000
General Fund Appropriation (FY 1997)	\$ 44,840,000
Health Services Account Appropriation	\$ 200,000
TOTAL APPROPRIATION	\$ 87,119,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minorities.
- (3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to chapter 9, Laws of 1993 sp. sess. (graduate service appointment health insurance).
- (4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 1996)	\$ 2,002,000
General Fund--State Appropriation (FY 1997)	\$ 1,880,000
General Fund--Federal Appropriation	\$ 1,076,000
TOTAL APPROPRIATION	\$ 5,026,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

- (1) \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement sections 18 through 21, chapter 315, Laws of 1991 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success resulting from expenditure of these funds. The board should consider a broad range of recommendations from strengthening the program with existing resources to terminating the program.
- (2) \$200,000 of the general fund--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5557 (assessment of prior experiential learning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 1996)	\$ 71,309,000
General Fund--State Appropriation (FY 1997)	\$ 71,310,000
General Fund--Federal Appropriation	\$ 3,580,000
State Educational Grant Account--State Appropriation	\$ 40,000

Health Services Account Appropriation \$ 2,230,000
TOTAL APPROPRIATION \$ 148,469,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,046,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, health professional conditional scholarship program. This appropriation amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.

(4) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(5) \$141,083,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$111,571,000 is provided solely for the state need grant program;

(b) \$24,200,000 is provided solely for the state work study program;

(c) \$1,000,000 is provided solely for educational opportunity grants;

(d) A maximum of \$2,628,000 may be expended for financial aid administration; and

(e) \$633,000 is provided solely for the educator's excellence awards.

(6) For the purposes of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington.

NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation (FY 1996) \$ 1,048,000
General Fund Appropriation (FY 1997) \$ 1,197,000
TOTAL APPROPRIATION \$ 2,245,000

The appropriation in this section is subject to the following conditions and limitations:

\$765,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 1996) \$ 1,635,000
General Fund--State Appropriation (FY 1997) \$ 1,634,000
General Fund--Federal Appropriation \$ 34,641,000
TOTAL APPROPRIATION \$ 37,910,000

NEW SECTION. Sec. 613. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation (FY 1996) \$ 7,070,000
General Fund--State Appropriation (FY 1997) \$ 7,071,000
General Fund--Federal Appropriation \$ 4,799,000
General Fund--Private/Local Appropriation \$ 46,000
Industrial Insurance Premium Refund Account
Appropriation \$ 7,000
TOTAL APPROPRIATION \$ 18,993,000

The appropriations in this section are subject to the following conditions and limitations:

\$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington talking book and braille library.

NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 1996) \$ 2,236,000

General Fund--State Appropriation (FY 1997) \$ 1,929,000
General Fund--Federal Appropriation \$ 934,000
Industrial Insurance Premium Refund Account
Appropriation \$ 1,000
TOTAL APPROPRIATION \$ 5,100,000

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
General Fund Appropriation (FY 1996) \$ 1,965,000
General Fund Appropriation (FY 1997) \$ 2,186,000
TOTAL APPROPRIATION \$ 4,151,000

The appropriation in this section is subject to the following conditions and limitations:
\$1,731,000 of the general fund appropriation is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY
General Fund Appropriation (FY 1996) \$ 498,000
General Fund Appropriation (FY 1997) \$ 499,000
TOTAL APPROPRIATION \$ 997,000

NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND
General Fund Appropriation (FY 1996) \$ 3,422,000
General Fund Appropriation (FY 1997) \$ 3,441,000
Industrial Insurance Premium Refund Account
Appropriation \$ 7,000
TOTAL APPROPRIATION \$ 6,870,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF
General Fund Appropriation (FY 1996) \$ 6,183,000
General Fund Appropriation (FY 1997) \$ 6,216,000
Industrial Insurance Premium Refund Account
Appropriation \$ 15,000
TOTAL APPROPRIATION \$ 12,414,000

PART VII
SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT
General Fund Appropriation \$ 852,640,000
State Building and Construction Account
Appropriation \$ 32,821,000
TOTAL APPROPRIATION \$ 885,461,000

The general fund appropriation is for deposit into the account listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES
State Convention and Trade Center Account
Appropriation \$ 24,179,990
Accident Account Appropriation \$ 5,546,065
Medical Account Appropriation \$ 5,546,065
TOTAL APPROPRIATION \$ 35,272,120

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund Appropriation \$ 37,031,000
Higher Education Reimbursable Construction Account
Appropriation \$ 197,000
Community College Capital Construction Bond
Retirement Fund 1975 Appropriation \$ 450,000
Higher Education Bond Retirement Fund 1979
Appropriation \$ 2,887,000
TOTAL APPROPRIATION \$ 40,565,000

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967
Appropriation \$ 6,922,856
State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,453,400
TOTAL APPROPRIATION \$ 9,376,256

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund Appropriation \$ 1,535,000
State Convention and Trade Center Account
Appropriation \$ 15,000
State Building Construction Account
Appropriation \$ 364,456
Higher Education Reimbursable Construction
Account Appropriation \$ 3,940
TOTAL APPROPRIATION \$ 1,918,396

Total Bond Retirement and Interest Appropriations
contained in sections 701 through 705 of this
act \$ 1,083,889,306

NEW SECTION. Sec. 706. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation (FY 1996) \$ 1,815,000
General Fund Appropriation (FY 1997) \$ 1,815,000
Wildlife Fund Appropriation \$ 78,000
TOTAL APPROPRIATION \$ 3,708,000

NEW SECTION. Sec. 707. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT

Americans with Disabilities Special Revolving Fund
Appropriation \$ 426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to

the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 708. FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided as follows:

To the department of retirement systems for
payment of death benefits in fiscal year 1996
to members of state retirement systems pursuant
to Substitute Senate Bill No. 5322 \$ 900,000

NEW SECTION. Sec. 709. FOR THE GOVERNOR--TORT DEFENSE SERVICES
General Fund Appropriation (FY 1996) \$ 1,050,000
General Fund Appropriation (FY 1997) \$ 1,050,000
Special Fund Agency Tort Defense Services
Revolving Fund Appropriation \$ 1,400,000
TOTAL APPROPRIATION \$ 3,500,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

**NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--
EMERGENCY FUND**

General Fund Appropriation (FY 1996) \$ 750,000
General Fund Appropriation (FY 1997) \$ 750,000
TOTAL APPROPRIATION \$ 1,500,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 711. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 712. FOR THE GOVERNOR--COMPENSATION--INSURANCE
BENEFITS**

General Fund--State Appropriation (FY 1996) \$ 7,058,000
General Fund--State Appropriation (FY 1997) \$ 8,303,000
General Fund--Federal Appropriation \$ 5,695,000
General Fund--Private/Local Appropriation \$ 422,000
Salary and Insurance Increase Revolving Account
Appropriation \$ 12,735,000
TOTAL APPROPRIATION \$ 34,213,000

The appropriations in this section are subject to the following conditions and limitations:
(1) \$626,000 of the general fund--state appropriation, \$233,000 of the general fund--federal appropriation, \$17,000 of the general fund--local appropriation, and \$519,000 of the salary/insurance increase revolving fund appropriation are provided solely to pay, beginning January 1, 1996, for prorated insurance benefit premiums for state employees working less than half time.

(2)(a) The monthly contributions for insurance benefit premiums shall not exceed \$322.38 per eligible employee for fiscal year 1996, and \$327.38 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$7.68 per eligible employee for fiscal year 1996, and \$6.23 for fiscal year 1997.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1995-97 biennium shall be held in reserve within the public employees' and retirees' insurance account until appropriated by the legislature.

(3) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(4) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month. The public employees' benefits board may adjust the subsidy amounts in this subsection based on actual retiree enrollments.

(5) School districts and educational service districts shall remit to the health care authority for the months of October, November, and December 1995, for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee of the district, \$16.04 per month;

(b) For each part-time employee of the district who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits as defined in RCW 28A.400.270, \$16.04 each month, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a school district or educational service district who receive insurance benefits through contracts with the health care authority.

**NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1996	FY 1997
General Fund Appropriation	\$ 87,500,000	87,500,000

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1996	FY 1997
General Fund Appropriation	\$ 6,500,000	6,500,000

(3) There is appropriated for contributions to the judges retirement system:

	FY 1996	FY 1997
General Fund Appropriation	\$ 800,000	800,000

**NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

	FY 1996	FY 1997
General Fund--State Appropriation	\$ 1,007,000	1,224,000
General Fund--Federal Appropriation	\$ 414,000	504,000

Special Retirement Contributions
 Increase Revolving Account
 Appropriation \$ 1,018,000 1,226,000
 Pension Funding Account
 Appropriation \$ 896,000 1,141,000
 TOTAL APPROPRIATION \$ 7,430,000

The appropriations in this section are subject to the following conditions and limitations: The general fund--state appropriation, the general fund--federal appropriation, the special retirement contribution increase revolving account appropriation, and \$283,000 of the pension funding account appropriation are provided solely to pay the state's share of increased retirement contributions on behalf of state employees, excluding employees of institutions of higher education, resulting from the enactment of Substitute Senate Bill No. 5119 (uniform cost of living adjustment). \$1,754,000 of the pension funding account appropriation is provided solely to allocated to school districts to pay for part of the increased contributions resulting from enactment of Substitute Senate Bill No. 5119. If Substitute Senate Bill No. 5119 is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 715. SALARY COST OF LIVING ADJUSTMENT

General Fund--State Appropriation (FY 1996) \$ 44,203,000
 General Fund--State Appropriation (FY 1997) \$ 44,557,000
 General Fund--Federal Appropriation \$ 36,822,000
 Salary and Insurance Increase Revolving Account
 Appropriation \$ 74,328,000
 TOTAL APPROPRIATION \$ 199,910,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsection (3) of this section, appropriations in this section are provided solely for a 5.0 percent cost-of-living adjustment effective July 1, 1995, for all classified employees (including those employees in the Washington management service); exempt employees under the jurisdiction of the personnel resources board; commissioned officers of the state patrol; and general government, legislative and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(2) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(3) A maximum of \$6,726,000 of the salary and insurance increase revolving account appropriation in this section may be expended for salary increases for ferry workers consistent with the 1995-97 transportation appropriations act.

**NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--
 COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997) \$ 5,000,000
 Salary and Insurance Increase Revolving
 Account Appropriation (FY 1997) \$ 5,000,000
 TOTAL APPROPRIATION \$ 10,000,000

The appropriations in this section shall be expended solely for the purposes designated in sections 911 and 912 of this act.

NEW SECTION. Sec. 717. SALARY INCREMENT INCREASES. General government and higher education general service employees whose salaries were frozen in the 1993-95 biennium and who are below step K of their salary range will receive a step increase on their next periodic increment date after July 1, 1995. Thereafter, any remaining periodic increments will occur on the

subsequent increment dates. Affected Washington management service (WMS) employees may receive increments as provided in the pertinent WMS rules after July 1, 1995. Civil service exempt employees who are below step K may receive an increase at the discretion of the relevant appointing authority.

NEW SECTION. Sec. 718. INCREMENT SALARY INCREASES. The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$28,000,000 from the general fund--state and \$34,000,000 from other funds for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18) and other statutes. This amount will provide average salary increases of 1.0 percent during the 1995-97 biennium.

NEW SECTION. Sec. 719. FOR THE STATE TREASURER--LOANS
General Fund Appropriation--For transfer to the
Community College Capital Projects
Account \$ 427,000

PART VIII
OTHER TRANSFERS AND APPROPRIATIONS

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT
State General Obligation Bond Retirement Fund 1979
Fund Appropriation \$ 726,267,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY STATUTE
State General Obligation Bond Retirement Fund 1979
Appropriation \$ 91,815,077

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION
General Fund Appropriation for fire insurance
premiums distribution \$ 6,025,000
General Fund Appropriation for public utility
district excise tax distribution \$ 29,694,000
General Fund Appropriation for prosecuting
attorneys salaries \$ 2,800,000
General Fund Appropriation for motor vehicle
excise tax distribution \$ 73,422,000
General Fund Appropriation for local mass
transit assistance \$ 336,606,000
General Fund Appropriation for camper and
travel trailer excise tax distribution \$ 3,628,000

General Fund Appropriation for boating
 safety/education and law enforcement
 distribution \$ 3,224,000
 General Fund Appropriation for public health
 distribution \$ 36,837,000
 Aquatic Lands Enhancement Account Appropriation
 for harbor improvement revenue
 distribution \$ 130,000
 Liquor Excise Tax Account Appropriation for
 liquor excise tax distribution \$ 23,081,000
 Liquor Revolving Fund Appropriation for liquor
 profits distribution \$ 48,320,000
 Timber Tax Distribution Account Appropriation
 for distribution to "Timber" counties \$ 109,425,000
 Municipal Sales and Use Tax Equalization Account
 Appropriation \$ 58,181,000
 County Sales and Use Tax Equalization Account
 Appropriation \$ 12,940,000
 Death Investigations Account Appropriation
 for distribution to counties for publicly
 funded autopsies \$ 1,200,000
 County Criminal Justice Account Appropriation \$ 69,940,000
 Municipal Criminal Justice Account
 Appropriation \$ 27,972,000
 TOTAL APPROPRIATION \$ 847,449,000

The appropriations in this section are subject to the following conditions and limitations: The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal
 forest reserve fund distribution \$ 50,740,000
 General Fund Appropriation for federal flood
 control funds distribution \$ 48,000
 General Fund Appropriation for federal grazing
 fees distribution \$ 73,000
 General Fund Appropriation for distribution of
 federal funds to counties in conformance with
 P.L. 97-99 Federal Aid to Counties \$ 220,000
 TOTAL APPROPRIATION \$ 51,081,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

General Fund: For transfer to the Flood Control
 Assistance Account \$ 4,000,000
 General Fund: For transfer to the Natural
 Resources Fund--Water Quality Account \$ 19,699,000
 New Motor Vehicle Arbitration Account: For
 transfer to the Public Safety and Education
 Account \$ 3,200,000

Water Quality Account: For transfer to the Water Pollution Revolving Fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit \$ 13,000,000

Trust Land Purchase Account: For transfer to the Parks Renewal and Stewardship Account \$ 1,304,000

Oil Spill Response Account: For transfer to the Oil Spill Administration Account \$ 1,718,000

Air Pollution Control Account: For transfer to the General Fund pursuant to 1994 c 270 s 4 \$ 36,000

General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before June 30, 1997, an amount up to \$7,361,000 in excess of the cash requirements of the state treasurer's service account \$ 7,361,000

Health Services Account: For transfer to the Public Health Services Account \$ 27,003,000

Basic Health Plan Trust Account: For transfer to the General Fund--State Account (FY 1996) \$ 2,664,778

Basic Health Plan Trust Account: For transfer to the General Fund--State Account (FY 1997) \$ 2,664,778

General Fund--Federal: For transfer to the Violence Reduction and Drug Enforcement Account from federal emergency management reimbursement funds \$ 3,500,000

Water Quality Account: For transfer to the Water Resources Administration Account \$ 17,000,000

NEW SECTION. Sec. 806. FOR THE STATE TREASURER--TRANSFERS

General Fund: For transfer to the Health Services Account prior to June 30, 1995 \$ 20,000,000

NEW SECTION. Sec. 807. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the department of retirement systems expense fund \$ 20,000

PART IX
MISCELLANEOUS

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed

on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for

state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 906. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1995.

NEW SECTION. Sec. 908. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a

subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

Sec. 910. RCW 19.118.110 and 1995 c . . . s 7 (ESSB 5629) are each amended to read as follows:

A three-dollar arbitration fee shall be collected by either the new motor vehicle dealer or vehicle lessor from the consumer upon execution of a retail sale or lease agreement. The fee shall be forwarded to the department of licensing at the time of title application for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriation. During the 1995-97 fiscal biennium, the legislature may transfer moneys from the account to the extent that the moneys are not necessary for the purposes of this chapter.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

Sec. 911. RCW 41.06.070 and 1994 c 264 s 13 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington state apple advertising commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of the state wheat commission formed under chapter 15.63 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules adopted by the Washington personnel resources board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(x) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(y) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(z) All employees of the marine employees' commission;

(aa) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997.

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) Student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;

(c) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in

office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(d) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the Washington personnel resources board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Washington personnel resources board stating the reasons for requesting such exemptions. The Washington personnel resources board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Washington personnel resources board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The Washington personnel resources board shall report to each regular session of the legislature during an odd-numbered year all exemptions granted under subsections (1) (x) and (y) and (2) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1) (j) through (v) and (2) of this section, shall be determined by the Washington personnel resources board. However, during the 1995-97 biennium, changes to exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.150(15).

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 912. RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;

(6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. However, beginning July 1, ~~((1993))~~ 1995, through June 30, ~~((1995, the board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW))~~ 1997:

(a) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium, including those actions arising from the merger of the higher education personnel system and the state personnel system, only if:

(i) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW; or

(ii) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the appropriation provided by the legislature specifically for this purpose.

(b) The board may approve the implementation of salary increases resulting from adjustments to the classification plan for implementation in the 1997-99 fiscal biennium only if the implementation will not result in additional net costs or the implementation has been approved by the legislature in the omnibus appropriations act or other legislation.

(c) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than ten percent.

(d) Adjustments made to the higher education hospital special pay plan are exempt from (a) through (c) of this subsection;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars;))~~

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 913. RCW 70.47.030 and 1993 c 492 s 210 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 914. RCW 43.08.250 and 1993 sp.s. c 24 s 917 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, (~~1995~~) 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, local drug prosecution assistance, the treatment alternatives to street crimes program, sexual assault treatment, operations of the office of administrator for the courts and court of appeals, and Washington state patrol criminal justice activities.

Sec. 915. RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be appropriated for water activities including regional plans, implementation of regional plans, and other activities relating to the water permit program in the department of ecology.

Sec. 916. RCW 90.56.510 and 1994 sp.s. c 6 s 903 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by RCW 82.23B.020(2) for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the oil spill response account is greater than twenty-five million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, ~~((1995))~~ 1997, the state treasurer may transfer funds from the oil spill response account to the oil spill administration account in amounts necessary to support appropriations made from the oil spill administration account in the omnibus appropriations act adopted not later than June 30, ~~((1994))~~ 1995.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

Sec. 917. RCW 79.24.580 and 1994 c 219 s 12 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. During the fiscal biennium ending June 30, 1997, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

Sec. 918. RCW 2.68.020 and 1994 c 8 s 1 are each amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The office of the administrator for the courts shall maintain and administer the account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial information system access to noncourt users and providing an

adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system or, during the 1995-97 fiscal biennium, for other criminal justice information purposes. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments.

NEW SECTION. Sec. 919. FISCAL YEAR EXPENDITURE LIMITS. An agency's total general fund--state expenditures by fiscal year shall not exceed the amount approved by the office of financial management in expenditure plans authorized under RCW 43.88.070 and 43.88.110. The office of financial management shall ensure that these plans conform with fiscal year expenditures in the office of financial management budget database as updated to reflect legislative appropriations and governor's vetoes. In no case shall the state-wide total of agency allotments exceed the Initiative 601 expenditure limit under RCW 43.135.025. The general fund--state allotments of appropriations for agencies headed by elected officials shall match the general fund--state fiscal year splits contained in the updated budget database.

NEW SECTION. Sec. 920. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 921. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 806 of this act shall take effect immediately. The remainder of the act shall take effect July 1, 1995.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 19.118.110, 41.06.070, 70.47.030, 43.08.250, 90.56.510, 79.24.580, 70.146.030, and 2.68.020; reenacting and amending RCW 41.06.150; creating new sections; providing an effective date; and declaring an emergency."

MOTION

Representative Foreman moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1410 and ask the Senate for a Conference thereon.

MOTION

Representative Appelwick moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1410 and pass the bill as amended by the Senate.

Representatives Foreman and Cooke spoke against the motion to concur.

Representatives Appelwick, Cole and Ebersole spoke in favor of the motion to concur.

Representative Appelwick demanded an electronic roll call vote on the motion to concur and the demand was sustained.

Representative Appelwick again spoke in favor of the motion to concur.

Representative Mitchell demand the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1410, and the motion failed by the following vote: Yeas - 35, Nays - 60, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Morris, Ogden, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Excused: Representatives Patterson and Schmidt, K. - 2.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1410.

DAVE MASTIN, 16th District

The Speaker stated the question before the House to be the motion not to concur in the Senate amendments to Engrossed Substitute House Bill No. 1410.

Representative Ebersole spoke against the motion.

The motion to not concur in the Senate amendments to Engrossed Substitute House Bill No. 1410 was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Silver, Foreman and Sommers as Conferees on Engrossed Substitute House Bill No. 1410.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

April 7, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 1410. The President has appointed the following members as conferees: Senators Rinehart, West and Loveland.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 7, 1995

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1437,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1452,
SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 1671,

ENGROSSED HOUSE BILL NO. 1876,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 7, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1086,
HOUSE BILL NO. 1157,
HOUSE BILL NO. 1433,
HOUSE BILL NO. 1624,
HOUSE BILL NO. 1761,
SUBSTITUTE HOUSE BILL NO. 1856,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

RESOLUTION

HOUSE RESOLUTION NO. 95-4663, by Representatives Sehlin and Beeksma

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in service and contribution to the great state of Washington; and

WHEREAS, Trudy Sundberg has exhibited the highest levels of excellence in service and contribution to her community and the great state of Washington; and

WHEREAS, Trudy Sundberg has unselfishly served the citizens of the great state of Washington with the finest distinction in varied endeavors, including educational, community, civic, and social organizations; and

WHEREAS, Trudy Sundberg's outstanding educational accomplishments are exemplified by her twenty-four year tenure as an educator at Oak Harbor High School, with other teaching positions in Illinois, Virginia, and California, having taught English, Debate, College Preparatory Courses, and also teaching the developmentally disabled with talent, care, and compassion, with the teaching profession having regrettably lost an irreplaceable colleague upon her retirement in 1987; and

WHEREAS, Trudy Sundberg's outstanding community and civic contributions are illustrated by her establishing the Save Our Kids Crusade, a highly successful and innovative anti-violence coalition which intrepidly and effectively combats violence and its attendant crimes through youth and adult education and prevention, including a multitude of outreach programs supported entirely with private efforts and contributions, as well as her tenure as President of the Island County League of Women Voters, from 1990 to 1993, which under her stewardship and guidance has matured into a

strong, robust, and vigorous voice on many important issues, and to which she continues to tirelessly contribute as a member of the Board of Directors; and

WHEREAS, Trudy Sundberg's outstanding social and cultural contributions are demonstrated by her accomplishments as a playwright, having two plays, "That's the Spirit," and "Murder In The Fast Lane," performed at community theaters with well-received audience reviews; and

WHEREAS, Trudy Sundberg's accomplishments, contributions, determination, and talents have earned her well-deserved community recognition and respect by being named the "1994 Soroptimist Woman of the Year" as well as by being featured as a "Hometown Hero" in February 1995, by KOMO Television; and

WHEREAS, Trudy Sundberg's accomplishments would not have been possible without the unflagging support, love, and encouragement of her husband John, her four children, and three grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Trudy Sundberg for the excellence in service and contribution to her community and to the great state of Washington and for the outstanding example of inspiration that she has set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Trudy Sundberg and her family.

Representative Sehlin moved adoption of the resolution.

Representatives Sehlin and Beeksma spoke in favor of adoption of the resolution.

House Resolution No. 4663 was adopted.

There being no objection, the House resumed consideration of Substitute Senate Bill No. 5155.

SPEAKER'S RULING

"Representative Rust, the Speaker is prepared to Rule on your Point of Order which challenges the Committee Amendment to Substitute Senate Bill No. 5155 as being beyond the Scope and Object of the bill.

"The title of Substitute Senate Bill No. 5155 is "AN ACT Relating to hydraulic permit exemptions from the shoreline management act."

"The title is somewhat broad as it relates to hydraulic permit exemptions. The bill adds a new section to chapter 90.85 RCW.

"The bill exempts certain public and private projects designed to improve fish or wildlife habitat or fish passage from the permit requirements of the Shoreline Management Act if all of certain conditions are met. One of the conditions set is that a local government has determined if the project is substantially consistent with its local shoreline master program. A local shoreline master program must be consistent with certain state guidelines.

"The Committee Amendment to Substitute Senate Bill No. 5155 would add a new section to chapter 90.58 RCW and create a new section. The amendment would add the requirement that under certain conditions the authority to approve hydraulic projects be delegated to certain local governments if an approved local shoreline master program exists for that jurisdiction and the jurisdiction requests such delegation.

"The object of Substitute Senate Bill No. 5155 is to establish a process and criteria for exempting certain projects from various permit requirements in order to promote the improvement of fish and wildlife habitat and fish passage while ensuring that various protective standards required under the shoreline management act are substantially complied with.

"The Committee Amendment deals with hydraulic permit exemptions from the shoreline management act and furthers the object of the bill to promote certain habitat and passage while ensuring compliance with certain state guidelines. The Speaker is unable to conclude that the Committee Amendment is beyond the scope and object of Substitute Senate Bill No. 5155.

"The Speaker finds that the committee amendment is not beyond the scope and object of the bill.

Representative Rust, Your Point of Order is not well taken.

Representative Hymes spoke in favor of adoption of the committee amendment.

Representative Rust spoke against the adoption of the committee amendment.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hymes spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5155 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5155 as amended by the House, and the bill passed the House by the following vote: Yeas - 70, Nays - 26, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 26.

Excused: Representative Schmidt, K. - 1.

Substitute Senate Bill No. 5155, as amended by the House, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1062,
HOUSE BILL NO. 1068,
HOUSE BILL NO. 1213,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,
HOUSE BILL NO. 1360,
SUBSTITUTE HOUSE BILL NO. 1427,
HOUSE BILL NO. 1457,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,

SUBSTITUTE HOUSE BILL NO. 1873,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4004,

SUBSTITUTE SENATE BILL NO. 5141, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Rasmussen, Quigley, C. Anderson and Bauer)

Revising provisions relating to offenses involving alcohol or drugs.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Robertson moved adoption of the following amendment to the committee amendment by Representative Robertson:

On page 2, beginning on line 18, after "test" insert the following "and that a knowing refusal to submit to the test is a crime punishable as a gross misdemeanor"

On page 34, after line 12, insert the following:

"**NEW SECTION. Sec. 26.** A new section is added to chapter 46.20 RCW to read as follows:

(l) A person is guilty of refusal to submit to a breath alcohol test when he or she:

(a) Is arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicants; and

(b) Receives the warnings under RCW 46.20.308(2); and

(c) Knowingly, as defined in RCW 9A.08.010(l)(b), refuses to submit to the test offered pursuant to RCW 46.20.308.

(2) Refusal to submit to a breath alcohol test is a gross misdemeanor.

Correct internal references accordingly.

Representative Robertson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Robertson moved adoption of the following amendment to the committee amendment by Representative Robertson:

On page 2, line 21, after "status" strike everything through "penalties" on line 22

Representative Robertson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Robertson moved adoption of the following amendment to the committee amendment by Representative Robertson:

On page 2, line 25, after "0.02" insert "or more"

On page 4, line 15, after "both" insert ", or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration of 0.02 or more"

On page 5, line 32, after "system" insert "in a concentration of 0.02 or more"

On page 6, line 13, after "system" insert "in a concentration of 0.02 or more"

On page 8, line 23, strike "above" and insert "((above)) more"

On page 11, line 32, strike "more than 0.02" and insert "0.02 or more"

Representative Robertson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Robertson moved adoption of the following amendment to the committee amendment by Representative Robertson:

On page 12, line 5, after "~~required~~)" strike everything through "RCW 46.20.308" on line 6, and insert "placing a license, permit, or privilege to drive in probationary status pursuant to section 3(2)(a) of this act"

Representative Robertson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

With the consent of the House, amendment number 681 to Substitute Senate Bill No. 5141 was withdrawn.

Representative Robertson moved adoption of the following amendment to the committee amendment by Representative Robertson:

On page 15, line 3, strike "seven" and insert "thirty"

On page 15, line 4, strike "Seven" and insert "Thirty"

On page 15, line 26, strike "ten" and insert "forty-five"

On page 15, line 27, strike "Ten" and insert "Forty-five"

Representatives Robertson and Appelwick spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The Speaker called on Representative Horn to preside.

Representative Foreman moved adoption of the following amendment to the committee amendment by Representative Foreman:

On page 18, after line 31, insert the following:

"**Sec. 6.** RCW 46.61.502 and 1994 c 275 § 2 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of ~~((0-10))~~ 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be ((~~0.10~~)) 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of ((~~0.10~~)) 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1) (b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

Sec. 7. RCW 46.61.504 and 1994 c 275 § 3 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of ((~~0.10~~)) 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be ((~~0.10~~)) 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of ((~~0.10~~)) 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1) (b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor."

On page 2, line 24, strike "0.10" and insert "0.08"

On page 3, line 19, strike "0.10" and insert "0.08"

On page 4, line 19, strike "0.10" and insert "0.08"

On page 6, line 3, strike "0.10" and insert "0.08"

On page 11, line 23, strike "0.10" and insert "0.08"

On page 17, line 30, strike "0.08" and insert "0.04"

On page 32, line 28, strike "0.10" and insert "((~~0.10~~)) 0.08"

Renumber the remaining sections, correct internal references and correct the title accordingly.

Representatives Foreman, Costa and Hargrove spoke in favor of the adoption of the amendment to the committee amendment.

The Speaker assumed the chair.

Representatives Appelwick, Robertson and D. Schmidt spoke against the adoption of the amendment to the committee amendment.

Representative Foreman again spoke in favor of the adoption of the amendment to the committee amendment.

Representative Appelwick again spoke against the adoption of the amendment to the committee amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 42-YEAS, 54-NAYS. The amendment to the committee amendment was not adopted.

Representative Robertson moved adoption of the following amendment to the committee amendment by Representative Robertson:

On page 23, beginning on line 5, strike all of section 8

Renumber the remaining sections, correct internal references and correct the title accordingly.

Representative Robertson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Robertson moved adoption of the following amendment to the committee amendment by Representative Robertson:

On page 33 of the Amendment, line 28, after "arrest" strike "or take other enforcement action,"

Representative Robertson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment adopted.

Representative Robertson moved adoption of the following amendment to the committee amendment by Representative Robertson:

On page 34, after line 12, insert the following:

"NEW SECTION. Sec. 26. A new section is added to chapter 46.61 RCW to read as follows:

Upon the filing of any citation or complaint alleging a violation of RCW 46.61.502 or RCW 46.61.504, upon which there is probable cause to believe a violation has occurred, the prosecuting attorney or city attorney shall not subsequently reduce or amend the charge to any equivalent or lesser criminal offense. This provision shall not effect an attorney's obligations under rules of professional conduct or court rules.

Correct internal references accordingly.

Representatives Robertson, Appelwick, Mitchell and Sheahan spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robertson, Appelwick, Delvin and Costa spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5141 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5141 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Schmidt, K. - 1.

Substitute Senate Bill No. 5141, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House immediately considered House Bill No. 2010.

HOUSE BILL NO. 2010, by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton

Revising corrections provisions.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2010 was substituted for House Bill No. 2010 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 2010 was read the second time.

With the consent of the House, amendment number 582 to Second Substitute House Bill No. 2010 was withdrawn.

Representative Quall moved adoption of the following amendment by Representative Quall:

On page 4, beginning on line 38, strike all material through "section." on page 5, line 14, and insert the following:

"(5)(a) By July 1, 1996, the legislature shall provide specific funding for educational programs required by subsection (3) (b) of this section to no less than twenty-five percent of the inmates who meet the criteria of subsection (3)(b) of this section.

(b) By July 1, 1997, the legislature shall provide specific funding for educational programs required by subsection (3)(b) of this section to no less than fifty percent of the inmates who meet the criteria of subsection (3) (b) of this section.

(c) By July 1, 1998, the legislature shall provide specific funding for educational programs required by subsection (3)(b) of this section to no less than seventy-five percent of the inmates who meet the criteria of subsection (3) (b) of this section.

(d) By July 1, 1999, the legislature shall provide specific funding for educational programs required by subsection (3)(b) of this section to all of the inmates who meet the criteria of subsection (3) (b) of this section."

Representatives Quall and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment numbers 587, 581, 712, 580, 708 to Second Substitute House Bill No. 2010 were withdrawn.

Representative Ballasiotes moved adoption of the following amendment by Representative Ballasiotes:

On page 20, line 17, after "this" strike "section" and insert "subsection (4)(a)"

Representative Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 690 to Second Substitute House Bill No. 2010 was withdrawn.

Representative Ballasiotes moved adoption of the following amendment by Representative Ballasiotes:

On page 26, after line 5, insert the following:

"(4) Staff support for the committee shall be provided by standing committee staff of the senate and house."

On page 26, beginning on line 14, strike all of subsection (d)

Renumber the remaining subsections consecutively.

Representative Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Robertson moved adoption of the following amendment by Representative Robertson:

On page 28, after line 6, insert the following

"NEW SECTION. Sec. 23. The legislature finds that the high and rising cost of housing inmates in prison has placed an extreme burden on taxpayers. The legislature further finds that

building new prisons and expanding existing prison facilities should not be the only option considered for dealing with prison overcrowding. Serious consideration should also be given to lower cost facility efficiency use options such as "hot bunking" that allows prison beds to be used on a scheduled rotation basis. Under a "hot bunking" policy, inmates would be prohibited from spending more than twelve hours per day in their cell. The remaining hours would be spent away from the cell engaged in other activities, freeing up the cell for use by other inmates.

The department of corrections shall review the concept of "hot bunking" and analyze how a policy of "hot bunking" can be implemented. The department shall make recommendations on "hot bunking" by December 12, 1995, to the appropriate committees of the house of representatives and the senate."

Renumber the following sections consecutively and correct internal references accordingly.

Representative Robertson spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes, Quall, Ebersole, Talcott, Schoesler and Kremen spoke in favor of passage of the bill.

Representatives Cole and Rust spoke against passage of the bill.

Representative Ballasiotes again spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Lambert was excused.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2010.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2010, and the bill passed the House by the following vote: Yeas - 88, Nays - 7, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Cole, Dickerson, Mason, Rust, Sommers, Thibaudeau and Veloria - 7.

Excused: Representatives Lambert and Schmidt, K. - 2.

Engrossed Second Substitute House Bill No. 2010, having received the constitutional majority, was declared passed.

There being no objection, Senate Bill No. 5748 and Senate Bill No. 5684 was referred to the Rules Committee.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Foreman, the House adjourned until 10:30 a.m., Monday, April 10, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

EIGHTY-NINTH DAY, APRIL 7, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

NINETY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 10, 1995

The House was called to order at 10:30 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melissa Jones and Thomas Suttle. Prayer was offered by Representative Skinner.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 95-4664, by Representatives Schoesler, Valle, Romero, Ballard and L. Thomas

WHEREAS, The State of Washington and Hyogo Prefecture have shared an active sister state relationship for thirty-two years, the longest such relationship in the United States; and

WHEREAS, Several communities in the State of Washington and Hyogo Prefecture have active sister community relationships, including: Auburn and Kasuga; Kent and Kaibara; Kittitas County and Sanda City; Olympia and Yashiro; Pullman and Kasai City; Renton and Nishiwaki; Seattle and Kobe; Sequim and Yamasaki; Spokane and Nishinomiya; and Walla Walla and Sasayama; and

WHEREAS, The Washington State - Hyogo Prefecture Legislative Friendship Committee was founded one year ago by the Washington State Legislature to foster a continued exchange of friendship and information between our two legislative bodies; and

WHEREAS, The State of Washington - Hyogo Prefecture sister state relationship has resulted in numerous educational exchanges, including sister school relationships, such as that of Olympia High School and Yashiro High School, the social science teacher exchange program, and other faculty and student exchange programs that have benefited both of our regions; and

WHEREAS, The State of Washington - Hyogo Prefecture sister state relationship has resulted in the opening of the Kobe Trade Office in Seattle, the Washington Village housing project in Sanda City, and the sister port relationship between the Port of Seattle and the Port of Kobe, all of which foster valuable business ties between our regions; and

WHEREAS, The Washington State - Hyogo Prefecture sister state relationship has resulted in cultural exchanges including: The formation of the Hyogo Cultural Center in Seattle, arts exchanges between the Washington State Arts Commission and the Hyogo Prefectural Cultural Association, the Youth Tree Exchange, and the New Leader State Employee Exchange Program, that have enriched the cultures of both the State of Washington and Hyogo Prefecture;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Legislature honor the thirty-second anniversary of the sister state relationship between Hyogo Prefecture and the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Governor Toshitami Kaihara, Mr. Kanbe Hajimu, Speaker of the Hyogo Prefectural Assembly, Mr. Isami Hirazawa, President of the Japan-America Friendship League of Hyogo Prefectural Assembly, and to Mr. Takeo Tarahata of the Hyogo Cultural Center located in Seattle.

Representative Schoesler moved adoption of the resolution.

Representatives Schoesler, Romero and Valle spoke in favor of adoption of the resolution.

House Resolution No. 4664 was adopted.

MESSAGES FROM THE SENATE

April 7, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5447,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 7, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5410,
SENATE BILL NO. 5430,
SENATE BILL NO. 5433,
SUBSTITUTE SENATE BILL NO. 5435,
ENGROSSED SENATE BILL NO. 5437,

and the same are herewith transmitted.

Marty Brown, Secretary

April 7, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5764,
SENATE BILL NO. 5767,
SUBSTITUTE SENATE BILL NO. 5804,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5820,
SUBSTITUTE SENATE BILL NO. 5835,
SENATE BILL NO. 5857,
SENATE BILL NO. 5871,
SUBSTITUTE SENATE BILL NO. 5918,
SUBSTITUTE SENATE BILL NO. 6026,
SENATE JOINT MEMORIAL NO. 8010,

and the same are herewith transmitted.

Marty Brown, Secretary

April 7, 1995

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1012,
ENGROSSED HOUSE BILL NO. 1603,
SUBSTITUTE HOUSE BILL NO. 1744,
SUBSTITUTE HOUSE BILL NO. 1777,

SUBSTITUTE HOUSE BILL NO. 1917,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 7, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1014,
HOUSE BILL NO. 1015,
SUBSTITUTE HOUSE BILL NO. 1067,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,
ENGROSSED HOUSE BILL NO. 1131,
HOUSE BILL NO. 1163,
HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1414,
SUBSTITUTE HOUSE BILL NO. 1434,
HOUSE BILL NO. 1495,
SUBSTITUTE HOUSE BILL NO. 1549,
ENGROSSED HOUSE BILL NO. 1550,
HOUSE BILL NO. 2022,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 7, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5043,
SUBSTITUTE SENATE BILL NO. 5164,
SENATE BILL NO. 5165,
SUBSTITUTE SENATE BILL NO. 5166,
SUBSTITUTE SENATE BILL NO. 5214,
ENGROSSED SENATE BILL NO. 5276,
SENATE BILL NO. 5355,
SENATE BILL NO. 5369,

SENATE BILL NO. 5398,
SUBSTITUTE SENATE BILL NO. 5440,
SUBSTITUTE SENATE BILL NO. 5769,

and the same are herewith transmitted.

Marty Brown, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

There being no objection, the House considered the following bills in the following order: Substitute Senate Bill No. 5106, Substitute Senate Bill No. 5591, Engrossed Substitute Senate Bill No. 5629

SUBSTITUTE SENATE BILL NO. 5106, by Senate Committee on Natural Resources (originally sponsored by Senators Morton, Owen, Drew, Sellar, Hochstatter, Fraser, Newhouse, Prince, Haugen and Oke)

Providing for grizzly bear management.

The bill was read the second time.

Representative Jacobsen moved adoption of the following amendment by Representative Jacobsen:

On page 1, line 8, after "habitat." strike all material through "programs." on line 11

Representative Jacobsen spoke in favor of the adoption of the amendment.

Representatives Fuhrman, Basich and Sommers spoke against the adoption of the amendment.

Representative Jacobsen again spoke in favor of the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fuhrman spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Dellwo was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5106.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5106, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer,

Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Dellwo - 1.

Substitute Senate Bill No. 5106, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5629, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz, Fraser, Rinehart and McCaslin; by request of Attorney General)

Updating new motor vehicle warranty provisions.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5629 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5629 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Dellwo - 1.

Engrossed Substitute Senate Bill No. 5629, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5647, by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Wood, Kohl, Drew, Haugen and Winsley; by request of State Board for Community and Technical Colleges)

Changing retention of leave provisions for employees of community and technical colleges.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Jacobsen spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5647.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5647, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Qual, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Goldsmith and Hargrove - 2.

Excused: Representative Dellwo - 1.

Substitute Senate Bill No. 5647, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5655, by Senators Rasmussen and Sellar

Revising state freight rail service programs.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5655 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5655 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer,

Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Dellwo - 1.

Senate Bill No. 5655, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5652, by Senators Gaspard, McDonald, Smith, Quigley, Wojahn, Hargrove, Heavey, Winsley, Sheldon, Fraser, Loveland, Fairley, Oke, McAuliffe, Spanel, Kohl, Franklin, Drew, Haugen, Owen, Bauer, Snyder, Deccio and Rasmussen

Temporarily prohibiting public assistance payments for willful violators of public assistance eligibility provisions.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Children & Family Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

POINT OF ORDER

Representative Thibaudeau: Thank you Mr. Speaker. I would request a scope and object of the committee amendment.

There being no objection, the House deferred further consideration of Senate Bill No. 5652 and the bill held its place on the second reading calendar.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5676, Engrossed Substitute Senate Bill No. 5685 and Senate Bill No. 5728 and the bills held their place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5735, by Senate Committee on Government Operations (originally sponsored by Senators West, Winsley, McCaslin, Haugen, Deccio, Hochstatter, Palmer, Roach, Schow, Wood, Hale, Strannigan and Fraser)

Paying county fees by credit cards.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Reams spoke in favor of passage of the bill.

Representatives Rust, Hargrove, Quall, Beeksma and L. Thomas spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5735, and the bill failed to pass the House by the following vote: Yeas - 8, Nays - 89, Absent - 0, Excused - 0.

Voting yea: Representatives Foreman, Horn, Huff, Reams, Robertson, Schmidt, D., Van Luven and Mr. Speaker - 8.

Voting nay: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Voloria and Wolfe - 89.

Substitute Senate Bill No. 5735, not having received the constitutional majority, was declared failed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5742 and Substitute Senate Bill No. 5747 and the bills held their place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5751, by Senate Committee on Law & Justice (originally sponsored by Senators Newhouse, Smith, Deccio, Owen and Winsley)

Prohibiting the purchase or consumption of liquor on licensed premises by persons apparently under the influence of liquor.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sheahan and Chappell spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5751 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5751 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5751, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5771, by Senators Pelz, Newhouse and Deccio; by request of Employment Security Department

Establishing unemployment insurance liability for third party employers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5771.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5771, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5771, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5773, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Pelz, Newhouse and Deccio; by request of Employment Security Department)

Revising provision relating to charges against industrial insurance awards.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, March 30, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5773 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5773 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5773, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5795, by Senate Committee on Government Operations (originally sponsored by Senator Heavey)

Authorizing an alternate method for reducing city limits for cities with over fifty thousand population.

The bill was read the second time.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

On page 1, line 18, strike "in a city with a population of over four hundred thousand,"

On page 2, line 1, after "city" insert "or town"

On page 2, line 7, after "city" insert "or town"

On page 2, line 8, after "city" insert "or town"

On page 2, line 30, after "city" insert "or town"

Representatives Sommers, Cody, K. Schmidt, Morris and Thibaudeau spoke in favor of the adoption of the amendment.

Representatives Goldsmith and Reams spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, line 18, to Substitute Senate Bill No. 5795 and the amendment was adopted by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Casada, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Ebersole, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Huff, Jacobsen, Johnson, Kessler, Lambert, Lisk, Mason, Mastin, McMahan, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington,

Poulsen, Quall, Regala, Robertson, Romero, Rust, Schmidt, K., Scott, Sehlin, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle and Veloria - 70.

Voting nay: Representatives Ballasiotes, Carrell, Chandler, Crouse, Dyer, Elliot, Goldsmith, Honeyford, Horn, Hymes, Koster, Kremen, McMorris, Mulliken, Radcliff, Reams, Schmidt, D., Schoesler, Sheahan, Sheldon, Sherstad, Silver, Stevens, Thomas, B., Van Luven, Wolfe and Mr. Speaker - 27.

Representative Sommers moved adoption of the following amendment by Representative Sommers:

On page 2, after line 17, strike the remainder of the bill

Correct the title

Representatives Sommers, Cole, D. Schmidt and Cody spoke in favor of the adoption of the amendment.

Representatives Goldsmith, K. Schmidt and Hargrove spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith, Campbell, Hargrove, Dyer, Smith, K. Schmidt, Cody and Cairnes spoke in favor of passage of the bill.

Representatives Rust, Valle, D. Schmidt, Cole, Sommers, Brown, Quall, Conway and Chopp spoke against passage of the bill.

Representative D. Schmidt again spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5795 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5795, as amended by the House, and the bill passed the House by the following vote: Yeas - 58, Nays - 39, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Buck, Cairnes, Campbell, Carrell, Casada, Clements, Cooke, Crouse, Delvin, Dyer, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Robertson, Schmidt, K., Schoesler, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Voting nay: Representatives Appelwick, Basich, Boldt, Brown, Brumsickle, Carlson, Chandler, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Elliot, Fisher, R., Hatfield, Horn, Jacobsen, Kessler, Mason, Morris, Ogden, Quall, Reams, Regala, Romero, Rust, Schmidt, D., Scott, Sehlin, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 39.

Substitute Senate Bill No. 5795, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5799, by Senate Committee on Human Services & Corrections (originally sponsored by Senators McDonald, Wojahn, Cantu and West)

Modifying adult family homes licensure.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5799 and the bill held it's place on the second reading calendar.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

SENATE BILL NO. 5806, by Senators Johnson and McAuliffe

Allowing the superintendent of public instruction to delay the time at which school district budgets are made public if the state's operating budget is not finally approved before June 1st.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5806.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5806, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5806, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5830 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5854, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Haugen, Spanel, Wood, Prentice, Winsley, Rasmussen, Hale, Kohl, McCaslin, Fairley, Long, Loveland, Franklin, Roach, Moyer, Quigley, McAuliffe, Drew and Wojahn)

Requiring that health plans must allow women a choice of primary care providers.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer, Hymes and Dellwo spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5854 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5854 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Substitute Senate Bill No. 5854, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5868, by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Fraser, Cantu, Winsley and Rasmussen; by request of Department of Community, Trade, and Economic Development)

Providing mobile home relocation assistance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Patterson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5868.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5868, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe, Mr. Speaker - 96.

Voting nay: Representative Hatfield, Sherstad - 1.

Engrossed Substitute Senate Bill No. 5868, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative Dyer: Having voted on the prevailing side of Engrossed Substitute Senate Bill No. 5868 moved that the House immediately reconsider the vote.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5868 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5868 on reconsideration, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 5868 on reconsideration, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5873, by Senators Fairley, Owen, Fraser, Smith, Prentice, Kohl and Oke

Raising the fine for parking in places reserved for physically handicapped persons.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 73rd Day, March 21, 1995.)

Representative Brown moved adoption of the following amendment by Representative Brown:

On page 3, beginning on line 32, after "penalty of" strike "two hundred fifty" and insert "~~((fifty))~~ one hundred"

Representatives Brown and Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5873 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5873 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Engrossed Senate Bill No. 5873, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, all bills passed today will be transmitted to the Senate.

SENATE BILL NO. 5882, by Senators Haugen, Moyer, Loveland and Deccio

Concerning the disposal of surplus property by a governmental entity.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goldsmith and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5882.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5882, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson,

Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5882, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5888, by Senator Sutherland

Revising considerations for charges for sewerage and storm water control systems.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Casada spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5888.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5888, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Engrossed Senate Bill No. 5888, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5894, by Senators Prentice, Owen, Haugen, Wood, Kohl, Fairley, Sellar, Rasmussen, Oke, Schow and Winsley

Planning for department of transportation wetlands.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5894.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5894, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 5894, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5898 and the bill held it's place on the second reading calendar.

SENATE BILL NO. 6011, by Senator McAuliffe

Changing provisions relating to the purchase of liability insurance by school districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 6011.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6011, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 97.

Senate Bill No. 6011, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6028, by Senate Committee on Law & Justice (originally sponsored by Senators Schow and Roach)

Concerning harassment of a child by a person over age eighteen.

The bill was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 10.14 RCW to read as follows:
A parent of a child under age eighteen who is the victim of unlawful harassment may petition for an antiharassment protection order on behalf of the child."

On page 1, line 1 of the title, after "harassment;" strike the remainder of the title and insert "and adding a new section to chapter 10.14 RCW."

Representatives Appelwick and Costa spoke in favor of the adoption of the amendment.

Representative Hickel spoke against the adoption of the amendment.

Representative Appelwick again spoke in favor of the adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 36-YEAS, 61-NAYS. The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hickel spoke in favor of passage of the bill.

Representative Appelwick spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 6028.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6028, and the bill passed the House by the following vote: Yeas - 73, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 73.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Fisher, R., Grant, Jacobsen, Mason, Mastin, Ogden, Poulsen, Regala, Romero, Rust, Scott, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 24.

Substitute Senate Bill No. 6028, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Engrossed Senate Bill No. 6037 and the bill held its place on the second reading calendar.

ENGROSSED SENATE BILL NO. 6045, by Senators Bauer, Hochstatter, Gaspard, McAuliffe and Winsley

Allowing retired administrators to serve as replacement administrators without a reduction of pension benefits.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 81st Day, March 30, 1995.)

Representative Elliot moved adoption of the following amendment to the committee amendment by Representative Elliot:

On page 2, line 18, after "administrator" insert "or retired teacher"

On page 2, line 27, after "retired administrator" insert "or retired teacher"

Representative Elliot spoke in favor of the adoption of the amendment to the committee amendment.

The amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 6045 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6045 as amended by House, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddiff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Fuhrman, Goldsmith, Hargrove, Koster, Smith and Stevens - 6.

Engrossed Senate Bill No. 6045, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

SENATE JOINT MEMORIAL NO. 8004, by Senator Heavey

Requesting Congress to direct rejection of Puyallup tribe gaming requests without tribal-state compacts.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representative Lisk spoke in favor of passage of the memorial.

Representative Romero spoke against passage of the memorial.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Joint Memorial No. 8004.

MOTION

On motion of Representative Talcott, Representative Elliot was excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8004, and the memorial passed the House by the following vote: Yeas - 85, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 85.

Voting nay: Representatives Brown, Chopp, Dellwo, Fisher, R., Mastin, Regala, Romero, Thibaudeau, Tokuda, Veloria and Wolfe - 11.

Excused: Representative Elliot - 1.

Senate Joint Memorial No. 8004, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8006, by Senators Oke, Owen, Roach, Hochstatter, Snyder, Schow, Cantu, Long, Hale, Swecker, A. Anderson, Palmer, Sellar, Deccio, Morton, McDonald, Prince, Johnson, Winsley, Bauer and Rasmussen

Asking Congress to propose a constitutional amendment to prohibit the physical desecration of the flag.

The memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Benton, Thompson and Campbell spoke in favor of passage of the memorial.

Representative Rust spoke against passage of the memorial.

MOTION

On motion of Representative Huff, Representative Mulliken was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Joint Memorial No. 8006.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8006, and the memorial passed the House by the following vote: Yeas - 75, Nays - 21, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 75.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Delwo, Dickerson, Fisher, R., Hatfield, Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Thibaudeau, Tokuda, Valle and Veloria - 21.

Excused: Representative Elliot - 1.

Senate Joint Memorial No. 8006, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8019, by Senate Committee on Natural Resources (originally sponsored by Senators Oke, Owen, Snyder, A. Anderson, Haugen, Bauer, Gaspard, McDonald, Swecker, Roach, Strannigan, Palmer, Hochstatter, Morton, West, Rasmussen and Spanel)

Requesting federal assistance to facilitate the implementation of judicial decisions concerning the harvest of fish and shellfish.

The memorial was read the second time.

There being no objection, the committee amendment was adopted. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Fuhrman and Basich spoke in favor of passage of the memorial.

MOTION

On motion of Representative Brown, Representative Sheldon was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Joint Memorial No. 8019 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8019 as amended by the House, and the memorial passed the House by the following vote: Yeas - 73, Nays - 21, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Quall, Raddliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 73.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Thibaudeau, Tokuda, Veloria and Wolfe - 21.

Excused: Representatives Elliot, Mulliken and Sheldon - 3.

Substitute Senate Joint Memorial No. 8019, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of House Bill No. 2089 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5012, by Senate Committee on Natural Resources (originally sponsored by Senator Snyder)

Revising the fee for transfer of fishery licenses.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Finance recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

Representative Fuhrman moved adoption of the following amendment by Representative Fuhrman:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 75.28.011 and 1993 sp.s. c 17 s 34 are each amended to read as follows:

(1) Unless otherwise provided in this title, a license issued under this chapter is not transferable from the license holder to any other person.

(2) The following restrictions apply to transfers of commercial fishery licenses, salmon delivery licenses, and salmon charter licenses that are transferable between license holders:

(a) The license holder shall surrender the previously issued license to the department.

(b) The department shall complete no more than one transfer of the license in any seven-day period.

(c) The fee to transfer a license from one license holder to another is:

(i) The same as the resident license renewal fee if the license is not limited under chapter 75.30 RCW; ~~((or))~~

(ii) Three and one-half times the resident renewal fee if the license is not a commercial salmon license and the license is limited under chapter 75.30 RCW((-);

~~((d))~~ (iii) Fifty dollars if the license is a commercial salmon license and is limited under chapter 75.30 RCW; or

(iv) If a license is transferred from a resident to a nonresident, ((the transferee shall pay)) the difference between the resident and nonresident license fees at the time of transfer, to be paid by the transferee.

(3) A commercial license that is transferable under this title survives the death of the holder. Though such licenses are not personal property, they shall be treated as analogous to personal property for purposes of inheritance and intestacy. Such licenses are subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from

claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license. There is no fee for transfer of a license from a license holder to the license holder's surviving spouse or estate, or to a beneficiary of the estate."

On page 1, line 1 of the title, after "licenses," strike the remainder of the title and insert "and amending RCW 75.28.011."

Representative Fuhrman spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Basich spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5012 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5012 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Jacobsen, Rust, Sommers, Thibaudeau and Valle - 5.

Excused: Representative Mulliken - 1.

Substitute Senate Bill No. 5012, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Engrossed Second Substitute Senate Bill No. 5064 and the bill held it's place on the second reading calendar.

SENATE BILL NO. 5075, by Senators Owen, Sheldon and Oke

Appropriating funds for emergency construction of Crown Hill elementary school.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson and Sheldon spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Lisk was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5075.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5075, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Benton and Boldt - 2.

Excused: Representatives Lisk and Mulliken - 2.

Senate Bill No. 5075, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5088, by Senate Committee on Law & Justice (originally sponsored by Senator Smith)

Revising the law relating to sexual predators.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

With the consent of the House, amendment numbers 665, 666 and 670 to Second Substitute Senate Bill No. 5088 were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and Costa spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5088 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5088 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster,

Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Absent: Representative Valle - 1.

Excused: Representatives Lisk and Mulliken - 2.

Second Substitute Senate Bill No. 5088, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5119 and the bill held its place on the second reading calendar.

SECOND SUBSTITUTE SENATE BILL NO. 5157, by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Drew, Sutherland, Hargrove, Oke and Haugen)

Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon.

The bill was read the second time.

Representative Hatfield moved adoption of the following amendment by Representative Hatfield:

On page 1, after line 14, insert the following:

"The legislature further declares that the establishment of other incentives for commercial fishing and fish processing in Washington will complement the program of selective harvest in mixed stock fisheries anticipated by this legislation."

On page 2, after line 28, insert the following:

"**Sec. 4.** RCW 75.08.011 and 1994 c 255 s 2 are each amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations, including corporations and partnerships.

(4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

(5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(6) "To fish," "to harvest," and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

(7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(12) "Food fish" means those species of the classes:

(a) Osteichthyes, except all species of tuna, mackerel, and jack;

(b) Agnatha((-)); and

(c) Chondrichthyes

that have been classified and that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.

(13) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(14) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(19) "Open season" means those times, manners of taking, and places or waters established by rule of the director for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

(20) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

(21) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW.

(22) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

Sec. 5. RCW 82.27.010 and 1985 c 413 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Enhanced food fish" includes all species of food fish, except all species of tuna, mackerel, and jack; shellfish((-)); and anadromous game fish, including byproducts and parts thereof, originating within the territorial and adjacent waters of Washington and salmon originating from within the territorial and adjacent waters of Oregon, Washington, and British Columbia, and all troll-caught Chinook salmon originating from within the territorial and adjacent waters of southeast Alaska. As used in this subsection, "adjacent" waters of Oregon, Washington, and Alaska are those comprising the United States fish conservation zone; "adjacent" waters of British Columbia are those comprising the Canadian two hundred mile exclusive economic zone; and "southeast Alaska" means that portion of Alaska south and east of Cape Suckling to the Canadian border. For purposes of this chapter, point of origination is established by a document which identifies the product and state or province in which it

originates, including, but not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

(2) "Commercial" means related to or connected with buying, selling, bartering, or processing.

(3) "Possession" means the control of enhanced food fish by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the enhanced food fish.

(4) "Anadromous game fish" means steelhead trout and anadromous cutthroat trout and Dolly Varden char and includes byproducts and also parts of anadromous game fish, whether fresh, frozen, canned, or otherwise.

(5) "Landed" means the act of physically placing enhanced food fish (a) on a tender in the territorial waters of Washington; or (b) on any land within or without the state of Washington including wharves, piers, or any such extensions therefrom.

NEW SECTION. **Sec. 6.** A new section is added to Title 75 RCW to read as follows:

The department may require the reporting of catch data and other relevant data for the commercial landing of tuna, mackerel, and jack."

On page 1, line 2 of the title, after "salmon;" insert "amending RCW 75.08.011 and 82.27.010;"

Representatives Hatfield and Fuhrman spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fuhrman, Pennington and Jacobsen spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5157 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5157, as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Absent: Representative Dellwo - 1.

Excused: Representative Mulliken - 1.

Second Substitute Senate Bill No. 5157, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

April 10, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1062,
HOUSE BILL NO. 1068,
HOUSE BILL NO. 1213,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,
HOUSE BILL NO. 1360,
SUBSTITUTE HOUSE BILL NO. 1427,
HOUSE BILL NO. 1457,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1873,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4004,

and the same are herewith transmitted.

Marty Brown, Secretary

April 10, 1995

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1233,
HOUSE BILL NO. 1280,
HOUSE BILL NO. 1295,
HOUSE BILL NO. 1297,
HOUSE BILL NO. 1310,
HOUSE BILL NO. 1311,
HOUSE BILL NO. 1321,
HOUSE BILL NO. 1343,
SUBSTITUTE HOUSE BILL NO. 1404,
HOUSE BILL NO. 1407,
HOUSE BILL NO. 1465,
HOUSE BILL NO. 1468,
HOUSE BILL NO. 1501,
HOUSE BILL NO. 1553,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 10, 1995

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1058,

HOUSE BILL NO. 1087,
HOUSE BILL NO. 1112,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1059,
HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1437,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1452,
HOUSE BILL NO. 1525,
SUBSTITUTE HOUSE BILL NO. 1549,
SUBSTITUTE HOUSE BILL NO. 1671,
SUBSTITUTE HOUSE BILL NO. 1744,
SUBSTITUTE HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 1917,
HOUSE BILL NO. 2022,
SENATE BILL NO. 5043,
SUBSTITUTE SENATE BILL NO. 5164,
SENATE BILL NO. 5165,
SUBSTITUTE SENATE BILL NO. 5166,
SUBSTITUTE SENATE BILL NO. 5214,
ENGROSSED SENATE BILL NO. 5276,
SENATE BILL NO. 5355,
SENATE BILL NO. 5369,
SENATE BILL NO. 5398,
SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5410,
SENATE BILL NO. 5430,
SUBSTITUTE SENATE BILL NO. 5440,
SENATE BILL NO. 5433,
SUBSTITUTE SENATE BILL NO. 5435,
ENGROSSED SENATE BILL NO. 5437,
SUBSTITUTE SENATE BILL NO. 5764,
SENATE BILL NO. 5767,
SUBSTITUTE SENATE BILL NO. 5769,
SUBSTITUTE SENATE BILL NO. 5804,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5820,
SUBSTITUTE SENATE BILL NO. 5835,
SENATE BILL NO. 5857,
SENATE BILL NO. 5871,
SUBSTITUTE SENATE BILL NO. 5918,
SUBSTITUTE SENATE BILL NO. 6026,
SENATE JOINT MEMORIAL NO. 8010,

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Foreman, the House adjourned until 9:30 a.m., Tuesday, April 11, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

NINETY-SECOND DAY, APRIL 10, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

NINETY-THIRD DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Tuesday, April 11, 1995

The House was called to order at 9:30 a.m. by the Speaker (Representative McMorris presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Richelle Paulette and Megan Wilson. Prayer was offered by Representative D. Schmidt.

Representative Horn presiding assumed the chair.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE SENATE

April 10, 1995

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1063,
HOUSE BILL NO. 1064,
HOUSE BILL NO. 1081,
HOUSE BILL NO. 1190,

SUBSTITUTE HOUSE BILL NO. 1192,

and the same are herewith transmitted.

Marty Brown, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 95-4613, by Representatives Chandler, Mulliken, Koster, D. Schmidt and Smith

WHEREAS, Mr. Edward McLeary and Mrs. Lois McLeary of Tacoma, Washington, have consistently contributed to this state as successful business persons; and

WHEREAS, 1995 marks the 50th anniversary year of Troutlodge, Inc., world-renowned producers and breeding specialists of rainbow trout and salmon; and

WHEREAS, Mr. McLeary has exemplified the true entrepreneurial spirit of Washingtonians by creating on the headwaters of Rocky Ford Creek, near Soap Lake, Washington, what has become the largest fish breeding and hatchery business in the world, producing and supplying over 300 million live trout and salmon eggs per year; and

WHEREAS, The exemplary success of Troutlodge, and Mr. and Mrs. McLeary, has depended in great part upon the exceptional support of the McLeary children and grandchildren; to wit, Dr. Randy McLeary and Mrs. Jill McLeary and their sons Andrew, John Paul, and Jeff McLeary, and upon their daughter Janice McLeary-Peters and her husband, Mr. Brian Peters and their son, Wesley Peters, and upon Russell McLeary, President of Troutlodge; and

WHEREAS, The exemplary success of Troutlodge has also depended in great part upon the highly valued, indispensable, and tireless contributions of the personnel at the six Washington facilities and one Oregon facility; to wit, those with over thirty years' contribution to Troutlodge are Bill Townsend and Sharon Townsend; those with over twenty years' contribution to Troutlodge are Vera Wilson; those with over ten years' contribution to Troutlodge are Jim Zimmerman, Klaus Meyn, Dave Crosby, Tom Elliott, Brian Peters, Doug Smith, Camilla Timm, Bill Witt, and Tom Wooten; and other highly valued personnel, Steve Amend, Karla Draf, Shane Draf, Mary Elliott, Glate Harris, Lee McAfee, Clay Pirtle, Darren Rose, LaDaska Timm, Wes Kight, Patricia Pedersen, Mike Henry, Hazel Gillard, Andy Corollazzo, Maura Jansen, Chris Curtis, Donnie Gillard, Dave Meier, Boyd Ogden, Tonya Gillard, Dale Ronnie Gillard, Mario Pagone, Mark Dixon, Karl Stawski, Mike Arthur, Tina Leonard, and Dolores Arreguin-Carey; and

WHEREAS, This enduring, dauntless, and consistent effort has resulted in Troutlodge being the largest individual trout and salmon egg producer and supplier in the world, exporting to twenty-five foreign countries and thirty states of the Union, earning the Governor's Export Award for Agriculture in 1987 and 1988, with superior performance and service being provided for the past fifty years;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives salute, commend, and honor the entrepreneurial spirit and contributions of Edward and Lois McLeary, the McLeary family, and the resolute and persevering contributions of Troutlodge employees and staff, upon the occasion of the 50th anniversary year of Troutlodge, the world-renowned producers and breeding specialists of rainbow trout and salmon; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ed and Lois McLeary, the McLeary family, and the personnel of Troutlodge, on Agriculture Business Day, February 9, 1995.

Representative Chandler moved adoption of the resolution.

Representatives Chandler, McMorris, Sheldon and Casada spoke in favor of adoption of the resolution.

House Resolution No. 4613 was adopted.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: Engrossed Substitute Senate Bill No. 5101, Substitute Senate Bill No. 5676, Substitute Senate Bill No. 5799, Substitute Senate Bill No. 5119 and continue down the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5101, by Senate Committee on Natural Resources (originally sponsored by Senators Drew, Oke, Haugen and Winsley; by request of Department of Fish and Wildlife)

Authorizing the director of fish and wildlife to administer game fish catch record cards.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Buck spoke in favor of passage of the bill.

MOTION

On motion of Representative Brumsickle, Representative Mulliken was excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5101.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5101, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Engrossed Substitute Senate Bill No. 5101, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5676, by Senate Committee on Law & Justice (originally sponsored by Senators Fraser and Kohl)

Restricting residential time for abusive parents.

The bill was read the second time.

Representative Romero moved that the House not adopt the committee amendment. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representatives Romero and Costa spoke against adopting the committee amendment.

Representatives Appelwick and Robertson spoke in favor of adopting the committee amendment.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Robertson spoke in favor of passage of the bill.

Representative Costa spoke against passage of the bill.

MOTION

On motion of Representative Talcott, Representatives Reams and Casada were excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5676 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5676 as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 10, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Regala, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Wolfe and Mr. Speaker - 84.

Voting nay: Representatives Ballasiotes, Cody, Cole, Costa, Hymes, Mason, Quall, Romero, Tokuda and Veloria - 10.

Excused: Representatives Casada, Mulliken and Reams - 3.

Substitute Senate Bill No. 5676, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5799, by Senate Committee on Human Services & Corrections (originally sponsored by Senators McDonald, Wojahn, Cantu and West)

Modifying adult family homes licensure.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

With the consent of the House, amendment number 680 to Substitute Senate Bill No. 5799 was withdrawn.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5799 and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5119, by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Long, Winsley, Loveland, Newhouse, Fraser, Gaspard, Haugen, Sutherland and McAuliffe)

Modifying the cost of living allowance for retirement purposes.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

With the consent of the House, amendment number 750 to Substitute Senate Bill No. 5119 was withdrawn.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5119 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5119 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Casada, Mulliken and Reams - 3.

Substitute Senate Bill No. 5119, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5162, by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Oke, Snyder, Hargrove, Haugen, Kohl, C. Anderson and Winsley)

Changing the Vietnam veterans' tuition exemption.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Benton spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Brown, Representative Kessler was excused.

On motion of Representative Smith, Representative Buck was excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5162 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5162 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Buck, Casada, Kessler, Mulliken and Reams - 5.

Substitute Senate Bill No. 5162, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5169, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Cantu, Pelz, Hochstatter, Drew, A. Anderson, Rasmussen and Kohl; by request of Joint Select Committee on Education Restructuring)

Changing education provisions.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 75th Day, March 24, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5169 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5169 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott,

Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Buck, Casada, Kessler, Mulliken and Reams - 5.

Engrossed Substitute Senate Bill No. 5169, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5200, by Senators Haugen, Winsley, Spanel, Sheldon, West, Roach and Oke; by request of Governor Lowry

Exempting from use tax naval equipment transferred due to base closure.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Beeksma spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5200.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5200, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Buck, Casada, Kessler, Mulliken and Reams - 5.

Senate Bill No. 5200, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5235, by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Sutherland, Palmer and Smith)

Adding a superior court judge in Clark county.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5235.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5235, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Buck, Casada, Kessler, Mulliken and Reams - 5.

Second Substitute Senate Bill No. 5235, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5282, by Senators Fraser and Newhouse; by request of Department of Revenue

Modifying department of revenue tax information disclosure regulations.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Finance recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

Representative Pennington moved adoption of the following amendment to the committee amendment by Representative Pennington:

On page 5, line 11, after "disclosure" insert "are cumulative or duplicative, or"

Representative Pennington spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5282 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5282 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer,

Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Casada and Mulliken - 2.

Senate Bill No. 5282, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5326, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long, Fairley, Roach, Hargrove, West, Oke and Winsley)

Revising provision for registration of sex offenders.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5326 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5326 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Casada and Mulliken - 2.

Substitute Senate Bill No. 5326, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

There being no objection, the House deferred consideration of Engrossed Second Substitute Senate Bill No. 5342 and the bill held its place on the second reading calendar.

SENATE BILL NO. 5372, by Senators Sheldon and Wood; by request of Department of Community, Trade, and Economic Development and Public Works Board

Appropriating funds for projects recommended by the public works board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sehlin and Ogden spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5372.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5372, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Absent: Representative Dellwo - 1.

Excused: Representatives Casada and Mulliken - 2.

Senate Bill No. 5372, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5397, by Senators Franklin and Pelz; by request of Department of Labor & Industries

Revising provisions regulating asbestos certification.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5397 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5397 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Absent: Representative Regala - 1.

Excused: Representatives Casada and Mulliken - 2.

Engrossed Senate Bill No. 5397, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Senate Bill No. 5397.

DEBBIE REGALLA, 27th District

SUBSTITUTE SENATE BILL NO. 5431, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Prentice and Hale; by request of Insurance Commissioner)

Repealing rural health care statutes.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

POINT OF ORDER

Representative Dellwo: Thank you Mr. Speaker. I would request a ruling on the scope and object of the committee amendment.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5431 and the bill held its place on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5503, by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Deccio, Pelz, Sellar and Fraser)

Streamlining temporary worker housing safety and health regulations.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

Representative Clements moved adoption of the following amendment by Representative Clements:

On page 5, after line 13, insert the following:

"**NEW SECTION. Sec. 10.** Any rules adopted under this act pertaining to an employer who is subject to the migrant and seasonal agricultural worker protection act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.), must comply with the housing provisions of that federal act."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 5, line 34, after "through" strike "9" and insert "10"

Representative Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Clements spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5503 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5503 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Absent: Representative Fisher, G. - 1.

Excused: Representatives Casada and Mulliken - 2.

Engrossed Substitute Senate Bill No. 5503, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: Substitute Senate Bill No. 5551, Substitute Senate Bill No. 5800, Engrossed Substitute Senate Bill No. 5880 and Substitute Senate Bill No. 5977.

SUBSTITUTE SENATE BILL NO. 5551, by Senate Committee on Ways & Means (originally sponsored by Senators Sellar and Snyder)

Authorizing special taxation of lodging.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Finance recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5551 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5551 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Goldsmith, Hargrove and Kremen - 3.

Excused: Representatives Casada and Mulliken - 2.

Substitute Senate Bill No. 5551, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5800, by Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Wojahn, Cantu, West, Rinehart, Pelz and Bauer)

Recognizing that financial savings from efficiencies in the developmental disabilities program should be redirected within the program for community-based services.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

Representative Carlson moved adoption of the following amendment to the committee amendment by Representative Carlson:

On page 1 of the amendment, strike all material on lines 5 and 6

Representative Carlson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden, Carlson and Mitchell spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Morris was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5800 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5800 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Absent: Representative Schmidt, K. - 1.

Excused: Representatives Casada, Morris and Mulliken - 3.

Substitute Senate Bill No. 5800, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 5800.

KAREN SCHMIDT, 23rd District

ENGROSSED SUBSTITUTE SENATE BILL NO. 5880, by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Spanel and Winsley)

Authorizing retirement to care for a disabled spouse.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sehlin spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5880 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5880 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Casada, Morris and Mulliken - 3.

Engrossed Substitute Senate Bill No. 5880, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5977, by Senate Committee on Government Operations (originally sponsored by Senators Loveland, Haugen, Long, Smith and Winsley)

Revising administration of forensic investigations.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sheahan and Costa spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5977 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5977 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Casada, Morris and Mulliken - 3.

Substitute Senate Bill No. 5977, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

April 11, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1059,
HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1437,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1452,
HOUSE BILL NO. 1525,
SUBSTITUTE HOUSE BILL NO. 1549,
SUBSTITUTE HOUSE BILL NO. 1671,
SUBSTITUTE HOUSE BILL NO. 1744,
SUBSTITUTE HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 1917,
HOUSE BILL NO. 2022,

and the same are herewith transmitted.

Marty Brown, Secretary

April 11, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5106,
SUBSTITUTE SENATE BILL NO. 5647,
SENATE BILL NO. 5771,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1012,
ENGROSSED HOUSE BILL NO. 1014,
HOUSE BILL NO. 1015,
HOUSE BILL NO. 1058,
SUBSTITUTE HOUSE BILL NO. 1067,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,
HOUSE BILL NO. 1112,
ENGROSSED HOUSE BILL NO. 1131,
HOUSE BILL NO. 1163,
SUBSTITUTE HOUSE BILL NO. 1233,
SUBSTITUTE HOUSE BILL NO. 1246,
HOUSE BILL NO. 1280,
SUBSTITUTE HOUSE BILL NO. 1287,
HOUSE BILL NO. 1295,
HOUSE BILL NO. 1297,
SUBSTITUTE HOUSE BILL NO. 1414,
SUBSTITUTE HOUSE BILL NO. 1507,
ENGROSSED HOUSE BILL NO. 1550,
ENGROSSED HOUSE BILL NO. 1603,
ENGROSSED HOUSE BILL NO. 1876,
SUBSTITUTE SENATE BILL NO. 5106,
SUBSTITUTE SENATE BILL NO. 5647,
SENATE BILL NO. 5771,

There being no objection, the House resumed consideration of Senate Bill No. 5652.

SPEAKER'S RULING

"Representative Thibaudeau, the Speaker is prepared to Rule on your Point of Order which challenges the Committee Amendment to Senate Bill No. 5652 as being beyond the Scope and Object of the bill.

"The title of Senate Bill No. 5652 is "AN ACT Relating to welfare fraud."

The title is broad. The bill amends RCW 74.08.290 so as to provide that persons convicted of welfare fraud are denied access to welfare payments for at least six months.

The Committee Amendment also amends RCW 74.08.290, and in addition amends RCW 74.04.062; the amendment adds a new section to Chapter 74.08 and 74.12 RCW.

The amendment would preclude persons who are fugitives from justice from receiving public assistance. In addition the amendment would cause the state to implement the federal SAVE program so that welfare funds would be denied to illegal aliens.

Since it is currently an act of welfare fraud for an illegal alien to apply for welfare benefits, implementation of the federal SAVE program is within the Scope of the bill title. However, it is not currently illegal for a fugitive from justice to apply for or receive welfare benefits. Fleeing from a bench warrant is not often an act related to welfare fraud.

The Speaker finds that the committee amendment is beyond the scope of the title of Senate Bill No. 5652.

"Representative Thibaudeau, Your Point of Order is well taken.

With the consent of the House, amendment numbers 725, 735 and 687 to Senate Bill No. 5652 were withdrawn.

POINT OF ORDER

Representative Thibaudeau: Thank you Mr. Speaker. Perhaps I'm confused but I thought that part of the bill just scoped. So I guess that's a point of order.

Speaker: Point of Information Representative Thibaudeau. The Committee Amendment was the one that I ruled on. This is not the amendment to the bill. The Committee Amendment had two parts. The ruling that we had on the scope and object was regarding the felons fleeing.

Representative Bolt moved adoption of the following amendment by Representative Bolt:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that those individuals who abuse and defraud the welfare system not only steal scarce resources, but also perpetuate myths about people on public assistance. The taxpayers of this state have limited resources with which to help those in need and it is imperative that the legislature use its authority to ensure that those resources are assisting the truly needy.

To protect the integrity of the welfare system the legislature must put into place mechanisms that guard against abuse. The message must be sent that we will not tolerate welfare fraud.

People who are caught abusing public trust by defrauding the welfare system should be punished and not allowed to receive public assistance.

Sec. 2. RCW 74.08.290 and 1959 c 26 s 74.08.290 are each amended to read as follows:

(1) The department is hereby authorized to suspend temporarily the public assistance granted to any person for any period during which such person is not in need thereof.

(2) If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period of imprisonment.

(3)(a) If an applicant for or recipient of public assistance intentionally provides a false or misleading statement or commits an act which statement or act is designed to misrepresent, conceal, or withhold facts for the purpose of establishing or maintaining eligibility for public assistance or for the purpose of increasing, or preventing a reduction in, the amount of a grant, then, the applicant or recipient shall be considered in violation of this subsection (3)(a) and shall be subject to the penalties provided in (b) of this subsection.

(b) An individual who is found to have committed a violation of (a) of this subsection by a state administrative law judge or by a state court or federal court shall be ineligible for continued public assistance for the following periods:

(i) Six months for the first violation;

(ii) Twelve months for the second violation; and

(iii) Permanently for the third violation.

For the purpose of applying these penalties, numerous violations on a single application, or in a single statement, made by an individual shall count as one violation.

Sec. 3. RCW 74.04.062 and 1973 c 152 s 2 are each amended to read as follows:

Upon written request of a person who has been properly identified as an officer of the law with a felony arrest warrant or a properly identified United States immigration official with a warrant for an illegal alien the department shall disclose to such officer the current address and location of the person properly described in the warrant. However, this rule does not restrict in any manner whatsoever the disclosure of address and location information by the department pursuant to its implementation of the federal "systematic alien verification for entitlements" program or pursuant to section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 74.08 RCW to read as follows:

The department shall implement the federal "systematic alien verification for entitlements" program, the "SAVE" program. The department shall:

(a) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(b) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements system is in use in the office; and

(c) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

NEW SECTION. Sec. 5. The department shall have the SAVE program in full force and effect by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program."

Correct the title.

Representatives Boldt, Clements, Cooke and Ebersole spoke in favor of the adoption of the amendment.

Representative Schoesler demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, to Senate Bill No. 5652 and the amendment was adopted by the following vote: Yeas - 88, Nays - 6, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 88.

Voting nay: Representatives Chopp, Mason, Thibaudeau, Tokuda, Veloria and Wolfe - 6.

Excused: Representatives Casada, Dellwo and Mulliken - 3.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Boldt and Ebersole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5652 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5652 as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Chopp, Mason, Thibaudeau and Veloria - 4.

Excused: Representatives Casada, Dellwo and Mulliken - 3.

Senate Bill No. 5652, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 2080, by Representatives K. Schmidt, Hankins, Benton, Elliot, Skinner, Buck, McMahan, Robertson, Johnson, D. Schmidt, Chandler, Mitchell, Koster, Backlund, Cairnes, Horn, Blanton and Stevens

Providing transportation funding and appropriations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2080 was substituted for House Bill No. 2080 and the substitute bill was placed on second reading.

Substitute House Bill No. 2080 was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1996.

(2) Legislation with fiscal impacts enacted in the 1995 legislative session not referenced in this act are not funded in the fiscal year 1996 transportation budget.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "FTE" means full time equivalent.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

PART I GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation \$ 150,000
TOTAL APPROPRIATION \$ 150,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 1, 1996, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

NEW SECTION. Sec. 102. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 20,000
TOTAL APPROPRIATION \$ 20,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative service committee shall enter into a service level agreement with the legislative transportation committee by July 1, 1995.

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM

Motor Vehicle Fund--State Appropriation \$ 205,000
TOTAL APPROPRIATION \$ 205,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability

program committee shall enter into a service level agreement with the legislative transportation committee by July 1, 1995.

NEW SECTION. Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 55,000
TOTAL APPROPRIATION \$ 55,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF MARINE SAFETY

State Toxics Control Account--State
Appropriation \$ 70,000
Oil Spill Administration Account--State
Appropriation \$ 838,000
TOTAL APPROPRIATION \$ 908,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriation of \$838,000 from the oil spill administration account--state appropriation shall be increased by \$419,000 and the appropriation of \$70,000 from the state toxics control account--state appropriation shall be increased by \$35,000 if chapter . . . (Substitute House Bill No. 1510), Laws of 1995 is not enacted by the 1995 legislature. The purpose of this increase is to add three additional months funding to the office of marine safety in the event chapter . . . (Substitute House Bill No. 1510), Laws of 1995 is not enacted, so that the agency continues to be funded until the 1996 legislature determines how the oil spill program should be funded for the remainder of the biennium.

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Fund--State Appropriation \$ 165,000
TOTAL APPROPRIATION \$ 165,000

NEW SECTION. Sec. 107. FOR THE OFFICE OF THE STATE TREASURER

Motor Vehicle Fund--State Appropriation \$ 22,000
TOTAL APPROPRIATION \$ 22,000

NEW SECTION. Sec. 108. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

Motor Vehicle Fund--State Appropriation \$ 2,808,000
Marine Operation Fund--State Appropriation \$ 1,157,000
TOTAL APPROPRIATION \$ 3,965,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfer for the motor vehicle fund and the marine operating account is to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation in this section is to retire tort obligations that occurred before July 1, 1990.

NEW SECTION. Sec. 109. FOR THE STATE PARKS AND RECREATION COMMISSION--OPERATING

Motor Vehicle Fund--State Appropriation \$ 466,000
TOTAL APPROPRIATION \$ 466,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The commission shall not expend any state funds for maintenance, repair, or snow and ice removal on county or private roads.

NEW SECTION. Sec. 110. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Fund--State
Appropriation \$ 111,000
TOTAL APPROPRIATION \$ 111,000

**PART II
TRANSPORTATION AGENCIES**

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation \$ 214,000
Highway Safety Fund--Federal Appropriation \$ 2,587,000
Transportation Fund--State Appropriation \$ 144,000
TOTAL APPROPRIATION \$ 2,945,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation fund--state appropriation shall be used solely to fund community DUI task forces. Funding from the transportation fund for any community DUI task force may not exceed fifty percent of total expenditures in support of that task force.

NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation \$ 133,000
TOTAL APPROPRIATION \$ 133,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriation of \$133,000 from the pilotage account--state shall be reduced by \$52,000 if chapter . . . (House Bill No. 1311 or Senate Bill No. 5356), Laws of 1995 is not enacted by the 1995 legislature.

NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--Rural Arterial Trust
Account--State Appropriation \$ 20,395,000
Motor Vehicle Fund--State Appropriation \$ 663,000
Motor Vehicle Fund--Private Local Appropriation \$ 256,000
Motor Vehicle Fund--County Arterial Preservation
Account --State Appropriation \$ 13,167,000
TOTAL APPROPRIATION \$ 34,481,000

NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Urban Arterial Trust
Account--State Appropriation \$ 28,297,000
Motor Vehicle Fund--Transportation Improvement
Account--State Appropriation \$ 85,061,000
Motor Vehicle Fund--City Hardship Assistance
Account--State Appropriation \$ 1,293,000

Motor Vehicle Fund--Small City Account--
State Appropriation \$ 2,815,000
TOTAL APPROPRIATION \$ 117,466,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The urban arterial trust account--state appropriation includes a \$10,000,000 transfer from the transportation improvement account--state appropriation to be repaid by June 30, 1997.

NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 1,264,000
TOTAL APPROPRIATION \$ 1,264,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the final legislative appropriation. The performance measures are to be established and will be tracked within the transportation executive information system.

(2) The legislative transportation committee shall convene a group including, but not limited to, representatives from the department of licensing, the state patrol, the department of transportation, the attorney general, the federal highway administration, the internal revenue service, and industry groups representing fuel manufacturers, distributors, and retailers to address the problem of fuel tax evasion in the petroleum distribution system in the state. The group shall present its findings to the legislative transportation committee and the office of financial management.

NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 172,000
TOTAL APPROPRIATION \$ 172,000

NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 327,000
TOTAL APPROPRIATION \$ 327,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Transportation commissioners may not be paid for more than sixty days per year on commission business, except the chair of the commission, who may not be compensated for more than ninety days per year working on commission business.

(2) None of the appropriation may be used to conduct studies or hire consultants without specific authorization from the legislative transportation committee prior to commencing any studies or hiring of consultants.

(3) In no event shall the commission hold meetings outside of the state of Washington. The commission is directed to seek methods of reducing travel and meeting costs.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ 71,638,000
Motor Vehicle Fund--State Patrol Highway

Account--Federal Appropriation \$ 1,599,000
TOTAL APPROPRIATION \$ 73,237,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall attain a field force level of 755 commissioned officers by February 1996 and shall have a staffing level of no less than 730 commissioned officers at the end of fiscal year 1996. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of 50 cadets shall begin on July 1, 1995; and a class of 30 cadets shall begin on January 1, 1996. It is the intent of the legislature to attain a field force level of 800 commissioned officers in the 1997-99 biennium.

(2) It is the intent of the legislature to raise the commissioned officers salaries above the 50 percentile, as documented in the 1994 Washington state patrol comprehensive compensation survey results dated September 30, 1994.

(3) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(4) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

(5) The state patrol may not sell or purchase any aircraft until the legislative transportation committee has completed a review of the type of air services provided by the various state agencies, and the feasibility of consolidating the state's air fleet.

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ 26,745,000
Motor Vehicle Fund--State Appropriation \$ 245,000
TOTAL APPROPRIATION \$ 26,990,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Highway Safety Fund--Motorcycle Safety Education Account--
State Appropriation \$ 38,000
State Wildlife Account--State Appropriation \$ 34,000
Highway Safety Fund--State Appropriation \$ 2,556,000
Motor Vehicle Fund--State Appropriation \$ 2,067,000
TOTAL APPROPRIATION \$ 4,695,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State
 Appropriation \$ 57,000
 Highway Safety Fund--State Appropriation \$ 7,388,000
 Motor Vehicle Fund--State Appropriation \$ 10,946,000
TOTAL APPROPRIATION \$ 18,391,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$15,223,000 for the licensing application migration project (LAMP), of which \$9,134,000 is motor vehicle account--state, \$6,089,000 is highway safety fund--state.

Of the \$15,223,000 LAMP appropriation \$761,150 is provided solely as a contingency amount.

(2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.

(3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.

(4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

(5) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

General Fund--Marine Fuel Tax Refund Account--
 State Appropriation \$ 13,000
 General Fund--Wildlife Account--State
 Appropriation \$ 266,000
 Motor Vehicle Fund--State Appropriation \$ 22,989,000
 Department of Licensing Services Account--
 State Appropriation \$ 1,766,000
TOTAL APPROPRIATION \$ 25,034,000

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Highway Safety Fund--Motorcycle Safety Education
 Account--State Appropriation \$ 571,000
 Highway Safety Fund--State Appropriation \$ 27,793,000
TOTAL APPROPRIATION \$ 28,364,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Fund--State Appropriation \$ 12,144,000
 Motor Vehicle Fund--Federal Appropriation \$ 200,000
 Motor Vehicle Fund--Transportation Capital
 Facilities Account--State Appropriation \$ 10,878,000
TOTAL APPROPRIATION \$ 23,222,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

General Fund--Aeronautics Account--State
 Appropriation \$ 1,871,000
 General Fund--Aeronautics Account--Federal
 Appropriation \$ 250,000
 Aircraft Search and Rescue, Safety, and Education
 Account--State Appropriation \$ 66,000
 TOTAL APPROPRIATION \$ 2,187,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--
 IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--
 State Appropriation \$ 600,000
 Motor Vehicle Fund--State Appropriation \$ 119,029,000
 Motor Vehicle Fund--Federal Appropriation \$ 180,000,000
 Motor Vehicle Fund--Private Local
 Appropriation \$ 39,350,000
 Special Category C Account--State Appropriation \$ 102,500,000
 Special Category C Account--Local
 Appropriation \$ 50,000
 Transportation Fund--State Appropriation \$ 30,000,000
 Puyallup Tribal Settlement Account--State
 Appropriation \$ 16,000,000
 Puyallup Tribal Settlement Account--Federal
 Appropriation \$ 1,000,000
 Puyallup Tribal Settlement Account--Private Local
 Appropriation \$ 2,300,000
 TOTAL APPROPRIATION \$ 490,829,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$25,487,000 of the motor vehicle fund-federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund-state appropriation includes \$6,286,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account--state appropriation of \$102,500,000 includes \$85,400,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 for the 1st avenue south bridge in Seattle, North-South Corridor/Division street improvements in Spokane, and selected sections of state route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle fund--state appropriation includes \$6,356,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;

- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) The motor vehicle fund--state appropriation and the transportation fund--state appropriation in this section include \$37,400,000 to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;
- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;
- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) The motor vehicle fund--state appropriation and the transportation fund--state appropriation in this section include \$28,000,000 to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;
- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SE 312th Way to SE 304th St - Stage 2;
- (h) SR 82 to Selah;
- (i) O'Brien to Lewis Rd;
- (j) NE 147th to 80th NE - HOV Lanes;
- (k) Old Cascade Hwy - to Deception CR - Stage 1;
- (l) Prophets point to Old Cascade Hwy - Stage 2; and
- (m) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) The motor vehicle fund--state appropriation in this section includes \$16,500,000 for the following high occupancy vehicle lane projects:

- (a) 15th St SW to 84th Ave. SO - Stage 2; and
- (b) Pierce C.L. to Tukwila I/C - Stage 1.

Construction of the projects under this subsection is subject to the availability of revenue from the repeal of the gasohol exemption and credit.

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) The motor vehicle fund appropriation in this section includes \$11,422,000 for new preconstruction activities.

(9) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(10) If chapter . . . (House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ 112,853,000
Motor Vehicle Fund--Federal Appropriation \$ 229,000
Motor Vehicle Fund--Private Local Appropriation \$ 1,634,000
TOTAL APPROPRIATION \$ 114,716,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters such as fire, flooding, and major slides, supplemental appropriations will be requested to restore funding for ongoing maintenance activities.

(2) If projected snow and ice expenditures exceed the plan of \$20,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.

**NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--
PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$ 48,650,000
Motor Vehicle Fund--Federal Appropriation \$ 47,300,000
Motor Vehicle Fund--Private Local Appropriation \$ 4,650,000
Transportation Fund--State Appropriation \$ 57,700,000
Transportation Fund--Federal Appropriation \$ 70,150,000
Transportation Fund--Private Local Appropriation \$ 2,250,000
TOTAL APPROPRIATION \$ 230,700,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 for emergency purposes.

(2) The appropriations in this section include \$5,600,000 for seismic retrofit activities.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION SYSTEMS MANAGEMENT--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ 12,369,000
TOTAL APPROPRIATION \$ 12,369,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: By December 31, 1995, the department shall adjust fees charged to businesses participating in the motorist information sign program to make the program self-supporting. For purposes of this proviso, the erection, maintenance, and replacement of backpanels shall not be considered part of the program cost.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--
SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ 184,000
Motor Vehicle Fund--Federal Appropriation \$ 200,000
Motor Vehicle Fund--Private Local Appropriation \$ 1,050,000
TOTAL APPROPRIATION \$ 1,434,000

By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:

(1) Recovery of full costs for reimbursable services; and

(2) Consistency of charging for reimbursable services across the department's regions.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital Construction
Account--State Appropriation \$ 555,000
Motor Vehicle Fund--State Appropriation \$ 26,403,000
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 553,000
Transportation Fund--State Appropriation \$ 9,185,000
TOTAL APPROPRIATION \$ 36,696,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation fund--state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions to public-private transportation initiatives projects. \$2,160,000 of the bond proceeds are to be transferred to the improvement program to pay back the loan as recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee on the status of the public-private initiatives in transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T**

Essential Rail Assistance Account--State
Appropriation \$ 518,000
Motor Vehicle Fund--State Appropriation \$ 7,444,000
Motor Vehicle Fund--Federal Appropriation \$ 8,020,000
High Capacity Transportation Account--
State Appropriation \$ 1,448,000
Essential Rail Banking Account--State
Appropriation \$ 52,000
Transportation Fund--State Appropriation \$ 29,222,000
Transportation Fund--Federal Appropriation \$ 6,062,000
Transportation Fund--Private Local
Appropriation \$ 52,000
Central Puget Sound Public Transportation
Account--State Appropriation \$ 6,755,000
Public Transportation Systems Account--State
Appropriation \$ 1,541,000
Air Pollution Control Account--State

Appropriation \$ 3,171,000
TOTAL APPROPRIATION \$ 64,285,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$26,096,000 of the transportation fund--state and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$7,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, BC., and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours;

(2) Up to \$1,200,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1993-1995 biennium levels for those counties not having metropolitan planning organizations within their boundaries; and

(3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board.

(4) If the 1995 legislature does not enact House Bill 2009 or transfer responsibility to the department of transportation for the commute trip reduction program, then the appropriation from the air pollution control account in this section shall lapse.

(5) The appropriation from the high capacity transportation account includes a \$760,000 transfer to the passenger ferry account, \$300,000 for administration of the freight rail program at the department of transportation, and \$315,000 for planning grants to the Spokane and Thurston county areas.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--
CHARGES FROM OTHER AGENCIES--PROGRAM U**

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT
Motor Vehicle Fund--State Appropriation \$ 2,323,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR
Motor Vehicle Fund--State Appropriation \$ 416,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION
FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES
Motor Vehicle Fund--State Appropriation \$ 1,686,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL
Motor Vehicle Fund--State Appropriation \$ 1,120,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND
ADMINISTRATION
Motor Vehicle Fund--State Appropriation \$ 5,524,000

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND
ADMINISTRATION
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 1,000,000

(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S
BUSINESS ENTERPRISES
Motor Vehicle Fund--State Appropriation \$ 254,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL
ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 47,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION
CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 180,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 115,000

**NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--
MARINE CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 103,330,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 5,000,000

TOTAL APPROPRIATION \$ 108,330,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$69,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle Colman dock ferry terminal.

(4) The Washington state ferries shall pursue the acquisition of appropriate passenger-only vessel capacity from potential federal funding sources. If no federal funds are available, it is the intent of the legislature that the construction and assembly of any passenger vessels occur within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--
MARINE--PROGRAM X**

Marine Operating Fund--State Appropriation \$ 120,104,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$13,415,000 for vessel operating fuel in fiscal year 1996. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during fiscal year 1996 may not exceed \$80,235,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 a

month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995.

(3) The appropriation in this section includes \$206,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 3,685,000
Motor Vehicle Fund--Federal Appropriation \$ 60,575,000
Motor Vehicle Fund--Private Local Appropriation \$ 2,493,000
Transfer Relief Account--State Appropriation \$ 307,000
TOTAL APPROPRIATION \$ 67,060,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$6,550,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$1,637,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle fund--federal appropriation of transportation enhancements moneys shall be used in the following manner: Priority shall be given for up to fifty percent for the preservation and improvement of freight rail corridors; a maximum of twenty-five percent for bicycle projects; and the remainder for other purposes.

**PART III
CAPITAL**

NEW SECTION. Sec. 301. The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) JOINT PROJECTS

(a) FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SERVICE CENTER--PARKLAND

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 486,000

Motor Vehicle Fund--State Appropriation \$ 71,000
Highway Safety Fund--State Appropriation \$ 71,000
TOTAL APPROPRIATION \$ 628,000

(b) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING--UNION GAP

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 600,000
TOTAL APPROPRIATION \$ 600,000

(c) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION--NORTH SPOKANE

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 215,000
TOTAL APPROPRIATION \$ 215,000

(d) FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL--BELLINGHAM

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 2,874,000
Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 1,800,000
TOTAL APPROPRIATION \$ 4,674,000

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation.

(3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

- (a) A new customer service center in Vancouver for \$2,629,700;
- (b) A new customer service center in West Spokane for \$3,083,600;
- (c) A new customer service center in Lacey for \$3,152,500;
- (d) A new customer service center in Union Gap for \$3,026,500; and
- (e) A new customer service center in Wenatchee for \$2,078,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriations in this section are provided for the following projects:

(1) ACADEMY DRIVE COURSE--SHELTON

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 500,000
TOTAL APPROPRIATION \$ 500,000

(2) MINOR WORKS: PRESERVATION

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 400,000
TOTAL APPROPRIATION \$ 400,000

(3) MINOR WORKS: PROGRAM

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 100,000
TOTAL APPROPRIATION \$ 100,000

(4) SOUTH SEATTLE DETACHMENT

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 151,000
TOTAL APPROPRIATION \$ 151,000

(5) WASHINGTON STATE PATROL OFFICE--SILVER LAKE REST AREA

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 197,000
TOTAL APPROPRIATION \$ 197,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

All projects in section 303 of this act are funded from the motor vehicle fund--Transportation capital facilities account--state.

(1) OKANAGAN AREA MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 2,801,000
TOTAL APPROPRIATION \$ 2,801,000

(2) THURSTON COUNTY LIGHT INDUSTRIAL COMPLEX

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 60,000
TOTAL APPROPRIATION \$ 60,000

(3) CHEHALIS AREA MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,401,000
TOTAL APPROPRIATION \$ 1,401,000

(4) WOODLAND SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 265,000
TOTAL APPROPRIATION \$ 265,000

(5) CONNELL SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 150,000
TOTAL APPROPRIATION \$ 150,000

(6) WILBUR SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,036,000
TOTAL APPROPRIATION \$ 1,036,000

(7) MINOR REGIONAL PROJECTS

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 763,000
TOTAL APPROPRIATION \$ 763,000

(8) STATE-WIDE ADMINISTRATION AND SUPPORT

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 762,000
TOTAL APPROPRIATION \$ 762,000
GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION--CAPITAL

Motor Vehicle Fund--State Appropriation \$ 400,000
TOTAL APPROPRIATION \$ 400,000

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION--CAPITAL

Motor Vehicle Fund--State Appropriation \$ 2,500,000
TOTAL APPROPRIATION \$ 2,500,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for the activity: The amount appropriated represents the total motor vehicle fund--state contribution for all phases of the plaza garage renovation project.

PART IV
TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Motor Vehicle Fund--Puget Sound Capital Construction
Account Appropriation \$ 4,250,000
Motor Vehicle Fund Appropriation \$ 695,000
Transportation Improvement Account
Appropriation \$ 1,250,000
Transportation Fund Appropriation \$ 208,000
Special Category C Account Appropriation \$ 4,000,000
Highway Bond Retirement Account Appropriation \$ 195,814,000
Ferry Bond Retirement Account Appropriation \$ 36,788,000
TOTAL APPROPRIATION \$ 243,005,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Fund--Puget Sound Capital Construction
Account Appropriation \$ 850,000
Motor Vehicle Fund Appropriation \$ 139,000
Motor Vehicle Fund--Urban Arterial Trust Account
Appropriation \$ 5,000
Motor Vehicle Fund--Transportation Improvement
Account Appropriation \$ 250,000
Special Category C Account Appropriation \$ 800,000
Transportation Fund Appropriation \$ 42,000
Transportation Capital Facilities Account
Appropriation \$ 1,000
TOTAL APPROPRIATION \$ 2,087,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Fund Appropriation for motor
vehicle fuel tax and overload penalties
distribution \$ 452,180,000
Transportation Fund Appropriation \$ 2,352,000
TOTAL APPROPRIATION \$ 454,532,000

NEW SECTION. Sec. 404. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT

Motor Vehicle Fund--State Patrol Highway Account
Appropriation \$ 3,300,000

(1) The appropriation provided in this section is to ensure that all commissioned officers and communication officers receive salary increases of 5% on January 1, 1996 and an additional 4% on January 1, 1997. The chief and all deputy chiefs of the state patrol shall not receive the increase provided for in this subsection.

(2) The omnibus operating budget, Engrossed Substitute House Bill No. 1410, provides an amount of \$100 per month per state employee effective January 1, 1996. The appropriation provided

in this section provides the difference between the \$100 per month amount contained in Engrossed Substitute House Bill No. 1410 and the amount granted in subsection (1) of this section for commissioned officers and communication officers of the state patrol.

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

Motor Vehicle Fund--State Patrol Highway Account:
For transfer to the department of retirement
systems expense fund \$ 130,000
TOTAL APPROPRIATION \$ 130,000

NEW SECTION. Sec. 406. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT

Motor Vehicle Fund--State Appropriation \$ 592,000
TOTAL APPROPRIATION \$ 592,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: This amount is for the purpose of reducing, from more than twenty-five percent to twenty-five percent, the salary discrepancies between those classifications of state employees unique to the department of transportation and the prevailing state-wide rates for those classifications.

NEW SECTION. Sec. 407. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 408. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 409. TRANSFERS

(1) R V Account--State Appropriation:
For transfer to the Motor Vehicle Fund--
State \$ 454,000
(2) Transfer Relief Account--State Appropriation:
For transfer to the Motor Vehicle Fund--
State \$ 1,329,000
(3) Motor Vehicle Fund--State Appropriation:
For transfer to the Transportation Capital
Facilities Account--State \$ 39,579,000
(4) Small City Account--State Appropriation:
For transfer to the Urban Arterial Trust
Account--State \$ 1,272,000
(5) Small City Account--State Appropriation:
For transfer to the Transportation Improvement
Account--State \$ 3,750,000

(6) High Capacity Transportation Account--State Appropriation:
For transfer to the Passenger Ferry Account \$ 760,000

(7) Transportation Improvement Account--State Appropriation:
For transfer to the Urban Arterial Trust
Account--State \$ 10,000,000

The transfer provided in this subsection shall be repaid to the transportation improvement account--state by June 30, 1997.

NEW SECTION. **Sec. 410.** The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

NEW SECTION. **Sec. 411.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. **Sec. 412.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. **Sec. 413.** If chapter . . . (Substitute House Bill No. 1510), Laws of 1995 is enacted, an appropriation of \$787,000 from the oil spill administration account--state and an appropriation of \$70,000 from the state toxics control account--state are made to the department of ecology.

NEW SECTION. **Sec. 414.** The additional distribution of transit equalization moneys provided for in chapter ... (Substitute House Bill No. 1871), Laws of 1995 is contingent upon the enactment of this act.

NEW SECTION. **Sec. 415. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during fiscal year 1996.

NEW SECTION. **Sec. 416.** A new section is added to chapter 47.60 RCW to read as follows:
There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger only ferry vessels. Moneys in the account shall be expended with legislative appropriation.

PART V MISCELLANEOUS

NEW SECTION. **Sec. 501. COORDINATION OF TRANSPORTATION INFORMATION TECHNOLOGY.** To maximize the use of transportation revenues, it is the intent

of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, support services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 502. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committees for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 503. The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

NEW SECTION. Sec. 504. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

Sec. 505. RCW 46.68.041 and 1985 ex.s. c 1 s 12 are each amended to read as follows:

~~((4))~~ The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund ~~((except as otherwise provided in this section.~~

~~(2) Out of each fee of fourteen dollars collected for a driver's license, the sum of ten dollars and twenty cents shall be deposited in the highway safety fund, and three dollars and eighty cents shall be deposited in the general fund)).~~

Sec. 506. RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

(1) There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight.

(2) For the biennium ending June 30, 1997, money in the account may be transferred to the passenger ferry account as provided for in section 409, chapter . . . , Laws of 1995 (section 409 of this act).

(3) Section 506, chapter . . . , Laws of 1995 (this act) shall expire July 1, 1997.

Sec. 507. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county~~

~~with a population as described under (a) of this subsection))~~ any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority and the regional transit authority may only place the authorization for these taxes before the voters after specific legislative approval to do so.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection ~~((4))~~ (9) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.))~~

~~(8) ((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.~~

~~(9))~~ For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

~~((4))~~ (9) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

Sec. 508. RCW 82.44.150 and 1994 c 241 s 1 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within ~~((i))~~ each county ~~((with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection))~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account created in section 416 of this act;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

NEW SECTION. Sec. 509. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 510. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.041, 47.78.010, 81.104.140, and 82.44.150; adding a new section to chapter 47.60 RCW; creating new sections; making appropriations; providing an effective date; and declaring an emergency."

Representative Hatfield moved adoption of the following amendment to the amendment by Representative Hatfield:

On page 4, after line 23 insert the following:

"NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Motor Vehicle Fund--State Appropriation	\$ 292,500
TOTAL APPROPRIATION	\$ 292,500

Representative Hatfield spoke in favor of the adoption of the amendment to the amendment.

Representative Mitchell spoke against the adoption of the amendment to the amendment.

The amendment was not adopted.

Representative Costa moved adoption of the following amendment to the amendment by Representative Costa:

On page 5, line 7 of the amendment, strike "144,000" and insert "288,000"

On page 5, line 8 of the amendment, strike "2,945,000" and insert "3,089,000"

Representatives Costa, Robertson and Chappell spoke in favor of the adoption of the amendment to the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 91-YEAS, 1-NAYS. The amendment was adopted.

Representative K. Schmidt moved adoption of the following amendment to the amendment by Representative K. Schmidt:

On page 8, line 4 of the amendment, after "patrol" strike all material through "and" on line 5

On page 8, line 10 of the amendment, after "1996." strike all material through "biennium." on line 12

Representative K. Schmidt spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted.

Representative K. Schmidt moved adoption of the following amendment to the amendment by Representative K. Schmidt:

On page 20, line 13 of the amendment, after "sources." strike all material through "state." on line 15

Representative K. Schmidt spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted.

Representative Benton moved adoption of the following amendment to the amendment by Representative Benton:

On page 37, following line 3 of the amendment, strike all material through line 9 and insert:
"~~((In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority))~~ An authorizing proposition to impose these dedicated funding sources may be put before the voters only after specific legislative approval to do so."

Representatives Benton and Cairnes spoke in favor of the adoption of the amendment to the amendment.

Representative R. Fisher spoke against the adoption of the amendment to the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 59-YEAS, 33-NAYS. The amendment was adopted.

Representative Cairnes moved adoption of the following amendment to the amendment by Representative Cairnes:

On page 42, after line 20 of the amendment, insert the following:

"**NEW SECTION. Sec. 509.** The following acts or parts of acts are each repealed:

- (1) RCW 81.112.010 and 1992 c 101 s 1;
- (2) RCW 81.112.020 and 1992 c 101 s 2;
- (3) RCW 81.112.030 and 1994 c 44 s 1, 1993 sp.s. c 23 s 62, & 1992 c 101 s 3;
- (4) RCW 81.112.040 and 1994 c 109 s 1 & 1992 c 101 s 4;
- (5) RCW 81.112.050 and 1992 c 101 s 5;
- (6) RCW 81.112.060 and 1992 c 101 s 6;
- (7) RCW 81.112.070 and 1992 c 101 s 7;
- (8) RCW 81.112.080 and 1992 c 101 s 8;
- (9) RCW 81.112.090 and 1992 c 101 s 9;
- (10) RCW 81.112.100 and 1992 c 101 s 10;
- (11) RCW 81.112.110 and 1992 c 101 s 11;
- (12) RCW 81.112.120 and 1992 c 101 s 12;
- (13) RCW 81.112.130 and 1992 c 101 s 13;
- (14) RCW 81.112.140 and 1992 c 101 s 14;
- (15) RCW 81.112.150 and 1992 c 101 s 15;
- (16) RCW 81.112.160 and 1992 c 101 s 16;
- (17) RCW 81.112.170 and 1992 c 101 s 17;
- (18) RCW 81.112.900 and 1992 c 101 s 33;
- (19) RCW 81.112.901 and 1992 c 101 s 34; and
- (20) RCW 81.112.902 and 1992 c 101 s 35.

Sec. 510. RCW 81.104.015 and 1992 c 101 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including interim express services and high

occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.

(2) "Regional transit system" means a high capacity transportation system under the jurisdiction of one or more transit agencies (~~((except where a regional transit authority created under chapter 81.112 RCW exists, in which case "regional transit system" means the high capacity transportation system under the jurisdiction of a regional transit authority))~~).

(3) "Transit agency" means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.

Sec. 511. RCW 81.104.030 and 1993 c 428 s 1 are each amended to read as follows:

(1) In any county (~~((with a population of from two hundred ten thousand to less than one million that is not bordered by a county with a population of one million or more, and in each county with a population of less than two hundred ten thousand))~~) that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders, except for any county having a population of more than one million or a county that has a population more than four hundred thousand and is adjacent to a county with a population of more than one million, transit agencies may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation, or such agencies may use the designated metropolitan planning organization as the regional policy committee.

Transit agencies participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and financing plan. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington.

(2) Transit agencies in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or Canadian province.

Sec. 512. RCW 81.104.040 and 1992 c 101 s 21 are each amended to read as follows:

Transit agencies in each county with a population of one million or more, and in each county with a population of from ~~((two))~~ four ~~((ten))~~ thousand to less than one million bordering a county with a population of one million or more ~~((that are authorized on January 1, 1991, to provide high capacity transportation planning and operating services must))~~ may establish through interlocal agreements a ~~((joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.~~

~~((1) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.~~

~~((2) The joint regional policy committee shall be responsible for the preparation and adoption of))~~ process to jointly prepare a regional high capacity transportation implementation program, which shall include the system plan, project plans, and a financing plan. This program shall be in conformance with the regional transportation planning organization's regional transportation plan and consistent with RCW 81.104.080.

~~((3) The joint regional policy committee shall present an adopted high capacity transportation system plan and financing plan to the boards of directors of the transit agencies within the service area or to the regional transit authority, if such authority has been formed. The authority shall proceed as prescribed in RCW 81.112.030)).~~

Transit agencies are encouraged to utilize this process and the process in section 518 of this act in order to better coordinate high-capacity transit services and to provide for more effective utilization of transportation resources.

Sec. 513. RCW 81.104.050 and 1992 c 101 s 22 are each amended to read as follows:

Regional high capacity transportation service may be expanded beyond the established district boundaries through interlocal agreements among the transit agencies ~~((and any regional transit authorities in existence))~~.

Sec. 514. RCW 81.104.120 and 1993 c 428 s 2 are each amended to read as follows:

(1) Transit agencies ~~((and regional transit authorities))~~ may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode. A reasonable alternative is one whose ~~((passenger))~~ costs per passenger mile, including costs of trackage, equipment, maintenance, operations, and administration are equal to or less than comparable bus, entrained bus, trolley, or personal rapid transit systems.

(2) A county may use funds collected under RCW 81.100.030 or 81.100.060 to contract with one or more transit agencies ~~((or regional transit authorities))~~ for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation plan; (b) have met the project planning and oversight requirements of RCW 81.104.100 and 81.104.110; and (c) have been approved by the voters within the service area of each transit agency ~~((or regional transit authority))~~ participating in the project. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington. The phrase "approved by the voters" includes specific funding authorization for the commuter rail project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service.

Sec. 515. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) ~~Transit agencies authorized to provide high capacity transportation service((including transit agencies and regional transit authorities,))~~ are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection))~~ any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be ~~((imposed only by a regional transit authority))~~ placed before the voters for approval only after specific legislative approval by a recorded majority vote of the house of representatives and of the senate.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection ~~((4))~~ (9) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. ~~((Except when a regional transit authority exists,))~~ Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.))~~

~~(8) ((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.))~~

~~(9))~~ For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

~~((4))~~ (9) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

Sec. 516. RCW 81.104.150 and 1992 c 101 s 26 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas~~((, and regional transit authorities))~~ may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month per employee on all employers located within the agency's jurisdiction, measured by the number of full-time equivalent employees, solely for the purpose of providing high capacity transportation service. The rate of tax shall be approved by the voters. This tax may not be imposed by ~~((:-(4)))~~ a transit agency when the county within which it is located is imposing an excise tax pursuant to RCW 81.100.030~~((; or (2) a regional transit authority when any county within the authority's boundaries is imposing an excise tax pursuant to RCW 81.100.030))~~. The agency imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Sec. 517. RCW 81.104.160 and 1992 c 194 s 13 and 1992 c 101 s 27 are each reenacted and amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas~~((, and regional transit authorities))~~ may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate

approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, ~~((46.16.080,))~~ 46.16.085, or 46.16.090.

(2) An agency imposing a tax under subsection (1) of this section may also impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall bear the same ratio to the rate imposed under RCW 82.08.020(2) as the excise tax rate imposed under subsection (1) of this section bears to the excise tax rate imposed under RCW 82.44.020 (1) and (2). The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax. The revenue collected under this subsection shall be used in the same manner as excise taxes under subsection (1) of this section.

Sec. 518. RCW 81.104.170 and 1992 c 101 s 28 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas~~((, and regional transit authorities))~~ may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340~~((, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340))~~.

Sec. 519. RCW 81.104.180 and 1992 c 101 s 29 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas~~((, and regional transit authorities))~~ are authorized to pledge revenues from the employer tax authorized by RCW 81.104.150, the special motor vehicle excise tax authorized by RCW 81.104.160, and the sales and use tax authorized by RCW 81.104.170, to retire bonds issued solely for the purpose of providing high capacity transportation service.

Sec. 520. RCW 81.104.190 and 1992 c 101 s 30 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas~~((, and regional transit systems))~~ may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, and 81.104.170.

Sec. 521. RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read as follows:

By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, ~~((and each regional transit authority))~~ shall prepare a six-year transit development plan for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.70A RCW. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating

changes planned for the system, and how the municipality intends to fund program needs. The six-year plan for each municipality (~~and regional transit authority~~) shall specifically set forth those projects of regional significance for inclusion in the transportation improvement program within that region. Each municipality (~~and regional transit authority~~) shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality (~~and the regional transit authority~~) shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

Sec. 522. RCW 47.26.121 and 1994 c 179 s 13 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of eighteen members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (c) the assistant secretary for local programs of the department of transportation; (d) a representative of a public transit system; (e) a private sector representative; and (f) a public member.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) The transit member shall be a general manager, executive director, or transit director of a public transit system.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.

(7) Appointments of county, city, transit, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, and the Washington state transit

association for the transit member. The private sector and public members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector or public member resigns or is unable or unwilling to serve.

(8) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

(9) The board shall elect a chair from among its members for a two-year term.

(10) Expenses of the board shall be paid in accordance with RCW 47.26.140.

(11) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area(~~(, or regional transit authority)~~).

Sec. 523. RCW 47.80.060 and 1992 c 101 s 31 are each amended to read as follows:

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the three largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards (~~(or on a regional transit authority)~~).

NEW SECTION. Sec. 524. (1) Every regional transit authority created under chapter 81.112 RCW is hereby abolished.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of any regional transit authority created under chapter 81.112 RCW shall be delivered to the custody of the transit agencies within the boundaries of the regional transit authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by any regional transit authority created under chapter 81.112 RCW shall be made available to the transit agencies within the boundaries of the regional transit authority. All funds, credits, or other assets held by any regional transit authority created under chapter 81.112 RCW shall be assigned to the transit agencies within the boundaries of the regional transit authority.

(b) Any appropriations or grants made to any regional transit authority created under chapter 81.112 RCW and any funds in the custody of any regional transit authority created under chapter 81.112 RCW shall, on the effective date of this section, be transferred and credited to the transit agencies within the boundaries of the regional transit authority.

(c) If any question or dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before any regional transit authority created under chapter 81.112 RCW shall be continued and acted upon by the transit agencies within the boundaries of the regional transit authority. All existing contracts and obligations shall remain in full force and shall be performed by the transit agencies within the boundaries of the regional transit authority.

(4) The transfer of the duties, functions, and personnel of any regional transit authority created under chapter 81.112 RCW shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

(7) The transit agencies within the boundaries of the regional transit authority shall apportion equitably among themselves any assets or liabilities remaining after the regional transit authority is abolished.

NEW SECTION. **Sec. 525.** A new section is added to chapter 81.104 RCW to read as follows:

Transit agencies entering into local agreements under RCW 81.104.040 shall include, as part of their process to prepare a high capacity transportation program, a comprehensive treatment of mobility in the entire region which their program addresses. It shall consider existing and future technological alternatives under development demonstrating the capacity for addressing regional transportation problems into the twenty-first century.

The evaluation shall address trips throughout the region including city-to-city, city-to-suburb, and suburb-to-suburb, considering steps necessary to reduce congestion, especially addressing rush hour traffic. The program shall be destination oriented, addressing not only the service needs of urban areas but those of less populated areas throughout the region. It shall include necessary freeway expansion, including the use of special purpose lanes to expedite commerce and for other purposes. It shall also consider programs developed for certain areas such as fare-free programs, and tax incentives for business and individuals designed to reduce traffic congestion and ensure mobility.

The process shall include input from cities and counties, public ports, large employers in the area, the department of transportation, and the legislature.

NEW SECTION. **Sec. 526.** Section 507, chapter . . . , Laws of 1995 (H-2608.3/95) shall expire on May 31, 1996.

NEW SECTION. **Sec. 527.** Unless a high capacity transportation system plan, with funding, as authorized under RCW 81.104.140 is approved by a majority of the voters within the boundaries of a regional transit authority, authorized under chapter 81.112 RCW, by May 31, 1996, sections 509 through 526 of this act shall take effect May 31, 1996."

On page 42, line 25 of the amendment, strike "This" and insert "Except for sections 509 through 526 of this act, this"

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title amendment.

Representatives Cairnes, Campbell, Mitchell, Benton and Hargrove spoke in favor of the adoption of the amendment to the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representatives R. Fisher and Patterson spoke against the adoption of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 42, after line 20, to Substitute House Bill No. 2080 and the amendment was adopted by the following vote: Yeas - 63, Nays - 30, Absent - 1, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Radcliff, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 63.

Voting nay: Representatives Appelwick, Basich, Blanton, Brown, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Jacobsen, Mason, Mastin, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 30.

Absent: Representative Reams - 1.

Excused: Representatives Casada, Dellwo and Mulliken - 3.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt, Smith, Robertson, Benton and Mitchell spoke in favor of passage of the bill.

Representatives R. Fisher, Chopp, Brown, Patterson, Ogden, Kessler and Romero spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2080.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2080, and the bill passed the House by the following vote: Yeas - 55, Nays - 39, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 55.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Fuhrman, Grant, Hatfield, Jacobsen, Kessler, Koster, Kremen, Mason, Mastin, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Schmidt, D., Sheldon, Sommers, Stevens, Thibaudeau, Tokuda, Valle, Van Luven, Veloria and Wolfe - 39.

Excused: Representatives Casada, Dellwo and Mulliken - 3.

Engrossed Substitute House Bill No. 2080, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative Morris: Having voted on the prevailing side of Engrossed Substitute House Bill No. 2080 moved that the House immediately reconsider the vote.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2080 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2080 on reconsideration, and the bill passed the House by the following vote: Yeas - 55, Nays - 39, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 55.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Koster, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Schmidt, D., Sheldon, Sommers, Stevens, Thibaudeau, Tokuda, Valle, Van Luven, Veloria and Wolfe - 39.

Excused: Representatives Casada, Dellwo and Mulliken - 3.

Engrossed Substitute House Bill No. 2080 on reconsideration, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1248 with the following amendments:

On page 2, beginning on line 34, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. (1) The recipient shall begin paying the deferred taxes in the fifth year after the date certified by the department as the date on which the investment project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	10%
3	10%
4	10%
5	10%
6	10%
7	10%

8	10%
9	10%
10	10%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest shall not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes is not extinguished by insolvency or other failure of the recipient."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Van Luven moved that the House not concur in the Senate amendments to Substitute House Bill No. 1248.

Representative Appelwick spoke in favor of the motion. The motion was carried.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Foreman, the House adjourned until 9:30 a.m., Wednesday, April 12, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

NINETY-THIRD DAY, APRIL 11, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

NINETY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 12, 1995

The House was called to order at 9:30 a.m. by the Speaker (Representative Lambert presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amy Brennan and Lindsay Hagen. Prayer was offered by Pastor Doug Murren of the Eastside Foursquare Church of Kirkland.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

Representative Horn presiding assumed the chair.

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4659, by Representatives Buck, Johnson, Cairnes, Benton, Schoesler, McMahan, Pennington, McMorris, D. Schmidt and Koster

WHEREAS, Arbor Day has been celebrated in Washington since 1917 when Governor Ernest Lister conducted the first official observance; and

WHEREAS, It is statutory that the second Wednesday in April each year is designated as Washington State Arbor Day; and

WHEREAS, The State of Washington is appropriately called the Evergreen State due to the existence and special significance that trees and plants contribute to our jobs, natural beauty, environment, and quality of life to our citizens; and

WHEREAS, The heritage of our state was built from the hardworking ethics of the families who helped harvest our rich forests to provide wood products and homes for our citizens; and

WHEREAS, Arbor Day is a traditional day for the planting of trees and shrubs by many citizens in the State of Washington; and

WHEREAS, Arbor Day focuses community attention on planting trees while educating school children and community groups about the value of trees; and

WHEREAS, Arbor Day is a symbolic day to recognize the importance of trees and shrubs to the environment, to neighborhoods and communities, to our state's agricultural and timber-based economy, and the importance of continued regeneration of our renewable resources; and

WHEREAS, By observing Arbor Day every year the citizens of the state can show their appreciation for the state's natural resources, the full range of benefits that are provided from trees and shrubs in the state, and the importance of planting trees and shrubs throughout the year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives wishes to hereby recognize April 12, 1995, as Arbor Day and encourages residents to plant a tree or shrub and celebrate this day.

Representative Buck moved adoption of the resolution.

Representatives Buck, Sheldon and Johnson spoke in favor of adoption of the resolution.

House Resolution No. 4659 was adopted.

HOUSE RESOLUTION NO. 95-4669, by Representatives Quall, Hymes, Sehlin, Beeksma, D. Schmidt and Koster

WHEREAS, The beautiful Skagit Valley is the Tulip Capital of the Northwest; and
WHEREAS, Every April brings a spectacular panorama as the thousands of tulips bloom herald the coming of spring; and
WHEREAS, The Skagit Valley Tulip Festival launches the festival season here in Washington; and

WHEREAS, This year's twelfth annual Tulip Festival from March 31st through April 16th is shining world-wide attention on the communities of Anacortes, Burlington, Concrete, LaConner, Mount Vernon, and Sedro Wooley; and

WHEREAS, The nearly half a million people who visited the Skagit Valley Tulip Festival last year enjoyed a tremendous variety of exciting activities and contributed greatly to the region's economy; and

WHEREAS, This year's visitors will be overwhelmed by more than 1,500 acres of tulips reflecting all the colors of the rainbow and representing the fullness of life for the marvelous people who call the Skagit Valley home; and

WHEREAS, Highlights of this year's festivities include the Mount Vernon Street Fair, the John Philip Sousa concert, the International Volkswalk, the Tulip Pedal Bicycle Ride, the Paccar Open House, the 10K Slug Run, and the Key Bank Flower and Garden Show;

NOW, THEREFORE, BE IT RESOLVED, that the House of Representatives of the State of Washington salute the resplendent communities of the Skagit Valley, as well as their chambers of commerce and the Tulip Festival Committee for their tireless efforts in providing another Skagit Valley Tulip Festival for the joy of grateful visitors; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this celebrated event, and that we encourage citizens from all across our state, nation, and world to make time to savor this sensational display; and

BE IT FURTHER RESOLVED, That copies of the Resolution be immediately transmitted to the community leaders of the phenomenal Skagit Valley.

Representative Quall moved adoption of the resolution.

Representatives Quall, Hymes, Van Luven, Sehlin and Beeksma spoke in favor of adoption of the resolution.

House Resolution No. 4669 was adopted.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

RESOLUTION

HOUSE RESOLUTION NO. 95-4639, by Representatives Beeksma and D. Schmidt

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Governor has proclaimed April 1995 to be Drug Free Washington Month in the State of Washington and the Drug Abuse Resistance Education (DARE) program is a unique, exemplary program which is extraordinarily effective in reducing illegal and illicit drug and alcohol abuse through education; and

WHEREAS, Sergeant John Dyer is an example of the highest level of excellence in his service to the DARE program and commitment to the citizens of the great state of Washington; and

WHEREAS, Sergeant Dyer has served the City of Oak Harbor with distinction since 1989 as a DARE officer, contributing to the overwhelming success of the program beyond everyone's expectations, in part by bringing important information to adults to support a program that has been so successful; and

WHEREAS, Sergeant Dyer has dedicated himself to the laudable principles of the DARE program with an unyielding dedication, enduring perseverance, and selfless devotion that has been an example for DARE officers everywhere; and

WHEREAS, Sergeant Dyer has successfully taught over seven thousand school children about the danger, peril, and threat of illicit drugs, and has sponsored community activities and events, that raised funds for continued DARE efforts and brought the deserving message of DARE to the greater community and developed support and partnership between law enforcement and those whom they serve; and

WHEREAS, Sergeant Dyer's substantial and considerable personal and professional contributions are continually hallmarked by goodwill, generosity, benevolence, spontaneous and good-natured humor, enthusiasm, compassionate understanding, as well as the talent, skill, and expertise that has earned him well-deserved gratitude of the community, and his outstanding rapport with students enhanced his ability to communicate the objectives of DARE, illustrated by many letters of testimony from former students of the beneficial effect that he has had on their lives; and

WHEREAS, The Legislature recognizes that the dramatic and unique challenges that face our great state of Washington are only surmounted because of the efforts, commitment, devotion, and unwavering excellence of individuals such as Sergeant Dyer;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the highest level of excellence demonstrated by Sergeant Dyer in his dedicated and committed public service to the community of Oak Harbor and the greater state of Washington and for the outstanding example that he has set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Sergeant Dyer and the Chief of Police of Oak Harbor.

Representative Beeksma moved adoption of the resolution.

Representatives Beeksma, Delvin and Sehlin spoke in favor of adoption of the resolution.

House Resolution No. 4639 was adopted.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HCR 4407 by Representatives Chandler and Mastin

Establishing a task force on agricultural safety standards.

There being no objection, House Concurrent Resolution No. 4407 was advanced to second reading and read the second time in full.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Chandler and Mastin

Establishing a task force on agricultural safety standards.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representatives Chandler, Mastin and Lisk spoke in favor of adoption of the resolution.

The Speaker stated the question before the House to be final adoption of House Concurrent Resolution No. 4407.

ROLL CALL

The Clerk called the roll on the final adoption of House Concurrent Resolution No. 4407, and the resolution was adopted by the following vote: Yeas - 83, Nays - 12, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cole, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 83.

Voting nay: Representatives Chopp, Cody, Conway, Dellwo, Fisher, R., Mason, Romero, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 12.

Excused: Representatives Mulliken and Stevens - 2.

House Concurrent Resolution No. 4407, having received the constitutional majority, was adopted.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Snyder, Newhouse, Loveland, A. Anderson, Hochstatter, Haugen and Deccio)

Providing for agricultural safety standards.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Agriculture & Ecology recommendation: Majority, do pass as amended. (For committee amendment see Journal, 79th Day, March 28, 1995.)

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

- (1) The state's highly productive and efficient agricultural sector is composed predominately of family-owned and managed farms and an industrious and efficient work force;
- (2) A reasonable level of safety regulation is needed to protect workers; and
- (3) The smaller but highly efficient farming operations would benefit from safety rules that are easily referenced and agriculture-specific to the extent possible.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

- (1) To afford the legislature an opportunity to examine more closely the agricultural safety standards that should apply to the agricultural industry, no rules adopted under this chapter amending or establishing agricultural safety standards shall take effect during the period beginning January 1, 1995, and ending January 15, 1996.

(2) Rollover protective structures shall not be required before January 15, 1996, for any tractor that was manufactured before October 25, 1976. By December 15, 1995, the department shall prepare a list of the rollover protective structures available to persons in this state that fully satisfy the standards for such structures proposed for such tractors by the department by rule before January 1, 1995. The list shall include the name and address of the manufacturer of each structure listed, the manufacturer's price of the structure, and approximate delivery and installation costs. The department shall not list a structure if it: Is not readily available; restricts or eliminates a common use for the tractor for which it is designed; or does not include all of the parts needed to install the structure on the tractor for which it is designed in a manner that fully satisfies the standards proposed for such structures by the department. The department shall certify the accuracy of the information on the list and submit the list to the committees of the senate and the house of representatives with general jurisdiction over matters relating to agriculture and those with general jurisdiction over matters relating to labor.

(3) The following applies to rules for agricultural safety adopted under this chapter. The rules shall:

(a) Establish, for agricultural employers, an agriculture safety standard that includes agriculture-specific standards and specific references to the general industry safety standard adopted under this chapter; and

(b) Exempt agricultural employers from the general industry safety standard adopted under this chapter for all requirements not specifically referenced in the agriculture safety standard.

(4) The department shall publish in one volume all of the occupational safety standards that apply to agricultural employers and shall make this volume available to all agricultural employers before February 15, 1996. This volume must be available in both English and Spanish.

(5) The department shall provide training, education, and enhanced consultation services concerning its agricultural safety standards to agricultural employers before the standards take effect. The training, education, and consultation must continue throughout the winter of 1995-1996. Training and education programs must be provided throughout the state and must be coordinated with agricultural associations in order to meet their members' needs.

(6) Subsections (1) and (2) of this section do not limit the authority of the director to adopt rules that are specifically required by federal law, and only to the extent specifically required, for the agricultural safety standards under this chapter to be as effective as the standards adopted or recognized by the United States secretary of labor under the authority of the occupational safety and health act of 1970 (P.L. 91-596; 84 Stat. 1590).

(7) Once the single volume of all of the rules setting agricultural safety standards is first published as required by subsection (4) of this section, no new rules regarding agricultural safety may be established under this chapter except: As specifically required by federal law, and only to the extent specifically required; or as specifically authorized by the legislature by law enacted after the effective date of this section.

NEW SECTION. Sec. 3. This act is remedial in nature and applies to any rules regarding agricultural safety that would take effect beginning January 1, 1995."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "adding a new section to chapter 49.17 RCW; and creating new sections."

Representatives Chandler and Mastin spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

There being no objection, the House deferred further consideration of Engrossed Substitute Senate Bill No. 5121 and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5653, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Gaspard, McDonald, Smith, Oke, Wojahn, Winsley, Fraser, McAuliffe, Loveland, Kohl, Spanel, Franklin, Snyder, Drew, Haugen, Hargrove, Bauer and Rasmussen)

Transferring functions of the certified criminal justice agency within the department of social and health services to the office of the attorney general.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Children & Family Services recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bolt and Thibaudeau spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5653 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5653 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Mulliken and Stevens - 2.

Substitute Senate Bill No. 5653, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Engrossed Substitute Senate Bill No. 5121.

Representative Chandler moved adoption of the following amendment to the amendment by Representative Chandler:

On page 1, line 22 of the amendment, after "1996." insert "This subsection applies, but is not limited to applying, to a rule adopted prior to January 1, 1995, but with an effective date which is during the period beginning January 1, 1995, and ending January 15, 1996, and to provisions of rules adopted prior to January 1, 1995, which provisions are to become effective during the period beginning January 1, 1995, and ending January 15, 1996. This subsection does not apply to provisions of rules that were in effect prior to January 1, 1995."

On page 3, after line 2 of the amendment, strike all material through "1995." on line 5 and insert the following:

"NEW SECTION. Sec. 3. Subsections (1) and (2) of section 2 of this act are remedial in nature and apply to rules and provisions of rules regarding agricultural safety that would take effect after December 31, 1994."

Representative Chandler spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler, Kremen, Mastin and Johnson spoke in favor of passage of the bill.

Representatives Conway and Cole spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5121 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121 as amended by the House, and the bill passed the House by the following vote: Yeas - 72, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 72.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Mason, Patterson, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 23.

Excused: Representatives Mulliken and Stevens - 2.

Engrossed Substitute Senate Bill No. 5121, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 5121.

ERIK POULSEN, 34th District

There being no objection, the Natural Resources Committee was relieved of Senate Bill No. 5544 and the bill was placed on the top of the second reading calendar.

SENATE BILL NO. 5544, by Senators Owen, Rinehart, Spanel, Haugen, C. Anderson and Fraser

Concerning the leasing of state shoreline for the exploration of oil or gas.

There being no objection, the House deferred further consideration of Senate Bill No. 5544 and the bill held it's place on the second reading calendar.

There being no objection, the House considered the following bills in the following order: Engrossed Substitute Senate Bill No. 5685, Substitute Senate Bill No. 5742, Substitute Senate Bill No. 5799, Senate Bill No. 5898 and Engrossed Second Substitute Senate Bill No. 5064.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5685, by Senate Committee on Transportation (originally sponsored by Senators Long, Haugen, Wood, Kohl, Prince, Fraser, Owen, Schow, Sellar, Heavey, Rasmussen, Winsley and Sheldon)

Updating regulation of salvaged vehicles.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Robertson moved adoption of the following amendment to the committee amendment by Representative Robertson:

On page 13, line 28 of the amendment, after "latch" insert "pillar"

On page 13, line 31 of the amendment, after "section" strike everything through "marking" on line 35

Representative Robertson spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Robertson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5685 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5685 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Brown, Fisher, R. and Valle - 3.

Excused: Representative Mulliken - 1.

Engrossed Substitute Senate Bill No. 5685, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5742, by Senate Committee on Education (originally sponsored by Senators Rasmussen, Hochstatter, McAuliffe and Loveland)

Establishing the Washington state vocational agriculture teacher recruitment program.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5742 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5742 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Smith - 1.

Excused: Representative Mulliken - 1.

Substitute Senate Bill No. 5742, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute Senate Bill No. 5799.

There being no objection, the committee amendment was moved.

With the consent of the House, amendment number 680 to Substitute Senate Bill No. 5799 was withdrawn.

Representative Dyer moved adoption of the following amendment to the committee amendment by Representative Dyer:

On page 6, line 26, after "who" strike all material through "70.128 RCW." on line 30, and insert "provides personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services."

Representative Dyer spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dellwo and Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5799 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5799 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Substitute Senate Bill No. 5799, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5898, by Senators Rasmussen, West, Loveland, Newhouse, Bauer and Morton

Providing that research studies for alternatives to grass burning be conducted by Washington State University.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Agriculture & Ecology recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Brown moved adoption of the following amendment to the committee amendment by Representative Brown:

On page 2, after line 26 of the striking amendment, insert the following:

Sec. 2 RCW 70.94.120 and 1969 ex.s. c 168 s 14 are each amended to read as follows:

(1) The city selection committee of each county which is included within an authority shall meet within one month after the activation of such authority for the purpose of making its initial appointments to the board of such authority and thereafter whenever necessary for the purpose of making succeeding appointments. All meetings shall be held upon at least two weeks written notice given by the county auditor to each member of the city selection committee of each county and he shall give such notice upon request of any member of such committee. A similar notice shall be given to the general public by a publication of such notice in a newspaper of general circulation in such authority.

The county auditor shall act as recording officer, maintain its records and give appropriate notice of its proceedings and actions.

(2) As an alternative to meeting in accordance with subsection (1) of this section, the county auditor may mail ballots by certified mail to the members of the city selection committee, specifying a date by which to complete the ballot, and a date by which to return the completed ballot. Each mayor who chooses to participate in the balloting shall write in the choice for appointment, sign the ballot, and return the ballot to the county auditor. Each completed ballot shall be date stamped upon receipt by the mayor or staff of the mayor of the city or town. The timely return of completed ballots by a majority of the members of each city selection committee constitutes a quorum and the common choice by a majority of the quorum constitutes a valid appointment.

(3) Balloting shall be preceded by at least two weeks' written notice, given by the county auditor to each member of the city selection committee. A similar notice shall be given to the general public by publication in a newspaper of general circulation in the authority.

Renumber remaining sections consecutively and correct any internal references accordingly and correct the title.

Representatives Brown and Morris spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMorris, Chandler and Chappell spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5898 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5898 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Cole, Rust and Thibaudeau - 3.

Excused: Representative Mulliken - 1.

Senate Bill No. 5898, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5064, by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Drew and Oke)

Revising the regional fisheries enhancement program.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

With the consent of the House, amendment number 737 to Engrossed Second Substitute Senate Bill No. 5064 was withdrawn.

Representative Fuhrman moved adoption of the following amendment to the committee amendment by Representative Fuhrman:

On page 7, after line 12 of the amendment, insert the following:

" **Sec. 11.** RCW 75.08.230 and 1993 c 340 s 48 are each amended to read as follows:

(1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
- (b) The sale of property seized or confiscated under this title;
- (c) Fines and forfeitures collected under this title;
- (d) The sale of real or personal property held for department purposes;
- (e) Rentals or concessions of the department;
- (f) Moneys received for damages to food fish, shellfish or department property; and
- (g) Gifts.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) All fines and forfeitures collected or assessed by a district court for a violation of this title or rule of the director shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department~~(, to the extent these proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal))~~ of general administration shall be deposited in the regional fisheries enhancement group account established in RCW 75.50.100.

(6) Moneys received by the director under RCW 75.08.045, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement."

On page 7, beginning on line 25 of the title amendment, strike "and 75.50.120" and insert "75.50.120, and 75.08.230"

Representative Fuhrman spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fuhrman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5064 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5064 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Engrossed Second Substitute Senate Bill No. 5064, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5315, by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Loveland, Newhouse and Roach; by request of Department of Agriculture)

Modifying agriculture regulations.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker. I would request a ruling on the scope and object of the committee amendment.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5315 and the bill held its place on the second reading calendar.

There being no objection, the House resumed consideration of Substitute Senate Bill No. 5431.

SPEAKER'S RULING

Representative Dellwo, the Speaker is prepared to Rule on your Point of Order which challenges the Committee Amendment to Substitute Senate Bill No. 5431 as being beyond the Scope and Object of the bill.

The title of Substitute Senate Bill No. 5431 is "AN ACT Relating to rural health care.

The title is broad. The bill adds a new section to chapter 43.70 RCW, creates new sections, and repeals RCW 48.45.005, 48.45.010, 48.45.020, and 48.05.030.

The bill repeals certain rural health care statutes and directs the Department of Health to set up a committee to study rural health care issues and report their findings to the legislature by December, 1995.

The Committee Amendment adds a new section to chapter 70.170 RCW and chapter 28B.80 RCW, amends RCW 43.70.470, creates new sections, and repeals RCW 28B.125.005 and 28B.125.010.

The object of Substitute Senate Bill No. 5431 is to repeal certain statutes regarding the licensure of small rural health care service arrangements which were never used and to create a study by the Department of Health to determine issues relevant to health care services provided to people living in rural areas.

The Committee Amendment repeals various other statutes and programs, establishes a state-wide data system, transfers various agency functions and programs, and imposes other requirements not related to rural health care issues.

The Speaker finds that the Committee Amendment is beyond the scope and object of the bill.

Representative Dellwo, Your Point of Order is well taken.

With the consent of the House, amendment number 695 to Substitute Senate Bill No. 5431 was withdrawn.

Representative Hymes moved adoption of the following amendment by Representative Hymes:

On page 2, after line 2, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW to read as follows:

(1) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter . . . , Laws of 1995 (this act), the department shall continue to require hospitals to submit hospital financial and patient discharge information, which shall be collected, maintained, analyzed, and disseminated by the department. The department may, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of chapter 492, Laws of 1993 as amended by chapter . . . , Laws of 1995 (this act). Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) All persons subject to chapter 492, Laws of 1993 shall comply with departmental requirements established by rule in the acquisition of data.

NEW SECTION. Sec. 4. A new section is added to chapter 43.70 RCW to read as follows:
HEALTH CARE QUALITY--FINDINGS AND INTENT. The legislature finds that it is difficult for consumers of health care services to determine the quality of health care in rural areas and other parts of the state prior to purchase or utilization of medical care. The legislature also finds that accountability is a key component in promoting quality assurance and quality improvement throughout the health care delivery system, including public programs. Quality assurance and improvement standards are necessary to promote the public interest, contribute to cost efficiencies, and improve the ability of consumers to ascertain quality health care purchases.

The legislature intends to have consumers, health carriers, health care providers and facilities, and public agencies participate in the development of quality assurance and improvement standards that can be used to develop a uniform quality assurance program for use by all public and private health plans, providers, and facilities. To that end, in conducting the study required under section 3 of this act, the department of health shall:

- (1) Consider the needs of consumers, employers, health care providers and facilities, and public and private health plans;
- (2) Take full advantage of existing national standards of quality assurance to extend to middle-income populations the protections required for state management of health programs for low-income populations;
- (3) Consider the appropriate minimum level of quality assurance standards that should be disclosed to consumers and employers by health care providers and facilities, and public and private health plans; and
- (4) Consider standards that permit health care providers and facilities to share responsibility for participation in a uniform quality assurance program.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:
UNIFORM QUALITY ASSURANCE. (1) The department of health shall study the feasibility of a uniform quality assurance and improvement program for use by all public and private health plans and health care providers and facilities in rural areas and other parts of the state. In this study, the department shall consult with:

- (a) Public and private purchasers of health care services;
 - (b) Health carriers;
 - (c) Health care providers and facilities; and
 - (d) Consumers of health services.
- (2) In conducting the study, the department shall adopt standards that meet the needs of affected persons and organizations, whether public or private, without creation of differing levels of quality assurance. All consumers of health services should be afforded the same level of quality assurance.
- (3) At a minimum, the study shall include but not be limited to the following program components and indicators appropriate for consumer disclosure:
- (a) Health care provider training, credentialing, and licensure standards;
 - (b) Health care facility credentialing and recredentialing;
 - (c) Staff ratios in health care facilities;
 - (d) Annual mortality and morbidity rates of cases based on a defined set of procedures performed or diagnoses treated in health care facilities, adjusted to fairly consider variable factors such as patient demographics and case severity;
 - (e) The average total cost and average length of hospital stay for a defined set of procedures and diagnoses in health care facilities;
 - (f) The total number of the defined set of procedures, by specialty, performed by each physician at a health care facility within the previous twelve months;
 - (g) Utilization performance profiles by provider, both primary care and specialty care, that have been adjusted to fairly consider variable factors such as patient demographics and severity of case;
 - (h) Health plan fiscal performance standards;
 - (i) Health care provider and facility recordkeeping and reporting standards;
 - (j) Health care utilization management that monitors trends in health service under-utilization, as well as over-utilization of services;

(k) Health monitoring that is responsive to consumer and purchaser needs; and

(l) Assessment of consumer satisfaction and disclosure of consumer survey results.

(4) In conducting the study, the department shall develop standards that permit each health care facility, provider group, or health carrier to assume responsibility for and determine the physical method of collection, storage, and assimilation of quality indicators for consumer disclosure. The study may define the forms, frequency, and posting requirements for disclosure of information.

(5) The department shall submit its final report and recommendations to the legislature by December 31, 1995.

(6) The department shall not adopt any rule implementing the uniform quality assurance program or consumer disclosure provisions unless expressly directed to do so by an act of law.

NEW SECTION. Sec. 6. A new section is added to chapter 43.70 RCW to read as follows:
QUALITY ASSURANCE--INTERAGENCY COOPERATION--ELIMINATION AND COORDINATION OF DUPLICATE STATE PROGRAMS. No later than July 1, 1995, the department of health together with the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities and collaboration on final recommendations for the study required under section 3 of this act. By December 31, 1995, the group shall review all state agency programs governing health service quality assurance and shall recommend to the legislature, the consolidation, coordination, or elimination of rules and programs that would be made unnecessary pursuant to the development of a uniform quality assurance and improvement program."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative Hymes spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Backlund moved adoption of the following amendment by Representative Backlund:

On page 3, after line 10, insert the following:

"NEW SECTION. Sec. 5. The intent of this act is to create the capacity to collect data regarding the distribution of health care professionals in the provider shortage areas of the state, with emphasis on rural areas. The purpose of this collection is to make the data available to the public and private sector for their use.

This data gathering and the analysis of the data by state government is done with the assumption that the scopes of practice of the health care professions in effect at that time are appropriate.

NEW SECTION. Sec. 6. A new section is added to chapter 70.170 RCW to read as follows:
The department of health, in consultation with the health services commission, or its successor agency, shall establish a health care professional information data system. The system shall identify, for the purpose of assisting rural communities and other areas of the state experiencing provider shortages, the type, number, and location of health care professionals working in the state and create a centralized inventory of applications, matriculations, and graduations from all health care training programs in the state in vocational-technical training, community colleges, and four-year colleges and universities.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.80 RCW to read as follows:
In its deliberations regarding the health professions scholarship and forgivable loan program, the board shall consider data collected under section 6 of this act in relation to areas of the state, such as rural communities, experiencing provider shortages as identified by the Washington health services commission or its successor agency.

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

- (1) RCW 28B.125.005 and 1991 c 332 s 4; and
- (2) RCW 28B.125.010 and 1993 c 492 s 270 & 1991 c 332 s 5.

NEW SECTION. **Sec. 9.** Information gathered through this act shall not be used to change or recommend change to the scope of practice of any health care profession nor shall the commission, the information advisory council, or its successor, advise or undertake to change such scope of practice."

Correct all internal references and correct the title accordingly.

POINT OF ORDER

Representative Dellwo: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

SPEAKER'S RULING

Representative Dellwo, the Speaker is prepared to Rule on your Point of Order which challenges Amendment 751 to Substitute Senate Bill No. 5431 as being beyond the Scope and Object of the bill.

The title of Substitute Senate Bill No. 5431 is "AN ACT Relating to rural health care.

The title is broad. The bill adds a new section to chapter 43.70 RCW, creates new sections, and repeals RCW 48.45.005, 48.45.010, 48.45.020, and 48.05.030.

The bill repeals certain rural health care statutes and directs the Department of Health to set up a committee to study rural health care issues and report their findings to the legislature by December, 1995.

Amendment 751 adds a new section to chapter 70.170 RCW and chapter 28B.80 RCW, creates new sections, and repeals RCW 28B.125.005 and 28B.125.010.

The object of Substitute Senate Bill No. 5431 is to repeal certain statutes regarding the licensure of small rural health care service arrangements which were never used and to create a study by the Department of Health to determine issues relevant to health care services provided to people living in rural areas.

Amendment 751 repeals other statutes, establishes a state-wide date system, and imposes other requirements not related to rural health care issues.

The Speaker finds that Amendment 751 is beyond the scope and object of the bill.

Representative Dellwo, Your Point of Order is well taken.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hymes and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5431 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5431 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden,

Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Substitute Senate Bill No. 5431, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Hochstatter, Sutherland and Winsley; by request of Department of Health)

Modifying provisions for public water system regulation.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the House deferred further consideration of Engrossed Second Substitute Senate Bill No. 5448 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5516, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Owen, Prentice, Deccio, Palmer, Sutherland, McDonald, Rinehart, Haugen, Sheldon, Heavey, Fraser, Franklin, Bauer, Roach and Rasmussen)

Providing for drug-free workplaces.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5516 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5516 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmá, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler,

Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Benton, Hargrove, Pennington and Sherstad - 4.
Excused: Representative Mulliken - 1.

Substitute Senate Bill No. 5516, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5606 and the bill held its place on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5607, by Senate Committee on Ways & Means (originally sponsored by Senators Gaspard, Cantu, Haugen, Prentice, Wood, Snyder, Long, A. Anderson, Deccio, Kohl, Wojahn, Oke, Rasmussen and Winsley; by request of State Auditor)

Auditing state government.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

Representative Backlund moved adoption of the following amendment to the committee amendment by Representative Backlund:

On page 1, line 14 of the amendment, beginning with "of rehabilitation" strike all the matter through "development" on line 18, and insert "required under sections 3 through 5 of this act"

On page 3, after line 2 of the amendment, insert:
"NEW SECTION. Sec. 3. Subject to the provisions of sections 2 and 6 of this act, the state auditor shall undertake a comprehensive performance audit of the rehabilitation and job support services provided by the department of social and health services.

NEW SECTION. Sec. 4. Subject to the provisions of sections 2 and 6 of this act, the state auditor shall undertake a comprehensive performance audit of the programs, services, and activities operated by the superintendent of public instruction.

NEW SECTION. Sec. 5. Subject to the provisions of sections 2 and 6 of this act, the state auditor shall undertake a comprehensive performance audit of the department of community, trade, and economic development.

NEW SECTION. Sec. 6. If specific funding for the performance audit specified under section 3 of this act, referencing section 3 of this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, section 3 of this act shall not be implemented and is null and void unless specific funding for the performance audit, referencing section 3 of this act, is provided by June 30, 1996, in the omnibus appropriations act for the second year of the biennium.

If specific funding for the performance audit specified under section 4 of this act, referencing section 4 of this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, section 4 of this act shall not be implemented and is null and void unless specific funding for the performance audit, referencing section 4 of this act, is provided by June 30, 1996, in the omnibus appropriations act for the second year of the biennium.

If specific funding for the performance audit specified under section 5 of this act, referencing section 5 of this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, section 5 of this act shall not be implemented and is null and void unless specific funding for the

performance audit, referencing section 5 of this act, is provided by June 30, 1996, in the omnibus appropriations act for the second year of the biennium."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representative Backlund spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

With the consent of the House, amendment numbers 769 and 731 to Engrossed Substitute Senate Bill No. 5607 were withdrawn.

Representative Conway moved adoption of the following amendment to the committee amendment by Representative Conway:

On page 10, after line 5 of the amendment, insert the following:

"NEW SECTION. **Sec. 5.** A new section is added to chapter 43.88 RCW to read as follows:
(1) All budget documents submitted by the governor to the legislature shall:
(a) Identify the costs and the number of full-time equivalent employees associated with each discrete program, function, and activity of each state agency;
(b) Identify administrative staffing levels and administrative costs associated with each discrete program, function, and activity of each state agency; and
(c) Contain an estimate of the amount of funds or benefits that reach the intended recipients of the program or activity.
(2) The requirements in this section shall apply both when the costs described in subsection (1) of this section are included in the budget base and when the costs are incremental changes to the base."

On page 10, line 15 of the title amendment, after "43.88.090;" insert "adding a new section to chapter 43.88 RCW;"

POINT OF ORDER

Representative Backlund: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment to the committee amendment.

There being no objection, the House deferred further consideration of Engrossed Substitute Senate Bill No. 5607 and the bill held its place on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5616, by Senate Committee on Natural Resources (originally sponsored by Senators Gaspard, Sellar, Haugen, Hochstatter, Drew, A. Anderson, Swecker, Newhouse, Deccio, Rasmussen, Winsley and Morton)

Establishing a single-application process for watershed restoration projects.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5616 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5616 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Engrossed Substitute Senate Bill No. 5616, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Engrossed Second Substitute Senate Bill No. 5633 and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5739, by Senate Committee on Ways & Means (originally sponsored by Senators Strannigan, Rinehart, Johnson, Quigley, Long, Owen, Cantu, Hale, Finkbeiner, McCaslin, Palmer, Hochstatter, McDonald, Spanel, Schow, Prentice, Moyer, Loveland, Swecker, West, Rasmussen, Smith, Drew, Haugen, Franklin, Fairley, A. Anderson, Wojahn, Heavey, McAuliffe, Kohl, Hargrove, Oke and Bauer)

Exempting certain sales by nonprofit organizations from sales and use taxes.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Finance recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Thomas and Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5739 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5739 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins,

Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Substitute Senate Bill No. 5739, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: House Bill No. 2082, House Bill No. 2087, Engrossed Senate Bill No. 5011, Senate Bill No. 5060, Substitute Senate Bill No. 5084, Senate Bill No. 5108 and Senate Bill No. 5272.

HOUSE BILL NO. 2082, by Representative Chandler

Eliminating the wood stove education program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Chandler spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of House Bill No. 2082.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2082, and the bill passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 27.

Excused: Representative Mulliken - 1.

House Bill No. 2082, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2087, by Representative Brumsickle

Clarifying the use of in-service continuing education and college credits for compensation allocations under the teachers' salary schedule.

The bill was read the second time. There being no objection, Substitute House Bill No. 2087 was substituted for House Bill No. 2087 and the substitute bill was placed on second reading.

Substitute House Bill No. 2087 was read the second time.

Representative Brumsickle moved adoption of the following amendment by Representative Brumsickle:

On page 2, line 18, after "28A.300.138." insert "Once credits earned by certificated instructional staff are approved by a school district, the credits shall be counted even if a certificated instructional staff member transfers to other school districts."

Representatives Brumsickle and Cole spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved adoption of the following amendment by Representative Carrell:

On page 3, after line 13, insert the following:

" **Sec. 3.** A new section is added to Chapter 28A.410 RCW to read as follows:
In carrying out its duties and responsibilities under RCW 28A.410.010, after September 1, 1995, the state board of education shall not require certificated personnel who have obtained a continuing certificate to complete continuing education coursework as a condition for retaining their continuing certificate."

Correct the title accordingly.

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

There being no objection, the House deferred further consideration of Substitute House Bill No. 2087 and the bill held it's place on the second reading calendar.

ENGROSSED SENATE BILL NO. 5011, by Senator Owen

Concerning specialized forest product permits.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fuhrman, Sheldon and Basich spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5011 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5011 as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Backlund, Beeksmas, Crouse, Goldsmith, Pennington, Regala and Thomas, B. - 7.

Excused: Representative Mulliken - 1.

Engrossed Senate Bill No. 5011, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5060, by Senators Haugen and Winsley

Regulating publication of legal notices by political subdivisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reams and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5060.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5060, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Senate Bill No. 5060, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5084, by Senate Committee on Transportation (originally sponsored by Senators Drew, Prince, Haugen, Wood, Fairley, Franklin, Deccio and Sheldon; by request of Department of General Administration)

Reducing commute trips.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brown and K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5084 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5084 as amended by the House, and the bill passed the House by the following vote: Yeas - 82, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Voloria, Wolfe and Mr. Speaker - 82.

Voting nay: Representatives Beeksmas, Benton, Crouse, Fuhrman, Goldsmith, Hargrove, Hymes, Koster, McMahan, Pennington, Sherstad, Stevens, Thomas, B. and Van Luven - 14.

Excused: Representative Mulliken - 1.

Substitute Senate Bill No. 5084, as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 5084.

DON BENTON, 17th District

SENATE BILL NO. 5108, by Senators Snyder, Winsley and Palmer

Concerning the hunter education training program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Fuhrman spoke in favor of passage of the bill.

Representative Chappell spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5108.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5108, and the bill passed the House by the following vote: Yeas - 76, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Conway, Cooke, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 76.

Voting nay: Representatives Brown, Chappell, Chopp, Cody, Cole, Costa, Dellwo, Fisher, R., Mason, Ogden, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 20.

Excused: Representative Mulliken - 1.

Senate Bill No. 5108, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: Engrossed Second Substitute Senate Bill No. 5632, Substitute Senate Bill No. 5780, Senate Bill No. 5848 and Substitute Senate Bill No. 5905.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5632, by Senate Committee on Ways & Means (originally sponsored by Senators A. Anderson, Drew, Owen, Hargrove, Swecker, Morton, Hale, Haugen, Finkbeiner, Strannigan, Moyer, Palmer, Johnson, Quigley and Rasmussen)

Providing for flood damage reduction.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Johnson, Koster, Hymes, Sheldon, Beeksmas and Carrell spoke in favor of passage of the bill.

Representatives Rust and Regala spoke against passage of the bill.

Representative Johnson again spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Morris was excused.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5632 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5632 as amended by the House, and the bill passed the House by the following vote: Yeas - 70, Nays - 25, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Patterson, Pelesky, Pennington, Quall, Raddliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Mastin, Ogden, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 25.

Excused: Representatives Morris and Mulliken - 2.

Engrossed Second Substitute Senate Bill No. 5632, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5780, by Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Deccio and C. Anderson)

Regulating viatical settlements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Smith and Wolfe spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5780.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5780, and the bill passed the House by the following vote: Yeas - 84, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, Mielke, Mitchell, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 84.

Voting nay: Representatives Beeksma, Benton, Crouse, Fuhrman, Goldsmith, Hargrove, Koster, McMahan, McMorris, Stevens and Thomas, B. - 11.

Excused: Representatives Morris and Mulliken - 2.

Substitute Senate Bill No. 5780, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5848, by Senator Smith

Providing for retrocession of criminal jurisdiction by the Tulalip Tribe.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robertson and Costa spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5848.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5848, and the bill passed the House by the following vote: Yeas - 84, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Mason, Mastin, McMorris, Mielke, Mitchell, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Voloria, Wolfe and Mr. Speaker - 84.

Voting nay: Representatives Crouse, Goldsmith, Hargrove, Honeyford, Koster, Lisk, McMahan, Pennington, Sherstad, Stevens and Van Luven - 11.

Excused: Representatives Morris and Mulliken - 2.

Senate Bill No. 5848, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5905, by Senate Committee on Law & Justice (originally sponsored by Senators Long, Hargrove, Roach, Smith, Winsley, Schow, Swecker, Haugen, Quigley, Hale, Strannigan, McCaslin, Finkbeiner, West, Bauer, Rasmussen and Oke)

Penalizing persistent prison misbehavior.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Corrections recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ballasiotes and Costa spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5905 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5905 as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan,

McMorris, Mielke, Mitchell, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Wolfe and Mr. Speaker - 84.

Voting nay: Representatives Brown, Chopp, Cody, Cole, Dickerson, Mason, Quall, Rust, Thibaudeau, Tokuda and Veloria - 11.

Excused: Representatives Morris and Mulliken - 2.

Substitute Senate Bill No. 5905, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

ENGROSSED SENATE BILL NO. 5770, by Senators Pelz, Newhouse and Deccio; by request of Employment Security Department

Providing for unemployment insurance claimant profiling.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Lisk moved adoption of the following amendment to the committee amendment by Representative Lisk:

On page 1, beginning on line 15 of the amendment, strike all of subsections (2) and (3) and insert the following:

"(2) An individual shall be considered to be in training with the approval of the commissioner if the individual is one who:

(a)(i) The commissioner determines to be a dislocated worker as defined by RCW 50.04.075;
or

(ii) Fits the department's profile of unemployed workers who are likely to exhaust their benefits; and ((who))

(b) Is satisfactorily progressing in a training program approved by the commissioner ((shall be considered to be in training with the approval of the commissioner)).

(3) At the time of filing for an initial determination, individuals determined to be dislocated workers as defined in RCW 50.04.075 or who fit the department's profile of unemployed workers who are likely to exhaust their benefits shall be provided with information concerning the opportunity, if the individual is otherwise eligible, to receive benefits while satisfactorily progressing in training approved by the commissioner."

Representatives Lisk and Romero spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5770 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5770 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Engrossed Senate Bill No. 5770, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House returned to Senate Bill No. 5544.

Representative Buck moved adoption of the following amendment by Representative Buck:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.143.010 and 1989 1st ex.s. c 2 s 9 are each amended to read as follows:

(1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production until at least July 1, ~~((1995))~~ 2000. During the ~~((1995))~~ 2000 legislative session, the legislature shall determine whether the moratorium on leasing should be extended past July 1, ~~((1995))~~ 2000. This determination shall be based on the information available at that time, including the analysis described in RCW 43.143.040. If the legislature does not extend the moratorium on leasing, the moratorium will end on July 1, ~~((1995))~~ 2000. At any time that oil or gas leasing, exploration, and development are allowed to occur, these activities shall be required to meet or exceed the standards and criteria contained in RCW 43.143.030.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in RCW 43.143.030. It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of RCW 43.143.030. If information becomes available which indicates that such uses should reasonably be covered by the requirements of RCW 43.143.030, the permitting government or agency may require compliance with those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert " and amending RCW 43.143.010."

Representatives Buck, Pennington, Fuhrman and Carrell spoke in favor of the adoption of the amendment.

Representatives Romero, Basich, Sheldon, Ebersole, Kessler, Brown and Regala spoke against the adoption of the amendment.

Representative Buck again spoke in favor of passage of the bill.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the striking amendment, to Senate Bill No. 5544 and the amendment was adopted by the following vote: Yeas - 55, Nays - 41, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mitchell, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 55.

Voting nay: Representatives Appelwick, Basich, Brown, Cairnes, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Mielke, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Schmidt, K., Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 41.

Excused: Representative Mulliken - 1.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5544 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5544 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Senate Bill No. 5544, as amended by the House, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Kessler: Thank you Mr. Speaker. Well, this afternoon Mr. Speaker I had a moment in my life here on the floor that was very embarrassing for me. I honestly, I couldn't believe it when one of our young Pages delivered, and I'm not going to open it up to the offensive page, but delivered this package and three of us were sitting there having a discussion on the floor, and one of the members started flipping through it, there was a man present when this was happening and I looked at it and I have to quite frankly tell you that I was appalled, I was embarrassed, and I can't believe that this was necessary to get a point across, to show a picture of a woman in that position. I mean I've raised four children to adulthood and I've kept that kind of literature out of my home, because I choose not to look at it. And I did not anticipate seeing a young child carry this piece of pornography to every members desk in this body. I am embarrassed. I am totally embarrassed. And I think the member who distributed it owes many of us an apology. And I'm sorry it does cut across both sides of the aisle. I think many of us would not choose to look at this kind of literature. And I really hope that he will consider apologizing to the body. Thank you Mr. Speaker.

Speaker: Representative Kessler, the Speaker would like to point out that any materials that are to be passed out to the members desks will be approved by the Speaker, that is the Rule. The Rule was not followed.

I have made that clearly known to our Caucus and I'm making it known to all members at this time. And the purpose of that Rule is to make sure that materials are being placed. There are times that members wish to place materials for various reasons, my concern is with what happens with this membership. Those were not approved and were distributed and I have already taken action to make it very clear that in the future there are no materials distributed unless I or the person I appoint, which is the Chief Clerk, approves those.

Representative Kessler: Thank you very much.

POINT OF PERSONAL PRIVILEGE

Representative Goldsmith: Thank you Mr. Speaker. When it was mailed to me through the United States Mail, I also considered it pornography. But it was published in one of our Universities' newspapers.

Speaker. Representative Goldsmith, What we're dealing with here is the Rules of the House. And even though people may do things that are offensive to us in other areas we do not control those areas, here we do control those areas and the point the Speaker is trying to make is we will be making decisions based on our decisions on what materials will be passed out here from either side of the aisle. And quite frankly there's been material from both sides of the aisle that we've had to say no on. And I can assure you that in the future there will be additional times that the Speaker is going to be saying no and quite frankly sometimes people are trying to make political positions and I will not have that either. And I will not have this particular material passed out.

POINT OF PERSONAL PRIVILEGE

Representative Ebersole: Thank you Mr. Speaker. Let me say that we appreciate the decision of the Chair to be a reasonable and fair one.

SENATE BILL NO. 5895, by Senator Snyder

Permitting the exchange of state park lands within the Seashore Conservation Area.

The bill was read the second time.

With the consent of the House, amendment numbers 692 and 726 to Senate Bill No. 5895 were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Basich spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5895.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5895, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Senate Bill No. 5895, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: Substitute Senate Bill No. 5315, Engrossed Second Substitute Senate Bill No. 5448, Engrossed Second Substitute Senate Bill No. 5633, House Bill No. 2084, Senate Bill No. 5272, Substitute Senate Bill No. 5325, Senate Bill No. 5748 and Substitute Senate Joint Memorial No. 8012.

There being no objection, the House resumed consideration of Substitute Senate Bill No. 5315.

SPEAKER'S RULING

Representative Rust. Your request for a Scope and Object on a section of the bill to Substitute Senate Bill No. 5315.

The title of the bill is "AN ACT Relating to Agriculture and Marketing. In the original bill there was no reference to Alternative Livestock, therefore your Point is well taken.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5315 and Engrossed Second Substitute Senate Bill No. 5448 and the bills held their place on the second reading calendar.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5633, by Senate Committee on Ways & Means (originally sponsored by Senators Snyder, Swecker, Hargrove, Haugen, Morton, Hochstatter, Owen and Rasmussen)

Attempting to limit the growth and spread of the noxious weed spartina.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) *Spartina alterniflora*, *Spartina anglica*, *Spartina x townsendii*, and *Spartina patens* which are collectively called spartina are not native to the state of Washington nor to the west coast of North America. This noxious weed was inadvertently introduced into the wetlands of the state and is now aggressively invading new areas to the detriment of native ecosystems and aquatic habitat. The spread of spartina threatens to permanently convert and displace native freshwater and saltwater wetlands and intertidal zones, including critical habitat for migratory birds, many fish species, bivalves, invertebrates, marine mammals, and other animals. The continued spread of spartina will permanently reduce the diversity and the quantity of these species and will have a significant negative environmental impact.

Spartina poses a significant hydrological threat. Clumps and meadows of spartina are dense environments that bind sediments and lift the intertidal gradient up out of the intertidal zone through time. This process reduces flows during flood conditions, raises flood levels, and significantly alters the hydrological regime of estuarine areas.

Spartina spreads by rhizomes and seed production. Through lateral growth by rhizomes, spartina establishes a dense monotypic meadow. Through seed production and the spread of seed through the air and by water, spartina is currently being spread to other states and to Canadian provinces.

(2) Purple loosestrife was first documented in the state in 1929 along freshwater shorelands. It is now present throughout the state and is particularly abundant in Grant county and its neighboring counties. The plant appears to be colonizing more rapidly on the eastern side of the state than on the western side. It was first introduced to the Winchester Wasteway area in the 1960's and has invaded the area rapidly. Purple loosestrife is displacing native plants and as a result is threatening an extremely important part of this state's wildlife habitat. *Lythrum salicaria* and *L. virgatum* are closely related loosestrife species that are morphologically similar and not easily distinguished from each other in the field. Both species have been referred to as purple loosestrife.

(3) Current laws and rules designed to protect the environment and preserve the wetland habitats, fish, and wildlife of the state are not designed to respond to an ecosystem-wide threat of this kind. State and federal agencies, local governments, weed boards, concerned individuals, and property owners attempting to deal with the ecological emergency posed by spartina and purple loosestrife infestations have been frustrated by interagency disagreements, demands for an undue amount of procedural and scientific process and information, dilatory appeals, and the improper application of laws and regulations by agencies that have in fact undermined the legislative purposes of those same laws while ignoring the long-term implications of delay and inaction. There is a compelling need for strong leadership, coordination, and reporting by a single state agency to respond appropriately to this urgent environmental challenge.

Any further delay of control efforts will significantly increase the cost of spartina and purple loosestrife control and reduce the likelihood of long-term success. Control efforts must be coordinated across political and ownership boundaries in order to be effective.

(4) The presence of noxious weeds on public lands constitutes a public nuisance and negatively impacts public and private lands. The legislature finds that control and eradication of noxious weeds on private lands is in the public interest.

NEW SECTION. Sec. 2. This state is facing an environmental disaster that will affect other states as well as other nations. The legislature finds that six years is sufficient time for state agencies to debate solutions to the spartina and purple loosestrife problems that are occurring in state waters. One of the purposes of this act is to focus agency action on control and future eradication of spartina and purple loosestrife. It is the mandate of the legislature that one state agency, the department of

agriculture, be responsible for a unified effort to eliminate spartina and control purple loosestrife, with the advice of the state noxious weed control board, and that state agency shall be directly accountable to the legislature on the progress of the spartina eradication and purple loosestrife control program.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

(1) The director shall issue or approve water quality permits for use by federal, state, or local governmental agencies and licensed applicators for the purpose of using, for aquatic noxious weed control, herbicides and surfactants registered under state or federal pesticide control laws. The issuance of the permits shall be subject only to compliance with: Federal and state pesticide label requirements, the requirements of the federal insecticide, fungicide, and rodenticide act, the Washington pesticide control act, the Washington pesticide application act, and the state environmental policy act; and applicable requirements established in an option or options recommended for controlling the noxious weed by a final environmental impact statement published under chapter 43.21C RCW by the department prior to the effective date of this section, by the department of agriculture, or by the department of agriculture jointly with other state agencies. This section may not be construed as requiring the preparation of a new environmental impact statement to replace a final environmental impact statement published before the effective date of this section.

(2) The director of ecology may not utilize this permit authority to otherwise condition or burden weed control efforts. The director's authority to issue water quality modification permits for activities other than the application of surfactants and approved herbicides, to control aquatic noxious weeds, is unaffected by this section.

(3) As used in this section, "aquatic noxious weed" means an aquatic weed on the state noxious weed list adopted under RCW 17.10.080.

NEW SECTION. Sec. 4. A new section is added to chapter 75.20 RCW to read as follows:

(1) An activity conducted solely for the removal or control of spartina shall not require hydraulic project approval.

(2) An activity conducted solely for the removal or control of purple loosestrife and which is performed with hand-held tools, hand-held equipment, or equipment carried by a person when used shall not require hydraulic project approval.

(3) By June 30, 1997, the department of fish and wildlife shall develop rules for projects conducted solely for the removal or control of various aquatic noxious weeds other than spartina and purple loosestrife and for activities or projects for controlling purple loosestrife not covered by subsection (2) of this section, which projects will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Following the adoption of the rules, the department shall produce and distribute a pamphlet describing the methods of removing or controlling the aquatic noxious weeds that are approved under the rules. The pamphlet serves as the hydraulic project approval for any project that is conducted solely for the removal or control of such aquatic noxious weeds and that is conducted as described in the pamphlet; no further hydraulic project approval is required for such a project.

From time to time as information becomes available, the department shall adopt similar rules for additional aquatic noxious weeds or additional activities for removing or controlling aquatic noxious weeds not governed by subsection (1) or (2) of this section and shall produce and distribute one or more pamphlets describing these methods of removal or control. Such a pamphlet serves as the hydraulic project approval for any project that is conducted solely for the removal or control of such aquatic noxious weeds and that is conducted as described in the pamphlet; no further hydraulic project approval is required for such a project.

(4) As used in this section, "spartina," "purple loosestrife," and "aquatic noxious weeds" have the meanings prescribed by section 12 of this act.

(5) Nothing in this section shall prohibit the department of fish and wildlife from requiring a hydraulic project approval for those parts of hydraulic projects that are not specifically for the control or removal of spartina, purple loosestrife, or other aquatic noxious weeds.

Sec. 5. RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

- (a) "Department" means the department of ecology;
 - (b) "Director" means the director of the department of ecology;
 - (c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;
 - (d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;
 - (e) "Hearing board" means the shoreline hearings board established by this chapter.
- (2) Geographical:
- (a) "Extreme low tide" means the lowest line on the land reached by a receding tide;
 - (b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;
 - (c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;
 - (d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;
 - (e) "Shorelines of state-wide significance" means the following shorelines of the state:
 - (i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;
 - (ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:
 - (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,
 - (B) Birch Bay--from Point Whitehorn to Birch Point,
 - (C) Hood Canal--from Tala Point to Foulweather Bluff,
 - (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and
 - (E) Padilla Bay--from March Point to William Point;
 - (iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;
 - (iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;
 - (v) Those natural rivers or segments thereof as follows:
 - (A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,
 - (B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;
 - (vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);
 - (f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: PROVIDED, That any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge;

(xii) The process of removing or controlling an aquatic noxious weed, as defined in section 12 of this act, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

Sec. 6. RCW 17.10.010 and 1987 c 438 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Noxious weed" means any plant which when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the state noxious weed control board which list is divided into three classes:

(a) Class A shall consist of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B shall consist of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C shall consist of any other noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(4) "Owner" means the person in actual control of property, or his agent, whether such control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of such easement shall be deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of such easement.

(5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" shall mean conforming to the standards of noxious weed control or prevention adopted by rule or regulation by the state noxious weed control board and an activated county noxious weed control board.

(6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(7) "Agricultural purposes" are those which are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW.

(10) "Aquatic noxious weed" means an aquatic plant species that is listed on the state weed list under RCW 17.10.080.

Sec. 7. RCW 90.48.020 and 1987 c 109 s 122 are each amended to read as follows:

Whenever the word "person" is used in this chapter, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as

will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Wherever the word "department" is used in this chapter it shall mean the department of ecology.

Whenever the word "director" is used in this chapter it shall mean the director of ecology.

Whenever the words "aquatic noxious weed" are used in this chapter, they have the meaning prescribed under section 12 of this act.

NEW SECTION. Sec. 8. State agencies and local governments may not use any other local, state, or federal permitting requirement, regulatory authority, or legal mechanism to override the legislative intent and statutory mandates of this act.

NEW SECTION. Sec. 9. Spartina removal shall include restoration to return intertidal land and other infested lands to the condition found on adjacent unaffected lands in the same tidal elevation. The department of fish and wildlife, the department of ecology, the department of agriculture, and the department of natural resources shall develop a restoration plan in cooperation with owners of spartina infested lands and shall submit the plan to the appropriate standing committees of the house of representatives and the senate by December 31, 1995.

NEW SECTION. Sec. 10. (1) The state department of agriculture is the lead agency for the control of spartina and purple loosestrife with the advice of the state noxious weed control board.

(2) Responsibilities of the lead agency include:

(a) Coordination of the control program including memorandums of understanding, contracts, and agreements with local, state, federal, and tribal governmental entities and private parties;

(b) Preparation of a state-wide spartina management plan utilizing integrated vegetation management strategies that encompass all of Washington's tidelands. The plan shall be developed in cooperation with local, state, federal, and tribal governments, private landowners, and concerned citizens. The plan shall prioritize areas for control. Nothing in this subsection prohibits the department from taking action to control spartina in a particular area of the state in accordance with a plan previously prepared by the state while preparing the state-wide plan;

(c) Directing on the ground control efforts that include, but are not limited to: (i) Control work and contracts; (ii) spartina survey; (iii) collection and maintenance of spartina location data; (iv) purchasing equipment, goods, and services; (v) survey of threatened and endangered species; and (vi) site-specific environmental information and documents; and

(d) Evaluating the effectiveness of the control efforts.

The lead agency shall report to the appropriate standing committees of the house of representatives and the senate no later than May 15th and December 15th of each year through the year 1999 on the progress of the program, the number of acres treated by various methods of control, and on the funds spent.

NEW SECTION. Sec. 11. This section applies to appropriations made to the department of agriculture specifically for the removal or control of spartina or purple loosestrife or both plants. The legislature finds that: The presence of spartina or purple loosestrife on private lands threatens wildlife habitat and provides a source of renewed infestation for public lands; and effective eradication or control of spartina or purple loosestrife requires concerted efforts on both public and private lands to protect public resources. The department of agriculture may grant funds to other state agencies, local governments, and nonprofit corporations for eradication or control purposes and may use those moneys itself. The department of agriculture may match private funds for eradication or control programs on private property on a fifty-fifty matching basis. The accounting and supervision of the funds at the local level shall be conducted by the department of agriculture.

NEW SECTION. Sec. 12. (1) Facilitating the control of spartina and purple loosestrife is a high priority for all state agencies.

(2) The department of natural resources is responsible for spartina and purple loosestrife control on state-owned aquatic lands managed by the department of natural resources.

(3) The department of fish and wildlife is responsible for spartina and purple loosestrife control on state-owned aquatic lands managed by the department of fish and wildlife.

(4) The state parks and recreation commission is responsible for spartina and purple loosestrife control on state-owned aquatic lands managed by the state parks and recreation commission.

(5) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this chapter, RCW 90.48.020, 90.58.030, and section 4 of this act:

(a) "Spartina" means *Spartina alterniflora*, *Spartina anglica*, *Spartina x townsendii*, and *Spartina patens*.

(b) "Purple loosestrife" means *Lythrum salicaria* and *Lythrum virgatum*.

(c) "Aquatic noxious weed" means an aquatic weed on the state noxious weed list adopted under RCW 17.10.080.

NEW SECTION. Sec. 13. Sections 1, 2, and 8 through 12 of this act shall constitute a new chapter in Title 17 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 90.58.030, 17.10.010, and 90.48.020; adding a new section to chapter 90.48 RCW; adding a new section to chapter 75.20 RCW; adding a new chapter to Title 17 RCW; and declaring an emergency."

Representative Talcott moved adoption of the following amendment to the amendment by Representative Talcott:

On page 13, after line 22 insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 90.48 RCW to read as follows:

The director shall issue water quality modification permits to licensed applicators for the purpose of using herbicides approved under federal pesticide control laws for controlling elodea, pond weed, and algae on Lake Steilacoom. The issuance of the permits shall be subject only to compliance with: federal and state pesticide label requirements; the requirements of the federal insecticide, fungicide, and rodenticide act; the Washington pesticide control act; and the Washington pesticide application act. The use of surfactants authorized for use with a pesticide as part of a state or federal label for the pesticide is regulated by the label and may not be further limited by the permit.

The director of ecology may not use this permit authority to otherwise condition or burden control efforts for these plants. The director's authority to issue water quality modification permits for activities other than the application of surfactants and approved herbicides to control elodea, pond weed, and algae is unaffected by this section."

On page 14, line 6 of the title amendment, strike "a new section" and insert "new sections"

Representatives Talcott and Carrell spoke in favor of the adoption of the amendment to the amendment.

Representatives Chandler and Hatfield spoke against the adoption of the amendment to the amendment.

The amendment was not adopted.

The striking amendment was adopted.

The Speaker called on Representative Horn to preside.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler, Basich and Rust spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Foreman was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5633 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5633 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Mulliken - 1.

Engrossed Second Substitute Senate Bill No. 5633, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 11, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1069,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,
HOUSE BILL NO. 1450,
HOUSE BILL NO. 1532,
HOUSE BILL NO. 1771,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 11, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5075,
SENATE BILL NO. 5806,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868,
SENATE BILL NO. 5882,
ENGROSSED SENATE BILL NO. 5888,
SENATE BILL NO. 5894,
SENATE BILL NO. 6011,
SUBSTITUTE SENATE BILL NO. 6028,
SENATE JOINT MEMORIAL NO. 8004,
SENATE JOINT MEMORIAL NO. 8006,

and the same are herewith transmitted.

Marty Brown, Secretary

HOUSE BILL NO. 2084, by Representatives Silver and Cooke

Eliminating the family policy council, including community network provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cooke and Mitchell spoke in favor of passage of the bill.

Representatives Thibaudeau, Mastin, Pennington, Sheldon, Costa, Elliot and Quall spoke against passage of the bill.

Representative K. Schmidt demand the previous and the demand was sustained.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2084.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2084, and the bill passed the House by the following vote: Yeas - 54, Nays - 41, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Elliot, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, K., Schoesler, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 54.

Voting nay: Representatives Appelwick, Basich, Beeksma, Brown, Brumsickle, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Hymes, Jacobsen, Johnson, Mason, Mastin, Patterson, Poulsen, Quall, Regala, Romero, Rust, Schmidt, D., Scott, Sehlin, Sheldon, Thibaudeau, Thomas, B., Tokuda, Valle, Veloria and Wolfe - 41.

Excused: Representatives Foreman and Mulliken - 2.

House Bill No. 2084, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Senate Bill No. 5272 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5325, by Senate Committee on Higher Education (originally sponsored by Senators Rinehart, Bauer, Prince, Pelz, Sheldon, Kohl, Drew and Wood)

Changing higher education fiscal provisions.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Jacobsen moved adoption of the following amendment to the committee amendment by Representative Jacobsen:

On page 3, line 9, after "categories." insert "During the 1997-98 through 2000-01 academic years, a research university participating in the fiscal autonomy program under section 301 of this act may increase base tuition fees for any student category up to a maximum of fifteen percent each year."

On page 4, line 38, after "categories." insert "During the 1997-98 through 2000-01 academic years, a regional university participating in the fiscal autonomy program under section 301 of this act may increase base tuition fees for any student category up to a maximum of fifteen percent each year."

On page 12, line 18, after "act" insert ", minus the amount of revenue collected from raising base tuition fees above the level specified in sections 102(1) and 103(1) of this act by institutions participating in the fiscal autonomy pilot program under section 301 of this act,"

On page 12, line 27, after "28B.15.910;" strike "and"

On page 12, line 30, after "act" strike "." and insert "; and"

On page 12, after line 30, insert the following subsection:

"(5) The general fund state appropriation shall not be reduced by the amount of revenue collected from raising base tuition fees above the level specified in sections 102(1) and 103(1) of this act by institutions participating in the fiscal autonomy pilot program under section 301 of this act."

On page 19, after line 37, insert the following:

"PART 3 - INSTITUTIONAL FISCAL AUTONOMY

NEW SECTION. **Sec. 301.** A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall design and administer a higher education fiscal autonomy pilot program. In its administration of the pilot program, the board shall have the following powers and duties:

(1) In consultation with institutions of higher education and appropriate state agencies, identify state laws and rules that may inhibit effective fiscal decisions by institutions of higher education.

(2) Select one research and one regional university to participate in the pilot program.

(3) Work with state agencies to exempt participating institutions from state rules that inhibit effective fiscal decisions.

(4) By December 1, 1996, report to the governor and appropriate legislative committees with a preliminary report on the progress of the pilot program and with a list of state laws and rules that may need to be revised in order to encourage effective fiscal decisions by institutions of higher education.

(5) This section shall expire on June 30, 2001.

Sec. 302. RCW 43.10.19054 and 1975-'76 2nd ex.s. c 21 s 7 are each amended to read as follows:

The provisions of RCW 43.19.1905 shall not apply to materials, supplies, and equipment purchased for resale to other than public agencies by state agencies, including educational institutions. In addition, RCW 43.19.1905 shall not apply to purchases by institutions of higher education participating in the fiscal autonomy pilot program under section 301 of this act or liquor purchased by the state for resale under the provisions of Title 66 RCW.

Sec. 303. RCW 41.06.382 and 1979 ex.s. c 46 s 1 are each amended to read as follows:

(1) Nothing contained in this chapter shall prohibit any institution of higher education, as defined in RCW 28B.10.016, or related board from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract at such institution prior to April 23, 1979: PROVIDED, That except as provided in subsection (2) of this section, no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract.

(2) An institution of higher education participating in the fiscal autonomy pilot program under section 301 of this act may purchase services by contract with individuals or business entities if the contract would not result in increased expenditures of public funds for the contracted service and if the contract would not result in the termination of classified employees employed at the institution on the effective date of this act.

Sec. 304. RCW 43.88.110 and 1991 sp.s. c 32 s 27 and 1991 c 358 s 2 are each reenacted and amended to read as follows:

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds.

(1) Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(2) The director of financial management shall provide all agencies with a complete set of operating and capital instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(3) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor.

(4) Except as provided in subsection (9) of this section, the office of financial management shall develop a method for monitoring capital appropriations and expenditures that will capture at least the following elements:

- (a) Appropriations made for capital projects including transportation projects;
- (b) Estimates of total project costs including past, current, ensuing, and future biennial costs;
- (c) Comparisons of actual costs to estimated costs;
- (d) Comparisons of estimated construction start and completion dates with actual dates;
- (e) Documentation of fund shifts between projects.

This data may be incorporated into the existing accounting system or into a separate project management system, as deemed appropriate by the office of financial management.

(5) If at any time during the fiscal period the governor projects a cash deficit in a particular fund or account as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments for that particular fund or account so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed operating expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed operating expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall

not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

(6) Except as provided in subsection (9) of this section, it is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management.

(7) Except as provided in subsection (9) of this section, the director of financial management shall monitor agency operating expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

(8) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. With the exception of exemptions that may be granted to institutions of higher education that are participating in the fiscal autonomy pilot program under section 301 of this act, allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

(9) In consultation with the higher education coordinating board, the director of the office of financial management shall develop and implement a simplified allotment and reporting procedure for institutions of higher education participating in the fiscal autonomy pilot program under section 301 of this act."

On page 20, line 23, strike "and 301 through 303" and insert "301 through 304, and 401 through 403"

Renumber the remaining part and sections appropriately, and correct any internal references and the title accordingly.

Representatives Jacobsen and Carlson spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Basich and Quall spoke against the adoption of the amendment to the committee amendment.

MOTION

On motion of Representative Brown, Representatives Dellwo and Ebersole were excused.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: 62-YEAS, 29-NAYS. The amendment was adopted.

Representative Carlson moved adoption of the following amendment to the committee amendment by Representative Carlson:

On page 3, line 13, after "next academic year." strike "In any academic year" and insert "During the 1995-96 and 1996-97 academic years, the maximum percentage surcharge levied on base tuition for students in any tuition category shall be fifteen percent. Beginning with the 1997-98 academic year"

On page 3, beginning on line 17, after "percent" strike all material through "year" on line 18

On page 5, line 4, after "next academic year." strike "In any academic year" and insert "During the 1995-96 and 1996-97 academic years, the maximum percentage surcharge levied on base tuition for students in any tuition category shall be fifteen percent. Beginning with the 1997-98 academic year"

On page 5, beginning on line 8, after "percent" strike all material through "year" on line 9

On page 6, line 18, after "tuition." strike "Beginning in the 1997-98 academic year,"

On page 6, beginning on line 21, after "year." strike "In any academic year" and insert "During the 1995-96 and 1996-97 academic years, the maximum percentage surcharge levied on base tuition for students in any tuition category shall be fifteen percent. Beginning with the 1997-98 academic year"

On page 8, line 9, after "percent." insert "However, during the 1995-96 and 1996-97 academic years, the maximum percentage surcharge under this subsection (3)(b) shall be fifteen percent."

Representatives Carlson, Jacobsen, Goldsmith and Foreman spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Cole, Quall, Basich, Conway, Schoesler and Mason spoke against the adoption of the amendment to the committee amendment.

Representative Quall again spoke against the adoption of the amendment to the amendment to the committee amendment.

Representative Carlson again spoke in favor of the adoption of the amendment to the committee amendment.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: 60-YEAS, 34-NAYS. The amendment was adopted.

With the consent of the House, amendment number 795 to Substitute Senate Bill No. 5325 was withdrawn.

Representative Jacobsen moved adoption of the following amendment to the committee amendment by Representative Jacobsen:

On page 4, line 6, after "universities" insert "and The Evergreen State College"

On page 5, line 1, after "universities" insert "and The Evergreen State College"

On page 5, beginning on line 28, strike Section 104

On page 12, beginning on line 37, strike "~~((and))~~, for students enrolled at" and insert "and"

On page 13, line 4, after "universities" strike ", The Evergreen State College,"

Representatives Jacobsen, Cole, Carlson, Wolfe, Clements, Chappell, Huff, Mason and Skinner spoke in favor of the adoption of the amendment to the committee amendment.

Representative Goldsmith spoke against the adoption of the amendment to the committed amendment.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: 65-YEAS, 29-NAYS. The amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson, Jacobsen and Mastin spoke in favor of passage of the bill.

Representatives Quall, Sommers and Conway spoke against passage of the bill.

The Speaker assumed the chair.

Representative Jacobsen again spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5325 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5325 as amended by the House, and the bill passed the House by the following vote: Yeas - 51, Nays - 43, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Beeksmas, Benton, Blanton, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Clements, Cooke, Crouse, Delvin, Dickerson, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Lisk, Mastin, McMorris, Mielke, Mitchell, Pennington, Poulsen, Radcliff, Reams, Robertson, Schmidt, D., Sehlin, Sheahan, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thompson, Van Luven and Mr. Speaker - 51.

Voting nay: Representatives Appelwick, Basich, Boldt, Brown, Casada, Chandler, Chappell, Chopp, Cody, Cole, Conway, Costa, Dyer, Fisher, G., Fisher, R., Grant, Hargrove, Hatfield, Kessler, Kremen, Lambert, Mason, McMahan, Morris, Ogden, Patterson, Pelesky, Quall, Regala, Romero, Rust, Schmidt, K., Schoesler, Scott, Sheldon, Smith, Sommers, Thibaudeau, Thomas, L., Tokuda, Valle, Veloria and Wolfe - 43.

Excused: Representatives Dellwo, Ebersole and Mulliken - 3.

Substitute Senate Bill No. 5325, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2091 by Representative Sommers

AN ACT Relating to the continuation of retirement coverage while on leave of absence for public service; adding a new section to chapter 43.43 RCW; and adding a new section to chapter 28B.10 RCW.

HB 2092 by Representatives Campbell, Smith, Pelesky, L. Thomas, Koster, Crouse, Elliot and Mulliken

AN ACT Relating to valuation for property tax purposes; amending RCW 84.36.381; adding new sections to chapter 84.40 RCW; creating a new section; repealing 1994 sp.s. c 8 s 3 (uncodified); providing effective dates; and declaring an emergency.

Referred to Committee on Finance.

ESSB 5447 by Senate Committee on Education (originally sponsored by Senator McAuliffe; by request of Office of Financial Management)

Tying the use of student learning improvement grants to attaining the student learning goals.

Referred to Committee on Education.

There being no objection, the rules were suspended and House Bill No. 2091 was placed on the second reading calendar.

There being no objection, the remaining bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 10, 1995

HB 2090 Prime Sponsor, Representative K. Schmidt: Revising provisions relating to taxation of gasohol. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives K. Schmidt, Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Blanton; Buck; Cairnes; Chopp; Elliot; Hankins; Horn; Johnson; Koster; McMahan; Ogden; Quall; Robertson; Romero; Scott and Tokuda.

Voting Yea: Representatives Backlund, Blanton, Buck, Cairnes, Chopp, Elliot, R. Fisher, Hankins, Hatfield, Horn, Johnson, Koster, McMahan, Mitchell, Ogden, Quall, Robertson, Romero, D. Schmidt, K. Schmidt, Scott and Skinner.

Excused: Representatives Benton, Brown, Chandler, Patterson and Tokuda.

There being no objection, the rules were suspended and House Bill No. 2090 was placed on the second reading calendar.

The Rules Committee was relieved of the following bills and they were placed on the second reading calendar: House Bill No. 1566, Substitute Senate Bill No. 5127, Senate Bill No. 5287, Second Substitute Senate Bill No. 5387, Engrossed Senate Bill No. 5613, Engrossed Substitute Senate Bill No. 5914, Engrossed Substitute Senate Bill No. 5943 and Engrossed Substitute Senate Bill No. 6049.

POINT OF INQUIRY

Representative Morris: Thank you Mr. Speaker. Can you tell me what we just did, did we just take something from Rules, did we take something from another Committee, did we move it from one place on the calendar to another.

Speaker: The Rules Committee was relieved of the list that I read.

Representative Morris: Thank you.

MESSAGES FROM THE SENATE

April 12, 1995

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1362,
SUBSTITUTE HOUSE BILL NO. 1483,
HOUSE BILL NO. 1790,
SUBSTITUTE HOUSE BILL NO. 1853,
HOUSE BILL NO. 1866,
HOUSE BILL NO. 1893,
HOUSE BILL NO. 2063,

HOUSE JOINT MEMORIAL NO. 4008,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 12, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5101,
SENATE BILL NO. 5200,
SECOND SUBSTITUTE SENATE BILL NO. 5235,
SENATE BILL NO. 5372,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 12, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1012,
ENGROSSED HOUSE BILL NO. 1014,
HOUSE BILL NO. 1015,
HOUSE BILL NO. 1058,
SUBSTITUTE HOUSE BILL NO. 1067,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,
HOUSE BILL NO. 1112,
ENGROSSED HOUSE BILL NO. 1131,
HOUSE BILL NO. 1163,
SUBSTITUTE HOUSE BILL NO. 1233,
SUBSTITUTE HOUSE BILL NO. 1246,
HOUSE BILL NO. 1280,
SUBSTITUTE HOUSE BILL NO. 1287,
HOUSE BILL NO. 1295,
HOUSE BILL NO. 1297,
SUBSTITUTE HOUSE BILL NO. 1414,
SUBSTITUTE HOUSE BILL NO. 1507,

ENGROSSED HOUSE BILL NO. 1550,
ENGROSSED HOUSE BILL NO. 1603,
ENGROSSED HOUSE BILL NO. 1876,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 12, 1995

Mr. Speaker:

The Senate concurred in the House amendments to Substitute Senate Bill No. 5308, and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1063,
HOUSE BILL NO. 1064,
SUBSTITUTE HOUSE BILL NO. 1069,
HOUSE BILL NO. 1081,
HOUSE BILL NO. 1087,
HOUSE BILL NO. 1321,
HOUSE BILL NO. 1343,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,
SUBSTITUTE HOUSE BILL NO. 1404,
HOUSE BILL NO. 1465,
HOUSE BILL NO. 1468,
HOUSE BILL NO. 1501,
HOUSE BILL NO. 1532,
HOUSE BILL NO. 1553,
HOUSE BILL NO. 1771,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036,
SENATE BILL NO. 5075,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5101,
SENATE BILL NO. 5200,
SECOND SUBSTITUTE SENATE BILL NO. 5235,
SENATE BILL NO. 5372,
SENATE BILL NO. 5806,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5868,
SENATE BILL NO. 5882,
ENGROSSED SENATE BILL NO. 5888,
SENATE BILL NO. 5894,
SENATE BILL NO. 6011,
SUBSTITUTE SENATE BILL NO. 6028,
SENATE JOINT MEMORIAL NO. 8004,
SENATE JOINT MEMORIAL NO. 8006,

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Thursday, April 13, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

NINETY-FOURTH DAY, APRIL 12, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

NINETY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 13, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Hankins presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Leimgruber and Evan Westcott. Prayer was offered by Representative Smith.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

Representative Horn presiding assumed the chair.

RESOLUTION

HOUSE RESOLUTION NO. 95-4645, by Representatives Dickerson, Ballasiotes, Chappell, Hatfield, Conway, Wolfe, Mason, Cole, Tokuda, Campbell, Kessler, Blanton, Sherstad, Radcliff, Koster, Kremen, Dyer and Basich

WHEREAS, Youth violence in Washington state affects not just individuals but entire families, neighborhoods, and communities; and

WHEREAS, Incidents of youth violence including murder, assault, and rape have been rising steadily for more than a decade; and

WHEREAS, Youth violence is a reflection of significant problems underlying the fabric of our society, from poverty, drug and alcohol abuse, racism, child abuse and neglect, single parent households, inadequate educational systems, and media glamorization of violence; and

WHEREAS, It is the goal of the House of Representatives to stop youth violence by expanding our vision beyond simply preventing violence and envisioning the creation of healthy communities; and

WHEREAS, Creating healthy communities requires bringing together parents, educators, neighborhood associations, businesses, social and health services providers, law enforcement, and young people themselves;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington condemn the scourge of youth violence, and encourage the citizens of this state to actively participate in the creation of renewed, healthy, violence-free communities.

Representative Dickerson moved adoption of the resolution.

Representatives Dickerson, Mason, Sommers, Chopp and Tokuda spoke in favor of adoption of the resolution.

House Resolution No. 4645 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Costa: Thank you Mr. Speaker, I unfortunately was a little tardy in being here for the House Resolution on youth violence today because I was out gathering resources for an 11 year

old girl that was raped yesterday afternoon. However, I would like to honor the organizations in my area who are working on youth violence: One is the Snohomish County Youth Coalition who works through the Everett YMCA; the other is the interlocal youth gang taskforce through the Snohomish County Office of Children's Affairs. Another is the students against violence everywhere.

There are other agencies in my area that are working hard to combat youth violence, and I just wanted to be able to recognize them as well today. Thank you.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE JOINT RESOLUTION NO. 8210, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, McCaslin, Gaspard, Deccio, Wojahn, Snyder, Haugen, Morton, Long, Hale, Rinehart, Newhouse, Loveland, McDonald, Palmer, Bauer, Oke and Winsley; by request of Supreme Court)

Revising size and leadership of the state supreme court.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representatives Hickel and Dellwo spoke in favor of adoption of the resolution.

Representatives Cole, Hargrove and Brown spoke against adoption of the resolution.

POINT OF INQUIRY

Representative Hickel yielded to a question by Representative Cole.

Representative Cole: Thank you Mr. Speaker. My question is, my understanding is that this would make it possible at a later time to reduce the size of the court with just a majority vote instead of having to have 2/3rds vote like when you have to have a constitutional Amendment is that time.

Representative Hickel: Actually I don't have the answer to that, it's my understanding that this measure simply allows the Justices of the Supreme Court to choose who they want to be the Chief Justice. I do not believe but I am not sure, maybe someone else here has that answer as to whether it will effect the other Bill.

Representative Hickel again spoke in favor of passage of the resolution.

MOTIONS

On motion of Representative Brown, Representative Appelwick was excused.

On motion of Representative Talcott, Representatives Benton and Foreman were excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final adoption of Substitute Senate Joint Resolution No. 8210.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Resolution No. 8210, and the resolution was adopted by the following vote: Yeas - 68, Nays - 23, Absent - 2, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chappell, Clements, Cody, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Poulsen, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria, Wolfe and Mr. Speaker - 68.

Voting nay: Representatives Benton, Boldt, Brown, Casada, Cole, Crouse, Fuhrman, Goldsmith, Hargrove, Hymes, Kremen, Mason, Mastin, Mulliken, Patterson, Pennington, Quall, Schoesler, Sheldon, Sherstad, Thibaudeau, Tokuda and Valle - 23.

Absent: Representatives Chopp and Sommers - 2.

Excused: Representatives Appelwick, Chandler, Foreman and Reams - 4.

Substitute Senate Joint Resolution No. 8210, having received the constitutional majority, was adopted.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2093 by Representatives Campbell, Smith, L. Thomas, McMorris, Chandler, Beeksma, McMahan, Mulliken and Lisk

AN ACT Relating to taxation of property without water permits; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2094 by Representatives Chappell, Brumsickle, Mastin, Regala, Elliot, Basich, Radcliff, Hankins, Morris, Kessler, Mitchell, Costa, Huff, Clements, Grant, G. Fisher, Romero, Quall, Hatfield, L. Thomas, Mason and Blanton

AN ACT Relating to providing parents with information on existing law as it pertains to the rights and responsibilities of parents in education; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

There being no objection, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

MESSAGES FROM THE SENATE

April 13, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1178,
SUBSTITUTE HOUSE BILL NO. 1929,
SUBSTITUTE HOUSE BILL NO. 2060,

HOUSE JOINT MEMORIAL NO. 4029,
and the same are herewith transmitted.

HOUSE JOINT MEMORIAL NO. 4028,

Brad Hendrickson, Deputy Secretary

April 13, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1063,
HOUSE BILL NO. 1064,
SUBSTITUTE HOUSE BILL NO. 1069,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,
HOUSE BILL NO. 1465,
HOUSE BILL NO. 1532,
HOUSE BILL NO. 1771,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2036,
and the same are herewith transmitted.

Marty Brown, Secretary

April 13, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1081,
HOUSE BILL NO. 1087,
HOUSE BILL NO. 1321,
HOUSE BILL NO. 1343,
SUBSTITUTE HOUSE BILL NO. 1404,
HOUSE BILL NO. 1468,
HOUSE BILL NO. 1501,
HOUSE BILL NO. 1553,

and the same are herewith transmitted.

Marty Brown, Secretary

April 13, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5992, and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the sixth order of business.

There being no objection, the House resumed consideration of Substitute Senate Bill No. 5315.

With the consent of the House, amendment numbers 722, 728, 730, 798, 800, 805 and 828 to Substitute Senate Bill No. 5315 were withdrawn.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.36.012 and 1994 c 143 s 102 are each amended to read as follows:

For the purpose of this chapter:

"Adulterated milk" means milk that is deemed adulterated under appendix L of the PMO.

"Aseptic processing" means the process by which milk or milk products have been subjected to sufficient heat processing and packaged in a hermetically sealed container so as to meet the standards of the PMO.

"Colostrum milk" means milk produced within ten days before or until practically colostrum free after parturition.

"DMO" means supplement I, the recommended sanitation ordinance for grade A condensed and dry milk products and condensed and dry whey, to the PMO published by the United States public health service, food and drug administration.

"Dairy farm" means a place or premises where one or more cows, goats, or other mammals are kept, a part or all of the milk or milk products from which is sold or offered for sale to a milk processing plant, transfer station, or receiving station.

"Dairy technician" means any person who takes samples of milk or cream or fluid derivatives thereof, on which sample tests are to be made as a basis of payment, or who grades, weighs, or measures milk or cream or the fluid derivatives thereof, the grade, weight, or measure to be used as a basis of payment, or who operates equipment wherein milk or products thereof are pasteurized.

"Department" means the state department of agriculture.

"Director" means the director of agriculture of the state of Washington or the director's duly authorized representative.

"Distributor" means a person other than a producer who offers for sale or sells to another, milk or milk products.

"Grade A milk processing plant" means any milk processing plant that meets all of the standards of the PMO to process grade A pasteurized milk or milk products.

"Grade A pasteurized milk" means grade A raw milk that has been pasteurized.

"Grade A raw milk" means raw milk produced upon dairy farms conforming with all of the items of sanitation contained in the PMO, in which the bacterial plate count does not exceed twenty thousand per milliliter and the coliform count does not exceed ten per milliliter as determined in accordance with RCW (~~(15.36.140)~~) 15.36.201.

"Grade A raw milk for pasteurization" means raw milk produced upon dairy farms conforming with all of the same items of sanitation contained in the PMO of grade A raw milk, and the bacterial plate count, as delivered from the farm, does not exceed eighty thousand per milliliter as determined in accordance with RCW (~~(15.36.140)~~) 15.36.201.

"Grade C milk" is milk that violates any of the requirements for grade A milk but that is not deemed to be adulterated.

"Homogenized" means milk or milk products which have been treated to ensure breakup of the fat globules to an extent consistent with the requirements outlined in the PMO.

"Milk" means the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows, goats, or other mammals.

"Milk hauler" means a person who transports milk or milk products in bulk to or from a milk processing plant, receiving station, or transfer station.

"Milk processing" means the handling, preparing, packaging, or processing of milk in any manner in preparation for sale as food, as defined in chapter 69.04 RCW. Milk processing does not include milking or producing milk on a dairy farm that is shipped to a milk processing plant for further processing.

"Milk processing plant" means a place, premises, or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, aseptically processed, bottled, or prepared for distribution, except an establishment (~~whose activity is limited to retail sales~~) that merely receives the processed milk products and serves them or sells them at retail.

"Milk products" means the product of a milk manufacturing process.

"Misbranded milk" means milk or milk products that carries a grade label unless such grade label has been awarded by the director and not revoked, or that fails to conform in any other respect with the statements on the label.

"Official brucellosis adult vaccinated cattle" means those cattle, officially vaccinated over the age of official calfhood vaccinated cattle, that the director has determined have been commingled with, or kept in close proximity to, cattle identified as brucellosis reactors, and have been vaccinated against brucellosis in a manner and under the conditions prescribed by the director after a hearing and under rules adopted under chapter 34.05 RCW, the administrative procedure act.

"Official laboratory" means a biological, chemical, or physical laboratory that is under the direct supervision of the state or a local regulatory agency.

"Officially designated laboratory" means a commercial laboratory authorized to do official work by the department, or a milk industry laboratory officially designated by the department for the examination of grade A raw milk for pasteurization and commingled milk tank truck samples of raw milk for antibiotic residues and bacterial limits.

"PMO" means the grade "A" pasteurized milk ordinance published by the United States public health service, food and drug administration.

"Pasteurized" means the process of heating every particle of milk or milk product in properly designed and operated equipment to the temperature and time standards specified in the PMO.

"Person" means an individual, partnership, firm, corporation, company, trustee, or association.

"Producer" means a person or organization who operates a dairy farm and provides, sells, or offers milk for sale to a milk processing plant, receiving station, or transfer station.

"Receiving station" means a place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting.

"Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

"Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

"Ultrapasteurized" means the process by which milk or milk products have been thermally processed in accordance with the time and temperature standards of the PMO, so as to produce a product which has an extended shelf life under refrigerated conditions.

"Ungraded processing plant" means a milk processing plant that meets all of the standards of the PMO to produce milk products other than grade A milk or milk products.

"Wash station" means a place, facility, or establishment where milk tanker trucks are cleaned in accordance with the standards of the PMO.

All dairy products mentioned in this chapter mean those fit or used for human consumption.

Sec. 2. RCW 15.36.071 and 1994 c 143 s 205 are each amended to read as follows:

A milk hauler must obtain a milk hauler's license to conduct the operation under this chapter. A milk hauler's license is not transferable with respect to persons or locations or both. The license, issued by the director upon approval of an application for the license and compliance with the provisions of this chapter, shall contain the license number, name, residence, and place of business, if any, of the licensee. A milk hauler's license shall also contain endorsements for individual milk transport vehicles. The license plate number and registration number for each milk transport vehicle shall be listed on the endorsement.

Sec. 3. RCW 15.36.171 and 1994 c 143 s 301 are each amended to read as follows:

No milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except grade A pasteurized milk, or grade A raw milk. The director may revoke the license of any milk distributor (~~(failing)~~), milk processing plant, or producer whose product fails to qualify as grade A pasteurized or grade A raw, or in lieu thereof may degrade his or her product to grade C and permit its sale as other than fluid milk or grade A milk products

during a period not exceeding thirty days. In the event of an emergency, the director may permit the sale of grade C milk for more than thirty days.

Sec. 4. RCW 15.36.221 and 1984 c 226 s 5 are each amended to read as follows:

Milk and milk products for consumption in the raw state or for pasteurization shall be cooled within two hours of completion of milking to forty degrees Fahrenheit or less and maintained at that temperature until picked up, in accordance with RCW ((15.36.140)) 15.36.201, so long as the blend temperature after the first and following milkings does not exceed fifty degrees Fahrenheit.

Sec. 5. RCW 15.36.411 and 1994 c 143 s 502 are each amended to read as follows:

The director may, subsequent to a hearing on the license, suspend or revoke a license issued under this chapter if the director determines that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this chapter, the rules adopted under this chapter, or a lawful order of the director.

(2) Refused, neglected, or failed to keep and maintain records required by this chapter, or to make the records available if requested under the provisions of this chapter.

(3) Refused the department access to a portion or area of a facility regulated under this chapter, for the purpose of carrying out the provisions of this chapter.

(4) Refused the department access to records required to be kept under the provisions of this chapter.

(5) Refused, neglected, or failed to comply with the applicable provisions of chapter 69.04 RCW, Washington food, drug, and cosmetic act, or rules adopted under chapter 69.04 RCW.

The provisions of this section requiring that a hearing be conducted before an action may be taken against a license do not apply to an action taken under RCW 15.36.111, 15.36.201, or 15.36.421.

Whenever a milk transport vehicle is found in violation of this chapter or rules adopted under this chapter, the endorsement for that milk transport vehicle contained on a milk hauler's license shall be suspended or revoked. The suspension or revocation does not apply to any other milk transport vehicle operated by the milk hauler.

Sec. 6. RCW 15.36.431 and 1994 c 143 s 504 are each reenacted to read as follows:

No person shall employ a tester, sampler, weigher, grader, or pasteurizer who is not licensed as a dairy technician.

A person who violates the provisions of this section may be fined not less than two hundred fifty nor more than one thousand dollars, and his or her license issued under this chapter revoked or suspended subject to a hearing as provided under chapter 34.05 RCW.

Sec. 7. RCW 15.36.441 and 1994 c 143 s 505 are each amended to read as follows:

(1) If the results of an antibiotic, pesticide, or other drug residue test under RCW ((15.36.140)) 15.36.201 are above the actionable level established in the PMO and determined using procedures set forth in the PMO, a person holding a milk producer's license is subject to a civil penalty. The penalty shall be in an amount equal to one-half the value of the sum of the volumes of milk equivalent produced under the license on the day prior to and the day of the adulteration. The value of the milk shall be computed by the weighted average price for the federal market order under which the milk is delivered.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.05 and 34.12 RCW. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, and, if so, shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.05 RCW. Tests performed for antibiotic, pesticide, or other drug residues by an official laboratory or an officially designated laboratory of a milk sample drawn by a department official or a licensed

dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic, pesticide, or other drug residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic, pesticide, or other drug residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Follow-up sampling and testing must be done in accordance with the requirements of the PMO.

NEW SECTION. Sec. 8. For the purpose of this chapter:

(1) "Food storage warehouse" means any premises, establishment, building, room area, facility, or place, in whole or in part, where food is stored, kept, or held for wholesale distribution to other wholesalers or to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer. Food storage warehouses include, but are not limited to, facilities where food is kept or held refrigerated or frozen and include facilities where food is stored to the account of another firm and/or is owned by the food storage warehouse. "Food storage warehouse" does not include grain elevators or fruit and vegetable storage and packing houses that store, pack, and ship fresh fruit and vegetables even though they may use refrigerated or controlled atmosphere storage practices in their operation. However, this chapter applies to multiple food storage operations that also distribute or ripen fruits and vegetables.

(2) "Department" means the Washington department of agriculture.

(3) "Director" means the director of the Washington department of agriculture.

(4) "Food" means the same as defined in RCW 69.04.008.

(5) "Independent sanitation consultant" means an individual, partnership, cooperative, or corporation that by reason of education, certification, and experience has satisfactorily demonstrated expertise in food and dairy sanitation and is approved by the director to advise on such areas including, but not limited to: Principles of cleaning and sanitizing food processing plants and equipment; rodent, insect, bird, and other pest control; principals of hazard analysis critical control point; basic food product labeling; principles of proper food storage and protection; proper personnel work practices and attire; sanitary design, construction, and installation of food plant facilities, equipment, and utensils; and other pertinent food safety issues.

NEW SECTION. Sec. 9. The director or his or her representative shall make annual inspections of each food storage warehouse for compliance with the provisions of chapter 69.04 RCW and the rules adopted under chapter 69.04 RCW, except that food storage warehouses exempted from licensure by the provisions of this chapter shall be inspected by the department as deemed necessary by the director. Any food storage warehouse found to not be in substantial compliance with chapter 69.04 RCW and the rules adopted under chapter 69.04 RCW will be reinspected as deemed necessary by the director to determine compliance. This does not preclude the director from using any other remedies as provided under chapter 69.04 RCW to gain compliance or to embargo products as provided under RCW 69.04.110 to protect the public from adulterated foods.

NEW SECTION. Sec. 10. Except as provided in this section and section 11 of this act, it shall be unlawful for any person to operate a food storage warehouse in the state without first having obtained an annual license from the department, which shall expire on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license or license renewal shall be on a form prescribed by the director and accompanied by the license fee. The license fee is fifty dollars.

The application shall include the full name of the applicant for the license and the location of the food storage warehouse he or she intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association, or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation must be given on the

application. The application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted under this chapter by the department, the applicant shall be issued a license or renewal thereof. The director shall waive licensure under this chapter for firms that are licensed under the provisions of chapter 69.07 or 15.36 RCW.

NEW SECTION. Sec. 11. A food storage warehouse that is inspected for compliance with the current good manufacturing practices (Title 21 C.F.R. part 110) on at least an annual basis by a state or federal agency or by an independent sanitation consultant approved by the department shall be exempted from licensure under this chapter.

A report identifying the inspector and the inspecting entity, the date of the inspection, and any violations noted on such inspection shall be forwarded to the department by the food storage warehouse within sixty days of the completion of the inspection. An inspection shall be conducted and an inspection report for a food storage warehouse shall be filed with the department at least once every twelve months or the warehouse shall be licensed under this chapter and inspected by the department for a period of two years.

NEW SECTION. Sec. 12. If the application for renewal of any license provided for under this chapter is not filed prior to the expiration date as established by rule by the director, an additional fee of ten percent of the cost of the license shall be assessed and added to the original fee and must be paid by the applicant before the renewal license is issued.

NEW SECTION. Sec. 13. The director may, subsequent to a hearing thereon, deny, suspend, or revoke any license provided for in this chapter if he or she determines that an applicant has committed any of the following acts:

(1) Refused, neglected, or failed to comply with the provisions of this chapter, the rules adopted under this chapter, or any lawful order of the director;

(2) Refused, neglected, or failed to keep and maintain records required by this chapter, or to make such records available if requested pursuant to the provisions of this chapter;

(3) Refused the department access to any portion or area of the food storage warehouse for the purpose of carrying out the provisions of this chapter;

(4) Refused the department access to any records required to be kept under the provisions of this chapter;

(5) Refused, neglected, or failed to comply with any provisions of chapter 69.04 RCW, Washington food, drug, and cosmetic act, or any rules adopted under chapter 69.04 RCW.

The provisions of this section requiring that a hearing be conducted before an action may be taken against a license do not apply to an action taken under section 14 of this act.

NEW SECTION. Sec. 14. (1) Whenever the director finds a food storage warehouse operating under conditions that constitute an immediate danger to public health or whenever the licensee or any employee of the licensee actively prevents the director or the director's representative, during an on-site inspection, from determining whether such a condition exists, the director may summarily suspend, pending a hearing, a license provided for in this chapter.

(2) Whenever a license is summarily suspended, the holder of the license shall be notified in writing that the license is, upon service of the notice, immediately suspended and that prompt opportunity for a hearing will be provided.

(3) Whenever a license is summarily suspended, food distribution operations shall immediately cease. However, the director may reinstate the license if the condition that caused the suspension has been abated to the director's satisfaction.

NEW SECTION. Sec. 15. It is unlawful to sell, offer for sale, or distribute in intrastate commerce food from or stored in a food storage warehouse that is required to be licensed under this chapter but that has not obtained a license, once notification by the director has been given to the persons selling, offering, or distributing food for sale, that the food is in or from such an unlicensed food storage warehouse.

NEW SECTION. **Sec. 16.** All moneys received by the department under provisions of this chapter shall be paid into an account created in the agricultural local fund established in RCW 43.23.230 and shall be used solely to carry out provisions of this chapter and chapter 69.04 RCW.

NEW SECTION. **Sec. 17.** The department may use all the civil remedies provided under chapter 69.04 RCW in carrying out and enforcing the provisions of this chapter.

NEW SECTION. **Sec. 18.** (1) The department shall enforce and carry out the provisions of this chapter and may adopt the necessary rules to carry out its purpose.

(2) The adoption of rules under the provisions of this chapter are subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act.

NEW SECTION. **Sec. 19.** The director or director's deputies, assistants, and inspectors are authorized to do all acts and things necessary to carry out the provisions of this chapter, including the taking of verified statements. The department personnel are empowered to administer oaths of verification on the statement.

NEW SECTION. **Sec. 20.** A new section is added to chapter 69.04 RCW to read as follows:
The director need not petition the superior court as provided for in RCW 69.04.120 if the owner or claimant of such food or food products agrees in writing to the disposition of such food or food products as the director may order.

Sec. 21. RCW 69.07.040 and 1993 sp.s. c 19 s 11 and 1993 c 212 s 2 are each reenacted and amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods in the state without first having obtained an annual license from the department, which shall expire on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license shall be on a form prescribed by the director and accompanied by the license fee. The license fee is determined by computing the gross annual sales for the accounting year immediately preceding the license year. If the license is for a new operator, the license fee shall be based on an estimated gross annual sales for the initial license period.

If gross annual sales are:	The license fee is:
\$0 to \$50,000	\$55.00
\$50,001 to \$500,000	\$110.00
\$500,001 to \$1,000,000	\$220.00
\$1,000,001 to \$5,000,000	\$385.00
\$5,000,001 to \$10,000,000	\$550.00
Greater than \$10,000,000	\$825.00

Such application shall include the full name of the applicant for the license and the location of the food processing plant he or she intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant. The application shall also specify the type of food to be processed and the method or nature of processing operation or preservation of that food and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

Licenses shall be issued to cover only those products, processes, and operations specified in the license application and approved for licensing. Wherever a license holder wishes to engage in processing a type of food product that is different than the type specified on the application supporting the licensee's existing license and processing that type of food product would require a major addition to or modification of the licensee's processing facilities or has a high potential for harm, the licensee shall submit an amendment to the current license application. In such a case, the licensee may engage

in processing the new type of food product only after the amendment has been approved by the department.

If upon investigation by the director, it is determined that a person is processing food for retail sale and is not under permit, license, or inspection by a local health authority, then that person may be considered a food processor and subject to the provisions of this chapter. The director may waive the licensure requirements of this chapter for a person's operations at a facility if the person (~~is licensed under chapter 15.32 RCW or has a permit~~) has obtained a milk processing plant license under chapter 15.36 RCW to conduct the same or a similar operation at the facility.

Sec. 22. RCW 69.07.100 and 1988 c 5 s 4 are each amended to read as follows:

The provisions of this chapter shall not apply to establishments issued a permit or licensed under the provisions of:

- (1) (~~Chapter 15.32 RCW, the Dairies and dairy products act;~~
- ~~(2))~~ Chapter 69.25 RCW, the Washington wholesome eggs and egg products act;
- ~~((3))~~ (2) Chapter 69.28 RCW, the Washington state honey act;
- ~~((4))~~ (3) Chapter 16.49 RCW, the Meat inspection act;
- ~~((5))~~ (4) Title 66 RCW, relating to alcoholic beverage control; and
- ~~((6))~~ (5) Chapter 69.30 RCW, the Sanitary control of shellfish act: PROVIDED, That if any such establishments process foods not specifically provided for in the above entitled acts, such establishments shall be subject to the provisions of this chapter.

The provisions of this chapter shall not apply to restaurants or food service establishments.

Sec. 23. RCW 69.07.085 and 1988 c 254 s 9 are each amended to read as follows:

The department may issue sanitary certificates to food processors under this chapter subject to such requirements as it may establish by rule. The fee for issuance shall be (~~twenty~~) fifty dollars per certificate. Fees collected under this section shall be deposited in the agricultural local fund.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

- (1) RCW 69.08.010 and 1971 c 27 s 1 & 1945 c 192 s 1;
- (2) RCW 69.08.020 and 1945 c 192 s 4;
- (3) RCW 69.08.030 and 1985 c 25 s 1 & 1945 c 192 s 2;
- (4) RCW 69.08.040 and 1985 c 25 s 2 & 1945 c 192 s 3;
- (5) RCW 69.08.045 and 1988 c 5 s 5 & 1971 c 27 s 2;
- (6) RCW 69.08.050 and 1945 c 192 s 5;
- (7) RCW 69.08.060 and 1945 c 192 s 6;
- (8) RCW 69.08.070 and 1945 c 192 s 7;
- (9) RCW 69.08.080 and 1945 c 192 s 8; and
- (10) RCW 69.08.090 and 1945 c 192 s 9.

Sec. 25. RCW 69.25.020 and 1982 c 182 s 42 are each amended to read as follows:

When used in this chapter the following terms shall have the indicated meanings, unless the context otherwise requires:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or his duly authorized representative.
- (3) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof, or assignee for the benefit of creditors.
- (4) "Adulterated" applies to any egg or egg product under one or more of the following circumstances:
 - (a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;
 - (b) If it bears or contains any added poisonous or added deleterious substance (other than one which is: (i) A pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the director, make such article unfit for human food;

(c) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of RCW 69.04.392, as enacted or hereafter amended;

(d) If it bears or contains any food additive which is unsafe within the meaning of RCW 69.04.394, as enacted or hereafter amended;

(e) If it bears or contains any color additive which is unsafe within the meaning of RCW 69.04.396, as enacted or hereafter amended: PROVIDED, That an article which is not otherwise deemed adulterated under subsection (4)(c), (d), or (e) of this section shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the director in official plants;

(f) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(g) If it consists in whole or in part of any damaged egg or eggs to the extent that the egg meat or white is leaking, or it has been contacted by egg meat or white leaking from other eggs;

(h) If it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

~~((h))~~ (i) If it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

~~((i))~~ (j) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

~~((j))~~ (k) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to RCW 69.04.394; or

~~((k))~~ (l) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(5) "Capable of use as human food" shall apply to any egg or egg product unless it is denatured, or otherwise identified, as required by regulations prescribed by the director, to deter its use as human food.

(6) "Intrastate commerce" means any eggs or egg products in intrastate commerce, whether such eggs or egg products are intended for sale, held for sale, offered for sale, sold, stored, transported, or handled in this state in any manner and prepared for eventual distribution in this state, whether at wholesale or retail.

(7) "Container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(8) "Immediate container" means any consumer package, or any other container in which egg products, not consumer-packaged, are packed.

(9) "Shipping container" means any container used in packaging a product packed in an immediate container.

(10) "Egg handler" or "dealer" means any person who produces, contracts for or obtains possession or control of any eggs for the purpose of sale to another dealer or retailer, or for processing and sale to a dealer, retailer or consumer: PROVIDED, That for the purpose of this chapter, "sell" or "sale" includes the following: Offer for sale, expose for sale, have in possession for sale, exchange, barter, trade, or as an inducement for the sale of another product.

(11) "Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion, or historically have not been, in the judgment of the director, considered by consumers as products of the egg food industry, and which may be exempted by the director under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(12) "Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea, or any other specie of fowl.

(13) "Check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(14) "Clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(15) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(16) "Incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(17) "Inedible" means eggs of the following descriptions: Black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(18) "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(19) "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(20) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(21) "Inspection" means the application of such inspection methods and techniques as are deemed necessary by the director to carry out the provisions of this chapter.

(22) "Inspector" means any employee or official of the department authorized to inspect eggs or egg products under the authority of this chapter.

(23) "Misbranded" shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the director under RCW 69.25.100.

(24) "Official certificate" means any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this chapter.

(25) "Official device" means any device prescribed or authorized by the director for use in applying any official mark.

(26) "Official inspection legend" means any symbol prescribed by regulations of the director showing that egg products were inspected in accordance with this chapter.

(27) "Official mark" means the official inspection legend or any other symbol prescribed by regulations of the director to identify the status of any article under this chapter.

(28) "Official plant" means any plant which is licensed under the provisions of this chapter, at which inspection of the processing of egg products is maintained by the United States department of agriculture or by the state under cooperative agreements with the United States department of agriculture or by the state.

(29) "Official standards" means the standards of quality, grades, and weight classes for eggs, adopted under the provisions of this chapter.

(30) "Pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful, viable micro-organisms by such processes as may be prescribed by regulations of the director.

(31) "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meaning for purposes of this chapter as prescribed in chapter 69.04 RCW.

(32) "Plant" means any place of business where egg products are processed.

(33) "Processing" means manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(34) "Retailer" means any person in intrastate commerce who sells eggs to a consumer.

(35) "At retail" means any transaction in intrastate commerce between a retailer and a consumer.

(36) "Consumer" means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boarding house, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking or baking.

(37) "Candling" means the examination of the interior of eggs by the use of transmitted light used in a partially dark room or place.

(38) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(39) "Ambient temperature" means the atmospheric temperature surrounding or encircling shell eggs.

Sec. 26. RCW 69.25.050 and 1982 c 182 s 43 are each amended to read as follows:

No person shall act as an egg handler or dealer without first obtaining an annual license and permanent dealer's number from the department; such license shall expire on the master license expiration date. Application for an egg dealer license or egg dealer branch license, shall be made through the master license system. The annual egg dealer license fee shall be ~~((ten))~~ thirty dollars and the annual egg dealer branch license fee shall be ~~((five))~~ fifteen dollars. A copy of the master license shall be posted at each location where such licensee operates. Such application shall include the full name of the applicant for the license and the location of each facility he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant and any other necessary information prescribed by the director. Upon the approval of the application and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof. Such license and permanent egg handler or dealer's number shall be nontransferable.

Sec. 27. RCW 69.25.150 and 1992 c 7 s 47 are each amended to read as follows:

~~(1) ((Any person who commits any offense prohibited by RCW 69.25.110 shall upon conviction be guilty of a gross misdemeanor.))~~ (a) Any person violating any provision of this chapter or any rule adopted under this chapter is guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent violation. Any offense committed more than five years after a previous conviction shall be considered a first offense. A misdemeanor under this section is punishable to the same extent that a misdemeanor is punishable under RCW 9A.20.021 and a gross misdemeanor under this section is punishable to the same extent that a gross misdemeanor is punishable under RCW 9A.20.021.

(b) Whenever the director finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to (a) of this subsection, the director may impose upon and collect from the violator a civil penalty not exceeding one thousand dollars per violation per day. Each violation shall be a separate and distinct offense.

When construing or enforcing the provisions of RCW 69.25.110, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of the person's employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(2) No carrier or warehouseman shall be subject to the penalties of this chapter, other than the penalties for violation of RCW 69.25.140, or subsection (3) of this section, by reason of his or her receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this chapter, or unless the carrier or warehouseman refuses to furnish on request of a representative of the director the name and address of the person from whom he or she received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(3) Notwithstanding any other provision of law any person who forcibly assaults, resists, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his or her official duties under this chapter shall be punished by a fine of not more than five thousand dollars or imprisonment in a state correctional facility for not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be punished by a fine of not more than ten thousand dollars or by imprisonment in a state correctional facility for not more than ten years, or both.

Sec. 28. RCW 69.25.170 and 1975 1st ex.s. c 201 s 18 are each amended to read as follows:

(1) The director may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this chapter:

(a) The sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerance in the official state standards for consumer grades for shell eggs;

(b) The processing of egg products at any plant where the facilities and operating procedures meet such sanitary standards as may be prescribed by the director, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of the state consumer grades for shell eggs, and the egg products processed at such plant;

(c) The sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this subsection;

(d) The sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this subsection;

(e) The sale of eggs by any egg producer with an annual egg production from a flock of three thousand hens or less.

(2) The director may modify or revoke any regulation granting exemption under this chapter whenever he deems such action appropriate to effectuate the purposes of this chapter.

Sec. 29. RCW 69.25.250 and 1993 sp.s. c 19 s 12 are each amended to read as follows:

There is hereby levied an assessment not to exceed three mills per dozen eggs entering intrastate commerce, as prescribed by rules and regulations issued by the director. Such assessment shall be applicable to all eggs entering intrastate commerce except as provided in RCW 69.25.170 and 69.25.290. Such assessment shall be paid to the director on a monthly basis on or before the tenth day following the month such eggs enter intrastate commerce. The director may require reports by egg handlers or dealers along with the payment of the assessment fee. Such reports may include any and all pertinent information necessary to carry out the purposes of this chapter. The director may, by regulations, require egg container manufacturers to report on a monthly basis all egg containers sold to any egg handler or dealer and bearing such egg handler or dealer's ~~((license))~~ permanent number.

Sec. 30. RCW 69.25.310 and 1975 1st ex.s. c 201 s 32 are each amended to read as follows:

(1) All containers used by an egg handler or dealer to package eggs shall bear the name and address or the permanent number issued by the director to said egg handler or dealer. Such permanent number shall be displayed in a size and location prescribed by the director. ~~((It shall constitute a gross misdemeanor for any egg handler or dealer to reuse a container which bears the permanent number of another egg handler or dealer unless such number is totally obliterated prior to reuse.))~~ It shall be a violation for any egg handler or dealer to use a container that bears the permanent number of another egg handler or dealer unless such number is totally obliterated prior to use. The director may in addition require the obliteration of any or all markings that may be on any container which will be ~~((reused))~~ used for eggs by an egg handler or dealer.

(2) Notwithstanding subsection (1) of this section and following written notice to the director, licensed egg handlers and dealers may use new containers bearing another handler's or dealer's permanent number on a temporary basis, in any event not longer than one year, with the consent of such other handler or dealer for the purpose of using up existing container stocks. Sale of container stock shall constitute agreement by the parties to use the permanent number.

Sec. 31. RCW 69.25.320 and 1975 1st ex.s. c 201 s 33 are each amended to read as follows:

(1) In addition to any other records required to be kept and furnished the director under the provisions of this chapter, the director may require any person who sells to any retailer, or to any restaurant, hotel, boarding house, bakery, or any institution or concern which purchases eggs for serving to guests or patrons thereof or for its use in preparation of any food product for human consumption, candled or graded eggs other than those of his own production sold and delivered on the premises where produced, to furnish that retailer or other purchaser with an invoice covering each such sale, showing the exact grade or quality, and the size or weight of the eggs sold, according to the standards prescribed by the director, together with the name and address of the person by whom the eggs were sold. The person selling and the retailer or other purchaser shall keep a copy of said invoice on file at his place of business for a period of thirty days, during which time the copy shall be available for inspection at all reasonable times by the director: PROVIDED, That no retailer or other purchaser

shall be guilty of a violation of this chapter if he can establish a guarantee from the person from whom the eggs were purchased to the effect that they, at the time of purchase, conformed to the information required by the director on such invoice: PROVIDED FURTHER, That if the retailer or other purchaser having labeled any such eggs in accordance with the invoice keeps them for such a time after they are purchased as to cause them to deteriorate to a lower grade or standard, and sells them under the label of the invoice grade or standard, he shall be guilty of a violation of this chapter.

(2) Each retailer and each distributor shall store shell eggs awaiting sale or display eggs under clean and sanitary conditions in areas free from rodents and insects. Shell eggs must be stored up off the floor away from strong odors, pesticides, and cleaners.

(3) After being received at the point of first purchase, all graded shell eggs packed in containers for the purpose of sale to consumers shall be held and transported under refrigeration at ambient temperatures no greater than forty-five degrees Fahrenheit (seven and two-tenths degrees Celsius). This provision shall apply without limitation to retailers, institutional users, dealer/wholesalers, food handlers, transportation firms, or any person who handles eggs after the point of first purchase.

(4) No invoice shall be required on eggs when packed for sale to the United States department of defense, or a component thereof, if labeled with grades promulgated by the United States secretary of agriculture.

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

(1) RCW 69.25.330 and 1975 1st ex.s. c 201 s 34; and

(2) RCW 69.25.340 and 1975 1st ex.s. c 201 s 36.

Sec. 33. RCW 15.53.901 and 1982 c 177 s 1 are each amended to read as follows:

The definitions set forth in this section apply ~~((through [throughout]))~~ throughout this chapter.

~~((1) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.~~

~~(2) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association.~~

~~(3) "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend commercial feed, or to offer for sale, sell, barter, or otherwise supply commercial feed in this state.~~

~~(4) "Distributor" means any person who distributes.~~

~~(5) "Sell" or "sale" includes exchange.~~

~~(6) "Commercial feed" means all materials including customer formula feed which are distributed for use as feed or for mixing in feed, for animals other than man.~~

~~(7) "Feed ingredient" means each of the constituent materials making up a commercial feed.~~

~~(8) "Customer formula feed" means a mixture of commercial feed and/or materials each batch of which is mixed according to the specific instructions of the final purchaser or contract feeder.~~

~~(9) "Brand" means the term, design, trademark, or other specific designation under which an individual commercial feed is distributed in this state.~~

~~(10) "Product" means the name of the commercial feed that identifies it as to kind, class, or specific use.~~

~~(11) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.~~

~~(12) "Labeling" means all labels and other written, printed, or graphic matter upon a commercial feed or any of its containers or wrappers, or otherwise accompanying such commercial feed.~~

~~(13) "Ton" means a net weight of two thousand pounds avoirdupois.~~

~~(14) "Percent" or "percentage" means percentage by weight.~~

~~(15) "Official sample" means any sample of feed taken by the department, obtained and analyzed as provided in RCW 15.53.9024.~~

~~(16) "Contract feeder" means an independent contractor, or any other person who feeds commercial feed to animals pursuant to an oral or written agreement whereby such commercial feed is supplied, furnished or otherwise provided to such person by any distributor and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality~~

of product: ~~PROVIDED, That it shall not include a bona fide employee of a manufacturer or distributor of commercial feed.~~

~~(17) "Retail" means to distribute to the ultimate consumer.)~~

~~(1) "Brand name" means a word, name, symbol, or device, or any combination thereof, identifying the commercial feed of a distributor or registrant and distinguishing it from that of others.~~

~~(2) "Commercial feed" means all materials or combination of materials that are distributed or intended for distribution for use as feed or for mixing in feed, unless such materials are specifically exempted. Unmixed whole seeds and physically altered entire unmixed seeds, when such whole seeds or physically altered seeds are not chemically changed or not adulterated within the meaning of RCW 15.53.902, are exempt. The department by rule may exempt from this definition, or from specific provisions of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when such commodities, compounds, or substances are not intermixed with other materials, and are not adulterated within the meaning of RCW 15.53.902.~~

~~(3) "Contract feeder" means a person who is an independent contractor and feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished, or otherwise provided to such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product.~~

~~(4) "Customer-formula feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients, or both, each batch of which is manufactured according to the instructions of the final purchaser.~~

~~(5) "Department" means the department of agriculture of the state of Washington or its duly authorized representative.~~

~~(6) "Director" means the director of the department or a duly authorized representative.~~

~~(7) "Distribute" means to offer for sale, sell, exchange or barter, commercial feed; or to supply, furnish, or otherwise provide commercial feed to a contract feeder.~~

~~(8) "Distributor" means a person who distributes.~~

~~(9) "Drug" means an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than people and articles, other than feed intended to affect the structure or a function of the animal body.~~

~~(10) "Exempt buyer" means a licensee who has agreed to be responsible for reporting tonnage and paying inspection fees for all commercial feeds they distribute. An exempt buyer must apply for exempt buyer status with the department. The department shall maintain a list of all exempt buyers and make the list available on request.~~

~~(11) "Feed ingredient" means each of the constituent materials making up a commercial feed.~~

~~(12) "Final purchaser" means a person who purchases commercial feed to feed to animals in his or her care.~~

~~(13) "Initial distributor" means a person who first distributes a commercial feed in or into this state.~~

~~(14) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.~~

~~(15) "Labeling" means all labels and other written, printed, or graphic matter: (a) Upon a commercial feed or any of its containers or wrappers; or (b) accompanying such commercial feed.~~

~~(16) "Licensee" means a person who holds a commercial feed license as prescribed in this chapter.~~

~~(17) "Manufacture" means to grind, mix or blend, or further process a commercial feed for distribution.~~

~~(18) "Medicated feed" means a commercial feed containing a drug or other medication.~~

~~(19) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.~~

~~(20) "Official sample" means a sample of feed taken by the department, obtained and analyzed as provided in RCW 15.53.9024 (3), (5), or (6).~~

~~(21) "Percent" or "percentage" means percentage by weight.~~

~~(22) "Person" means an individual, firm, partnership, corporation, or association.~~

~~(23) "Pet" means a domesticated animal normally maintained in or near the household of the owner of the pet.~~

~~(24) "Pet food" means a commercial feed prepared and distributed for consumption by pets.~~

(25) "Product name" means the name of the commercial feed that identifies it as to kind, class, or specific use.

(26) "Retail" means to distribute to the final purchaser.

(27) "Sell" or "sale" includes exchange.

(28) "Specialty pet" means a domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles.

(29) "Specialty pet food" means a commercial feed prepared and distributed for consumption by specialty pets.

(30) "Ton" means a net weight of two thousand pounds avoirdupois.

(31) "Quantity statement" means the net weight (mass), net volume (liquid or dry), or count.

Sec. 34. RCW 15.53.9012 and 1965 ex.s. c 31 s 3 are each amended to read as follows:

(1) The department shall administer, enforce and carry out the provisions of this chapter and may adopt rules necessary to carry out its purpose. In adopting such rules, the director shall consider (a) the official definitions of feed ingredients and official feed terms adopted by the association of American feed control officials and published in the official publication of that organization; and (b) any regulation adopted pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301, et seq.), if the department would have the authority under this chapter to adopt the regulations. The adoption of rules shall be subject to a public hearing and all other applicable provisions of chapter 34.05 RCW (Administrative Procedure Act) ~~(, as enacted or hereafter amended)~~.

(2) The director when adopting rules in respect to the feed industry shall consult with affected parties, such as manufacturers and distributors of commercial feed and any final rule adopted shall be designed to promote orderly marketing and shall be reasonable and necessary and based upon the requirements and condition of the industry and shall be for the purpose of promoting the well-being of the members of the feed industry as well as the well-being of the purchasers and users of feed and for the general welfare of the people of the state.

NEW SECTION. **Sec. 35.** A new section is added to chapter 15.53 RCW to read as follows:

(1) Beginning January 1, 1996, a person who manufactures a commercial feed, is an initial distributor of a commercial feed, or whose name appears as the responsible party on a commercial feed label to be distributed in or into this state shall first obtain from the department a commercial feed license for each facility. Sale of food processing byproducts from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants, bona fide experimental feed on which accurate records and experimental programs are maintained, and pet food and specialty pet food are exempt from the requirement of a commercial feed license. The sale of byproducts or products of sugar refineries are not exempt from the requirement of a commercial feed license.

(2) Application for a commercial feed license shall be made annually on forms provided by the department and shall be accompanied by a fee of fifty dollars, except that for the period beginning January 1, 1996, and ending June 30, 1996, the fee shall be twenty-five dollars. The commercial feed license shall expire on June 30th of each year.

(3) An application for license shall include the following:

(a) The name and address of the applicant;

(b) Other information required by the department by rule.

(4) After January 1, 1996, application for license renewal is due July 1st of each year. If an application for license renewal provided for in this section is not filed with the department prior to July 15th, a delinquency fee of fifty dollars shall be assessed and added to the original fee and must be paid by the applicant before the renewal license is issued. The assessment of the delinquency fee shall not prevent the department from taking other action as provided for in this chapter. The penalty does not apply if the applicant furnishes an affidavit that he or she has not distributed a commercial feed subsequent to the expiration of his or her prior license.

(5) The department may deny a license application if the applicant is not in compliance with this chapter or applicable rules, and may revoke a license if the licensee is not in compliance with this chapter or applicable rules. Prior to denial or revocation of a license, the department shall provide notice and an opportunity to correct deficiencies. If an applicant or licensee fails to correct the deficiency, the department shall deny or revoke the license. If aggrieved by the decision, the applicant or licensee may request a hearing as authorized under chapter 34.05 RCW.

(6) Notwithstanding the payment of a delinquency fee, it is a violation to distribute a commercial feed by an unlicensed person, and nothing in this chapter shall prevent the department from imposing a penalty authorized by this chapter for the violation.

(7) The department may under conditions specified by rule, request copies of labels and labeling in order to determine compliance with the provisions of this chapter.

Sec. 36. RCW 15.53.9014 and 1993 sp.s. c 19 s 2 are each amended to read as follows:

(1) Each ~~((commercial feed))~~ pet food and specialty pet food shall be registered with the department and such registration shall be renewed annually before such commercial feed may be distributed in this state~~((: PROVIDED, That sales of food processing byproducts from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants; unmixed seed, whole or processed, made directly from the entire seed; unground hay, straw, stover, silage, cobs, husks, and hulls, when not mixed with other material; bona fide experimental feeds on which accurate records and experimental programs are maintained; and customer formula feeds are exempt from such registration. The exemption for byproducts provided by this subsection does not apply to byproducts or products of sugar refineries or to materials used in the preparation of pet foods.~~

~~(a) Beginning July 1, 1993, each registration for a commercial feed product distributed in packages of ten pounds or more shall be accompanied by a fee of eleven dollars. If such commercial feed is also distributed in packages of less than ten pounds it shall be registered under subsection (b) of this section.~~

~~(b) Beginning July 1, 1993, each registration for a commercial feed product distributed in packages of less than ten pounds shall be accompanied by an annual registration fee of forty-five dollars on each such commercial feed so distributed, but no inspection fee may be collected on packages of less than ten pounds of the commercial feed so registered).~~

(2) The application for registration of pet food and specialty pet food shall be on forms provided by the department and shall be accompanied by the fees in subsection (3) of this section. Registrations expire on June 30th of each year.

(3) Pet food and specialty pet food registration fees are as follows:

(a) Each pet food and specialty pet food distributed in packages of ten pounds or more shall be accompanied by a fee of eleven dollars, except that for the period beginning January 1, 1996, and ending June 30, 1996, the fee shall be five dollars and fifty cents. If such commercial feed is also distributed in packages of less than ten pounds it shall be registered under (b) of this subsection.

(b) Each pet food and specialty pet food distributed in packages of less than ten pounds shall be accompanied by a fee of forty-five dollars, except that for the period beginning January 1, 1996, and ending June 30, 1996, the fee shall be twenty-two dollars and fifty cents. No inspection fee may be collected on pet food and specialty pet food distributed in packages of less than ten pounds.

(4) The department may require that ~~((such))~~ the application for registration of pet food and specialty pet food be accompanied by a label and/or other printed matter describing the product. ~~((All registrations expire on December 31st of each year, and are renewable unless such registration is canceled by the department or it has called for a new registration, or unless canceled by the registrant.~~

~~(4) The application shall include the information required by RCW 15.53.9016(1)(b) through (1)(e).))~~

(5) A distributor shall not be required to register ~~((any commercial feed brand or product which))~~ a pet food or specialty pet food that is already registered under the provisions of this chapter, as long as it is distributed with the original label.

(6) Changes in the guarantee of either chemical or ingredient composition of a ~~((commercial feed))~~ pet food or specialty pet food registered under the provisions of this chapter may be permitted if there is satisfactory evidence that such changes would not result in a lowering of the feed value of the product for the purpose for which it was designed.

(7) The department is ~~((empowered))~~ authorized to refuse registration of any application not in compliance with the provisions of this chapter and any rule adopted under this chapter and to cancel any registration subsequently found to be not in compliance with any provisions of this chapter ~~((, but a registration shall not be refused or canceled until the registrant has been given opportunity to be heard before the department and to amend his application in order to comply with the requirements of))~~ and any rule adopted under this chapter. Prior to refusal or cancellation of a registration, the applicant or registrant of an existing registered pet food or specialty pet food shall be notified of the reasons and given an opportunity to amend the application to comply. If the applicant does not make the necessary

corrections, the department shall refuse to register the feed. The applicant or registrant of an existing registered pet food or specialty pet food may request a hearing as provided for in chapter 34.05 RCW.

(8) After January 1, 1996, application for renewal of registration is due July 1st of each year. If an application for renewal of the registration provided for in this section is not filed prior to ((January 1st)) July 15th of any one year, a penalty of ten dollars per product shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration may be issued, unless the applicant furnishes an affidavit that he has not distributed this feed subsequent to the expiration of his or her prior registration.

(9) It is a violation of this chapter to distribute an unregistered pet food or specialty pet food. Payment of a delinquency fee shall not prevent the department from imposing a penalty authorized by this chapter for the violation.

Sec. 37. RCW 15.53.9016 and 1965 ex.s. c 31 s 5 are each amended to read as follows:

(1) Any commercial feed ((registered with the department and)), except a customer-formula feed, distributed in this state shall be accompanied by a legible label bearing the following information:

(a) ((The net weight as required under chapter 19.94 RCW as enacted or hereinafter amended.

(b)) The product name ((or)) and the brand name, if any, under which the commercial feed is distributed.

((c) The guaranteed analysis of the commercial feed, listing the minimum percentage of crude protein, minimum percentage of crude fat, and maximum percentage of crude fiber. For mineral feeds the list shall include the following if added: Minimum and maximum percentages of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum and maximum percentages of salt (NaCl). Other substances or elements, determinable by laboratory methods, may be guaranteed by permission of the department. When any items are guaranteed, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the department. Products distributed solely as mineral and/or vitamin supplements and guaranteed as specified in this section need not show guarantees for protein, fat, and fiber.

(d)) (b) The guaranteed analysis stated in such terms as the department by rule determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods such as the methods published by the association of official analytical chemists.

(c) The common or usual name of each ingredient used in the manufacture of the commercial feed, except as the department may, by regulation, permit the use of a collective term for a group of ingredients all of which perform the same function. An ingredient statement is not required for single standardized ingredient feeds which are officially defined.

((e)) (d) The name and principal mailing address of the person responsible for distributing the commercial feed.

(e) Adequate directions for use for all commercial feeds containing drugs and for all such other commercial feeds as the department may require by rule as necessary for their safe and effective use.

(f) Precautionary statements as the department by rule determines are necessary for the safe and effective use of the commercial feed.

(g) The net weight as required under chapter 19.94 RCW.

(2) When a commercial feed, except a customer-formula feed, is distributed in this state in bags or other containers, the label shall be placed on or affixed to the container; when a commercial feed, except a customer-formula feed, is distributed in bulk the label shall accompany delivery and be furnished to the purchaser at time of delivery.

(3) A customer-formula feed shall be labeled by ((invoice)) shipping document. The ((invoice)) shipping document, which is to accompany delivery and be supplied to the purchaser at the time of delivery, shall bear the following information:

(a) Name and address of the ((mixer)) manufacturer;

(b) Name and address of the purchaser;

(c) Date of ((sale; and)) delivery;

(d) ((Brand name and number of pounds of each registered commercial feed used in the mixture and the name and number of pounds of each other feed ingredient added.

(4) If a commercial feed contains a nonnutritive substance which is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or which is intended to affect the

structure or any function of the animal body, the department may require the label to show the amount present, directions for use, and/or warnings against misuse of the feed.

~~(5) A customer formula feed shall be considered to be in violation of this chapter if it does not conform to the invoice labeling. Upon request of the department it shall be the duty of the person distributing the customer formula feed to supply the department with a copy of the invoice which represents that particular feed: PROVIDED, That such person shall not be required to keep such invoice for a period of longer than six months))~~ Product name and the net weight as required under chapter 19.94 RCW;

(e) Adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the department may require by rule as necessary for their safe and effective use;

(f) The directions for use and precautionary statements as required by subsection (1) (e) and (f) of this section; and

(g) If a drug containing product is used:

(i) The purpose of the medication (claim statement);

(ii) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with rules established by the department.

(4) The product name and quantity statement of each commercial feed and each other ingredient used in the customer formula feed must be on file at the plant producing the product. These records must be kept on file for one year after the last sale. This information shall be made available to the purchaser, the dealer making the sale, and the department on request.

Sec. 38. RCW 15.53.9018 and 1982 c 177 s 3 are each amended to read as follows:

~~(1) ((On or after June 30, 1981,))~~ Except as provided in subsection (4) of this section, each initial distributor of a commercial feed in this state shall pay to the department an inspection fee on all commercial feed sold by such person during the year. The fee shall be not less than four cents nor more than ((fourteen)) twelve cents per ton as prescribed by the director by rule: PROVIDED, That such fees shall be used for routine enforcement ((of RCW 15.53.9022 and for analysis for contaminants only when the department has reasonable cause to believe any lot of feed or any feed ingredient is adulterated)) and administration of this chapter and rules adopted under this chapter.

~~(2) ((In computing the tonnage on which the inspection fee must be paid, sales of: (a) Commercial feed to other feed registrants;))~~ An inspection fee is not required for: (a) Commercial feed distributed by a person having proof that inspection fees have been paid by his or her supplier (manufacturer); (b) commercial feed in packages weighing less than ten pounds; (c) commercial feed for shipment to points outside this state; (d) food processing byproducts from fruit, vegetable, or potato processing plants, freezing or dehydrating facilities, or juice or jelly preserving plants; and (e) ((unmixed seed, whole or processed, made directly from the entire seed; (f) unground hay, straw, stover, silage, cobs, husks, and hulls, when not mixed with other material; and (g))) bona fide experimental feeds on which accurate records and experimental programs are maintained ((may be excluded. The exemption for byproducts provided by this subsection does not apply to byproducts or products of sugar refineries or to materials used in the preparation of pet feeds)).

(3) Tonnage will be reported and inspection fees will be paid on (a) byproducts or products of sugar refineries; (b) materials used in the preparation of pet foods and specialty pet food.

(4) When more than one distributor is involved in the distribution of a commercial feed, the ((last registrant or)) initial distributor ((who distributes to a nonregistrant (dealer or consumer))) is responsible for reporting the tonnage and paying the inspection fee, unless ((the reporting and paying of fees have been made by a prior distributor of the feed)) this sale or transaction is made to an exempt buyer.

~~((4))~~ (5) Each person made responsible by this chapter for the payment of inspection fees for commercial feed sold in this state shall file a report with the department on January 1st and July 1st of each year showing the number of tons of such commercial feed sold during the six calendar months immediately preceding the date the report is due. The proper inspection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty-day period of grace immediately following the day the report and payment are due to file the report, and pay the fee. Upon permission of the department, an annual statement under oath may be filed by any person distributing within the state less than one hundred tons for each six-month period during any year, and upon filing such statement such person shall pay the inspection fee at the rate provided for in subsection (1) of this

section. The minimum inspection fee shall be twelve dollars and fifty cents for each six-month reporting period or twenty-five dollars if reporting annually.

~~((5) Each distributor shall keep such reasonable and practical records as may be necessary or required by the department to indicate accurately the tonnage of commercial feed distributed in this state, and the department has the right to examine such records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein constitutes a violation of this chapter, and may result in the issuance of an order for "withdrawal from distribution" on any commercial feed being subsequently distributed.~~

~~(6) Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a collection fee of ten percent, but not less than ten dollars, added to the amount due when payment is finally made. The assessment of this collection fee shall not prevent the department from taking other actions as provided for in this chapter.~~

~~(7)) (6) For the purpose of determining accurate tonnage of commercial feed distributed in this state or to identify or verify semiannual tonnage reports, the department may require each registrant or licensee, or both, to maintain records or file additional reports.~~

(7) The department may examine at reasonable times the records maintained under this section. Records shall be maintained in usable condition by the registrant or licensee for a period of two years unless by rule this retention period is extended.

(8) The registrant or licensee shall maintain records required under this section and submit these records to the department upon request.

(9) Any person responsible for reporting tonnage or paying inspection fees who fails to do so before the thirty-first day following the last day of each reporting period, shall pay a penalty equal to fifteen percent of the inspection fee due or fifty dollars, whichever is greater. The penalty, together with any delinquent inspection fee is due before the forty-first day following the last day of each reporting period. The department may cancel registration of a registrant or may revoke a license of a licensee who fails to pay the penalty and delinquent inspection fees within that time period. The applicant or licensee may request a hearing as authorized under chapter 34.05 RCW.

(10) The report required by subsection ~~((4))~~ (5) of this section shall not be a public record, and it is a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report: PROVIDED, That nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person if any action, suit, or proceeding instituted under the authority of this chapter, including any civil action for collection of unpaid inspection fees, which action is hereby authorized and which shall be as an action at law in the name of the director of the department.

~~((8))~~ (11) Any commercial feed purchased by a consumer or contract feeder outside the jurisdiction of this state and brought into this state for use is subject to all the provisions of this chapter, including inspection fees.

Sec. 39. RCW 15.53.902 and 1982 c 177 s 4 are each amended to read as follows:

It is unlawful for any person to distribute an adulterated feed. A commercial feed is deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health; or

(2) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of section 406 of the Federal Food, Drug, and Cosmetic Act (other than one which is (a) a pesticide chemical in or on a raw agricultural commodity; or (b) a food additive); or

(3) If it is, or it bears, or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 348); or

(4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act: PROVIDED, That where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining

in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of section 408(a) of the Federal Food, Drug, and Cosmetic Act; or

(5) If it is, or it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act; or

(6) If it is, or it bears or contains any new animal drug that is unsafe within the meaning of section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360b); or

(7) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor; or

~~((7))~~ (8) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling; or

~~((8))~~ (9) If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice rules adopted by the department to assure that the drug meets the requirements of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics that it purports or is represented to possess. In adopting such rules, the department shall adopt the current good manufacturing practice regulations for type A medicated articles and type B and type C medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless the department determines that they are not appropriate to the conditions that exist in this state; or

(10) If it contains viable, prohibited (primary) noxious weed seeds in excess of one per pound, or if it contains viable, restricted (secondary) noxious weed seeds in excess of twenty-five per pound. The primary and secondary noxious weed seeds shall be those as named pursuant to the provisions of chapter 15.49 RCW ~~((as enacted or hereafter amended))~~ and rules adopted thereunder.

Sec. 40. RCW 15.53.9022 and 1965 ex.s. c 31 s 8 are each amended to read as follows:

It shall be unlawful for any person to distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular;

(2) If it is distributed under the name of another commercial feed;

(3) If it is not labeled as required in RCW 15.53.9016 and in ~~((regulations))~~ rules prescribed under this chapter;

(4) If it purports to be or is represented as a commercial feed ~~((ingredient))~~, or if it purports to contain or is represented as containing a commercial feed or feed ingredient, unless such commercial feed or feed ingredient conforms to the definition of identity, if any, prescribed by ~~((regulation))~~ rule of the department. In the adopting of such ~~((regulations))~~ rules the department may consider commonly accepted definitions such as those issued by nationally recognized associations or groups of feed control officials;

(5) If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(6) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

Sec. 41. RCW 15.53.9024 and 1965 ex.s. c 31 s 9 are each amended to read as follows:

~~(1) ((It shall be the duty of the department to sample, inspect, make analysis of, and test commercial feed distributed within this state at such time and place and to such an extent as it may deem necessary to determine whether such feeds are in compliance with the provisions of this chapter. The department is authorized to stop any commercial vehicle transporting feed on the public highways and direct it to the nearest scales approved by the department to check weights of feeds being delivered. The department is also authorized, upon presentation of proper identification, to enter any distributor's premises including any vehicle of transport at all reasonable times in order to have access~~

to commercial feed and to records relating to their distribution. This includes the determining of the weight of packages and bulk shipments.

~~(2) The methods of sampling and analysis shall be those adopted by the department from officially recognized sources.~~

~~(3)) For the purpose of enforcement of this chapter, and in order to determine whether its provisions have been complied with, including whether an operation is subject to such provisions, inspectors duly designated by the director, upon presenting appropriate credentials, and a written notice to the owner, operator, or agent in charge, are authorized (a) to enter, during normal business hours, a factory, warehouse, or establishment within the state in which commercial feeds are manufactured, processed, packed, or held for distribution, or to enter a vehicle being used to transport or hold such feeds; and (b) to inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the current good manufacturing practice regulations established under RCW 15.53.902(9) and rules adopted under good manufacturing practices for feeds to include nonmedicated feeds.~~

~~(2) A separate notice shall be given for each such inspection, but a notice is not required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.~~

~~(3) If the inspector or employee making such inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises, he or she shall give to the owner, operator, or agent in charge, a receipt describing the samples obtained.~~

~~(4) If the owner of a factory, warehouse, or establishment described in subsection (1) of this section, or his or her agent, refuses to admit the director or his or her agent to inspect in accordance with subsections (1) and (2) of this section, the director or his or her agent is authorized to obtain from any court of competent jurisdiction a warrant directing such owner or his or her agent to submit the premises described in the warrant to inspection.~~

~~(5) For the enforcement of this chapter, the director or his or her duly assigned agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.~~

~~(6) Sampling and analysis shall be conducted in accordance with methods published by the association of official analytical chemists, or in accordance with other generally recognized methods.~~

~~(7) The results of all analyses of official samples shall be forwarded by the department to the person named on the label and to the purchaser, if known. If the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within thirty days following the receipt of the analysis, the department shall furnish to the registrant or licensee a portion of the sample concerned. If referee analysis is requested, a portion of the official sample shall be furnished by the department and shall be sent directly to an independent lab agreed to by all parties.~~

~~(8) The department, in determining for administrative purposes whether a feed is deficient in any component, shall be guided solely by the official sample as defined in RCW 15.53.901(((43))) (20) and obtained and analyzed as provided for in this section.~~

~~(((4) When the inspection and analysis of an official sample has been made the results of analysis shall be forwarded by the department to the distributor and to the purchaser if known. Upon request and within thirty days the department shall furnish to the distributor a portion of the sample concerned.~~

~~(5)) (9) Analysis of an official sample by the department shall be accepted as prima facie evidence by any court of competent jurisdiction.~~

Sec. 42. RCW 15.53.9038 and 1982 c 177 s 5 are each amended to read as follows:

(1) When the department has reasonable cause to believe that any lot of commercial feed is adulterated or misbranded or is being distributed in violation of this chapter or any ~~((regulations))~~ rules hereunder it may issue and enforce a written or printed "withdrawal from distribution" order, or "stop sale" order, warning the distributor not to dispose of the lot of feed in any manner until written permission is given by the department ~~((or a court of competent jurisdiction))~~. The department shall

release the lot of commercial feed so withdrawn when the provisions and ((regulations)) rules have been complied with. If compliance is not obtained within thirty days, parties may agree to an alternative disposition in writing or the department may ((begin)) institute condemnation proceedings ((for condemnation)) in a court of competent jurisdiction.

(2) Any lot of commercial feed not in compliance with the provisions and ((regulations)) rules is subject to seizure on complaint of the department to a court of competent jurisdiction in the area in which the commercial feed is located. If the court finds the commercial feed to be in violation of this chapter and orders the condemnation of the commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state. The court shall first give the claimant an opportunity to apply to the court for release of the commercial feed or for permission to process or relabel the commercial feed to bring it into compliance with this chapter.

Sec. 43. RCW 15.53.9042 and 1965 ex.s. c 31 s 18 are each amended to read as follows:

The department shall publish at least annually, in such forms as it may deem proper, information concerning the distribution of commercial feed, together with such data on their production and use as it may consider advisable, and a report of the results of the analyses of official samples of commercial feed within the state as compared with the analyses guaranteed ((in the registration and)) on the label or as calculated from the invoice data for customer-formula feeds: PROVIDED, That the information concerning production and use of commercial feeds shall not disclose the operations of any person.

Sec. 44. RCW 15.53.9053 and 1975 1st ex.s. c 257 s 12 are each amended to read as follows:

~~((1) The following acts or parts of acts are each repealed:~~

~~(a) Section 10, chapter 31, Laws of 1965 ex. sess., section 33, chapter 240, Laws of 1967 and RCW 15.53.9026; and~~

~~(b) Sections 11 through 14, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9028 through 15.53.9034.~~

~~(2) The enactment of this act and the repeal of the sections listed in subsection (1) of this section shall not have the effect of terminating, or in any way modify any liability, civil or criminal, which shall already be in existence on July 1, 1975.~~

~~(3)) All licenses and registrations in effect on July 1, ((1975)) 1995, shall continue in full force and effect until their regular expiration date, December 31, ((1975)) 1995. No registration or license that has already been paid under the requirements of prior law shall be refunded.~~

NEW SECTION. **Sec. 45.** (1) The following acts or parts of acts are each repealed:

(a) Section 10, chapter 31, Laws of 1965 ex. sess., section 33, chapter 240, Laws of 1967 and RCW 15.53.9026; and

(b) Sections 11 through 14, chapter 31, Laws of 1965 ex. sess. and RCW 15.53.9028 through 15.53.9034.

(2) The enactment of chapter 257, Laws of 1975 1st ex. sess. and the repeal of the sections listed in subsection (1) of this section shall not have the effect of terminating, or in any way modify any liability, civil or criminal, which shall already be in existence on July 1, 1975.

NEW SECTION. **Sec. 46.** RCW 15.53.9036 and 1989 c 175 s 51, 1975 1st ex.s. c 257 s 6, & 1965 ex.s. c 31 s 15 are each repealed.

NEW SECTION. **Sec. 47.** RCW 15.53.905 and 15.53.9052 are each decodified.

Sec. 48. RCW 16.58.130 and 1994 c 46 s 15 are each amended to read as follows:

Each licensee shall pay to the director a fee of no ((less)) more than ten cents ((but no more than fifteen cents)) for each head of cattle handled through the licensee's feed lot. The fee shall be set by the director by rule after a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. Payment of such fee shall be made by the licensee on a monthly basis. Failure to pay as required shall be grounds for suspension or revocation of a certified feed lot license. Further, the director shall not renew a certified feed lot license if a licensee has failed to make prompt and timely payments.

This section shall expire June 30, 1997.

NEW SECTION. **Sec. 49.** 1994 c 46 s 24 is repealed.

Sec. 50. 1994 c 46 s 29 (uncodified) is amended to read as follows:
Sections 21 through 23 and 25 of this act shall take effect July 1, 1997.

Sec. 51. RCW 16.57.220 and 1994 c 46 s 19 are each amended to read as follows:

The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Except as provided by rule, such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection shall be not less than fifty cents nor more than seventy-five cents per head for cattle and not less than two dollars nor more than three dollars per head for horses as prescribed by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. Fees for brand inspection of cattle and horses (~~performed by the director~~) at points other than those designated by the director or not in accord with the schedules established by the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. For the purpose of this section, actual costs shall mean fifteen dollars per hour and the current mileage rate set by the office of financial management.

Sec. 52. RCW 16.57.220 and 1994 c 46 s 25 and 1994 c 46 s 19 are each reenacted and amended to read as follows:

The director shall cause a charge to be made for all brand inspection of cattle and horses required under this chapter and rules adopted hereunder. Such charges shall be paid to the department by the owner or person in possession unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Except as provided by rule, such inspection charges shall be due and payable at the time brand inspection is performed and shall be paid upon billing by the department and if not shall constitute a prior lien on the cattle or cattle hides or horses or horse hides brand inspected until such charge is paid. The director in order to best utilize the services of the department in performing brand inspection may establish schedules by days and hours when a brand inspector will be on duty to perform brand inspection at established inspection points. The fees for brand inspection performed at inspection points according to schedules established by the director shall be sixty cents per head for cattle and not more than two dollars and forty cents per head for horses as prescribed by the director subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015. Fees for brand inspection of cattle and horses (~~performed by the director~~) at points other than those designated by the director or not in accord with the schedules established by the director shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. For the purpose of this section, actual costs shall mean fifteen dollars per hour and the current mileage rate set by the office of financial management.

Sec. 53. RCW 16.57.230 and 1959 c 54 s 23 are each amended to read as follows:

No person shall collect or make a charge for brand inspection of livestock unless there has been an actual brand inspection of such livestock (~~by the director~~).

Sec. 54. RCW 16.57.240 and 1991 c 110 s 4 are each amended to read as follows:

Any person purchasing, selling, holding for sale, trading, bartering, transferring title, slaughtering, handling, or transporting cattle shall keep a record on forms prescribed by the director. Such forms shall show the number, specie, brand or other method of identification of such cattle and any other necessary information required by the director. The original shall be kept for a period of three years or shall be furnished to the director upon demand or as prescribed by rule, one copy shall accompany the cattle to their destination and shall be subject to inspection at any time by the director or

any peace officer or member of the state patrol: PROVIDED, That in the following instances only, cattle may be moved or transported within this state without being accompanied by ~~((a))~~ an official certificate of permit ~~((or an official))~~, brand inspection certificate ~~((or))~~, bill of sale, or self-inspection slip:

(1) When such cattle are moved or transported upon lands under the exclusive control of the person moving or transporting such cattle;

(2) When such cattle are being moved or transported for temporary grazing or feeding purposes and have the registered brand of the person having or transporting such cattle.

Sec. 55. RCW 16.57.280 and 1991 c 110 s 5 are each amended to read as follows:

No person shall knowingly have unlawful possession of any livestock marked with a recorded brand or tattoo of another person unless:

(1) Such livestock lawfully bears the person's own healed recorded brand~~((r))~~; or

(2) Such livestock is accompanied by a certificate of permit from the owner of the recorded brand or tattoo~~((r))~~; or

(3) Such livestock is accompanied by a brand inspection certificate~~((r))~~; or

(4) Such cattle is accompanied by a self-inspection slip; or

(5) Such livestock is accompanied by a bill of sale from the previous owner or other satisfactory proof of ownership.

A violation of this section constitutes a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

Sec. 56. RCW 16.57.290 and 1989 c 286 s 23 are each amended to read as follows:

All unbranded cattle and horses and those bearing brands not recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit, and those bearing brands recorded, in the current edition of this state's brand book, which are not accompanied by a certificate of permit signed by the owner of the brand when presented for inspection by the director, shall be sold by the director or the director's representative, unless other satisfactory proof of ownership is presented showing the person presenting them to be lawfully in possession. Upon the sale of such cattle or horses, the director or the director's representative shall give the purchasers a bill of sale therefor, or, if theft is suspected, the cattle or horses may be impounded by the director or the director's representative.

Sec. 57. RCW 16.65.030 and 1994 c 46 s 12 are each amended to read as follows:

(1) On and after June 10, 1959, no person shall operate a public livestock market without first having obtained a license from the director. Application for such license ~~((or renewal thereof))~~ shall be in writing on forms prescribed by the director, and shall include the following:

~~((a))~~ (a) A nonrefundable original license application fee of fifteen hundred dollars.

~~((b))~~ (b) A legal description of the property upon which the public livestock market shall be located.

~~((c))~~ (c) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens, and all facilities the applicant proposes to use in the operation of such public livestock market.

~~((d))~~ (d) A detailed statement showing all the assets and liabilities of the applicant which must reflect a sufficient net worth to construct or operate a public livestock market.

~~((e))~~ (e) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

~~((f))~~ (f) The weekly or monthly sales day or days on which the applicant proposes to operate his or her public livestock market sales.

~~((g))~~ (g) Projected source and quantity of livestock, by county, anticipated to be handled.

~~((h))~~ (h) Projected income and expense statements for the first year's operation.

~~((i))~~ (i) Facts upon which are based the conclusion that the trade area and the livestock industry will benefit because of the proposed market.

~~((j))~~ (j) Such other information as the director may reasonably require.

(2) The director shall, after public hearing as provided by chapter 34.05 RCW, grant or deny an application for original license for a public livestock market after considering evidence and testimony relating to all of the requirements of this section and giving reasonable consideration at the same hearing to:

(a) Benefits to the livestock industry to be derived from the establishment and operation of the public livestock market proposed in the application; and

(b) The present market services elsewhere available to the trade area proposed to be served.

(3) ~~((Such application shall be accompanied by a license fee based on the average gross sales volume per official sales day of that market:~~

~~(a) Markets with an average gross sales volume up to and including ten thousand dollars, a fee of no less than one hundred dollars or more than one hundred fifty dollars;~~

~~(b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a fee of no less than two hundred dollars or more than three hundred fifty dollars; and~~

~~(c) Markets with an average gross sales volume over fifty thousand dollars, a fee of no less than three hundred dollars or more than four hundred fifty dollars.~~

~~The fees for public livestock market licenses shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015.~~

~~(4) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate license fee.~~

~~(5) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued)) Applications for renewal under RCW 16.65.040 shall include all information under subsection (1) of this section, except subsection (1)(a) of this section.~~

NEW SECTION. Sec. 58. 1994 c 46 s 21 is repealed.

NEW SECTION. Sec. 59. A new section is added to chapter 16.65 RCW to read as follows:

(1) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

(2) The license fee shall be based on the average gross sales volume per official sales day of that market:

(a) Markets with an average gross sales volume up to and including ten thousand dollars, a fee of no less than one hundred dollars or more than one hundred fifty dollars;

(b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a fee of no less than two hundred dollars or more than three hundred fifty dollars; and

(c) Markets with an average gross sales volume over fifty thousand dollars, a fee of no less than three hundred dollars or more than four hundred fifty dollars.

The fees for public livestock market licenses shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015.

(3) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate application fee.

NEW SECTION. Sec. 60. A new section is added to chapter 16.65 RCW to read as follows:

(1) Upon the approval of the application by the director and compliance with the provisions of this chapter, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this chapter shall only be valid at location and for the sales day or days for which the license was issued.

(2) The license fee shall be based on the average gross sales volume per official sales day of that market:

(a) Markets with an average gross sales volume up to and including ten thousand dollars, a one hundred twenty dollar fee;

(b) Markets with an average gross sales volume over ten thousand dollars and up to and including fifty thousand dollars, a two hundred forty dollar fee; and

(c) Markets with an average gross sales volume over fifty thousand dollars, a three hundred sixty dollar fee.

The fees for public market licenses shall be set by the director by rule subsequent to a hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015.

(3) Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by the appropriate application fee.

NEW SECTION. Sec. 61. (1) Sections 52 and 60 of this act shall take effect July 1, 1997.
(2) Sections 51 and 59 of this act shall expire July 1, 1997.

Sec. 62. RCW 15.44.033 and 1967 c 240 s 30 are each amended to read as follows:

Producer members of the commission shall be nominated and elected by producers within the district that such producer members represent in the year in which a commission member's term shall expire. Such producer members receiving the largest number of the votes cast in the respective districts which they represent shall be elected. The election shall be by secret mail ballot and under the supervision of the director.

Nomination for candidates to be elected to the commission shall be conducted by mail by the director. Such nomination forms shall be mailed by the director to each producer in a district where a vacancy is about to occur. Such mailing shall be made on or after April 1st, but not later than April 10th of the year the commission vacancy will occur. The nomination form shall provide for the name of the producer being nominated and the names of five producers nominating such nominee. The producers nominating such nominee shall affix their signatures to such form and shall further attest that the said nominee meets the qualifications for a producer member to serve on the commission and that he or she will be willing to serve on the commission if elected.

All nominations as provided for herein shall be returned to the director by April 30th, and the director shall not accept any nomination postmarked later than midnight April 30th, nor place the candidate thereon on the election ballot.

Ballots for electing members to the commission will be mailed by the director to all eligible producers no later than May 15th, in districts where elections are to be held and such ballots to be valid shall be returned postmarked no later than May 31st of the year mailed, to the director in Olympia.

~~((Whenever producers fail to file any nominating petitions, the director shall nominate at least two, but not more than three, qualified producers and place their names on the secret mail election ballot as nominees: PROVIDED, That any qualified producer may be elected by a write-in ballot, even though said producer's name was not placed in nomination for such election.))~~ If only one person is nominated for a position on the commission, the director shall determine whether the person possesses the qualifications required by statute for the position and, if the director determines that the person possesses such qualifications, the director shall declare that the person has been duly elected.

Sec. 63. RCW 43.88.240 and 1981 c 225 s 3 are each amended to read as follows:

Unless otherwise directed in the commodity commission enabling statute, this chapter shall not apply to the Washington state ~~((apple advertising commission, the Washington state fruit commission, the Washington tree fruit research commission, the Washington state beef commission, the Washington state dairy products commission, or any agricultural))~~ commodity commissions created either under separate statute or under the provisions of chapters 15.65 and 15.66 RCW: PROVIDED, That all such commissions shall submit estimates and such other necessary information as may be required for the development of the budget and shall also be subject to audit by the appropriate state auditing agency or officer.

NEW SECTION. Sec. 64. A new section is added to chapter 43.23 RCW to read as follows:
For purposes of this chapter:

(1) "Department" means department of agriculture;
(2) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

NEW SECTION. Sec. 65. A new section is added to chapter 43.23 RCW to read as follows:

Except as otherwise specified by law, the director or his or her designee has the authority to retain collection agencies licensed under chapter 19.16 RCW for the purposes of collecting unpaid penalties, assessments, and other debts owed to the department.

The director or his or her designee may also collect as costs moneys paid to the collection agency as charges, or in the case of credit cards or financial instruments, such as checks returned for nonpayment, moneys paid to financial institutions.

NEW SECTION. Sec. 66. A new section is added to chapter 43.23 RCW to read as follows:

Except as otherwise specified by law, any due and payable assessment levied under the authority of the director or his or her designee in such specified amount as may be determined by the department shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the department when payment is called for by the department. In the event any person fails to pay the department the full amount of such assessment or such other sum on or before the date due, the department may, and is hereby authorized to, add to such unpaid assessment or other sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other sum, the department may bring a civil action against such person or persons in a court of competent jurisdiction for the collections thereof, including all costs and reasonable attorneys' fees together with the above specified ten percent, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION. Sec. 67. A new section is added to chapter 43.23 RCW to read as follows:

Except as otherwise specified by law, the department is authorized to charge interest at the rate authorized under RCW 43.17.240 for all unpaid balances for moneys owed to the department.

NEW SECTION. Sec. 68. A new section is added to chapter 43.23 RCW to read as follows:

Except as otherwise specified by law, in the event a check or negotiable instrument as defined by RCW 62A.3-104 is dishonored by nonacceptance or nonpayment, the department is entitled to collect a reasonable handling fee for each instrument. If the check or instrument is not paid within fifteen days and proper notice is sent, the department is authorized to recover the assessment, the handling fee, and any other charges allowed by RCW 62A.3-515.

Sec. 69. RCW 15.58.070 and 1994 c 46 s 1 are each amended to read as follows:

(1) Except as provided in subsection ~~((2))~~ (4) of this section, any person desiring to register a pesticide with the department shall pay to the director an annual registration fee for each pesticide registered by the department for such person. The registration fee for the registration of pesticides for any one person during a calendar year shall be: One hundred five dollars for each of the first twenty-five pesticides registered; one hundred dollars for each of the twenty-sixth through one-hundredth pesticides registered; seventy-five dollars for each of the one hundred first through one hundred fiftieth pesticides registered; and fifty dollars for each additional pesticide registered. In addition, the department may establish by rule a registration fee not to exceed ten dollars for each registered product labeled and intended for home and garden use only.

(2) The revenue generated by the pesticide registration fees shall be deposited in the agricultural local fund to support the activities of the pesticide program within the department. The revenue generated by the home and garden use only fees shall be deposited in the agriculture—local fund, to be used to assist in funding activities of the pesticide incident reporting and tracking review panel.

(3) All pesticide registrations expire on December 31st of each year. A registrant may elect to register a pesticide for a two-year period by prepaying for a second year at the time of registration.

~~((2))~~ (4) A person desiring to register a label where a special local need exists shall pay to the director a nonrefundable application fee of two hundred dollars upon submission of the registration request. In addition, a person desiring to renew an approved special local need registration shall pay to the director an annual registration fee of two hundred dollars for each special local needs label registered by the department for such person. The revenue generated by the special local needs application fees and the special local needs renewal fees shall be deposited in the agricultural local fund to be used to assist in funding the department's special local needs registration activities. All special local needs registrations expire on December 31st of each year.

~~((3))~~ (5) Any registration approved by the director and in effect on the 31st day of December for which a renewal application has been made and the proper fee paid, continues in full force and effect until the director notifies the applicant that the registration has been renewed, or otherwise denied in accord with the provision of RCW 15.58.110.

NEW SECTION. **Sec. 70.** A new section is added to chapter 15.58 RCW to read as follows:
All license fees collected under this chapter shall be paid to the director for use exclusively in the enforcement of this chapter.

NEW SECTION. **Sec. 71.** RCW 15.58.410 and 1971 ex.s. c 190 s 41 are each repealed.

Sec. 72. RCW 16.24.130 and 1975 1st ex.s. c 7 s 16 are each amended to read as follows:
The brand inspector shall cause to be published once in a newspaper published in the county where the animal was found, a notice of the impounding.

The notice shall state:

(1) A description of the animal, including brand, tattoo or other identifying characteristics;
(2) When and where found;
(3) Where impounded; and
(4) That if unclaimed, the animal will be sold at a public livestock market sale or other public sale, and the date of such sale: PROVIDED, That if no newspaper shall be published in such county, copies of the notice shall be posted at four commonly frequented places therein.

If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector, on or before the date of publication or posting, shall send a copy of the notice to the owner of record by registered mail.

Sec. 73. RCW 16.24.150 and 1975 1st ex.s. c 7 s 17 are each amended to read as follows:

If no person shall claim the animal within ten days after the date of publication or posting of the notice, it shall be sold at the next succeeding public livestock market sale to be held at the sales yard where impounded, provided that in the director's discretion the department of agriculture may otherwise cause the animal to be sold at public sale.

The legislature intends this to be a clarification of existing law; therefore, this section shall have retroactive effect as of December 1, 1994.

Sec. 74. RCW 15.76.140 and 1965 ex.s. c 32 s 1 are each amended to read as follows:

(1) Before any agricultural fair may become eligible for state allocations it must have conducted two successful consecutive annual fairs immediately preceding application for such allocations, and have its application therefor approved by the director.

(2) Beginning January 1, 1994, and until June 30, 1997, the director may waive this requirement for an agricultural fair that through itself or its predecessor sponsoring organization has successfully operated at least two years as a county fair, has received a funding allocation as a county fair under this act for those two years, and that reorganizes as an area fair.

NEW SECTION. **Sec. 75.** Sections 8 through 19 of this act shall constitute a new chapter in Title 69 RCW.

NEW SECTION. **Sec. 76.** Section 48 of this act takes effect January 1, 1996.

NEW SECTION. **Sec. 77.** Sections 1 through 47, 53 through 56, and 62 through 71 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1995.

NEW SECTION. **Sec. 78.** Sections 72 and 73 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "marketing;" strike the remainder of the title and insert "amending RCW 15.36.012, 15.36.071, 15.36.171, 15.36.221, 15.36.411, 15.36.441, 69.07.100,

69.07.085, 69.25.020, 69.25.050, 69.25.150, 69.25.170, 69.25.250, 69.25.310, 69.25.320, 15.53.901, 15.53.9012, 15.53.9014, 15.53.9016, 15.53.9018, 15.53.902, 15.53.9022, 15.53.9024, 15.53.9038, 15.53.9042, 15.53.9053, 16.58.130, 16.57.220, 16.57.230, 16.57.240, 16.57.280, 16.57.290, 16.65.030, 15.44.033, 43.88.240, 15.58.070, 16.24.130, 16.24.150, and 15.76.140; amending 1994 c 46 s 29 (uncodified); reenacting and amending RCW 69.07.040 and 16.57.220; reenacting RCW 15.36.431; adding a new section to chapter 69.04 RCW; adding a new section to chapter 15.53 RCW; adding new sections to chapter 16.65 RCW; adding new sections to chapter 43.23 RCW; adding a new section to chapter 15.58 RCW; adding a new chapter to Title 69 RCW; decodifying RCW 15.53.905 and 15.53.9052; repealing RCW 69.08.010, 69.08.020, 69.08.030, 69.08.040, 69.08.045, 69.08.050, 69.08.060, 69.08.070, 69.08.080, 69.08.090, 69.25.330, 69.25.340, 15.53.9036, and 15.58.410; repealing 1994 c 46 s 24; repealing 1994 c 46 s 21; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency."

Representative McMorris moved adoption of the following amendment to the amendment by Representative McMorris:

On page 8, beginning on line 10 of the amendment, strike "shall make annual inspections of each food storage warehouse" and insert "may inspect food storage warehouses"

On page 8, line 12 of the amendment, after "69.04 RCW" strike all material through "department" on line 14

Representative McMorris spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Sheahan moved adoption of the following amendment to the amendment by Representative Sheahan:

On page 42, beginning on line 32 of the amendment, strike all of sections 48, 49, and 50

On page 55, beginning on line 3 of the amendment, strike all of section 76

ReNUMBER remaining sections consecutively, correct internal references and correct the title accordingly.

Representatives Sheahan, Schoesler and Lisk spoke in favor of the adoption of the amendment to the amendment.

Representatives Chandler and Mastin spoke against the adoption of the amendment to the amendment.

The amendment was adopted.

With the consent of the House, amendment number 837 to Substitute Senate Bill No. 5315 was withdrawn.

Representative Schoesler moved adoption of the following amendment to the amendment by Representative Schoesler:

On page 54, after line 37 of the amendment, insert the following:

"**NEW SECTION. Sec. 75.** The legislature finds that in Washington, the loss of state lands from productive use due to infestation by noxious weeds is a major public concern.

It is the intent of the legislature that serious and fundamental policy direction be given to state agencies to:

- (1) Ensure that state lands set an example of excellence in noxious weed control and eradication on state lands;
- (2) Halt the spread of noxious weeds from state to private lands;
- (3) Recognize that state agencies are ultimately responsible for noxious weed control on state land, regardless of type, timing, or amount of use;
- (4) Recognize that the public is not well served by the spread of noxious weeds on state lands, in part, because of the decrease in wildlife habitat and loss of land productivity.

The legislature further finds that biological control agents represent one of the only cost-effective control measures for existing, widespread noxious weed infestations. Members of the genus *Centaurea*, commonly referred to as knapweeds, currently infest and destroy the productivity of hundreds of thousands of acres in Washington.

NEW SECTION. Sec. 76. The state noxious weed control board shall develop a study to determine the cost of controlling weeds on state-owned or managed lands, included along state-owned rights of way. The board may conduct the study, or may contract with either public or private agencies to conduct and complete the study. The departments of natural resources, transportation, and fish and wildlife, and the parks and recreation commission shall cooperate with the weed board or the contractor in the study.

As part of the study, the state noxious weed control board shall identify those weed species that are practical to control and should be controlled. The board shall also identify the impacts and estimate the costs of not controlling these weeds. The board may exclude from the study those weeds that, due to high cost or impracticality, cannot be controlled on private lands. The board shall develop a prioritized list of weeds that are practical to control and that should be controlled on state-owned and managed lands.

NEW SECTION. Sec. 77. The state noxious weed control board shall study alternative funding mechanisms for Washington's noxious weed control program. The departments of natural resources, transportation, and fish and wildlife, and the parks and recreation commission shall cooperate with the weed board in the study. As part of the study, the state noxious weed control board shall identify the impacts and costs of each alternative. Funding alternatives shall address weed control needs of private citizens, local governments, county weed boards, state agencies, the state noxious weed control board, and federal agencies.

NEW SECTION. Sec. 78. A new section is added to chapter 17.10 RCW to read as follows:
All state agencies shall control noxious weeds on lands they own, lease, or otherwise control. Agencies shall develop plans to control noxious weeds in accordance with standards in this chapter. All state agencies' lands must comply with this chapter, regardless of noxious weed control efforts on adjacent lands. County noxious weed control boards shall assist landowners to meet and exceed the standards on state lands.

NEW SECTION. Sec. 79. (1) The standing committee on agriculture and agricultural trade and development of the senate and the standing committee on agriculture and ecology of the house of representatives shall jointly study land leasing practices of state agencies in regard to weed control and report their findings to the legislature in 1996.

(2) State agencies shall list noxious weed control projects in their respective jurisdictions in order of priority, along with their plans to control these infestations, and shall submit the lists and plans to the legislative committees identified in subsection (1) of this section before the beginning of the 1996 regular session of the legislature.

Sec. 80. RCW 17.10.240 and 1987 c 438 s 31 are each amended to read as follows:
The activated county noxious weed control board of each county shall annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year: PROVIDED, That if the board finds the budget approved by the legislative authority is insufficient for an effective county noxious weed control program it shall petition the county legislative authority to hold a hearing as provided in RCW 17.10.890. Control of weeds is a special benefit to the

lands within any such section. Funding for the budget shall be derived from ~~((either or both))~~ any or all of the following:

(1) The county legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it shall gather information to serve as a basis for classification and shall then classify the lands into suitable classifications, including but not limited to dry lands, range lands, irrigated lands, nonuse lands, forest lands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, such an amount as shall seem just. The assessment rate shall be either uniform per acre in its respective class or a flat rate per parcel rate plus a uniform rate per acre: PROVIDED, That if no special benefits should be found to accrue to a class of land, a zero assessment may be levied. The legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept, modify, or refer back to the board for its reconsideration all or any portion of the proposed levels of assessment. The findings by the county legislative authority of such special benefits, when so declared by resolution and spread upon the minutes of said authority shall be conclusive as to whether or not the same constitutes a special benefit to the lands within the section. The amount of such assessment shall constitute a lien against the property. The county legislative authority may by resolution or ordinance require that notice of the lien be sent to each owner of property for which the assessment has not been paid by the date it was due and that each such lien created shall be collected by the treasurer in the same manner as delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the rate of twelve percent per annum and such interest shall accrue as of the date notice of the lien is sent to the owner: PROVIDED FURTHER, That any collections for such lien shall not be considered as tax; or

(2) The county legislative authority may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the county legislative authority may make emergency appropriations as it deems necessary for the implementation of this chapter.

(3) Forest lands used solely for the planting, growing, or harvesting of trees and which are typified, except during a single period of five years following clear-cut logging, by canopies so dense as to prohibit growth of an understory may be subject to an annual noxious weed assessment levied by a county legislative authority that shall not exceed one-tenth of the weighted average per acre noxious weed assessment levied on all other lands in unincorporated areas within the county that are subject to the weed assessment. This assessment shall be computed in accordance with the formula in subsection (4) of this section.

(4) The calculation of the "weighted average per acre noxious weed assessment" shall be a ratio expressed as follows: (a) The numerator shall be the total amount of funds estimated to be collected from the per acre assessment on all lands except (i) forest lands as identified in subsection (3) of this section, (ii) lands exempt from the noxious weed assessment, and (iii) lands located in an incorporated area. (b) The denominator shall be the total acreage from which funds in (a) of this subsection are collected. For lands of less than one acre in size, the denominator calculation may be based on the following assumptions: (i) Unimproved lands shall be calculated as being one-half acre in size on the average, and (ii) improved lands shall be calculated as being one-third acre in size on the average. The county legislative authority may choose to calculate the denominator for lands of less than one acre in size using other assumptions about average parcel size based on local information.

(5) For those counties that levy a per parcel assessment to help fund noxious weed control programs, the per parcel assessment on forest lands as defined in subsection (3) of this section shall not exceed one-tenth of the per parcel assessment on nonforest lands.

NEW SECTION. Sec. 81. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1997, to Washington State University for the use of the cooperative extension service in the selection, testing, and production of biological control agents for knapweed species on the state noxious weed list adopted under RCW 17.10.080, with the intent of improving field availability of these agents.

NEW SECTION. Sec. 82. The sum of twenty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1997, to the state

noxious weed control board to study, or contract for a study, on the cost of controlling weeds on state-owned or managed lands."

On page 55, line 10 of the amendment, after "72" strike "and 73" and insert ", 73, and 75 through 82"

On page 55, line 18 of the title amendment, after "insert" strike the remainder of the title amendment and insert "amending RCW 15.36.012, 15.36.071, 15.36.171, 15.36.221, 15.36.411, 15.36.441, 69.07.100, 69.07.085, 69.25.020, 69.25.050, 69.25.150, 69.25.170, 69.25.250, 69.25.310, 69.25.320, 15.53.901, 15.53.9012, 15.53.9014, 15.53.9016, 15.53.9018, 15.53.902, 15.53.9022, 15.53.9024, 15.53.9038, 15.53.9042, 15.53.9053, 16.58.130, 16.57.220, 16.57.230, 16.57.240, 16.57.280, 16.57.290, 16.65.030, 15.44.033, 43.88.240, 15.58.070, 16.24.130, 16.24.150, 15.76.140, and 17.10.240; amending 1994 c 46 s 29 (uncodified); reenacting and amending RCW 69.07.040 and 16.57.220; reenacting RCW 15.36.431; adding a new section to chapter 69.04 RCW; adding a new section to chapter 15.53 RCW; adding new sections to chapter 16.65 RCW; adding new sections to chapter 43.23 RCW; adding a new section to chapter 15.58 RCW; adding a new section to chapter 17.10 RCW; adding a new chapter to Title 69 RCW; creating new sections; decodifying RCW 15.53.905 and 15.53.9052; repealing RCW 69.08.010, 69.08.020, 69.08.030, 69.08.040, 69.08.045, 69.08.050, 69.08.060, 69.08.070, 69.08.080, 69.08.090, 69.25.330, 69.25.340, 15.53.9036, and 15.58.410; repealing 1994 c 46 s 24; repealing 1994 c 46 s 21; prescribing penalties; making appropriations; providing effective dates; providing an expiration date; and declaring an emergency."

Representative Schoesler spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives Chandler and Mastin spoke in favor of the adoption of the striking amendment.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Chandler spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5315 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5315 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Appelwick - 1.

Substitute Senate Bill No. 5315, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5342, by Senate Committee on Ways & Means (originally sponsored by Senators Snyder, Swecker, Hargrove, Owen, Spanel and Rasmussen; by request of Governor Lowry)

Redefining the program to aid rural natural resources impact areas.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

Representative Silver moved adoption of the following amendment to the committee amendment by Representative Silver:

On page 1 of the committee amendment, line 7, after "June 30," strike "1997" and insert "1998"

Representative Silver spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

Representative Kessler moved adoption of the following amendment by Representative Kessler:

On page 41, after line 7, insert the following:

"NEW SECTION. Sec. 33. The sum of fifteen million dollars, or as much thereof as may be necessary is appropriated for the biennium ending June 30, 1997, from the general fund to the department of fish and wildlife for the watershed restoration jobs grant program.

(1) The goals of this program are to:

(a) Restore and protect fish and wildlife habitat in priority watersheds as established by the watershed coordinating council;

(b) Provide good wage jobs for dislocated natural resource workers in distressed communities;

(c) Assist in establishing new businesses in watershed restoration; and

(d) Carry out projects developed through local initiatives.

(2) Seven hundred fifty thousand dollars of this amount is provided solely for watershed restoration programs to be completed by the department of ecology's Washington conservation corps crews in priority watersheds as established by the watershed coordinating council.

(3) Five hundred seventy thousand dollars of this amount shall be used by the department of fish and wildlife to provide technical and engineering support for watershed restoration projects and to monitor implemented projects.

(4) State agencies shall expend no more than three percent of total funding for direct administration of this program, except funds expended by the Washington conservation corp shall be subject solely to the limitations set forth in RCW 43.220.230. Of this amount three hundred fifty thousand dollars is solely for the department of fish and wildlife to administer the program. The remaining amount may be used by appropriate state agencies as determined by the watershed restoration jobs grant advisory task force created in subsection (7) of this section.

(5) State agencies, local governments, tribes, and nonprofit organizations shall be eligible for these grants. Funds may be expended for directly associated planning, design, and engineering costs. Funds shall be used for specific projects and not for ongoing operational costs. Examples of the type

of eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, removal of fish passage barriers, and stream restoration and protection.

(6) At least eleven million dollars of this amount shall be allocated for projects selected on the following basis:

- (a) The watershed priorities established by the watershed coordinating council;
- (b) The number of dislocated natural resource workers employed by the project;
- (c) The extent to which the project fits into an existing watershed plan;
- (d) The extent of local partnerships or match for the project.

(7) Two million dollars of this amount shall be allocated for projects in nonpriority watersheds, which are based on strong scientific principles and which employ dislocated natural resource workers.

(8) The department of fish and wildlife and the department of natural resources shall administer the program in consultation with the watershed coordinating council. For the purposes of administering this program the department of fish and wildlife and the department of natural resources shall create a watershed restoration jobs grant advisory task force. This task force shall consist of the department of fish and wildlife, the department of natural resources, the department of ecology, the Puget Sound water quality authority, the executive director of the Washington conservation commission, the employment security department, the work force training board, and the rural community assistance coordinator who shall serve as the task force chair. The task force shall consult with tribal governments, the federal government, and labor and other interested stakeholders.

(9) The department of fish and wildlife and the department of natural resources shall, in consultation with the watershed coordinating council, provide a report on the effectiveness of the watershed restoration jobs grant program to the governor and legislature by October 1, 1996."

Renumber the remaining sections consecutively, correct internal references accordingly, and fix the title.

Representatives Kessler, Sheldon, Johnson, Ebersole, Basich, Hatfield, Ogden, Conway and Kremen spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representatives Silver and Beeksma spoke against the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 41, after line 7, to Engrossed Second Substitute Senate Bill No. 5342 and the amendment was not adopted by the following vote: Yeas - 47, Nays - 48, Absent - 1, Excused - 1.

Voting yea: Representatives Basich, Boldt, Brown, Brumsickle, Buck, Campbell, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Hymes, Jacobsen, Johnson, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Smith, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Van Luven, Veloria and Wolfe - 47.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Huff, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, L., Thompson and Mr. Speaker - 48.

Absent: Representative Horn - 1.

Excused: Representative Appelwick - 1.

Representative Silver moved adoption of the following amendment by Representative Silver:

On page 41, line 18, after "June 30," strike "1998" and insert "1999"

Representative Silver spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Buck, Silver, Basich, Lisk, Johnson, Ebersole, Conway and Hargrove spoke in favor of passage of the bill.

Representative Lisk again spoke in favor of passage of the bill.

Representative Ebersole again spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Foreman was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5342 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5342 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Goldsmith and Hargrove - 2.

Excused: Representatives Appelwick and Foreman - 2.

Engrossed Second Substitute Senate Bill No. 5342, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Engrossed Second Substitute Senate Bill No. 5448.

There being no objection, the committee amendment was not adopted.

With the consent of the House, amendment numbers 740, 757, 801, 802 and 803 to Engrossed Second Substitute Senate Bill No. 5448 were withdrawn.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Protection of the state's water resources, and utilization of such resources for provision of public water supplies, requires more efficient and effective management than is currently provided under state law;

(2) The provision of public water supplies to the people of the state should be undertaken in a manner that is consistent with the planning principles of the growth management act and the comprehensive plans adopted by local governments under the growth management act;

(3) Small water systems have inherent difficulties with proper planning, operation, financing, management and maintenance. The ability of such systems to provide safe and reliable supplies to their customers on a long-term basis needs to be assured through proper management and training of operators;

(4) New water quality standards and operational requirements for public water systems will soon generate higher rates for the customers of those systems, which may be difficult for customers to afford to pay. It is in the best interest of the people of this state that small systems maintain themselves in a financially viable condition;

(5) The drinking water 2000 task force has recommended maintaining a strong and properly funded state-wide drinking water program, retaining primary responsibility for administering the federal safe drinking water act in Washington. The task force has further recommended delegation of as many water system regulatory functions as possible to local governments, with provision of adequate resources and elimination of barriers to such delegation. In order to achieve these objectives, the state shall provide adequate funding from both general state funds and funding directly from the regulated water system;

(6) The public health services improvement plan recommends that the principal public health functions in Washington, including regulation of public water systems, should be fully funded by state revenues and undertaken by local jurisdictions with the capacity to perform them; and

(7) State government, local governments, water suppliers, and other interested parties should work for continuing economic growth of the state by maximizing the use of existing water supply management alternatives, including regional water systems, satellite management, and coordinated water system development.

Sec. 2. RCW 70.116.060 and 1977 ex.s. c 142 s 6 are each amended to read as follows:

(1) A coordinated water system plan shall be submitted to the secretary for design approval within two years of the establishment of the boundaries of a critical water supply service area.

(2) The secretary shall review the coordinated water system plan and, to the extent the plan is consistent with the requirements of this chapter and regulations adopted hereunder, shall approve the plan, provided that the secretary shall not approve those portions of a coordinated water system plan ((which)) that fail to meet the requirements for future service area boundaries until any boundary dispute is resolved as set forth in RCW 70.116.070.

(3) Following the approval of a coordinated water system plan by the secretary:

(a) All purveyors constructing or proposing to construct public water system facilities within the area covered by the plan shall comply with the plan.

(b) No other purveyor shall establish a public water system within the area covered by the plan, unless the ((secretary)) local legislative authority determines that existing purveyors are unable to provide the service in a timely and reasonable manner, pursuant to guidelines developed by the secretary. An existing purveyor is unable to provide the service in a timely manner if the water cannot be provided to an applicant for water within one hundred twenty days unless specified otherwise by the local legislative authority. If such a determination is made, the ((secretary-may)) local legislative authority shall require the new public water system to be constructed in accordance with the construction standards and specifications embodied in the coordinated water system plan approved for the area. The service area boundaries in the coordinated plan for the affected utilities shall be revised to reflect the decision of the local legislative authority.

(4) The secretary may deny proposals to establish or to expand any public water system within a critical water supply service area for which there is not an approved coordinated water system plan at any time after two years of the establishment of the critical water supply service area: PROVIDED, That service connections shall not be considered expansions.

(5) The affected legislative authorities may develop and utilize a mechanism for addressing disputes that arise in the implementation of the coordinated water system plan after the plan has been approved by the secretary.

(6) After adoption of the initial coordinated water system plan, the local legislative authority or the secretary may determine that the plan should be updated or revised. The legislative authority may initiate an update at any time, but the secretary may initiate an update no more frequently than once every five years. The update may encompass all or a portion of the plan, with the scope of the update to be determined by the secretary and the legislative authority. The process for the update shall be the one prescribed in RCW 70.116.050.

(7) The provisions of subsection (3) of this section shall not apply in any county for which a coordinated water system plan has not been approved under subsection (2) of this section.

(8) If the secretary initiates an update or revision of a coordinated water system plan, the state shall pay for the cost of updating or revising the plan.

Sec. 3. RCW 70.119A.060 and 1991 c 304 s 4 are each amended to read as follows:

(1) In order to assure safe and reliable public drinking water and to protect the public health, public water systems shall:

(a) Protect the water sources used for drinking water;

(b) Provide treatment adequate to assure that the public health is protected;

(c) Provide and effectively operate and maintain public water system facilities;

(d) Plan for future growth and assure the availability of safe and reliable drinking water;

(e) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and

(f) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.

(2) No new public water system may be approved or created unless: (a) It is owned or operated by a satellite system management agency established under RCW 70.116.134 and the satellite system management system complies with financial viability requirements of the department; or (b) a satellite management system is not available and it is determined that the new system has sufficient management and financial resources to provide safe and reliable service. The approval of any new system that is not owned by a satellite system management agency shall be conditioned upon future management or ownership by a satellite system management agency, if such management or ownership can be made with reasonable economy and efficiency, or upon periodic review of the system's operational history to determine its ability to meet the department's financial viability and other operating requirements. The department and local health jurisdictions shall enforce this requirement under authority provided under this chapter, chapter 70.116, or 70.05 RCW, or other authority governing the approval of new water systems by the department or a local jurisdiction.

(3) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2)(a) and other rules adopted by the department relating to public water systems.

NEW SECTION. Sec. 4. A new section is added to chapter 70.119A RCW to read as follows:

The department shall create a water supply advisory committee. Membership on the committee shall reflect a broad range of interests in the regulation of public water supplies, including water utilities of all sizes, local governments, business groups, special purpose districts, local health jurisdictions, other state and federal agencies, financial institutions, environmental organizations, the legislature, and other groups substantially affected by the department's role in implementing state and federal requirements for public water systems. Members shall be appointed for fixed terms of no less than two years, and may be reappointed. Any members of an existing advisory committee to the drinking water program may remain as members of the water supply advisory committee. The committee shall provide advice to the department on the organization, functions, service delivery methods, and funding of the drinking water program. The committee shall also review the adequacy and necessity of the current and prospective funding for the drinking water program, and the results of the committees' review shall be forwarded to the department for inclusion in a report to the appropriate standing committees of the legislature no later than November 1, 1996. The report shall include a discussion of the extent to which the drinking water program has progressed toward achieving the

objectives of the public health improvement plan, and an assessment of any changes to the program necessitated by modifications to the federal safe drinking water act.

Sec. 5. RCW 82.16.020 and 1989 c 302 s 204 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

(d) Urban transportation business: Six-tenths of one percent;

(e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

(4) Fifteen percent of the moneys collected under subsection (1) of this section on water distribution businesses shall be deposited in the safe drinking water account created in RCW 70.119A.120.

Sec. 6. RCW 70.119.020 and 1991 c 305 s 2 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.

(2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

(4) "Department" means the department of health.

(5) "Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers.

(6) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(a) Significant occurrence of insects or other microorganisms, algae, or large diameter pathogens such as giardia lamblia; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(7) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

(8) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

(9) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption or domestic use, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

(10) "Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

(11) "Secretary" means the secretary of the department of health.

(12) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

(13) "Surface water" means all water open to the atmosphere and subject to surface runoff.

Sec. 7. RCW 70.119.030 and 1991 c 305 s 3 are each amended to read as follows:

(1) A public water system shall have a certified operator if:

(a) ~~((The system serves one hundred or more services in use at any one time))~~ It is a group A water system; or

(b) ~~It is a ((group A))~~ public water system using a surface water source or a ground water source under the direct influence of surface water.

(2) The certified operators shall be in charge of the technical direction of a water system's operation, or an operating shift of such a system, or a major segment of a system necessary for monitoring or improving the quality of water. The operator shall be certified as provided in RCW 70.119.050.

(3) ~~A certified operator may provide required services to more than one system or to a group of systems.~~ The amount of time that a certified operator shall be required to be present at any given system shall be based upon the time required to properly operate and maintain the public water system as designed and constructed in accordance with RCW 43.20.050. The employing or appointing officials shall designate the position or positions requiring mandatory certification within their individual systems and shall assure that such certified operators are responsible for the system's technical operation.

(4) ~~The department shall, in establishing by rule or otherwise the requirements for public water systems with fewer than one hundred connections, phase in such requirements in order to assure that (a) an adequate number of certified operators are available to serve the additional systems, (b) the systems have adequate notice and time to plan for securing the services of a certified operator, (c) the department has the additional data and other administrative capacity, (d) adequate training is available to certify additional operators as necessary, and (e) any additional requirements under federal law are satisfied. The department shall waive the requirement for a certified operator for a system with fewer than one hundred connections if that system satisfactorily demonstrates to the department that: It is not in significant noncompliance with monitoring or water quality standards, as defined by the department by rule; it otherwise meets the requirements of the department with regard to adequacy and financial viability; and it does not have, or is not required to have, any water treatment facilities. The waiver shall only be valid while the system meets these requirements.~~

(5) ~~Any examination required by the department as a prerequisite for the issuance of a certificate under this chapter shall be offered in each region where the department has a regional office.~~

(6) ~~Operators not required to be certified by this chapter are encouraged to become certified on a voluntary basis.~~

Sec. 8. RCW 70.116.050 and 1977 ex.s. c 142 s 5 are each amended to read as follows:

(1) Each purveyor within the boundaries of a critical water supply service area shall develop a water system plan for the purveyor's future service area if such a plan has not already been developed: PROVIDED, That nonmunicipally owned public water systems are exempt from the planning requirements of this chapter, except for the establishment of service area boundaries if they ~~((a) Were in existence as of September 21, 1977; and (b)))~~ have no plans for water service beyond their existing service area ~~(, and (c) meet minimum quality and pressure design criteria established by the state board of health)~~: PROVIDED FURTHER, That if the county legislative authority permits a

change in development that will increase the demand for water service of such a system beyond the existing system's ability to provide minimum water service, the purveyor shall develop a water system plan in accordance with this section. The establishment of future service area boundaries shall be in accordance with RCW 70.116.070.

(2) After the boundaries of a critical water supply service area have been established pursuant to RCW 70.116.040, the committee established in RCW 70.116.040 shall participate in the development of a coordinated water system plan for the designated area. Such a plan shall incorporate all water system plans developed pursuant to subsection (1) of this section. The plan shall provide for maximum integration and coordination of public water system facilities consistent with the protection and enhancement of the public health and well-being. Decisions of the committee shall be by majority vote of those present at meetings of the committee.

(3) Those portions of a critical water supply service area not yet served by a public water system shall have a coordinated water system plan developed by existing purveyors based upon permitted densities in county plans, ordinances, and/or growth policies for a minimum of five years beyond the date of establishment of the boundaries of the critical water supply service area.

(4) To insure that the plan incorporates the proper designs to protect public health, the secretary shall adopt regulations pursuant to chapter 34.05 RCW concerning the scope and content of coordinated water system plans, and shall ensure, as minimum requirements, that such plans:

(a) Are reviewed by the appropriate local governmental agency to insure that the plan is not inconsistent with the land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects.

(b) Recognize all water resource plans, water quality plans, and water pollution control plans which have been adopted by units of local, regional, and state government.

(c) Incorporate the fire protection standards developed pursuant to RCW 70.116.080.

(d) Identify the future service area boundaries of the public water system or systems included in the plan within the critical water supply service area.

(e) Identify feasible emergency inter-ties between adjacent purveyors.

(f) Include satellite system management requirements consistent with RCW 70.116.134.

(g) Include policies and procedures that generally address failing water systems for which counties may become responsible under RCW 43.70.195.

(5) If a "water general plan" for a critical water supply service area or portion thereof has been prepared pursuant to chapter 36.94 RCW and such a plan meets the requirements of subsections (1) and (4) of this section, such a plan shall constitute the coordinated water system plan for the applicable geographical area.

(6) The committee established in RCW 70.116.040 may develop and utilize a mechanism for addressing disputes that arise in the development of the coordinated water system plan.

(7) ~~Prior to the submission of a coordinated water system plan to the secretary for approval ((of the design of the proposed facilities)) pursuant to RCW 70.116.060, ((the plan shall be reviewed for consistency with subsection (4) of this section by))~~ the legislative authorities of the counties in which the critical water supply service area is located shall hold a public hearing thereon and shall determine the plan's consistency with subsection (4) of this section. If within sixty days of receipt of the plan, the legislative authorities find any segment of a proposed service area of a purveyor's plan or any segment of the coordinated water system plan to be inconsistent with any current land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects, the secretary shall not approve that portion of the plan until the inconsistency is resolved between the local government and the purveyor. If no comments have been received from the legislative authorities within sixty days of receipt of the plan, the secretary may consider the plan for approval.

(8) Any county legislative authority may adopt an abbreviated plan for the provision of water supplies within its boundaries that includes provisions for service area boundaries, minimum design criteria, and review process. The elements of the abbreviated plan shall conform to the criteria established by the department under subsection (4) of this section and shall otherwise be consistent with other adopted land use and resource plans. The county legislative authority may, in lieu of the committee required under RCW 70.116.040, and the procedures authorized in this section, utilize an advisory committee that is representative of the water utilities and local governments within its jurisdiction to assist in the preparation of the abbreviated plan, which may be adopted by resolution and submitted to the secretary for approval. Purveyors within the boundaries covered by the abbreviated

plan need not develop a water system plan, except to the extent required by the secretary or state board of health under other authority. Any abbreviated plan adopted by a county legislative authority pursuant to this subsection shall be subject to the same provisions contained in RCW 70.116.060 for coordinated water system plans that are approved by the secretary.

Sec. 9. RCW 70.119A.040 and 1993 c 305 s 2 are each amended to read as follows:

(1)(a) In addition to or as an alternative to any other penalty or action allowed by law, a person who violates a law or rule regulating public water systems and administered by the department of health is subject to a penalty of not more than five thousand dollars per day for every such violation, or, in the case of a violation that has been determined to be a public health emergency, a penalty of not more than ten thousand dollars per day for every such violation. Every such violation shall be a separate and distinct offense. The amount of fine shall reflect the health significance of the violation and the previous record of compliance on the part of the public water supplier. In case of continuing violation, every day's continuance shall be a separate and distinct violation.

(b) In addition, a person who constructs, modifies, or expands a public water system or who commences the construction, modification, or expansion of a public water system without first obtaining the required departmental approval is subject to penalties of not more than five thousand dollars per service connection, ~~((or,))~~ except that a penalty may not exceed one thousand dollars per service connection if the public water system has less than one thousand connections and the person had submitted all information and plans to the department necessary for departmental approval for modification or expansion of the system and the department has not acted within a reasonable period of time. In the case of a system serving a transient population, a penalty of not more than four hundred dollars per person based on the highest average daily population the system serves or is anticipated to serve may be imposed. The total penalty that may be imposed pursuant to this subsection (1)(b) is five hundred thousand dollars. For the purpose of computing the penalty under this subsection, a service connection shall include any new service connection actually constructed, any anticipated service connection the system has been designed to serve, and, in the case of a system modification not involving expansions, each existing service connection that benefits or would benefit from the modification.

(c) Every person who, through an act of commission or omission, procures, aids, or abets a violation is considered to have violated the provisions of this section and is subject to the penalty provided in this section.

(2) The penalty provided for in this section shall be imposed by a notice in writing to the person against whom the civil penalty is assessed and shall describe the violation. The notice shall be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for an adjudicative proceeding is filed as provided in subsection (3) of this section.

(3) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the department or board of health.

(4) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served and such reasonable attorney's fees as are incurred in securing the final administrative order.

(5) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorney's fees for the cost of the attorney general's office in representing the department.

(6) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the

superior court in which the public water system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.

(7) A judgment entered under subsection (5) or (6) of this section shall have the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

(8) All penalties imposed under this section shall be payable to the state treasury and credited to the ~~((general fund))~~ safe drinking water account, and shall be used by the department to provide training and technical assistance to system owners and operators.

(9) Except in cases of public health emergencies, the department may not impose monetary penalties under this section unless a prior effort has been made to resolve the violation informally.

Sec. 10. RCW 70.119A.130 and 1991 c 304 s 7 are each amended to read as follows:

~~((Until July 1, 1996, local governments shall be prohibited from administering a separate operating permit requirement for public water systems. After July 1, 1996,))~~ Local governments may establish separate operating permit requirements for public water systems provided the operating permit requirements have been approved by the department. The department shall not approve local operating permit requirements unless the local system will result in an increased level of service to the public water system. There shall not be duplicate operating permit requirements imposed by local governments and the department.

NEW SECTION. **Sec. 11.** A new section is added to chapter 70.119A RCW to read as follows:

A drinking water assistance account is created in the state treasury. The purpose of the account is to allow the state to take advantage of any federal funds that become available for safe drinking water. Expenditures from the account may only be made by the secretary or the public works board after appropriation. Moneys in the account may only be used to assist water systems to provide safe drinking water through a program administered through the department of health and the public works board. Money may be placed in the account from the proceeds of bonds when authorized by the legislature, transfers from other state funds or accounts, federal capitalization grants or other financial assistance, all repayments of moneys borrowed from the account, all interest payments made by borrowers from the account or otherwise earned on the account, or any other lawful source. Expenditures from the account may only be made by the secretary or the public works board after appropriation. Moneys in the account may only be used to assist local governments and water systems to provide safe and reliable drinking water and to administer the program.

Sec. 12. RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. During the 1993-95 fiscal biennium, moneys in the public works assistance account may be appropriated for flood control assistance including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the 1993-95 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

Sec. 13. RCW 80.04.110 and 1991 c 134 s 1 and 1991 c 100 s 2 are each reenacted and amended to read as follows:

(1) Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, or by the public counsel section of the office of the attorney general, or its successor, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission: PROVIDED, That no complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or telecommunications company, unless the same be signed by the mayor, council or commission of the city or town in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or telecommunications service, or at least twenty-five percent of the consumers or purchasers of the company's service: PROVIDED, FURTHER, That when two or more public service corporations, (meaning to exclude municipal and other public corporations) are engaged in competition in any locality or localities in the state, either may make complaint against the other or others that the rates, charges, rules, regulations or practices of such other or others with or in respect to which the complainant is in competition, are unreasonable, unremunerative, discriminatory, illegal, unfair or intending or tending to oppress the complainant, to stifle competition, or to create or encourage the creation of monopoly, and upon such complaint or upon complaint of the commission upon its own motion, the commission shall have power, after notice and hearing as in other cases, to, by its order, subject to appeal as in other cases, correct the abuse complained of by establishing such uniform rates, charges, rules, regulations or practices in lieu of those complained of, to be observed by all of such competing public service corporations in the locality or localities specified as shall be found reasonable, remunerative, nondiscriminatory, legal, and fair or tending to prevent oppression or monopoly or to encourage competition, and upon any such hearing it shall be proper for the commission to take into consideration the rates, charges, rules, regulations and practices of the public service corporation or corporations complained of in any other locality or localities in the state.

(2) All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: PROVIDED, All grievances to be inquired into shall be plainly set forth in the complaint. No complaint shall be dismissed because of the absence of direct damage to the complainant.

(3) Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or corporation complained of, which shall be accompanied by a notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. The commission shall enter its final order with respect to a complaint filed by any entity or person other than the commission within ten months from the date of filing of the complaint, unless the date is extended for cause. Rules of practice and procedure not otherwise provided for in this title may be prescribed by the commission. Such rules may include the requirement that a complainant use informal processes before filing a formal complaint.

(4) The commission shall, as appropriate, audit a nonmunicipal water system upon receipt of an administrative order from the department, or the city or county in which the water system is located, finding that the water delivered by a system does not meet state board of health standards adopted under RCW 43.20.050(2)(a) or standards adopted under chapters 70.116 and 70.119A RCW, and the results of the audit shall be provided to the requesting department, city, or county. However, the number of nonmunicipal water systems referred to the commission in any one calendar year shall not exceed twenty percent of the water companies subject to commission regulation as defined in RCW 80.04.010.

Every nonmunicipal water system referred to the commission for audit under this section shall pay to the commission an audit fee in an amount, based on the system's twelve-month audited period, equal to the fee required to be paid by regulated companies under RCW 80.24.010.

(5) Any customer or purchaser of service from a water system or company that is subject to commission regulation may file a complaint with the commission if he or she has reason to believe that the water delivered by the system to the customer does not meet state drinking water standards under chapter 43.20 or 70.116 RCW. The commission shall investigate such a complaint, and shall request

that the state department of health or local health department of the county in which the system is located test the water for compliance with state drinking water standards, and provide the results of such testing to the commission. The commission may decide not to investigate the complaint if it determines that the complaint has been filed in bad faith, or for the purpose of harassment of the water system or company, or for other reasons has no substantial merit. The water system or company shall bear the expense for the testing. After the commission has received the complaint from the customer and during the pendency of the commission investigation, the water system or company shall not take any steps to terminate service to the customer or to collect any amounts alleged to be owed to the company by the customer. The commission may issue an order or take any other action to ensure that no such steps are taken by the system or company. The customer may, at the customer's option and expense, obtain a water quality test by a licensed or otherwise qualified water testing laboratory, of the water delivered to the customer by the water system or company, and provide the results of such a test to the commission. If the commission determines that the water does not meet state drinking water standards, it shall exercise its authority over the system or company as provided in this title, and may, where appropriate, order a refund to the customer on a pro rata basis for the substandard water delivered to the customer, and shall order reimbursement to the customer for the cost incurred by the customer, if any, in obtaining a water quality test.

Sec. 14. RCW 70.116.070 and 1977 ex.s. c 142 s 7 are each amended to read as follows:

(1) ~~The proposed service area boundaries of public water systems within the critical water supply service area that are required to submit water system plans under this chapter shall be ((determined by written agreement among the purveyors and with the approval of the appropriate legislative authority. Failure of the legislative authority to file with the secretary objections to the proposed service area boundaries within sixty days of receipt of the proposed boundary agreement may be construed as approval of the agreement))~~ identified in the system's plan. The local legislative authority, or its planning department or other designee, shall review the proposed boundaries to determine whether the proposed boundaries of one or more systems overlap. The boundaries determined by the local legislative authority not to overlap shall be incorporated into the coordinated water system plan. Where any overlap exists, the local legislative authority may attempt to resolve the conflict through procedures established under RCW 70.116.060(5).

(2) ~~((If no service area boundary agreement has been established within a reasonable period of time, or if the legislative authority has filed with the secretary objections in writing as provided in subsection (1) of this section))~~ Any final decision by a local legislative authority regarding overlapping service areas, or any unresolved disputes regarding service area boundaries, may be appealed or referred to the secretary in writing for resolution. After receipt of an appeal or referral, the secretary shall hold a public hearing thereon. The secretary shall provide notice of the hearing by certified mail to each purveyor ((providing service in the critical water supply service area)) involved in the dispute, to each county legislative authority having jurisdiction in the area and to the public. The secretary shall provide public notice pursuant to the provisions of chapter 65.16 RCW. Such notice shall be given at least twenty days prior to the hearing. The hearing may be continued from time to time and, at the termination thereof, the secretary may restrict the expansion of service of any purveyor within the area if the secretary finds such restriction is necessary to provide the greatest protection of the public health and well-being.

Sec. 15. RCW 56.08.200 and 1991 c 190 s 1 are each amended to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any ~~((sewer))~~ connection with any sewer or water system of any sewer district, or with any sewer or water system which is connected directly or indirectly with any sewer or water system of any sewer district without having permission from the sewer district.

Sec. 16. RCW 57.08.180 and 1991 c 190 s 5 are each amended to read as follows:

It is unlawful and a misdemeanor to make, or cause to be made, or to maintain any ~~((sewer))~~ connection with any sewer or water system of any water district, or with any sewer or water system which is connected directly or indirectly with any sewer or water system of any water district without having permission from the water district.

NEW SECTION. Sec. 17. Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 70.116.060, 70.119A.060, 82.16.020, 70.119.020, 70.119.030, 70.116.050, 70.119A.040, 70.119A.130, 43.155.050, 70.116.070, 56.08.200, and 57.08.180; reenacting and amending RCW 80.04.110; adding new sections to chapter 70.119A RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency."

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 7, after line 3 of the amendment, insert the following:

"(8) "Group B water system" means a system with more than four service connections but less than fifteen service connections and serving either: (a) an average of less than twenty-five people per day for sixty or more days within a calendar year; or (b) any number of people for less than sixty days within a calendar year."

Renumber the remaining subsections consecutively.

Representatives B. Thomas and Cairnes spoke in favor of the adoption of the amendment to the amendment.

Representative Rust spoke against the adoption of the amendment to the amendment.

Representative B. Thomas again spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Sheldon moved adoption of the following amendment to the amendment by Representative Sheldon:

On page 8, line 27 of the amendment, after "shall" strike everything down to and including "requirements." on line 35 and insert "not require a certified operator for a system with fewer than one hundred connections unless that system is determined by the department to be in significant noncompliance with monitoring or water quality standards, as defined by the department by rule, or has, or is required to have, water treatment facilities other than simple disinfection."

Representatives Sheldon and Chandler spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Campbell moved adoption of the following amendment by Representative Campbell:

On page 19, after line 28 of the amendment, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 84.36 RCW to read as follows: Land, platted for residential development, for which an application to the appropriate water supplier or agency for residential water use has been denied, is exempt from taxation. Land assessed under 84.33 or 84.34 RCW is not eligible for exemption. Land used for commercial purposes is not eligible for exemption.

Claims for exemption under this section shall be made to the assessor each year by March 31 for exemption from taxes payable in the following year. The exemption is limited to one year. The

applicant must show denial of residential water use dated within twelve months before the March 31 exemption application date.

The land loses its exempt status as of the date on which an application for residential water use is granted by the appropriate water supplier or agency. Land which changes from exempt to taxable status is subject to a pro rata portion of taxes as provided in RCW 84.04.350 through 84.40.390."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

There being no objection, the House deferred further consideration of Engrossed Second Substitute Senate Bill No. 5448 and the bill held its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5606, by Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Haugen, Owen, McCaslin, Swecker, Newhouse, Oke, Rasmussen, Winsley, Morton and Schow)

Providing for use of reclaimed water.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

With the consent of the House, amendment numbers 796, 797 and 799 to Substitute Senate Bill No. 5606 were withdrawn.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.46.005 and 1992 c 204 s 1 are each amended to read as follows:

The legislature finds that by encouraging the use of reclaimed water while assuring the health and safety of all Washington citizens and the protection of its environment, the state of Washington will continue to use water in the best interests of present and future generations.

To facilitate the ~~((opportunity to))~~ use of reclaimed water as soon as is practicable, the legislature encourages the cooperative efforts of the public and private sectors and the use of pilot projects to effectuate the goals of this chapter. The legislature further directs the department of health and the department of ecology to coordinate efforts towards developing an efficient and streamlined process for creating and implementing processes for the use of reclaimed water.

It is hereby declared that the people of the state of Washington have a primary interest in the development of facilities to provide reclaimed water to replace potable water in nonpotable applications, to supplement existing surface and ground water supplies, and to assist in meeting the future water requirements of the state.

The legislature further finds and declares that the utilization of reclaimed water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife habitat creation and enhancement purposes, including wetland enhancement, will contribute to the peace, health, safety, and welfare of the people of the state of Washington. To the extent reclaimed water is appropriate and available for beneficial uses, it should be used where feasible to supplement existing water supplies without threatening existing resources or public health in order to preserve potable water for drinking purposes.

The legislature further finds and declares that the use of reclaimed water is not inconsistent with the policy of antidegradation of state waters announced in other state statutes, including the water pollution control act, chapter 90.48 RCW and the water resources act, chapter 90.54 RCW.

It is the intent of the legislature that the department of ecology and the department of health undertake the necessary steps to encourage the development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state.

The legislature further finds and declares that reclaimed water facilities are water pollution control facilities as defined in chapter 70.146 RCW and are eligible for financial assistance as provided in chapter 70.146 RCW.

Sec. 2. RCW 90.46.010 and 1992 c 204 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Greywater" means (~~(sewage)~~) wastewater having the consistency and strength of residential domestic type wastewater. Greywater includes wastewater from sinks, showers, and laundry fixtures, but does not include toilet or urinal waters.

(2) "Land application" means application of treated effluent for purposes of irrigation or landscape enhancement for residential, business, and governmental purposes.

(3) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.

(4) "Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for a (~~(direct)~~) beneficial use or a controlled use that would not otherwise occur and is no longer considered wastewater.

(5) "Sewage" means water-carried human wastes(~~(, including kitchen, bath, and laundry waste)~~) from residences, buildings, industrial and commercial establishments, or other places, together with such ground water infiltration, surface waters, or industrial wastewater as may be present.

(6) "User" means any person who uses reclaimed water.

(7) "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system.

(8) "Beneficial use," as used in this chapter, means the use of reclaimed water, that has been transported from the point of production to the point of use without an intervening discharge to the waters of the state, for a beneficial purpose.

(9) "Direct recharge" means the controlled subsurface addition of water directly to the ground water basin that results in the replenishment of ground water.

(10) "Ground water recharge criteria" means the contaminant criteria found in the drinking water quality standards adopted by the state board of health pursuant to chapter 43.20 RCW and the department of health pursuant to chapter 70.119A RCW.

(11) "Planned ground water recharge project" means any reclaimed water project designed for the purpose of recharging ground water, via direct recharge or surface spreading.

(12) "Reclamation criteria" means the criteria set forth in the water reclamation and reuse interim standards and subsequent revisions adopted by the department of ecology and the department of health.

(13) "Streamflow augmentation" means the discharge of reclaimed water to rivers and streams of the state or other surface water bodies, but not wetlands.

(14) "Surface percolation" means the controlled application of water to the ground surface for the purpose of recharging ground water.

(15) "Wetland or wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. No agency shall use a delineation process for what constitutes a wetland that is more stringent than that adopted by the United States army corps of engineers.

(16) "Man-made wetlands" means a wetland intentionally created from a nonwetland site to produce or replace natural habitat.

NEW SECTION. Sec. 3. A new section is added to chapter 90.46 RCW to read as follows:

(1) Reclaimed water may be beneficially used for surface percolation provided the reclaimed water meets the ground water recharge criteria as measured in ground water beneath or down gradient of the recharge project site, and has been incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) If the state ground water recharge criteria as defined by RCW 90.46.010 do not contain a standard for a constituent or contaminant, the department of ecology shall establish a discharge limit consistent with the goals of this chapter.

(3) Reclaimed water that does not meet the ground water recharge criteria may be beneficially used for surface percolation where the department of ecology has specifically authorized such use at such lower standard.

NEW SECTION. Sec. 4. A new section is added to chapter 90.46 RCW to read as follows:

(1) Reclaimed water may be beneficially used for discharge into man-made wetlands provided the reclaimed water meets the class A or B reclaimed water standards as defined in the reclamation criteria, and the discharge is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) Reclaimed water that does not meet the class A or B reclaimed water standards may be beneficially used for discharge into man-made wetlands where the department of ecology has specifically authorized such use at such lower standards.

NEW SECTION. Sec. 5. A new section is added to chapter 90.46 RCW to read as follows:

Reclaimed water intended for beneficial reuse may be discharged for streamflow augmentation provided the reclaimed water meets the requirements of the federal water pollution control act, chapter 90.48 RCW, and is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

NEW SECTION. Sec. 6. A new section is added to chapter 90.46 RCW to read as follows:

The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before December 31, 1996, for direct recharge using reclaimed water. The standards shall address both water quality considerations and avoidance of property damage from excessive recharge.

NEW SECTION. Sec. 7. A new section is added to chapter 90.46 RCW to read as follows:

The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before June 30, 1996, for discharge of reclaimed water to wetlands.

NEW SECTION. Sec. 8. A new section is added to chapter 90.46 RCW to read as follows:

On or before December 31, 1995, the department of ecology and department of health shall, in consultation with local governments and local interested parties, jointly review and, if required, propose amendments to chapter 372-32 WAC to resolve conflicts between the development of reclaimed water projects in the Puget Sound region and chapter 372-32 WAC.

NEW SECTION. Sec. 9. The department of ecology and the department of health shall report on the progress of the implementation of this act to the members of the agriculture and ecology committee of the house of representatives and the members of the ecology and parks committee of the senate by December 15, 1995.

Sec. 10. RCW 90.46.050 and 1992 c 204 s 6 are each amended to read as follows:

((4)) The department of health shall, before ((May 1, 1992)) July 1, 1995, form an advisory committee, in coordination with the department of ecology and the department of agriculture, which will provide technical assistance in the development of standards, procedures, and guidelines required by this chapter. Such committee shall be composed of individuals from the public water and

wastewater utilities, landscaping enhancement industry, commercial and industrial application community, and any other persons deemed technically helpful by the department of health.

~~((2) The department of health shall report to the joint select committee on water resource policy by December 1, 1992, on the fee structure which has been recommended under RCW 90.46.030(3) and review fees authorized under RCW 90.46.040(3).))~~

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

Sec. 12. RCW 90.03.380 and 1991 c 347 s 15 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That ~~((said))~~ the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and ~~((said))~~ the application shall not be granted until notice of ~~((said))~~ the application ~~((shall be))~~ is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial or operational integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district. The board of directors may approve such a change if the board determines that the change: Will not adversely affect the district's ability to deliver water to other landowners; will not require the construction by the district of diversion or drainage facilities unless the board finds that the construction by the district is in the interest of the district; will not impair the financial or operational integrity of the district; and is consistent with the contractual obligations of the district.

(4) Subsections (1), (2), and (3) of this section do not apply to a change regarding a portion of the water governed by a water right that is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right. The use within an irrigation district of water supplied by the district and made surplus as provided in this subsection shall be regulated solely as provided by the board of directors of the irrigation district except as follows: Such a use requires the approval of the board of directors of the irrigation district or must otherwise be authorized by the board; the board may approve or authorize such a use only if the use does not impair the financial or operational integrity of the district; and water made surplus through a change in the crops grown with district-supplied water is not available for use as a matter of right by the individual water user making the change, but may be used by the board for the benefit of the district generally. The district's board of directors may approve or otherwise authorize under this subsection uses of such surplus water that result in the total irrigated acreage within the district exceeding the irrigated acreage recorded with the department for the district's water right if the board notifies the department of the change in the irrigated acreage within the district. Such a notification provides a change in the district's water right and, upon receiving the notification, the department shall

revise its records for the district's right to reflect the change. A change or use authorized by or under this subsection shall be made without loss of priority of the right. The use of water other than irrigation district-supplied water that is made surplus as provided in this subsection is governed by section 13 of this act.

(5) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

(6) The department may not initiate relinquishment proceedings under chapter 90.14 RCW regarding a water right for which an application for a transfer or change is filed under this section for a period of two years after the date the department receives the filing.

NEW SECTION. Sec. 13. A new section is added to chapter 90.03 RCW to read as follows:

If a portion of the water governed by a water right is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right, the right to use the surplus water may be changed to use on other lands owned by the holder of the water right that are contiguous to the lands upon which the use of the water was authorized by the right before such a change. Such a change shall be made without loss of priority of the right. The holder of the water right shall notify the department of such a change. The notification provides a change in the holder's water right and, upon receiving the notification, the department shall revise its records for the water right to reflect the change.

This section does not apply to water supplied by an irrigation district.

Sec. 14. RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water(~~(: PROVIDED, HOWEVER, That such)~~). An amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: ~~((4))~~ (a) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; ~~((2))~~ (b) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; ~~((3))~~ (c) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and ~~((4))~~ (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(2) This section does not apply to a change in use of a portion of the water governed by a ground water right that is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right. RCW 90.03.380(4) and section 13 of this act apply to water made surplus as provided in this subsection.

(3) The department may not initiate relinquishment proceedings under chapter 90.14 RCW regarding a water right for which an application for a transfer or change is filed under this section for a period of two years after the date the department receives the filing.

Sec. 15. RCW 90.03.290 and 1994 c 264 s 84 are each amended to read as follows:

When an application complying with the provisions of this chapter and with the rules and regulations of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having

in mind the highest feasible use of the waters belonging to the public. If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit. The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance.

This section does not apply to changes made under section 13 of this act or to applications for transfers or changes made under RCW 90.03.380 or 90.44.100.

Sec. 16. RCW 90.44.445 and 1993 c 99 s 1 are each amended to read as follows:

In any acreage expansion program adopted by the department as an element of a ground water management program, the authorization for a water right certificate holder to participate in the program shall be on an annual basis for the first two years. After the two-year period, the department may authorize participation for ten-year periods. The department may authorize participation for ten-year periods for certificate holders who have already participated in an acreage expansion program for two years. The department may require annual certification that the certificate holder has complied with all requirements of the program. The department may terminate the authority of a certificate holder to participate in the program for one calendar year if the certificate holder fails to comply with the requirements of the program.

This section applies only in an area with a ground water area or subarea management program in effect on the effective date of this section. The provisions of section 13 of this act, RCW 90.03.380, and 90.44.100 apply to transfers, changes, and amendments to permits or rights for the beneficial use of ground water in any other area.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "wastewater;" strike the remainder of the title and insert "amending RCW 90.46.005, 90.46.010, 90.46.050, 90.03.380, 90.44.100, 90.03.290, and 90.44.445;

adding new sections to chapter 90.46 RCW; adding a new section to chapter 90.03 RCW; creating new sections; and declaring an emergency."

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5606 and the bill held it's place on the second reading calendar.

SENATE BILL NO. 5142, by Senators Quigley and Sellar

Extending authority to enter into payment agreements.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendment see Journal, 74th Day, March 23, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives L. Thomas and Wolfe spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5142 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5142 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Foreman - 2.

Senate Bill No. 5142, as amended by the House, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

Under suspension of rules, SUBSTITUTE HOUSE BILL NO. 1248 was returned to second reading for further amendment. The Senate passed the bill with the following additional amendment:

On page 1, line 18, after "commenced" strike "after the effective date of this act and"

On page 2, beginning on line 20, after "made" strike all material through "made" on line 22 and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Van Luven moved that the House concur in the Senate amendments to Substitute House Bill No. 1248 and pass the bill as amended by the Senate.

Representatives Van Luven, Robertson and Lisk spoke in favor of the motion.

There being no objection, the House deferred further consideration of Substitute House Bill No. 1248.

There being no objection, the House considered Engrossed Senate Bill No. 5529.

ENGROSSED SENATE BILL NO. 5529, by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley; by request of Office of Financial Management

Changing school district levy provisions.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Silver, Cole, Brumsickle, Ebersole, Benton, Carrell and B. Thomas spoke in favor of passage of the bill.

Representatives Carlson, Hickel and Hargrove spoke against passage of the bill.

Representative Silver again spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5529 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5529 as amended by the House, and the bill passed the House by the following vote: Yeas - 79, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler,

Kremen, Lambert, Mason, Mastin, McMahan, Mielke, Morris, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 79.

Voting nay: Representatives Buck, Carlson, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Koster, Lisk, McMorris, Mitchell, Mulliken, Ogden, Pennington, Sherstad and Stevens - 16.

Excused: Representatives Appelwick and Foreman - 2.

Engrossed Senate Bill No. 5529, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5748, by Senators Prentice, Fraser, Sellar, Rinehart, Prince, Smith, C. Anderson, Franklin, Kohl, Heavey, Pelz and Wojahn; by request of Human Rights Commission

Expanding the state law against discrimination.

The bill was read the second time.

With the consent of the House, amendment number 781 to Senate Bill No. 5748 was withdrawn.

Representative Sheahan moved adoption of the following amendment by Representative Sheahan:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.60.010 and 1993 c 510 s 1 are each amended to read as follows:

This chapter shall be known as the "law against discrimination". It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, families with children, sex, marital status, age, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service dog by a disabled person are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real property transactions because of race, creed, color, national origin, families with children, sex, marital status, age, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service dog by a disabled person; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 2. RCW 49.60.040 and 1993 c 510 s 4 and 1993 c 69 s 3 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, national origin, or with any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services;

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

(16) "Complainant" means the person who files a complaint in a real estate transaction;

(17) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

(18) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan

associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

~~((148))~~ (19) "Families with children status" means ~~((when))~~ one or more individuals who have not attained the age of eighteen years ~~((is))~~ being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody ~~((or guardianship))~~ of any individual who has not attained the age of eighteen years;

(20) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

(21) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building.

Sec. 3. RCW 49.60.222 and 1993 c 510 s 17 and 1993 c 69 s 5 are each reenacted and amended to read as follows:

(1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, race, creed, color, national origin, families with children status, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person:

(a) To refuse to engage in a real estate transaction with a person;

(b) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

(d) To refuse to negotiate for a real estate transaction with a person;

(e) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit the person to inspect real property;

(f) To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person ~~((because of a disability of that person,));~~ or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made ~~((unavailable))~~ available; or to any person associated with the person buying or renting;

(g) To make, print, circulate, post, or mail, or cause to be so made or published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(h) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(i) To expel a person from occupancy of real property;

(j) To discriminate in the course of negotiating, executing, or financing a real estate transaction whether by mortgage, deed of trust, contract, or other instrument imposing a lien or other security in real property, or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of RCW 49.60.176 relating to unfair practices in credit transactions; or

(k) To attempt to do any of the unfair practices defined in this section.

(2) For the purposes of this chapter discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service dog by a blind, deaf, or physically disabled person includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing ~~((dwelling))~~ premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter

agreeing to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted;

(b) To refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability and/or the use of a trained guide dog or service dog by a blind, deaf, or physically disabled person equal opportunity to use and enjoy a dwelling; or

(c) To fail to design and construct covered multifamily dwellings and premises in conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained guide dog or service dog. Whenever the requirements of applicable laws or regulations differ, the requirements which require greater accessibility for persons with any sensory, mental, or physical disability shall govern.

~~((For purposes of this subsection (2), "dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by four or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.))~~

Nothing in (a) or (b) of this subsection shall apply to: (i) a single-family house rented or leased by the owner if the owner does not own or have an interest in the proceeds of the rental or lease of more than three such single-family houses at one time, the rental or lease occurred without the use of a real estate broker or salesperson, as defined in RCW 18.85.010, and the rental or lease occurred without the publication, posting, or mailing of any advertisement, sign, or statement in violation of subsection (1)(g) of this section; or (ii) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the rooms or units as his or her residence.

(3) Notwithstanding any other provision of this chapter, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the basis of marital or families with children status.

(4) Except pursuant to subsection (2)(a) of this section, this section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a disabled person except as otherwise required by law. Nothing in this section affects the rights, responsibilities, and remedies of landlords and tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to post and enforce reasonable rules of conduct and safety for all tenants and their guests, provided that chapters 59.18 and 59.20 RCW are only affected to the extent they are inconsistent with the nondiscrimination requirements of this chapter. Nothing in this section limits the applicability of any reasonable federal, state, or local restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(5) Notwithstanding any other provision of this chapter, it shall not be an unfair practice for any public establishment providing for accommodations offered for the full enjoyment of transient guests as defined by RCW 9.91.010(1)(c) to make distinctions on the basis of families with children status. Nothing in this section shall limit the effect of RCW 49.60.215 relating to unfair practices in places of public accommodation.

(6) Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3). Nothing in this chapter authorizes requirements for housing for older persons different than the requirements in the federal fair housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3).

Sec. 4. RCW 49.60.225 and 1993 c 510 s 20 and 1993 c 69 s 9 are each reenacted and amended to read as follows:

(1) When a reasonable cause determination has been made under RCW 49.60.240 that an unfair practice in a real estate transaction has been committed and a finding has been made that the respondent has engaged in any unfair practice under RCW 49.60.250, the administrative law judge shall promptly issue an order for such relief suffered by the aggrieved person as may be appropriate, which may include actual damages as provided by ~~((Title VIII of the United States civil rights act of 1964, as amended, and))~~ the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et

seq.), and injunctive or other equitable relief. Such order may, to further the public interest, assess a civil penalty against the respondent:

(a) In an amount up to ten thousand dollars if the respondent has not been determined to have committed any prior unfair practice in a real estate transaction;

(b) In an amount up to twenty-five thousand dollars if the respondent has been determined to have committed one other unfair practice in a real estate transaction during the five-year period ending on the date of the filing of this charge; or

(c) In an amount up to fifty thousand dollars if the respondent has been determined to have committed two or more unfair practices in a real estate transaction during the seven-year period ending on the date of the filing of this charge, for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as now or hereafter amended, to be free from discrimination in real property transactions because of sex, marital status, race, creed, color, national origin, families with children status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service dog by a blind, deaf, or physically disabled person. Enforcement of the order and appeal therefrom by the complainant or respondent may be made as provided in RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice in a real estate transaction that is the object of the charge are determined to have been committed by the same natural person who has been previously determined to have committed acts constituting an unfair practice in a real estate transaction, then the civil penalty of up to fifty thousand dollars may be imposed without regard to the period of time within which any subsequent unfair practice in a real estate transaction occurred. All civil penalties assessed under this section shall be paid into the state treasury and credited to the general fund.

(2) Such order shall not affect any contract, sale, conveyance, encumbrance, or lease consummated before the issuance of an order that involves a bona fide purchaser, encumbrancer, or tenant who does not have actual notice of the charge filed under this chapter.

(3) Notwithstanding any other provision of this chapter, persons awarded damages under this section may not receive additional damages pursuant to RCW 49.60.250.

Sec. 5. RCW 49.60.240 and 1993 c 510 s 22 and 1993 c 69 s 12 are each reenacted and amended to read as follows:

After the filing of any complaint, the chairperson of the commission shall refer it to the appropriate section of the commission's staff for prompt investigation and ascertainment of the facts alleged in the complaint. The investigation shall be limited to the alleged facts contained in the complaint. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or that there is not reasonable cause for believing that an unfair practice has been or is being committed. A copy of said findings shall be provided to the complainant and to the person named in such complaint, hereinafter referred to as the respondent.

If the finding is made that there is reasonable cause for believing that an unfair practice has been or is being committed, the commission's staff shall immediately endeavor to eliminate the unfair practice by conference, conciliation, and persuasion.

If an agreement is reached for the elimination of such unfair practice as a result of such conference, conciliation, and persuasion, the agreement shall be reduced to writing and signed by the respondent, and an order shall be entered by the commission setting forth the terms of said agreement. No order shall be entered by the commission at this stage of the proceedings except upon such written agreement, except that during the period beginning with the filing of complaints alleging an unfair practice with respect to real estate transactions pursuant to RCW 49.60.222 through 49.60.225, and ending with the filing of a finding of reasonable cause or a dismissal by the commission, the commission staff shall, to the extent feasible, engage in conciliation with respect to such complaint. Any conciliation agreement arising out of conciliation efforts by the commission shall be an agreement between the respondent and the complainant and shall be subject to the approval of the commission. Each conciliation agreement shall be made public unless the complainant and respondent otherwise agree and the commission determines that disclosure is not required to further the purposes of this chapter.

If no such agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof provided to the complainant and the respondent.

The commission may adopt rules, including procedural time requirements, for processing complaints alleging an unfair practice with respect to real estate transactions pursuant to RCW

49.60.222 through 49.60.225 and which may be consistent with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), but which in no case shall exceed or be more restrictive than the requirements or standards of such act.

Sec. 6. RCW 49.60.260 and 1993 c 69 s 15 are each amended to read as follows:

(1) The commission or any person entitled to relief of a final order may petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business for the enforcement of any final order which is not complied with and is issued by the commission or an administrative law judge under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file in court the final order sought to be enforced. Within five days after filing such petition in court, the commission or any person entitled to relief of a final order shall cause a notice of the petition to be sent by certified mail to all parties or their representatives.

(2) If within sixty days after the date the administrative law judge's order concerning an unfair practice in a real estate transaction is entered, no petition has been filed under subsection (1) of this section and the commission has not sought enforcement of the final order under this section, any person entitled to relief under the final order may petition for a decree enforcing the order in the superior courts of the state of Washington for the county in which the unfair practice in a real estate transaction under RCW 49.60.222 through 49.60.224 is alleged to have occurred.

(3) From the time the petition is filed, the court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such temporary relief or restraining order as it deems just and suitable.

(4) If the petition shows that there is a final order issued by the commission or administrative law judge under RCW 49.60.240 or 49.60.250 and that the order has not been complied with in whole or in part, the court shall issue an order directing the person who is alleged to have not complied with the administrative order to appear in court at a time designated in the order, not less than ten days from the date thereof, and show cause why the administrative order should not be enforced according to the terms. The commission or any person entitled to relief of any final order shall immediately serve the noncomplying party with a copy of the court order and the petition.

(5) The administrative order shall be enforced by the court if the person does not appear, or if the person appears and the court finds that:

- (a) The order is regular on its face;
- (b) The order has not been complied with; and

(c) The person's answer discloses no valid reason why the order should not be enforced, or that the reason given in the person's answer could have been raised by review under RCW 34.05.510 through 34.05.598, and the person has given no valid excuse for failing to use that remedy.

(6) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to appellate review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. The review shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Representatives Sheahan and Costa spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sheahan and Costa spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5748 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5748, as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Appelwick and Foreman - 2.

Senate Bill No. 5748, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5219, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, C. Anderson, Long, Haugen, McCaslin, Spanel, Drew, Winsley, Kohl and Sheldon)

Changing domestic violence provisions.

The bill was read the second time.

Representative Costa moved that the House not adopt the Appropriation Committee Amendment. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

Representative Sheahan moved that the House adopt the Appropriations Committee Amendment.

Representatives Sheahan spoke in favor of adopting the Appropriations Committee amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representatives Costa, Dickerson and Veloria spoke against adopting the Appropriations Committee Amendment.

ROLL CALL

The Clerk called the roll on the adoption of the Appropriations Committee Amendment to Engrossed Substitute Senate Bill No. 5219 and the Appropriations Committee Amendment was not adopted by the following vote: Yeas - 33, Nays - 64, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Beeksma, Benton, Boldt, Brumsickle, Chandler, Clements, Crouse, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Horn, Huff, Johnson, McMahan, McMorris, Mielke, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Talcott, Thomas, B., Van Luven and Mr. Speaker - 33.

Voting nay: Representatives Appelwick, Ballasiotes, Basich, Blanton, Brown, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Honeyford, Hymes, Jacobsen, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Scott, Sheldon, Smith, Sommers, Stevens, Thibaudeau, Thomas, L., Thompson, Tokuda, Valle, Veloria and Wolfe - 64.

Representative Cooke moved adoption of the following amendment by Representative Cooke:

On page 44, after line 24, insert the following:

" **Sec. 38.** RCW 36.18.010 and 1991 c 26 s 2 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page, legal size (eight and one-half by fourteen inches or less), five dollars; for each additional legal size page, one dollar; the fee for recording multiple transactions contained in one instrument will be calculated individually for each transaction requiring separate indexing as required under RCW 65.04.050;

For preparing and certifying copies, for the first legal size page, three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund(~~(, which five-dollar fee shall expire June 30, 1995.)~~) plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records, not listed above, for first legal size page, five dollars; for each additional legal size page, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170."

Renumber the remaining section consecutively.

On page 44, after line 28, insert the following:

" **NEW SECTION. Sec. 39.** Section 38 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 40. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 6 of the title, after "10.14.080," strike "and" and after "26.50.150" insert ", and 36.18.010"

On page 1, line 9 of the title, after "section;" strike "and" and after "penalties" insert "; and declaring an emergency"

Representatives Cooke, Thibaudeau and Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

MOTION

On motion of Representative Patterson, Representatives Brown and Basich were excused.

With the consent of the House, amendment number 753 to Engrossed Substitute Senate Bill No. 5219 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sheahan, Romero, Costa, Conway and Chopp spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5219 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5219 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksmas, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Basich and Brown - 2.

Engrossed Substitute Senate Bill No. 5219, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5537, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Pelz, Rasmussen, Kohl and Wojahn; by request of Board of Education)

Changing teacher preparation provisions.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment see Journal, 78th Day, March 27, 1995.)

Representative Brumsickle moved adoption of the following amendment to the committee amendment by Representative Brumsickle:

On page 1, beginning on line 28, strike all of Section 2

On page 4, beginning on line 28, strike all of Subsection 5

Renumber remaining subsections, correct internal references, and correct the title accordingly.

Representative Brumsickle spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cole spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5537 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5537 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksmas, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Basich and Brown - 2.

Substitute Senate Bill No. 5537, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5755, by Senators Loveland, Newhouse, Spanel, Rasmussen and Haugen

Concerning the taxation of property donated to a nonprofit entity.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Thomas, Morris and Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5755.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5755, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheehan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Basich and Brown - 2.

Senate Bill No. 5755, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute House Bill No. 2087.

With the consent of the House, amendment number 785 to Substitute House Bill No. 2087 was withdrawn.

Representative Carrell moved adoption of the following amendment by Representative Carrell:

On page 3, after line 3, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 28A.410 RCW to read as follows:

In carrying out its duties and responsibilities under RCW 28A.410.010, after September 1, 1995, the state board of education may require certificated personnel who have obtained a continuing certificate to complete continuing education coursework as a condition for retaining his or her continuing certificate only if the credits earned through completion of the coursework may be used to advance the individual on the salary schedule of his or her school district."

Correct the title accordingly.

Representatives Carrell and Morris spoke in favor of the adoption of the amendment.

Representative Cole spoke against the adoption of the amendment.

Representative Carrell again spoke in favor of adoption of the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 66-YEAS, 29-NAYS. The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Carrell spoke in favor of passage of the bill.

Representative Quall spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2087.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2087, and the bill passed the House by the following vote: Yeas - 60, Nays - 35, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Voting nay: Representatives Appelwick, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Excused: Representatives Basich and Brown - 2.

Engrossed Substitute House Bill No. 2087, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5501, by Senators Bauer, Rinehart, Oke, Prince and Wojahn; by request of Legislative Budget Committee

Streamlining hospital regulation and inspection.

The bill was read the second time.

Representative Sherstad moved adoption of the following amendment by Representative Sherstad:

On page 4, after line 4, insert the following:

"**Sec. 7.** RCW 70.38.025 and 1991 c 158 s 1 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Continuing care retirement community" means an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service. A "continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(4) "Department" means the department of health.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Health care facility" means hospices, ~~((hospitals, psychiatric hospitals,))~~ nursing homes, kidney disease treatment centers, ~~((ambulatory surgical facilities,))~~ and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts. ~~((In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; and (c) if not contrary to federal law as necessary to the receipt of federal funds by the state.))~~

(7) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(8) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(9) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services.

(10) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(11) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(12) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(13) "Secretary" means the secretary of health or the secretary's designee.

(14) "Tertiary health service" means a specialized service that meets complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

~~((15) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.))~~

Sec. 8. RCW 70.38.105 and 1992 c 27 s 1 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) ~~((The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;~~

~~(c))~~ Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

~~((d))~~ (c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), ~~((e))~~ or ~~((e))~~ (d) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance and does not substantially affect patient charges:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction which involves physical plant facilities, including administrative and support facilities, which are not or will not be used for the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

~~((e))~~ (d) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, nursing home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months, or a change in bed capacity of a rural health care facility licensed under RCW 70.175.100 that increases the total number of nursing home beds or redistributes beds from acute care or boarding home care to nursing home care if the bed redistribution is to be effective for a period in excess of six months;

~~((f))~~ (e) Any new tertiary health services which are offered in or through a health care facility or rural health care facility licensed under RCW 70.175.100, and which were not offered on a regular basis by, in, or through such health care facility or rural health care facility within the twelve-month period prior to the time such services would be offered;

~~((g))~~ (f) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and

~~((h))~~ (g) Any increase in the number of dialysis stations in a kidney disease center.

(5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.

(6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

Sec. 9. RCW 70.38.115 and 1993 c 508 s 6 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The need that the population served or to be served by such services has for such services;

(b) The availability of less costly or more effective alternative methods of providing such services;

(c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served;

(d) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

~~(f) ((The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;~~

~~(g))~~ Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

~~((h))~~ (g) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

~~((i))~~ (h) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past; and

~~((j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary; and~~

~~(k))~~ (i) In the case of nursing home applications:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) Until the final expiration of the state health plan as provided under RCW 70.38.919, the decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information

considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or its designee, shall conduct a public hearing on a certificate of need application if requested, unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked has the right to an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.

(11) An amended certificate of need shall be required for the following modifications of an approved project:

- (a) A new service requiring review under this chapter;
- (b) An expansion of a service subject to review beyond that originally approved;
- (c) An increase in bed capacity;

(d) A significant reduction in the scope of a nursing home project without a commensurate reduction in the cost of the nursing home project, or a cost increase (as represented in bids on a nursing home construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the nursing home project with the review criteria pertaining to financial feasibility and cost containment.

(12) An application for a certificate of need for a nursing home capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

(13) In the case of an application for a certificate of need to replace existing nursing home beds, all criteria must be met on the same basis as an application for a certificate of need for a new nursing home, except that the need criteria shall be deemed met if the applicant is an existing licensee who proposes to replace existing beds that the licensee has operated for at least one year with the same or fewer number of beds in the same planning area. When an entire nursing home ceases operation, its beds shall be treated as existing nursing home beds for purposes of replacement for eight years or until a certificate of need to replace them is issued, whichever occurs first. However, the nursing home must give notice of its intent to retain the beds to the department of health no later than thirty days after the effective date of the facility's closure."

On page 1, line 2 of the title, after "70.41.120," strike "and 74.42.600" and insert "74.42.600, 70.38.025, 70.38.105, and 70.38.115"

Representative Schoesler moved adoption of the following amendment to the amendment by Representative Schoesler:

On page 2, line 15 after "agencies," insert the following:

"except those home health agencies operated by a hospital district in a county with a population under twenty thousand,"

Representative Schoesler spoke in favor of the adoption of the amendment to the amendment.

Representative Dellwo spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Sherstad spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5501 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5501, as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Basich and Brown - 2.

Senate Bill No. 5501, as amended by the House, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2090, by Representatives K. Schmidt, R. Fisher, Mitchell, Scott, Robertson, Hatfield, Skinner, Tokuda, Buck, Elliot, Ogden, Cairnes, Romero, Brown, Quall, Chopp, Patterson, Hankins and Blanton

Revising provisions relating to taxation of gasohol.

The bill was read the second time. There being no objection, Substitute House Bill No. 2090 was substituted for House Bill No. 2090 and the substitute bill was placed on second reading.

Substitute House Bill No. 2090 was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

On page 2, beginning on line 27, strike all of section 3.

On page 4, line 30 after "46.68.090(1)(1)." insert the following:

"The tax exemption refund will be based upon the difference between the amount of tax collected on the original taxable sale invoice and the rebilled taxable sale invoice that reflects the alcohol that is exempt from the motor fuel tax."

On page 4, line 31, strike all of subsection 4.

On page 4, line 33, strike all of subsection 5.

On page 5, line 7, strike "March 28, 1995" and insert "immediately"

On page 5, after line 8, insert the following:

"**Sec. 4.** 1994 c 225 s 3 (uncodified) is amended to read as follows:

(1) If a court enters a final order invalidating or remanding section 1 of this act on the grounds that it does not comply with section 13, chapter 2, Laws of 1994, it is the intent of the legislature that ~~((this measure))~~ Laws of 1994, chapter 225 as amended be submitted to the people for their adoption, ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

(2) If a court remands this act for a vote of the people, the ballot title shall be substantially as follows: "Shall the alcohol fuel tax exemption given to fuel distributors be eliminated?"

(3) If the voters approve the repeal as provided in section 1 of this act, the repeal shall be made retroactive to May 1, 1994."

On page 5, after line 8, insert the following:

"**NEW SECTION. Sec. 6.** No refunds authorized under this act shall be provided until 1994 c 225 is rejected by the people at the next November general election. Any funds received as taxes paid subject to refunds authorized in section 3 of this act shall be deposited in the Gasohol Exemption Holding Account. The department of licensing is authorized to issue refunds after 1994 c 225 has been rejected by the people at the next November general election.

"**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstance is not affected."

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and R. Fisher spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2090.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2090, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole,

Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representative Pennington - 1.

Excused: Representatives Basich and Brown - 2.

Engrossed Substitute House Bill No. 2090, having received the constitutional majority, was declared passed.

There being no objection, all bills passed today will be transmitted to the Senate.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: Engrossed Senate Bill No. 5876, Engrossed Second Substitute Senate Bill No. 5448, Substitute Senate Bill No. 5606, Engrossed Substitute Senate Bill No. 5607, Senate Bill No. 5087, Substitute Senate Bill No. 5333, House Bill No. 1566, Senate Bill No. 5287, Second Substitute Senate Bill No. 5387 and Engrossed Senate Bill No. 5613.

ENGROSSED SENATE BILL NO. 5876, by Senators Haugen and Winsley

Making population determinations and projections.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Government Operations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reams and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5876.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5876, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Basich - 1.

Engrossed Senate Bill No. 5876, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Engrossed Second Substitute Senate Bill No. 5448.

SPEAKER'S RULING

Representative Rust, the Speaker is prepared to Rule on your Point of Order which challenges Amendment 821 to Engrossed Second Substitute Senate Bill No. 5448 as being beyond the Scope and Object of the bill.

The title of Engrossed Second Substitute Senate Bill No. 5448 is "AN ACT Relating to public water systems.

The title is broad. The bill amends various sections of the RCW's, reenacts and amends RCW 80.04.110, adds new sections to chapter 70.119A RCW, and creates a new section.

The object of Engrossed Second Substitute Senate Bill No. 5448 is to establish various authority and criteria for creating and regulating public water systems.

Amendment 821 creates a tax exemption for specific lands denied certain water use applications.

The Speaker finds that the Amendment 821 is beyond the scope and object of the bill.

Representative Rust, Your Point of Order is well taken.

Representative Mastin spoke in favor of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Rust spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Dellwo was excused.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5448 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5448 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith,

Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Basich and Dellwo - 2.

Engrossed Second Substitute Senate Bill No. 5448, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5606 and the bill held its place on the second reading calendar.

The Speaker called on Representative Horn to preside.

There being no objection, the House resumed consideration of Engrossed Substitute Senate Bill No. 5607.

SPEAKER'S RULING

Representative Backlund, The Speaker (Representative Horn presiding) is prepared to Rule on your Point of Order.

The title of Engrossed Substitute Senate Bill No. 5607 is "AN ACT Relating to performance audits of state government. The title is narrow.

Section 6 of Engrossed Substitute Senate Bill No. 5607 provides a list of the items that a zero-base budget review must include. The review must include the costs and full-time equivalent staff associated with each program, the administrative staff costs and staffing levels and an estimate of the amount of funds that reach the intended recipients of the program or activity.

Amendment 806 would require that budget documents submitted by the governor contain the information that the bill asks to be determined by the audit. While the bill addresses the issue of what kind of performance has occurred the amendment addresses what kind of performance is intended to occur.

The Speaker (Representative Horn presiding) finds that amendment 806 perfects the bill and is not beyond the scope and object of the bill.

Representative Backlund, Your Point of Order is not well taken.

Representative Conway, you may continue.

Representatives Conway and Backlund spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Backlund spoke in favor of the adoption of the committee amendment as amended.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Backlund, Reams, Huff, Sommers and Conway spoke in favor of passage of the bill.

Representative Ogden spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5607 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5607 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representative Ogden - 1.

Absent: Representative Brown - 1.

Excused: Representatives Basich and Dellwo - 2.

Engrossed Substitute Senate Bill No. 5607, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

There being no objection, the House deferred consideration of Senate Bill No. 5087 and the bill held it's place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5333, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Long and Johnson)

Revising regulations for the investment of trust funds.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hickel spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5333 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5333 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson,

Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Basich and Dellwo - 2.

Substitute Senate Bill No. 5333, as amended by the House, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1566, by Representative Dyer; by request of Health Care Authority

Changing health care authority responsibilities.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1566 was substituted for House Bill No. 1566 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1566 was read the second time.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 1, line 11, after "(1)" strike all material through "section." on page 2, line 15 and insert "In a manner prescribed by the state health care authority, school districts and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements specified in this section shall not apply to employees of a school district or educational service district who receive insurance benefits through contracts with the health care authority."

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 617 and 623 to Second Substitute House Bill No. 1566 were withdrawn.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 5, line 38, after "section" insert the following:

": and

(f) Ensure the control of benefit costs under managed competition by adopting rules to prevent employers from entering into an agreement with employees or employee organizations when the agreement would result in increased utilization in public employees' benefits board plans or reduce the expected savings of managed competition"

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment numbers 625 and 633 to Second Substitute House Bill No. 1566 were withdrawn.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 11, line 35 after "board" strike "shall"

On page 11, line 35 after "board" insert "may"

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carlson moved adoption of the following amendment by Representative Carlson:

On page 4, after line 14, insert the following:

"(8) "Benefits contribution plan" means a plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the Internal Revenue Code.

(9) "Salary" means a state employee's monthly salary or wages.

(10) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(11) "Plan year" means the time period established by the authority."

On page 14, after line 15, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 41.05 RCW to read as follows:

(1) The state of Washington may enter into benefits contribution plans with employees of the state pursuant to the Internal Revenue Code, 26 U.S.C. Sec. 125 for the purpose of making it possible for employees of the state to select on a "before-tax basis" certain taxable and nontaxable benefits pursuant to 26 U.S.C. Sec. 125. The purpose of the benefits contribution plan established in this chapter is to attract and retain individuals in governmental service by permitting them to enter into agreements with the state to provide for benefits pursuant to 26 U.S.C. Sec. 125 and other applicable sections of the Internal Revenue Code.

(2) Nothing in the benefits contribution plan constitutes an employment agreement between the participant and the state, and nothing contained in the participant's benefits contribution agreement, the plan, or RCW 41.05.105 through 41.05.145 gives a participant any right to be retained in state employment.

NEW SECTION. Sec. 14. A new section is added to chapter 41.05 RCW to read as follows:

The authority shall have responsibility for the formulation and adoption of a plan, policies and procedures designed to guide, direct, and administer the benefits contribution plan.

(1) A plan document describing the benefits contribution plan shall be adopted and administered by the authority. The authority shall represent the state in all matters concerning the administration of the plan. The state, through the authority, may engage the services of a professional consultant or administrator on a contractual basis to serve as an agent to assist the authority or perform the administrative functions necessary in carrying out the purposes of this act.

(2) The authority shall formulate and establish policies and procedures for the administration of the benefits contribution plan that are consistent with existing state law, the internal revenue code, and the regulations adopted by the internal revenue service as they may apply to the benefits offered to participants under the plan.

(3) The funds held by the state for the benefits contribution program shall be deposited in the benefits contribution account in the state treasury. Any interest in excess of the amount used to defray the cost of administering the benefits contribution plan shall become a part of the general fund. Unclaimed moneys remaining in the benefits contribution account at the end of a plan year after all timely submitted claims for that plan year have been processed shall become a part of the benefits contribution administrative account. The authority may assess each participant a fee for administering the salary reduction plan. In addition to moneys for initial costs, moneys may be appropriated from the general fund or benefits contribution administrative account for any expense relating to the administration of the benefits contribution plan.

(4) The benefits contribution administrative account is created in the state treasury. The authority may periodically bill agencies for employer savings experienced as the result of benefits contribution program participation by employees. All receipts from the following shall be deposited in the account: (a) charges to agencies for all or a portion of the estimated savings due to reductions in

employer contributions under the social security act; (b) charges for other similar savings; (c) unclaimed moneys in the benefits contribution account at the end of the plan year after all timely submitted claims for that plan year have been processed; and (d) fees charged to participants. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for any expense related to the administration of the benefits contribution plan.

(5) Every action taken by the authority in administering sections 13 through 19 of this act shall be presumed to be a fair and reasonable exercise of the authority vested in or the duties imposed upon it. The authority shall be presumed to have exercised reasonable care, diligence, and prudence and to have acted impartially as to all persons interested unless the contrary be proved by clear and convincing affirmative evidence.

NEW SECTION. Sec. 15. A new section is added to chapter 41.05 RCW to read as follows:

(1) Elected officials and all permanent employees of the state are eligible to participate in the benefits contribution plan and contribute amount(s) by agreement with the authority. The authority may adopt rules to permit participation in the plan by temporary employees of the state.

(2) Persons eligible under subsection (1) of this section may enter into benefits contribution agreements with the state.

(3)(a) In the initial year of the benefits contribution plan, an eligible person may become a participant after the adoption of the plan and before its effective date by agreeing to have a portion of his or her gross salary contributed and deposited into a health care and other benefits account to be used for reimbursement of expenses covered by the plan.

(b) After the initial year of the benefits contribution plan, an eligible person may become a participant for a full plan year, with annual benefit selection for each new plan year made before the beginning of the plan year, as determined by the authority, or upon becoming eligible.

(c) Once an eligible person elects to participate and the determination of the amount of gross salary that he or she shall contribute and the benefit for which the funds are to be used during the plan year, the agreement shall be irrevocable and may not be amended during the plan year except as provided in (d) of this subsection. Prior to making an election to participate in the benefit contribution plan, the eligible person shall be informed in writing of all the benefits and contributions that will occur as a result of such election.

(d) The authority shall provide in the benefits contribution plan that a participant may enroll, terminate, or change his or her election after the plan year has begun if there is a significant change in a participant's status, as provided by 26 U.S.C. Sec. 125 and the regulations adopted under that section and defined by the authority.

(4) The authority shall establish as part of the benefits contribution plan the procedures for and effect of withdrawal from the plan by reason of retirement, death, leave of absence, or termination of employment. To the extent possible under federal law, the authority shall protect participants from forfeiture of rights under the plan.

(5) Any contribution under the benefits contribution plan shall continue to be included as regular compensation for the purpose of computing the state retirement and pension benefits earned by the employee.

NEW SECTION. Sec. 16. A new section is added to chapter 41.05 RCW to read as follows:

The benefits contribution account is established in the state treasury. All fees paid to reimburse participants or service providers pursuant to the provisions of sections 13 through 19 of this act shall be paid from the benefit contribution account.

NEW SECTION. Sec. 17. A new section is added to chapter 41.05 RCW to read as follows:

(1) The authority shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of a salary reduction plan created under section 14 of this act.

(2) The authority shall file an annual report of the financial condition, transactions, and affairs of the salary reduction plan under the authority's jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

NEW SECTION. Sec. 18. A new section is added to chapter 41.05 RCW to read as follows:

(1) The state may terminate the benefits contribution plan at the end of the plan year or upon notification of federal action affecting the status of the plan.

(2) The authority may amend the benefits contribution plan at any time if the amendment does not affect the rights of the participants to receive eligible reimbursement from the participants' benefits contribution accounts.

NEW SECTION. Sec. 19. A new section is added to chapter 41.05 RCW to read as follows:
The authority shall adopt rules necessary to implement sections 13 through 18 of this act.

NEW SECTION. Sec. 20. A new section is added to chapter 41.05 RCW to read as follows:
Health care and other benefits--Benefits contribution plan--Construction of statutes. Sections 13 through 19 of this act shall be construed to effectuate the purposes of 26 U.S.C. Sec. 125 and other applicable sections of the Internal Revenue Code as required.

Sec. 21. RCW 28A.400.350 and 1993 c 492 and s 226 are each amended as follows:

(1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. ~~((Except for health benefits purchased with nonstate funds as provided in RCW 28A.400.200, effective on and after October 1, 1995, health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance shall be provided only by contracts with the state health care authority.))~~

(2) Whenever funds are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student. The school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW."

Renumber remaining section consecutively and correct title and internal references accordingly.

Representative Carlson spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 12, line 33, after "determines" insert ", subject to collective bargaining under applicable statutes,"

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 632 to Second Substitute House Bill No. 1566 was withdrawn.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

On page 13, line 35, before "public" strike "the" and insert "a"

On page 14, line 2, after "later." strike all material through "plans." on line 6 and insert the following:

"Employees of a bargaining unit or administrative or managerial employees otherwise not included in a bargaining unit shall be required to transfer by group. Administrative or managerial employees shall transfer in accordance with rules established by the health care authority. If employee groups elect to transfer, they are eligible to reenroll in the public employees' benefits board-sponsored plans in January, 2001, and every five years thereafter."

On page 14, after line 15, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 28B.50 RCW to read as follows:

(1) In a manner prescribed by the state health care authority, technical colleges that have employees enrolled in a benefits trust shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee of the district, an amount equal to four and seven-tenths percent multiplied by the insurance benefit allocation rate in the appropriations act for each employee, for each month of the school year;

(b) For each part-time employee of the college who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for benefits prescribed by the public employees' benefits board, an amount equal to four and seven-tenths percent multiplied by the insurance benefit allocation rate in the appropriations act, for each month of the year, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

(2) The remittance requirements of this section do not apply to employees of a technical college who receive insurance benefits through contracts with the health care authority.

(3) The legislature reserves the right to increase or decrease the percent or amount required to be remitted in this section."

Renumber sections consecutively and correct internal references accordingly, and correct the title.

Representative Dyer spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Chappell moved adoption of the following amendment by Representative Chappell:

On page 14, after line 6, add a new section as follows

"NEW SECTION. Sec. 12. A new section is added to Title 43 RCW to read as follows:

For the purpose of accurately describing professional health services purchased by the state, health-related state agencies may develop fee schedules based on billing codes and service descriptions published by the American medical association or the United State federal health care financing administration, or develop agency unique codes and service descriptions."

Representative Campbell spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 622 to Second Substitute House Bill No. 1566 was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1566.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1566, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Basich and Dellwo - 2.

Engrossed Second Substitute House Bill No. 1566, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5287, by Senators Wood, Sheldon, Bauer, Kohl, Rasmussen and Hochstatter; by request of Higher Education Coordinating Board

Providing school loan forgiveness in exchange for service within Washington state.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment see Journal, 68th Day, March 17 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

Representative Goldsmith spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5287 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5287 as amended by the House, and the bill passed the House by the following vote: Yeas - 84, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 84.

Voting nay: Representatives Beekma, Benton, Boldt, Casada, Goldsmith, Hargrove, Koster, McMahan, Mulliken, Quall and Stevens - 11.

Excused: Representatives Basich and Dellwo - 2.

Senate Bill No. 5287, as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5387, by Senate Committee on Ways & Means (originally sponsored by Senators Wojahn, Winsley, Franklin, Haugen, Rasmussen, McCaslin and West)

Providing tax incentives for multiple-unit housing in urban centers.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Finance recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, April 3, 1995.)

Representative Mitchell moved adoption of the following amendment by Representative Mitchell:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds:

(1) That in many of Washington's urban centers there is insufficient availability of desirable and convenient residential units to meet the needs of a growing number of the public who would live in these urban centers if these desirable, convenient, attractive, and livable places to live were available;

(2) That the development of additional and desirable residential units in these urban centers that will attract and maintain a significant increase in the number of permanent residents in these areas will help to alleviate the detrimental conditions and social liability that tend to exist in the absence of a viable residential population and will help to achieve the planning goals mandated by the growth management act under RCW 36.70A.020; and

(3) That planning solutions to solve the problems of urban sprawl often lack incentive and implementation techniques needed to encourage residential redevelopment in those urban centers lacking sufficient residential opportunities, and it is in the public interest and will benefit, provide, and promote the public health, safety, and welfare to stimulate new or enhanced residential opportunities within urban centers through a tax incentive as provided by this chapter.

NEW SECTION. Sec. 2. It is the purpose of this chapter to encourage increased residential opportunities in cities that are required to plan or choose to plan under the growth management act within urban centers where the legislative body of the affected city has found there is insufficient housing opportunities. It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities within these urban centers. To achieve these purposes, this chapter provides for special valuations for eligible improvements associated with multiunit housing in residentially deficient urban centers.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "City" means a city or town with a population of at least one hundred fifty thousand located in a county planning under the growth management act.

(2) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

(3) "Growth management act" means chapter 36.70A RCW.

(4) "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(5) "Owner" means the property owner of record.

(6) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(7) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

(8) "Residential targeted area" means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter.

(9) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(10) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

NEW SECTION. Sec. 4. The provisions of this chapter relating to special valuation apply only to locally designated residential targeted areas of those cities planning under the growth management act.

NEW SECTION. Sec. 5. (1) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, for ten successive years beginning January 1 of the year immediately following the calendar year after

issuance of the certificate of tax exemption eligibility. However, the exemption does not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(2) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

(3) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

NEW SECTION. Sec. 6. An owner of property making application under this chapter must meet the following requirements:

(1) The new or rehabilitated multiple-unit housing must be located in a residential targeted area as designated by the city;

(2) The multiple-unit housing must meet the guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, and other adopted requirements indicated necessary by the city. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(3) The new, converted, or rehabilitated multiple-unit housing must provide for a minimum of fifty percent of the space for permanent residential occupancy. In the case of existing occupied multifamily development, the multifamily housing must also provide for a minimum of four additional multifamily units. Existing multifamily vacant housing that has been vacant for twelve months or more does not have to provide additional multifamily units;

(4) New construction multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application;

(5) Property proposed to be rehabilitated must be vacant at least twelve months before submitting an application and fail to comply with one or more standards of the applicable state or local building or housing codes on or after the effective date of this section; and

(6) The applicant must enter into a contract with the city approved by the governing body under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

NEW SECTION. Sec. 7. (1) The following criteria must be met before an area may be designated as a residential targeted area:

(a) The area must be within an urban center, as determined by the governing authority;

(b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing to meet the needs of the public who would be likely to live in the urban center, if the desirable, attractive, and livable places to live were available; and

(c) The providing of additional housing opportunity in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter.

(2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

(3) The governing authority shall give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a residential targeted area if it finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority shall adopt standards and guidelines to be utilized in considering applications and making the determinations required under section 9 of this act. The standards and guidelines must establish basic requirements for both new construction and rehabilitation including application process and procedures. These guidelines may include the following:

- (a) Requirements that address demolition of existing structures and site utilization; and
- (b) Building requirements that may include elements addressing parking, height, density, environmental impact, and compatibility with the existing surrounding property and such other amenities as will attract and keep permanent residents and that will properly enhance the livability of the residential targeted area in which they are to be located.

NEW SECTION. Sec. 8. An owner of property seeking tax incentives under this chapter must complete the following procedures:

(1) In the case of rehabilitation or where demolition or new construction is required, the owner shall secure from the governing authority or duly authorized agent, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building and housing codes;

(2) In the case of new and rehabilitated multifamily housing, the owner shall apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption including information indicated on the application form or in the guidelines;

(b) A description of the project and site plan, including the floor plan of units and other information requested;

(c) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(3) The applicant must verify the application by oath or affirmation; and

(4) The application must be made on or before April 1 of each year, and must be accompanied by the application fee, if any, required under section 10 of this act. The governing authority may permit the applicant to revise an application before final action by the governing authority.

NEW SECTION. Sec. 9. The duly authorized administrative official or committee of the city may approve the application if it finds that:

(1) A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion a minimum of four additional multifamily units are being developed;

(2) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

(3) The owner has complied with all standards and guidelines adopted by the city under this chapter; and

(4) The site is located in a residential targeted area of an urban center that has been designated by the governing authority in accordance with procedures and guidelines indicated in section 7 of this act.

NEW SECTION. Sec. 10. (1) The governing authority or an administrative official or commission authorized by the governing authority shall approve or deny an application filed under this chapter within ninety days after receipt of the application.

(2) If the application is approved, the city shall issue the owner of the property a conditional certificate of acceptance of tax exemption. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in section 8 of this act.

(3) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission shall state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(4) Upon denial by a duly authorized administrative official or commission, an applicant may appeal the denial to the governing authority within thirty days after receipt of the denial. The appeal before the governing authority will be based upon the record made before the administrative official with the burden of proof on the applicant to show that there was no substantial evidence to support the

administrative official's decision. The decision of the governing body in denying or approving the application is final.

NEW SECTION. Sec. 11. The governing authority may establish an application fee. This fee may not exceed an amount determined to be required to cover the cost to be incurred by the governing authority and the assessor in administering this chapter. The application fee must be paid at the time the application for limited exemption is filed. If the application is approved, the governing authority shall pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the governing authority may retain that portion of the application fee attributable to its own administrative costs and refund the balance to the applicant.

NEW SECTION. Sec. 12. (1) Upon completion of rehabilitation or new construction for which an application for limited exemption under this chapter has been approved and after issuance of the certificate of occupancy, the owner shall file with the city the following:

(a) A statement of the amount of rehabilitation or construction expenditures made with respect to each housing unit and the composite expenditures made in the rehabilitation or construction of the entire property;

(b) A description of the work that has been completed and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption under this chapter; and

(c) A statement that the work has been completed within three years of the issuance of the conditional certificate of tax exemption.

(2) Within thirty days after receipt of the statements required under subsection (1) of this section, the authorized representative of the city shall determine whether the work completed is consistent with the application and the contract approved by the governing authority and is qualified for limited exemption under this chapter. The city shall also determine which specific improvements completed meet the requirements and required findings.

(3) If the rehabilitation, conversion, or construction is completed within three years of the date the application for limited exemption is filed under this chapter, or within an authorized extension of this time limit, and the authorized representative of the city determines that improvements were constructed consistent with the application and other applicable requirements and the owner's property is qualified for limited exemption under this chapter, the city shall file the certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section.

(4) The authorized representative of the city shall notify the applicant that a certificate of tax exemption is not going to be filed if the representative determines that:

(a) The rehabilitation or new construction was not completed within three years of the application date, or within any authorized extension of the time limit;

(b) The improvements were not constructed consistent with the application or other applicable requirements; or

(c) The owner's property is otherwise not qualified for limited exemption under this chapter.

(5) If the authorized representative of the city finds that construction or rehabilitation of multiple-unit housing was not completed within the required time period due to circumstances beyond the control of the owner and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed twenty-four consecutive months.

(6) The governing authority may provide by ordinance for an appeal of a decision by the deciding officer or authority that an owner is not entitled to a certificate of tax exemption to the governing authority, a hearing examiner, or other city officer authorized by the governing authority to hear the appeal in accordance with such reasonable procedures and time periods as provided by ordinance of the governing authority. The owner may appeal a decision by the deciding officer or authority that is not subject to local appeal or a decision by the local appeal authority that the owner is not entitled to a certificate of tax exemption in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty days of notification by the city to the owner of the decision being challenged.

NEW SECTION. Sec. 13. Thirty days after the anniversary of the date of the certificate of tax exemption and each year for a period of ten years, the owner of the rehabilitated or newly constructed property shall file with a designated agent of the city an annual report indicating the following:

(1) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the twelve months ending with the anniversary date;

(2) A certification by the owner that the property has not changed use since the date of the certificate approved by the city; and

(3) A description of changes or improvements constructed after issuance of the certificate of tax exemption.

NEW SECTION. Sec. 14. (1) If improvements have been exempted under this chapter, the improvements continue to be exempted and not be converted to another use for at least ten years from date of issuance of the certificate of tax exemption. If the owner intends to convert the multifamily development to another use, the owner shall notify the assessor within sixty days of the change in use. If, after a certificate of tax exemption has been filed with the county assessor the city or assessor or agent discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements as previously approved or agreed upon by contract between the governing authority and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to twenty percent. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority shall notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer shall either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor shall make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW. If there has been a failure to comply with this chapter, the property must be listed as an omitted

assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

NEW SECTION. **Sec. 15.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 16.** Sections 1 through 15 of this act shall constitute a new chapter in Title 84 RCW."

Correct the title accordingly.

Representative Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5387 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5387 as amended by the House, and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Clements, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 85.

Voting nay: Representatives Casada, Chopp, Cody, Hargrove, Hatfield, Kessler, Mason, Sheldon, Thibaudeau and Veloria - 10.

Excused: Representatives Basich and Dellwo - 2.

Second Substitute Senate Bill No. 5387, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5613, by Senators Pelz, Franklin, Hargrove, Snyder, Fraser, Bauer, McAuliffe, Smith, Prentice, Heavey and Rinehart

Revising the provision authorizing the department of labor and industries to hold industrial insurance orders in abeyance.

The bill was read the second time.

Representative Lisk moved that the committee amendment not be adopted. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Lisk moved adoption of the following amendment by Representative Lisk:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.52.060 and 1986 c 200 s 11 are each amended to read as follows:

~~((Any)) (1)(a) A worker, beneficiary, employer, or other person aggrieved by an order, decision, or award of the department must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which ~~((such))~~ a copy of ~~((such))~~ the order, decision, or award was communicated to such person, a notice of appeal to the board~~((: PROVIDED, That))~~. However, a health services provider or other person aggrieved by a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within twenty days from the day on which ~~((such))~~ a copy of ~~((such))~~ the order or decision was communicated to the health services provider upon whom the department order or decision was served, a notice of appeal to the board.~~

~~(b) Failure to file a notice of appeal with both the board and the department shall not be grounds for denying the appeal if the notice of appeal is filed with either the board or the department.~~

~~(2) Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties ~~((thereto))~~ to the appeal of the receipt ~~((thereof))~~ of the appeal and shall forward a copy of ~~((said))~~ the notice of appeal to ~~((such))~~ the other interested parties. Within twenty days of the receipt of such notice of the board, the worker or the employer may file with the board a cross-appeal from the order of the department from which the original appeal was taken~~((: PROVIDED, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: AND PROVIDED, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: AND PROVIDED, That,))~~.~~

~~(3) If within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department ~~((shall))~~ directs the submission of further evidence or the investigation of any further fact, the time for filing ~~((such))~~ the notice of appeal shall not commence to run until ~~((such))~~ the person ~~((shall have))~~ has been advised in writing of the final decision of the department in the matter~~((: PROVIDED, FURTHER, That))~~. In the event the department ~~((shall))~~ directs the submission of further evidence or the investigation of any further fact, as ~~((above))~~ provided in this section, the department shall render a final order, decision, or award within ninety days from the date ~~((such))~~ further submission of evidence or investigation of further fact is ordered which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days~~((: PROVIDED, FURTHER, That))~~.~~

~~(4) The department, either within the time limited for appeal, or within thirty days after receiving a notice of appeal, may:~~

~~(a) Modify, reverse, or change any order, decision, or award~~((, or may))~~; or~~

~~(b)(i) Except as provided in (b)(ii) of this subsection, hold ~~((any such))~~ an order, decision, or award in abeyance for a period of ninety days which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days pending further investigation in light of the allegations of the notice of appeal~~((, and))~~; or~~

~~(ii) Hold an order, decision, or award issued under RCW 51.32.160 in abeyance for a period not to exceed ninety days from the date of receipt of an application under RCW 51.32.160. The department may extend the ninety-day time period for an additional sixty days for good cause.~~

~~The board shall ~~((thereupon))~~ deny the appeal upon the issuance of an order under (b) (i) or (ii) of this subsection holding an earlier order, decision, or award in abeyance, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department.~~

~~This subsection (4)(b) does not apply to applications deemed granted under RCW 51.32.160.~~

~~(5) An employer shall have the right to appeal an application deemed granted under RCW 51.32.160 on the same basis as any other application adjudicated pursuant to that section.~~

(6) A provision of this section shall not be deemed to change, alter, or modify the practice or procedure of the department for the payment of awards pending appeal.

Sec. 2. RCW 51.32.160 and 1988 c 161 § 11 are each amended to read as follows:

(1)(a) If aggravation, diminution, or termination of disability takes place, the director may, upon the application of the beneficiary, made within seven years from the date the first closing order becomes final, or at any time upon his or her own motion, readjust the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: PROVIDED, That the director may, upon application of the worker made at any time, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. The department shall promptly mail a copy of the application to the employer at the employer's last known address as shown by the records of the department.

(b) "Closing order" as used in this section means an order based on factors which include medical recommendation, advice, or examination.

(c) Applications for benefits where the claim has been closed without medical recommendation, advice, or examination are not subject to the seven year limitation of this section. The preceding sentence shall not apply to any closing order issued prior to July 1, 1981. First closing orders issued between July 1, 1981, and July 1, 1985, shall, for the purposes of this section only, be deemed issued on July 1, 1985. The time limitation of this section shall be ten years in claims involving loss of vision or function of the eyes.

(d) If an order denying an application to reopen filed on or after July 1, 1988, is not issued within ninety days of receipt of such application by the self-insured employer or the department, such application shall be deemed granted. However, for good cause, the department may extend the time for making the final determination on the application for an additional sixty days.

(2) If a worker receiving a pension for total disability returns to gainful employment for wages, the director may suspend or terminate the rate of compensation established for the disability without producing medical evidence that shows that a diminution of the disability has occurred.

(3) No act done or ordered to be done by the director, or the department prior to the signing and filing in the matter of a written order for such readjustment shall be grounds for such readjustment."

Correct the title.

Representative Lisk moved adoption of the following amendment to the amendment by Representative Lisk:

On page 3, line 7, after "cause." insert the following:

"For purposes of this subsection, good cause includes delay that results from conduct of the claimant that is subject to sanction under RCW 51.32.110."

Representative Lisk spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Lisk spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lisk and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5613 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5613 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representative Dellwo - 1.

Engrossed Senate Bill No. 5613, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House immediately considered House Bill No. 2089.

HOUSE BILL NO. 2089, by Representatives B. Thomas, Foreman, Carrell, L. Thomas, Goldsmith, Cairnes, Johnson, Sehlin, Silver, Talcott, Smith, Campbell, Sheahan, Huff, Horn, McMorris, Beeksma, Fuhrman, Hymes, Thompson, Schoesler, Hargrove, Carlson, Pennington, Backlund, Lambert, Mitchell, Casada, Mielke, Mulliken, Honeyford, Robertson, McMahan, Buck, Stevens, Brumsickle, Benton, Sherstad, Dyer, Radcliff, Cooke, Delvin, D. Schmidt, Chandler, Ballasiotes, Elliot, Van Luven, Skinner, Blanton and Boldt

Enacting the taxpayer relief act of 1995.

The bill was read the second time.

With the consent of the House, amendment numbers 696, 847, 706 and 846 to House Bill No. 2089 were withdrawn.

Representative G. Fisher moved adoption of the following amendment by Representative G. Fisher:

On page 22, after line 24, insert the following:

"**Sec. 19.** RCW 82.04.4451 and 1994 sp.s. c 2 s 1 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. The maximum credit for a taxpayer for a reporting period is ~~((thirty-five))~~ four hundred fifty dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

(2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter.

(3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero."

Re-number remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 1, after line 5, strike the remainder of the amendment and insert:

"**NEW SECTION. Sec. 19.** The legislature finds:

- (1) Washington is the only state to impose a business and occupation tax upon gross income as its primary business tax;
- (2) The business and occupation tax is unrelated to a business's ability to pay;
- (3) The business and occupation tax arbitrarily penalizes businesses with low-profit margins, such as new businesses, high turnover businesses, and small, nonvertically integrated businesses;
- (4) The business and occupation tax results in multiple taxation by taxing full gross income at each stage of production, including manufacturing, wholesaling, and retailing; and
- (5) The business and occupation tax does not encourage economic development.

NEW SECTION. Sec. 20. There is hereby created a joint select committee on business tax reform composed of twelve members, with six members of the senate, three from each of the two largest caucuses, to be appointed by the president of the senate; and six members of the house of representatives, three from each of the two largest caucuses, to be appointed by the speaker of the house of representatives. The speaker of the house of representatives and the president of the senate shall designate cochairs of the committee. The expenses of the committee members shall be paid by the legislature under chapter 44.04 RCW. Staff support for the committee shall be provided by senate committee services and house of representatives office of program research as mutually agreed by the cochairs of the joint select committee. The committee may also use the research services provided to the legislature by the department of revenue under RCW 82.01.060(4).

NEW SECTION. Sec. 21. The joint select committee on business tax reform shall complete a thorough review of Washington's business tax system. The committee shall examine alternatives to the current business and occupation tax and recommend changes that would increase the overall fairness of the state's business tax system, reduce tax burdens for small businesses, and encourage economic development. The joint select committee on business tax reform shall submit its final report to the legislature by December 31, 1995."

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representative B. Thomas spoke in favor of the adoption of the amendment to the amendment.

Representative G. Fisher spoke against the adoption of the amendment to the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 62-YEAS, 34-NAYS. The amendment to the amendment was adopted.

The amendment as amended was adopted.

Representative R. Fisher moved adoption of the following amendment by Representative R. Fisher:

On page 22, after line 24, insert the following:

"**Sec. 19.** RCW 82.44.020 and 1993 sp.s. c 23 s 61 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be ~~((two))~~ 1.8 percent of the value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the value of such vehicle.

(3) Effective with October 1992 motor vehicle registration expirations, a clean air excise tax is imposed in addition to any other tax imposed by this section for the privilege of using in the state any motor vehicle as defined in RCW 82.44.010, except that farm vehicles as defined in RCW 46.04.181 shall not be subject to the tax imposed by this subsection. The annual amount of the additional excise

tax shall be two dollars and twenty-five cents. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be two dollars.

(4) An additional excise tax is imposed on truck-type power units that are used in combination with a trailer to transport loads in excess of forty thousand pounds combined gross weight. The annual amount of such additional excise tax shall be fifty-eight one-hundredths of one percent of the value of the vehicle.

The department shall distribute the additional tax collected under this subsection as follows:

(a) For each trailing unit subject to subsection (5) of this section, an amount equal to the clean air excise tax prescribed in subsection (3) of this section shall be distributed in the manner prescribed in RCW 82.44.110(3);

(b) Of the remainder of the additional excise tax collected under this subsection, ten percent shall be distributed in the manner prescribed in RCW 82.44.110(2) and ninety percent shall be distributed in the manner prescribed in RCW 82.44.110(1). This tax shall not apply to power units used exclusively for hauling logs.

(5) The excise taxes imposed by subsections (1) through (3) of this section shall not apply to trailing units which are used in combination with a power unit subject to the additional excise tax imposed by subsection (4) of this section. This subsection shall not apply to trailing units used for hauling logs.

(6) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(7) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

Sec. 20. RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c 492 s 253 are each reenacted and amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

(a) ~~((1.60))~~ 1.778 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

(b) ~~((8.15))~~ 9.056 percent into the Puget Sound capital construction account in the motor vehicle fund.

(c) ~~((4.07))~~ 4.522 percent into the Puget Sound ferry operations account in the motor vehicle fund.

(d) ~~((5.88))~~ 6.533 percent into the general fund to be distributed under RCW 82.44.155.

(e) ~~((4.75))~~ 5.278 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

(f) ~~((1.60))~~ 1.778 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

(g) ~~((62.6440 percent into the general fund through June 30, 1995, and))~~ 57.6440 percent into the general fund beginning July 1, 1995, through December 31, 1995, and 52.937 percent thereafter.

(h) ~~((5))~~ 5.556 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1995.

(i) ~~((5.9686))~~ 6.632 percent into the county criminal justice assistance account created in RCW 82.14.310.

(j) ~~((1.4937))~~ 1.326 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320.

(k) ~~((1.4937))~~ 1.326 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330.

(l) ~~((2.95))~~ 3.278 percent into the general fund to be distributed by the state treasurer to county health departments to be used exclusively for public health. The state treasurer shall distribute these funds proportionately among the counties based on population as determined by the most recent United States census.

Notwithstanding (i) through (k) of this subsection, no more than sixty million dollars shall be deposited into the accounts specified in (i) through (k) of this subsection for the period January 1, 1994, through June 30, 1995. For the fiscal year ending June 30, 1998, and for each fiscal year thereafter, the amounts deposited into the accounts specified in (i) through (k) of this subsection shall not increase by more than the amounts deposited into those accounts in the previous fiscal year increased by the implicit price deflator for the previous fiscal year. Any revenues in excess of this amount shall be deposited into the general fund.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by RCW 70.94.015."

Renumber remaining sections consecutively, correct internal references, and correct the title accordingly.

On page 60, after line 14, insert the following:

"NEW SECTION. **Sec. 72.** Sections 19 and 20 of this act shall take effect January 1, 1996."

Renumber remaining sections consecutively.

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 1, after line 5, strike everything through page 4, line 7, and insert:

"NEW SECTION. **Sec. 1.** a. There is hereby created a joint select committee on motor vehicle excise tax relief, composed of twelve members, with six members of the senate, three from each of the two largest caucuses, to be appointed by the president of the senate; and six members of the house of representatives, three from each of the two largest caucuses, to be appointed by the speaker of the house of representatives. The speaker of the house of representatives and the president of the senate shall designate cochair of the committee. The expenses of the committee members shall be paid by the legislature under chapter 44.04 RCW. Staff support for the committee shall be provided by senate committee services and house of representatives office of program research as mutually agreed by the cochair of the committee. The committee may also use the research services provided to the legislature by the department of revenue under RCW 82.01.060(4).

b. The committee shall complete a thorough study of the appropriateness of reducing the rate of the motor vehicle excise tax. The committee shall submit its final report to the legislature by December 31, 1995."

Renumber subsections consecutively, correct any internal references accordingly, and correct the title.

Representative B. Thomas spoke in favor of the adoption of the amendment to the amendment.

Representative R. Fisher spoke against the adoption of the amendment to the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, after line 5, to House Bill No. 2089 and the amendment was adopted by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn,

Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Excused: Representative Dellwo - 1.

The amendment as amended was adopted.

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

On page 22, after line 24, insert the following:

"**NEW SECTION. Sec. 19.** The department of revenue shall conduct a study on the benefits of providing a state-wide sales and use tax exemption on machinery and equipment used in cogeneration at a manufacturing site and deliver the report to the legislature by December 1, 1995. The report shall include, but not be limited to an estimate of the number of cogeneration projects that would be built, the estimated revenue impact to state and local government, and other factors the department may select. As used in this section, "cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel source."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Van Luven and B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Chappell moved adoption of the following amendment by Representative Chappell:

On page 22, after line 24, insert:

"**NEW SECTION. Sec. 19.** A new section is added to chapter 82.04 RCW to read as follows:

(1) During the first sixty months of operation, a new business with fewer than eight employees is exempt from taxes due under this chapter according to the following schedule:

<u>Year</u>	<u>Exemption</u>
1	50%
2	50%
3	50%
4	35%
5	20%
after 5	0%

A business is not eligible for exemption under this section after the sixtieth month of operation.

(2) As used in this section:

(a) "New business" means a business that obtained or was required to obtain a registration certificate under RCW 82.32.030 for the first time during the calendar year for which exemption is first claimed under this chapter.

(b) "New business" does not include:

(i) A business that has been restructured, reorganized, or transferred, unless the majority of the activities to be conducted after restructuring, reorganization, or transferral are significantly different from the activities previously conducted;

(ii) A new branch location or other facility except by an existing out-of-state entity first doing business in this state;

(iii) A business that is substantially similar to a business currently operated, or operated within the past five years, by the same principals.

The department may require a new business to certify its status as part of its master business application, or with the first tax return claiming exemption under this section."

Renumber remaining sections consecutively and correct internal references.

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 1, after line 3, strike everything through line 17 and insert:

"**NEW SECTION. Sec. 1.** a. There is hereby created a joint select committee on tax reform for new businesses, composed of twelve members, with six members of the senate, three from each of the two largest caucuses, to be appointed by the president of the senate; and six members of the house of representatives, three from each of the two largest caucuses, to be appointed by the speaker of the house of representatives. The speaker of the house of representatives and the president of the senate shall designate cochairs of the committee. The expenses of the committee members shall be paid by the legislature under chapter 44.04 RCW. Staff support for the committee shall be provided by senate committee services and house of representatives office of program research as mutually agreed by the cochairs of the committee. The committee may also use the research services provided to the legislature by the department of revenue under RCW 82.01.060(4).

b. The committee shall complete a thorough review of Washington's business tax system. The committee shall examine tax alternatives and recommend changes that would reduce tax burdens for new businesses. The committee shall submit its final report to the legislature by December 31, 1995."

On page 2, strike lines 4 through 6

Representative B. Thomas spoke in favor of the adoption of the to the amendment.

Representatives Chappell, L. Thomas Ebersole, Morris and Mason spoke against the adoption of the amendment to the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative B. Thomas again spoke in favor of the adoption of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, after line 3, to House Bill No. 2089 and the amendment was adopted by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Excused: Representative Dellwo - 1.

The amendment as amended was adopted.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 22, beginning on line 25, strike all of section 19 and insert the following:

"NEW SECTION. Sec. 19. It is the intent of sections 20 through 25 of this act to provide property tax relief for homeowners whose property taxes are at excessive levels. Rapid increases in home values often have the effect of increasing property taxes to excessive levels without an accompanying increase in a homeowner's ability to pay. Sections 20 through 25 of this act limit homeowners property taxes based on their ability to pay. Sections 20 through 25 of this act provide a means to eliminate tremendous surges in property taxes so that families will be able to keep pace and seniors will not be taxed out of their homes.

NEW SECTION. Sec. 20. As used in this section and sections 21 through 23 of this act, except where the context clearly indicates a different meaning:

(1) "Residence" means single-family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single-family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence shall be deemed real property.

(2) "Department" means the state department of revenue.

(3) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the assessment year for the treatment or care of either person received in the home or in a nursing home.

(4) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1995, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(5) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

NEW SECTION. Sec. 21. (1) A person is eligible to receive a partial reduction of regular and special property taxes if the following conditions are met:

(a) The property taxes must have been imposed upon a residence that was owned and occupied by the person claiming the reduction as a principal place of residence as of January 1st of the year for which the reduction is claimed. Confinement of the person to a hospital or nursing home shall not disqualify the claim of reduction if the residence is temporarily unoccupied or if the residence is occupied by a spouse or a person financially dependent on the claimant for support; and

(b) After taking the exemption under RCW 84.36.381 if applicable, the regular and special property taxes owed are in excess of five percent of the household's combined disposable income.

(2) In determining eligibility under this section, income shall be income for the year prior to which the property taxes are due. Persons applying for a reduction under this section must apply by August 30th of each year to qualify for the reduction.

NEW SECTION. Sec. 22. (1) The department shall provide to persons eligible under section 21(1) of this act an amount equal to that portion of regular and special property taxes that is in excess of five percent of the household's combined disposable income.

(2) The maximum allowable reduction for any household under section 21 of this act in 1995 is one thousand dollars. Thereafter, this reduction base is adjusted annually by the department based on the implicit price deflator for personal consumption expenditures as published by the United States department of commerce.

NEW SECTION. Sec. 23. The property tax reduction fund is created in the state treasury. Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for allowable reductions under section 21 of this act and costs of administering the program. The state treasurer shall credit money into the property tax reduction fund as necessary to provide property tax reductions and pay for administrative costs.

NEW SECTION. Sec. 24. The department of revenue may adopt rules to implement sections 19 through 26 of this act.

Sec. 25. RCW 84.52.067 and 1967 ex.s. c 133 s 2 are each amended to read as follows:

All property taxes levied by the state for the support of common schools shall be paid into the general fund or the property tax reduction fund of the state treasury, as provided in RCW 84.56.280.

NEW SECTION. Sec. 26. Sections 20 through 23 of this act are each added to chapter 84.36 RCW.

NEW SECTION. Sec. 27. Sections 19 through 25 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 1, after line 4, strike the remainder of the amendment and insert "On page 22, after line 31, insert:

"NEW SECTION. Sec. 20. The legislature finds:

(1) The property tax remains a key component of the state-local tax system, and by far the largest source of local government revenues;

(2) Average levy rates and effective tax rates have risen substantially over the last ten years;

(3) Property assessments may increase rapidly in certain geographic areas, resulting in sharp increases in taxes on many homeowners, without corresponding increases in ability to pay;

(4) Property tax increases may place financial hardships on many low-income and middle-income families;

(5) Current constitutional provisions relating to the property tax may not provide sufficient protections from such financial hardships;

(6) Some property tax relief measures that may be proposed to address this problem would result in unfair tax shifts and other inequities; and

(7) Some property tax relief measures that may be proposed to address this problem would result in costly administrative burdens upon state and local government budgets.

NEW SECTION. Sec. 21. There is hereby created a joint select committee on property tax reform composed of twelve members, with six members of the senate, three from each of the two

largest caucuses, to be appointed by the president of the senate; and six members of the house of representatives, three from each of the two largest caucuses, to be appointed by the speaker of the house of representatives. The speaker of the house of representatives and the president of the senate shall designate cochair of the committee. The expenses of the committee members shall be paid by the legislature under chapter 44.04 RCW. Staff support for the committee shall be provided by senate committee services and house of representatives office of program research as mutually agreed by the cochair of the joint select committee. The committee may also use the research services provided to the legislature by the department of revenue under RCW 82.01.060(4).

NEW SECTION. Sec. 22. The joint select committee on property tax reform shall complete a thorough review of this state's property tax system, addressing the following issues:

- (1) What is the nature and intent of the constitutional requirement of uniformity in property taxation?
- (2) Is fair market value the only constitutionally permitted basis for property taxation?
- (3) Does the current property tax administration comply with the uniformity requirement?
- (4) Assuming the greatest practicable compliance with the uniformity requirement, is the current property tax system fair and equitable?
- (5) Is the current property tax system perceived by the taxpayers to be a fair and equitable property tax system?
- (6) What changes, if any, should the legislature make in the property tax system?
- (7) Would these changes require an amendment of the state Constitution?
- (8) What would be the consequences of these changes on individual taxpayers, classes of taxpayers, and state and local government budgets?

NEW SECTION. Sec. 23. The joint select committee on property tax reform shall submit its final report to the legislature by December 31, 1995."

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representative B. Thomas spoke in favor of the adoption of the amendment to the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representatives Morris, Brown, G. Fisher and Patterson spoke against the adoption of the amendment to the amendment.

Representative Morris again spoke against the adoption of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, after line 4, to House Bill No. 2089 and the amendment was adopted by the following vote: Yeas - 60, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Voting nay: Representatives Appelwick, Basich, Benton, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 36.

Excused: Representative Dellwo - 1.

The amendment as amended was adopted.

With the consent of the House, amendment numbers 697, 849, 736 and 843 to House Bill No. 2089 were withdrawn.

Representative Cody moved adoption of the following amendment by Representative Cody:

On page 40, line 38, after "tax" insert ", however no seller convicted under RCW 70.155.100(2)(a)(v) shall be eligible for reimbursement under this section for a period of five years"

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 1, after line 4, strike everything through line 12, and insert "On page 40, after line 38, insert:

"**NEW SECTION. Sec. 1.** a. There is hereby created a joint select committee on cigarette retailer reimbursement, composed of twelve members, with six members of the senate, three from each of the two largest caucuses, to be appointed by the president of the senate; and six members of the house of representatives, three from each of the two largest caucuses, to be appointed by the speaker of the house of representatives. The speaker of the house of representatives and the president of the senate shall designate cochairs of the committee. The expenses of the committee members shall be paid by the legislature under chapter 44.04 RCW. Staff support for the committee shall be provided by senate committee services and house of representatives office of program research as mutually agreed by the cochairs of the committee. The committee may also use the research services provided to the legislature by the department of revenue under RCW 82.01.060(4).

b. The committee shall complete a thorough review of the effect of sales tax reimbursement for retailers who sell cigarettes to minors. The committee shall submit its final report to the legislature by December 31, 1995."

Renumber subsections consecutively and correct any internal references accordingly.

Representative B. Thomas spoke in favor of the adoption of the amendment to the amendment.

Representative Cody spoke against the adoption of the amendment to the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, after line 4, to House Bill No. 2089 and the amendment was adopted by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luvan and Mr. Speaker - 61.

Voting nay: Representatives Appelwick, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Koster, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Excused: Representative Dellwo - 1.

The amendment as amended was withdrawn.

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

On page 56, after line 23, insert the following:

"NEW SECTION. Sec. 62. The legislature finds that property owners often hire property management companies to manage their real property. Frequently, the property management companies also manage the personnel who perform the necessary services at the property location. The property management company is merely acting as a conduit for the property owner's payment to the personnel at the property site.

Section 63 of this act is intended to clarify that the business and occupation tax does not apply to amounts received by a property management company and paid to on-site personnel. Section 63 of this act is not intended to modify the taxation of amounts received by a property management company for purposes other than payment to on-site personnel.

NEW SECTION. Sec. 63. A new section is added to chapter 82.04 RCW to read as follows:

This chapter shall not apply to amounts received by a property management company from the owner of a property for gross wages and benefits paid to or on behalf of on-site personnel. In such cases, the property owners may pay the on-site personnel through use of trust accounts, dedicated bank accounts, or paymaster accounts established for this purpose by the property management company. As used in this section, "on-site personnel" means a person who meets all of the following conditions: (1) The person works at the owner's property; (2) the person's duties include leasing property units, maintaining the property, collecting rents, or similar activities; and (3) pursuant to a written property management agreement, the person's compensation is the obligation of the property owner and not the property manager."

On page 60, line 9, after "through" strike "62" and insert "64"

Representatives Van Luven and B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment numbers 704, 707 and 850 to House Bill No. 2089 were withdrawn.

Representative Morris moved adoption of the following amendment by Representative Morris:

On page 59, after line 38, insert the following:

"NEW SECTION. Sec. 68. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to a volunteer fire department that does not provide any remuneration or reimbursement to any commissioner, fire fighter, or staff.

NEW SECTION. Sec. 69. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of any item acquired by a volunteer fire department that does not provide any remuneration or reimbursement to any commissioner, fire fighter, or staff."

On page 60, after line 16, insert the following:

"NEW SECTION. Sec. 73. Sections 68 and 69 of this act shall take effect January 1, 1996."

Renumber the remaining section, correct internal references, and correct the title accordingly.

Representative Morris spoke in favor of the adoption of the amendment.

Representative B. Thomas spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Morris again spoke in favor of the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 59, line 38, to House Bill No. 2089 and the amendment was not adopted by the following vote: Yeas - 39, Nays - 57, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Brumsickle, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Pennington, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 39.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 57.

Excused: Representative Dellwo - 1.

STATEMENT FOR THE JOURNAL

In intended to vote YEA on Amendment 713 to Substitute House Bill No. 2089.

PEGGY JOHNSON, 35th District

Representative Cole moved adoption of the following amendment by Representative Cole:

On page 59, after line 38, insert the following:

"NEW SECTION. Sec. 68. A new section is added to chapter 82.08 RCW to read as follows:
The tax levied by RCW 82.08.020 shall not apply to sales to public schools, as defined in RCW 28A.150.010, and institutions of higher education, as defined in RCW 28B.10.016(4), of items necessary for the provision of services and the operation and maintenance of the public school or institution of higher education.

NEW SECTION. Sec. 69. A new section is added to chapter 82.12 RCW to read as follows:
The provisions of this chapter shall not apply in respect to the use by public schools, as defined in RCW 28A.150.010, and institutions of higher education, as defined in RCW 28B.10.016(4), of items acquired for the provision of services and the operation and maintenance of the public school or institution of higher education."

On page 60, line 4, strike "67" and insert "69"

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 1, after line 5, strike everything through line 23, and insert:
"NEW SECTION. Sec. 68. (1) There is hereby created a joint select committee on education expenditures taxation, composed of twelve members, with six members of the senate, three from each of the two largest caucuses, to be appointed by the president of the senate; and six members of the house of representatives, three from each of the two largest caucuses, to be appointed by the speaker of the house of representatives. The speaker of the house of representatives and the president of the

senate shall designate cochairs of the committee. The expenses of the committee members shall be paid by the legislature under chapter 44.04 RCW. Staff support for the committee shall be provided by senate committee services and house of representatives office of program research as mutually agreed by the cochairs of the committee. The committee may also use the research services provided to the legislature by the department of revenue under RCW 82.01.060(4).

(2) The committee shall complete a thorough review of the effect of Washington's tax system on expenditures by public schools and institutions of higher education, with particular emphasis on the appropriateness of a sales and use tax exemption for those expenditures. The committee shall submit its final report to the legislature by December 31, 1995."

Renumber subsections consecutively, correct any internal references accordingly, and correct the title.

Representative B. Thomas spoke in favor of the adoption of the amendment to the amendment.

Representative Cole spoke against the adoption of the amendment to the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, after line 5, to House Bill No. 2089 and the amendment was adopted by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehnlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Excused: Representative Dellwo - 1.

The amendment as amended was adopted.

Representative Dickerson moved adoption of the following amendment by Representative Dickerson:

On page 59, after line 38, insert the following:

"**Sec. 68.** RCW 82.08.0281 and 1993 sp.s. c 25 s 308 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of ~~((prescription))~~ drugs, including sales to the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients ~~((by prescription))~~ without charge. The term "~~((prescription))~~ drugs" shall include any medicine, drug, ~~((prescription lens))~~ vitamin, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans, or for use for family planning purposes, including the prevention of conception, whether supplied~~((:~~

~~(1) By a family planning clinic that is under contract with the department of health to provide family planning services; or~~

~~(2) Under the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions; or~~

~~(3) Upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist; or~~

~~(4) By refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist; or~~

~~(5) By physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses)) by prescription of a practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions or authorized by the federal food and drug administration for over-the-counter sale.~~

~~(2) The tax levied by RCW 82.08.020 shall not apply to sales of eyeglasses intended to aid or correct visual defects or anomalies of humans.~~

~~(3) The tax levied by RCW 82.08.020 shall not apply to sales of the following medical care products: Fever thermometers, first aid supplies, vaporizers, humidifiers, and other health-aid appliances, and convalescent aids.~~

~~(4) The tax levied by RCW 82.08.020 shall not apply to sales of adult incontinent pads and pants.~~

Sec. 69. RCW 82.08.0283 and 1991 c 250 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of insulin and items necessary for injecting insulin; prosthetic ~~((and))~~ devices; orthotic devices prescribed for an individual by a person licensed under chapters 18.25, 18.57, or 18.71 RCW ~~((or))~~; hearing aids dispensed or fitted by a person licensed under chapter 18.35 RCW; medicines of mineral, animal, and botanical origin prescribed, administered, dispensed, or used in the treatment of an individual by a person licensed under chapter 18.36A RCW; ostomic items; durable medical equipment prescribed for an individual by a person authorized by the state to prescribe durable medical equipment; and medically prescribed oxygen. In addition, the tax levied by RCW 82.08.020 shall not apply to sales or charges made for tangible personal property consumed and for labor and services rendered in the repair of any of the items exempted under this section.

(2) For the purposes of this section~~((;))~~:

(a) "Medically prescribed oxygen" includes, but is not limited to, sale or rental of oxygen concentrator systems, oxygen enricher systems, liquid oxygen systems, and gaseous, bottled oxygen systems to an individual under a prescription issued by a person licensed under chapter 18.57 or 18.71 RCW for use in the medical treatment of that individual.

(b) "Durable medical equipment" includes, but is not limited to, wheelchairs, hospital beds, standing aids, walking aids, bathroom aids, aids to daily living, lifting devices and chairs, and parts and accessories of all such durable medical equipment.

Sec. 70. RCW 82.12.0275 and 1993 sp.s. c 25 s 309 are each amended to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of ~~((prescription))~~ drugs, including the use by the state or a political subdivision or municipal corporation thereof of drugs to be dispensed to patients ~~((by prescription))~~ without charge. The term "~~((prescription))~~ drugs" shall include any medicine, drug, ~~((prescription-lens))~~ vitamin, or other substance other than food for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or other ailment in humans, or for use for family planning purposes, including the prevention of conception, whether supplied~~((;~~

~~(1) By a family planning clinic that is under contract with the department of health to provide family planning services; or~~

~~(2) Under the written prescription to a pharmacist by a practitioner authorized by law of this state or laws of another jurisdiction to issue prescriptions; or~~

~~(3) Upon an oral prescription of such practitioner which is reduced promptly to writing and filed by a duly licensed pharmacist; or~~

~~(4) By refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist; or~~

~~(5) By physicians or optometrists by way of written directions and specifications for the preparation, grinding, and fabrication of lenses)) by prescription of a practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions or authorized by the federal food and drug administration for over-the-counter sale.~~

~~(2) The provisions of this chapter shall not apply in respect to the use of eyeglasses intended to aid or correct visual defects or anomalies of humans.~~

(3) The provisions of this chapter shall not apply in respect to the use of the following medical care products: Fever thermometers, first aid supplies, vaporizers, humidifiers, and other health-aid appliances, and convalescent aids.

(4) The provisions of this chapter shall not apply with respect to the use of adult incontinent pads and pants.

Sec. 71. RCW 82.12.0277 and 1991 c 250 s 3 are each amended to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of insulin and items necessary for injecting insulin; prosthetic ((and)) devices; orthotic devices prescribed for an individual by a person licensed under chapters 18.25, 18.57, or 18.71 RCW ((or)); hearing aids dispensed or fitted by a person licensed under chapter 18.35 RCW; medicines of mineral, animal, and botanical origin prescribed, administered, dispensed, or used in the treatment of an individual by a person licensed under chapter 18.36A RCW; ostomic items; durable medical equipment prescribed for an individual by a person authorized by the state to prescribe durable medical equipment; and medically prescribed oxygen. In addition, the provisions of this chapter shall not apply with respect to the use of tangible personal property consumed in the repair of any of the items exempted under this section.

(2) For the purposes of this section((7)):

(a) "Medically prescribed oxygen" includes, but is not limited to, sale or rental of oxygen concentrator systems, oxygen enricher systems, liquid oxygen systems, and gaseous, bottled oxygen systems to an individual under a prescription issued by a person licensed under chapter 18.57 or 18.71 RCW for use in the medical treatment of that individual.

(b) "Durable medical equipment" includes, but is not limited to, wheelchairs, hospital beds, standing aids, walking aids, bathroom aids, aids to daily living, lifting devices and chairs, and parts and accessories of all such durable medical equipment."

On page 60, line 4, strike "67" and insert "71"

The amendment was adopted.

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 1, after line 5, strike everything through page 4, line 23 and insert:

"NEW SECTION. Sec. 1. a. There is hereby created a joint select medical products tax relief committee, composed of twelve members, with six members of the senate, three from each of the two largest caucuses, to be appointed by the president of the senate; and six members of the house of representatives, three from each of the two largest caucuses, to be appointed by the speaker of the house of representatives. The speaker of the house of representatives and the president of the senate shall designate cochairs of the committee. The expenses of the committee members shall be paid by the legislature under chapter 44.04 RCW. Staff support for the committee shall be provided by senate committee services and house of representatives office of program research as mutually agreed by the cochairs of the committee. The committee may also use the research services provided to the legislature by the department of revenue under RCW 82.01.060(4).

b. The committee shall complete a thorough study of the appropriateness of sales and use tax exemptions for nonprescription drugs, vitamins, durable medical equipment, and similar medical products. The committee shall submit its final report to the legislature by December 31, 1995."

ReNUMBER subsections consecutively, correct any internal references accordingly, and correct the title.

Representative B. Thomas spoke in favor of the adoption of the amendment to the amendment.

Representative Dickerson spoke against the adoption of the amendment to the amendment.

Representative Hatfield demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, after line 5, to House Bill No. 2089 and the amendment was adopted by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Excused: Representative Dellwo - 1.

The amendment as amended was adopted.

With the consent of the House, amendment numbers 813, 842, 854, 855, 858, 859 and 860 to House Bill No. 2089 were withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Thomas, Chappell, Foreman, Smith, Morris, Benton, Sheldon and Pennington spoke in favor of passage of the bill.

Representatives Brown, Valle, Ebersole, Conway and Romero spoke against passage of the bill.

MOTION

On motion of Representative Sheahan, Rule 13C was suspended.

Representative K. Schmidt demanded the previous question and the demand was sustained.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2089.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2089, and the bill passed the House by the following vote: Yeas - 75, Nays - 21, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 75.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Jacobsen, Mason, Ogden, Poulsen, Regala, Rust, Sommers, Thibaudeau, Tokuda, Valle and Veloria - 21.

Excused: Representative Dellwo - 1.

Engrossed House Bill No. 2089, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5943, by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart, Prince, Sheldon, Deccio and Kohl)

Financing convention and trade centers.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The governing body of a city, while not required by legislative mandate to do so, may, after July 1, 1995, by resolution or ordinance for the purposes authorized under sections 5 and 7 of this act, fix and impose a sales tax on the charge for rooms to be used for lodging by transients in accordance with the terms of chapter . . . , Laws of 1995 (this act). Such tax shall be collected from those persons who are taxable by the state under RCW 67.40.090, but only those taxable persons located within the boundaries of the city imposing the tax. The rate of such tax imposed by a city shall be two percent of the charge for rooms to be used for lodging by transients. Any such tax imposed under this section shall not be collected prior to January 1, 2000. The tax authorized under this section shall be levied and collected in the same manner as those taxes authorized under chapter 82.14 RCW. Penalties, receipts, abatements, refunds, and all other similar matters relating to the tax shall be as provided in chapter 82.08 RCW.

(2) The tax levied under this section shall remain in effect and not be modified for that period for which the principal and interest obligations of state bonds issued to finance the expansion of the state convention and trade center under RCW 67.40.030 remain outstanding.

(3) As used in this section, the term "city" means a municipality that has within its boundaries a convention and trade facility as defined in RCW 67.40.020.

NEW SECTION. Sec. 2. When remitting sales tax receipts to the state under RCW 82.14.050, the city treasurer, or its designee, shall at the same time remit the sales taxes collected under section 1 of this act for the municipality. The sum so collected and paid over on behalf of the municipality shall be credited against the amount of the tax otherwise due to the state from those same taxpayers under RCW 82.08.020(1).

NEW SECTION. Sec. 3. (1) The cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales tax under section 1 of this act, the administration and collection of the local option sales tax to the state department of revenue at no cost to the municipality. The tax authorized by chapter . . . , Laws of 1995 (this act) which is collected by the department of revenue shall be deposited by the state into the account created under RCW 67.40.040 in the state treasury.

(2) The sales tax authorized under section 1 of this act shall be due and payable in the same manner as those taxes authorized under RCW 82.14.030.

NEW SECTION. Sec. 4. The state sales tax on construction performed under section 5 of this act collected by the department of revenue under chapter 82.08 RCW shall be deposited by the state into the account created under RCW 67.40.040 in the state treasury.

NEW SECTION. Sec. 5. All taxes levied and collected under section 1 of this act shall be credited to the state convention and trade center account in the state treasury and used solely by the

corporation formed under RCW 67.40.020 for the purpose of paying all or any part of the cost associated with: The financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of convention center facilities related to the expansion recommended by the convention center expansion and city facilities task force created under section 148, chapter 6, Laws of 1994 sp. sess.; the acquisition, construction, and relocation costs of replacement housing; and the repayment of loans and advances from the state, including loans authorized previously under this chapter, or to pay or secure the payment of all or part of the principal of or interest on any state bonds issued for purposes authorized under this chapter.

NEW SECTION. Sec. 6. Upon the effective date of this act, the corporation may proceed with preliminary design and planning activities, environmental studies, and real estate appraisals for convention center improvements. No other expenditures may be made in support of the expansion project recommended by the convention center expansion and city facilities task force created under section 148, chapter 6, Laws of 1994 sp. sess. prior to acceptance by the board of directors of the corporation of an irrevocable commitment for funding from public or private participants consistent with the expansion development study task force recommendations report dated December 1994.

NEW SECTION. Sec. 7. (1) Moneys received from any tax imposed under section 1 of this act shall be used for the purpose of providing funds to the corporation for the costs associated with paying all or any part of the cost associated with: The financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of convention center facilities; the acquisition, construction, and relocation costs of replacement housing; and repayment of loans and advances from the state, including loans authorized previously under this chapter, or to pay or secure the payment of all or part of the principal of or interest on any state bonds issued for purposes authorized under this chapter.

(2) If any of the revenue from any local sales tax authorized under section 1 of this act shall have been encumbered or pledged by the state to secure the payment of any state bonds as authorized under RCW 67.40.030, then as long as that agreement or pledge shall be in effect, the legislature shall not withdraw from the municipality the authority to levy and collect the tax or the tax credit authorized under sections 1 and 2 of this act.

Sec. 8. RCW 67.28.180 and 1991 c 363 s 139 and 1991 c 336 s 1 are each reenacted and amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and

equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in other counties, for county-owned facilities for agricultural promotion. A county is exempt under this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as ~~((and to the extent that))~~ the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, and the performing arts. Moneys spent under this subsection (3)(a)(i) shall be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

(ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium capital improvements, as defined in subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(b) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(b) must be financially stable and have at least the following:

(i) A legally constituted and working board of directors;

(ii) A record of artistic, heritage, or cultural accomplishments;

(iii) Been in existence and operating for at least two years;

(iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;

(v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and

(vi) Evidence that there has been independent financial review of the organization.

(c) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) School districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection.

(e) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(f) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(g) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(h) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(i) If ~~((a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if))~~ a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(j) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(j) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

Sec. 9. RCW 67.28.182 and 1987 c 483 s 2 are each amended to read as follows:

(1) The legislative body of ~~((Pierce))~~ any county with a population of over five hundred thousand but less than one million, within which is a national park, and the ~~((councils))~~ legislative bodies of cities in ~~((Pierce county))~~ these counties are each authorized to levy and collect a special excise tax of not to exceed ~~((two))~~ five percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the county or city. Such taxes shall be levied ~~((only))~~ as follows: (a) At least two percent for the purpose of visitor and convention promotion and development, including marketing of local convention facilities; and (b) at least three percent for the acquisition, construction, expansion, marketing, management, and financing of convention facilities, and facilities necessary to support major tourism destination attractions that serve a minimum of one million visitors per year. Until withdrawn for use, the moneys accumulated in such fund may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law.

Sec. 10. RCW 67.28.240 and 1993 sp.s. c 16 s 3 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of three percent on the sale of or

charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No ~~((city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no))~~ county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

NEW SECTION. **Sec. 11.** RCW 67.28.250 and 1992 c 156 s 2 & 1988 ex.s. c 1 s 22 are each repealed.

Sec. 12. RCW 67.40.020 and 1993 c 500 s 9 are each amended to read as follows:

(1) The governor is authorized to form a public nonprofit corporation in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The public corporation shall be an instrumentality of the state and have all the powers and be subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but shall exercise those powers only for carrying out the purposes of this chapter and those purposes necessarily implied therefrom. The governor shall appoint a board of nine directors for the corporation who shall serve terms of six years, except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. After January 1, 1991, at least one position on the board shall be filled by a member representing management in the hotel or motel industry subject to taxation under RCW 67.40.090. The directors may provide for the payment of their expenses. The corporation may ~~((cause a state convention and trade center with an overall size of approximately three hundred thousand square feet to be designed and constructed on a site in the city of Seattle. In acquiring, designing, and constructing the state convention and trade center, the corporation shall consider the recommendations and proposals issued on December 11, 1981, by the joint select committee on the state convention and trade center))~~ acquire, construct, expand, and improve the state convention and trade center within the city of Seattle. Notwithstanding the provisions of subsection (2) of this section, the corporation may acquire, lease, sell, or otherwise encumber property rights, including but not limited to development or condominium rights, deemed by the corporation as necessary for facility expansion.

(2) The corporation may acquire and transfer real and personal property by lease, sublease, purchase, or sale, and further acquire property by condemnation of privately owned property or rights to and interests in such property pursuant to the procedure in chapter 8.04 RCW. However, acquisitions and transfers of real property, other than by lease, may be made only if the acquisition or transfer is approved by the director of financial management in consultation with the chairpersons of the appropriate fiscal committees ~~((on ways and means))~~ of the senate and house of representatives. The corporation may accept gifts or grants, request the financing provided for in RCW 67.40.030, cause the state convention and trade center facilities to be constructed, and do whatever is necessary or appropriate to carry out those purposes. Upon approval by the director of financial management in consultation with the chairpersons of the ~~((ways and means))~~ appropriate fiscal committees of the house of representatives and the senate, the corporation may enter into lease and sublease contracts for a term exceeding the fiscal period in which these lease and sublease contracts are made. The terms of sale or lease of properties acquired by the corporation on February 9, 1987, pursuant to the property purchase and settlement agreement entered into by the corporation on June 12, 1986, including the McKay parcel which the corporation is contractually obligated to sell under that agreement, shall also be subject to the approval of the director of financial management in consultation with the chairpersons of the ~~((ways and means))~~ appropriate fiscal committees of the house of representatives and the senate. No approval by the director of financial management is required for leases of individual retail space,

meeting rooms, or convention-related facilities. In order to allow the corporation flexibility to secure appropriate insurance by negotiation, the corporation is exempt from RCW 48.30.270. The corporation shall maintain, operate, promote, and manage the state convention and trade center.

(3) In order to allow the corporation flexibility in its personnel policies, the corporation is exempt from chapter 41.06 RCW, chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW and chapter 41.40 RCW.

Sec. 13. RCW 67.40.030 and 1990 c 181 s 1 are each amended to read as follows:

For the purpose of providing funds for the state convention and trade center, the state finance committee is authorized to issue, upon request of the corporation formed under RCW 67.40.020 and in one or more offerings, general obligation bonds of the state of Washington in the sum of ~~((one))~~ two hundred sixty million, seven hundred sixty-five thousand dollars, or so much thereof as may be required, to finance this project and all costs incidental thereto, to capitalize all or a portion of interest during construction, to provide for expansion, renovation, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, and contingency costs of the center, purchase of the McKay Parcel as defined in the property and purchase agreement entered into by the corporation on June 12, 1986, development of low-income housing and to reimburse the general fund for expenditures in support of the project and for those expenditures authorized under section 5 of this act. The state finance committee may make such bond covenants as it deems necessary to carry out the purposes of this section and this chapter. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

Sec. 14. RCW 67.40.040 and 1991 sp.s. c 13 s 11 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the ~~((tax))~~ taxes imposed under RCW 67.40.090 and section 1 of this act, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under section 5 of this act shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in section 5 of this act;

(iii) For acquisition, design, and construction of the state convention and trade center; and

~~((iii))~~ (iv) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under chapter . . . , Laws of 1995 (this act) with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter . . . , Laws of 1995 (this act) and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

Sec. 15. RCW 67.40.045 and 1993 sp.s. c 12 s 9 are each amended to read as follows:

(1) The director of financial management, in consultation with the chairpersons of the ((ways and means)) appropriate fiscal committees of the senate and house of representatives, may authorize temporary borrowing from the state treasury for the purpose of covering cash deficiencies in the state convention and trade center account resulting from project completion costs. Subject to the conditions and limitations provided in this section, lines of credit may be authorized at times and in amounts as the director of financial management determines are advisable to meet current and/or anticipated cash deficiencies. Each authorization shall distinctly specify the maximum amount of cash deficiency which may be incurred and the maximum time period during which the cash deficiency may continue. The total amount of borrowing outstanding at any time shall never exceed the lesser of:

(a) \$58,275,000; or

(b) An amount, as determined by the director of financial management from time to time, which is necessary to provide for payment of project completion costs.

(2) Unless the due date under this subsection is extended by statute, all amounts borrowed under the authority of this section shall be repaid to the state treasury by June 30, ((1997)) 1999, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed. Borrowing may be authorized from any excess balances in the state treasury, except the agricultural permanent fund, the Millersylvania park permanent fund, the state university permanent fund, the normal school permanent fund, the permanent common school fund, and the scientific permanent fund.

(3) As used in this section, "project completion" means:

(a) All remaining development, construction, and administrative costs related to completion of the convention center; and

(b) Costs of the McKay building demolition, Eagles building rehabilitation, development of low-income housing, and construction of rentable retail space and an operable parking garage.

(4) It is the intent of the legislature that project completion costs be paid ultimately from the following sources:

(a) \$29,250,000 to be received by the corporation under an agreement and settlement with Industrial Indemnity Co.;

(b) \$1,070,000 to be received by the corporation as a contribution from the city of Seattle;

(c) \$20,000,000 from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(d) \$4,765,000 for contingencies and project reserves from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(e) \$13,000,000 for conversion of various retail and other space to meeting rooms, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(f) \$13,300,000 for expansion at the 900 level of the facility, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090;

(g) \$10,400,000 for purchase of the land and building known as the McKay Parcel, for development of low-income housing, for development, construction, and administrative costs related to completion of the state convention and trade center, including settlement costs related to construction litigation, and for partially refunding obligations under the parking garage revenue note issued by the corporation to Industrial Indemnity Company in connection with the agreement and settlement identified in (a) of this subsection, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090. All proceeds from any sale of the McKay parcel shall be deposited in the state convention and trade center account and shall not be expended without appropriation by law;

(h) \$300,000 for Eagles building exterior cleanup and repair, from additional general obligation bonds to be repaid from the special excise tax under RCW 67.40.090; and

(i) The proceeds of the sale of any properties owned by the state convention and trade center that are not planned for use for state convention and trade center operations, with the proceeds to be used for development, construction, and administrative costs related to completion of the state convention and trade center, including settlement costs related to construction litigation.

(5) The borrowing authority provided in this section is in addition to the authority to borrow from the general fund to meet the bond retirement and interest requirements set forth in RCW 67.40.060. To the extent the specific conditions and limitations provided in this section conflict with the general conditions and limitations provided for temporary cash deficiencies in RCW 43.88.260

(section 7, chapter 502, Laws of 1987), the specific conditions and limitations in this section shall govern.

(6) For expenditures authorized under section 5 of this act, the corporation may use the proceeds of the special excise tax authorized under RCW 67.40.090, the sales tax authorized under section 1 of this act, contributions to the corporation from public or private participants, and investment earnings on any of the funds listed in this subsection.

Sec. 16. RCW 67.40.090 and 1991 c 2 s 3 are each amended to read as follows:

(1) Commencing April 1, 1982, there is imposed, and the department of revenue shall collect, in King county a special excise tax on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes rental or lease of real property and not a mere license to use or enjoy the same. The legislature on behalf of the state pledges to maintain and continue this tax until the bonds authorized by this chapter are fully redeemed, both principal and interest.

(2) The rate of the tax imposed under this section shall be as provided in this subsection.

(a) From April 1, 1982, through December 31, 1982, inclusive, the rate shall be three percent in the city of Seattle and two percent in King county outside the city of Seattle.

(b) From January 1, 1983, through June 30, 1988, inclusive, the rate shall be five percent in the city of Seattle and two percent in King county outside the city of Seattle.

(c) From July 1, 1988, through December 31, 1992, inclusive, the rate shall be six percent in the city of Seattle and two and four-tenths percent in King county outside the city of Seattle.

(d) From January 1, 1993, and until ~~((the change date))~~ bonds and all other borrowings authorized under RCW 67.40.030 are retired, the rate shall be seven percent in the city of Seattle and two and eight-tenths percent in King county outside the city of Seattle.

(e) Except as otherwise provided in (d) of this subsection, on and after the change date, the rate shall be six percent in the city of Seattle and two and four-tenths percent in King county outside the city of Seattle.

(f) As used in this section, "change date" means the October 1st next occurring after certification occurs under (g) of this subsection.

(g) On August 1st of 1998 and of each year thereafter until certification occurs under this subsection, the state treasurer shall determine whether seventy-one and forty-three one-hundredths percent of the revenues actually collected and deposited with the state treasurer for the tax imposed under this section during the twelve months ending June 30th of that year, excluding penalties and interest, exceeds the amount actually paid in debt service during the same period for bonds issued under RCW 67.40.030 by at least two million dollars. If so, the state treasurer shall so certify to the department of revenue.

(3) The proceeds of the special excise tax shall be deposited as provided in this subsection.

(a) Through June 30, 1988, inclusive, all proceeds shall be deposited in the state convention and trade center account.

(b) From July 1, 1988, through December 31, 1992, inclusive, eighty-three and thirty-three one-hundredths percent of the proceeds shall be deposited in the state convention and trade center account. The remainder shall be deposited in the state convention and trade center operations account.

(c) From January 1, 1993, until the change date, eighty-five and seventy-one-hundredths percent of the proceeds shall be deposited in the state convention and trade center account. The remainder shall be deposited in the state convention and trade center operations account.

(d) On and after the change date, eighty-three and thirty-three one-hundredths percent of the proceeds shall be deposited in the state convention and trade center account. The remainder shall be deposited in the state convention and trade center operations account.

(4) Chapter 82.32 RCW applies to the tax imposed under this section.

NEW SECTION. **Sec. 17.** Sections 1 through 7 of this act are each added to chapter 67.40 RCW.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "centers," strike the remainder of the title and insert "amending RCW 67.28.182, 67.28.240, 67.40.020, 67.40.030, 67.40.040, 67.40.045, and 67.40.090; reenacting and amending RCW 67.28.180; adding new sections to chapter 67.40 RCW; repealing RCW 67.28.250; and declaring an emergency."

Representative Mielke moved adoption of the following amendment to the amendment by Representative Mielke:

On page 11, after line 9, insert the following:

"**NEW SECTION. Sec. 12.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of a city located east of the crest of the Cascade mountains with a population of not less than one hundred seventy-five thousand is authorized to levy and collect an additional excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purpose of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The provisions of RCW 67.28.190 apply to the tax levied and collected under this section.

(3) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the city. Such taxes only for the acquisition, construction, expansion, renovation, maintenance, and operation of a convention and trade center owned by the city."

Re-number the remaining sections consecutively, correct the internal references accordingly and correct the title.

Representatives Mielke and Brown spoke in favor of the adoption of the amendment to the amendment.

Representatives Sehlin and B. Thomas spoke against the adoption of the amendment to the amendment.

Representative Mielke again spoke in favor of the adoption of the amendment to the amendment.

The amendment was not adopted.

Representative Ballasiotes moved adoption of the following amendment to the amendment by Representative Ballasiotes:

On page 11, line 10 of the amendment, strike section 13

On page 12, line 33, strike "chapter...,Laws of 1995 (this act)" and insert "RCW 67.40.030"

Representative Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 825 to Engrossed Substitute Senate Bill No. 5943 was withdrawn.

Representatives Van Luven, Huff, Horn and Robertson spoke in favor of the adoption of the amendment as amended.

Representatives Sehlin and Sherstad spoke against the adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ogden, Ballasiotes and Dyer spoke in favor of passage of the bill.

Representatives Sommers and Hargrove spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5943 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5943 as amended by the House, and the bill passed the House by the following vote: Yeas - 54, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Hatfield, Hickel, Horn, Huff, Jacobsen, Kessler, Mitchell, Ogden, Patterson, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Scott, Skinner, Talcott, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 54.

Voting nay: Representatives Beeksma, Brown, Campbell, Carlson, Carrell, Casada, Chandler, Crouse, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Honeyford, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Pelesky, Pennington, Quall, Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Smith, Sommers, Stevens, Thomas, L. and Veloria - 42.

Excused: Representative Dellwo - 1.

Engrossed Substitute Senate Bill No. 5943, as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Government Operations (originally sponsored by Senators West, Haugen, Morton, Prince, Moyer and McCaslin)

Changing provisions regarding public facilities districts.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Finance recommendation: Majority, do pass as amended. (For committee amendment see Journal, 85th Day, april 3, 1995.)

Representative B. Thomas moved adoption of the following amendment to the committee amendment by Representative B. Thomas:

On page 2, after line 33, insert:

"A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

A director may be removed from office for cause by action of at least two-thirds of the members of the county legislative authority."

Representative B. Thomas spoke in favor of the adoption of the amendment to the committee amendment.

The amendment was adopted.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5127 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5127 as amended by the House, and the bill passed the House by the following vote: Yeas - 70, Nays - 26, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Carlson, Carrell, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Foreman, Hankins, Hatfield, Horn, Huff, Hymes, Jacobsen, Kessler, Lambert, Mason, McMahan, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Qual, Radcliff, Reams, Regala, Robertson, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 70.

Voting nay: Representatives Beeksma, Cairnes, Campbell, Casada, Chandler, Cooke, Elliot, Fuhrman, Goldsmith, Grant, Hargrove, Hickel, Honeyford, Johnson, Koster, Kremen, Lisk, Mastin, McMorris, Pennington, Romero, Schmidt, K., Sheldon, Sherstad, Smith and Stevens - 26.

Excused: Representative Dellwo - 1.

Substitute Senate Bill No. 5127, as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6049, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Finkbeiner, Snyder and Pelz)

Financing public stadiums used by sports teams.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 67.28 RCW to read as follows:

The legislative authority of a county with a population of one million or more may by resolution or ordinance impose a sales and use tax upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall be two percent of the selling price in the case of a sales tax or rental value of the vehicle in the case of a use tax. Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section for any county shall pay over such tax to the county as provided in RCW 67.28.200 and such tax shall be deducted from the amount of tax such seller would otherwise be required to collect and pay over to the department of revenue under RCW 82.14.030 and 82.14.049. All taxes levied and collected under this section shall be deposited into the baseball stadium account created in section 3 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax by those engaged in banking, loan, security, or other financial businesses, amounts derived from interest received on loans for the siting, acquisition, or construction of a major league baseball stadium in a county with a population of one million or more.

NEW SECTION. Sec. 3. A new section is added to chapter 67.28 RCW to read as follows:

The baseball stadium account is created in the state treasury. The account shall include revenue from the sources established by section 1 of this act, appropriations by the legislature, private contributions, and all other sources. Expenditures from the fund may be used only for the purpose of paying all or part of the cost of the siting, acquisition, and construction of a major league baseball stadium by a county with a population of one million or more. To be eligible to receive disbursements from the fund, a county must evidence intent to build a stadium through the adoption of a resolution and must establish that it is obligated and committed to the project. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Applicant" means a person applying for a tax deferral under this chapter.
- (2) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.
- (3) "Department" means the department of revenue.
- (4) "Initiation of construction" means that date upon which on-site construction commences.
- (5) "Investment project" means construction of buildings, site preparation, and the acquisition of related machinery and equipment when the buildings, machinery, and equipment are to be used in the siting, acquisition, and construction of a major league baseball stadium, including services and labor rendered and tangible personal property consumed.
- (6) "Machinery and equipment" means all fixtures, equipment, and support facilities that are an integral and necessary part of a major league baseball stadium.
- (7) "Major league baseball stadium" means a site for major league baseball that is located in a county with a population of one million or more on which construction is commenced after the effective date of this act and prior to July 1, 1999.
- (8) "Operationally complete" means constructed or improved to the point of being functionally useable for major league baseball.
- (9) "Person" has the meaning given in RCW 82.04.030.
- (10) "Recipient" means a person receiving a tax deferral under this chapter.

NEW SECTION. Sec. 5. Application for deferral of taxes under this chapter shall be made before initiation of construction of the major league baseball stadium or acquisition of machinery and equipment. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days.

NEW SECTION. Sec. 6. (1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each investment project. The use of the certificate shall be governed by rules established by the department.

(2) This section shall expire July 1, 1999.

NEW SECTION. Sec. 7. (1) The recipient shall begin paying the deferred taxes in the fifth year after the date certified by the department as the date on which the investment project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	10%
3	10%
4	10%
5	10%
6	10%
7	10%
8	10%
9	10%
10	10%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest shall not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes is not extinguished by insolvency or other failure of the recipient.

NEW SECTION. Sec. 8. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 9. Applications and any other information received by the department under this chapter is not confidential and is subject to disclosure.

NEW SECTION. Sec. 10. Sections 4 through 9 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 2 of the title, after "teams;" strike the remainder of the title and insert "adding new sections to chapter 67.28 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency."

Representative Van Luven spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment number 699 to Engrossed Substitute Senate Bill No. 6049 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Representative Appelwick yielded to a question by Representative Hatfield.

Representative Hatfield: Thank you Mr. Speaker. I'm just curious as to how the public investment in this project compares to similar undertakings in Arlington, Texas, Baltimore and Cleveland.

Representative Appelwick: The bill itself doesn't require any requirements but the Task Force recommended to the county that before they sign a lease the county would require a minimum of 35% but closer to a 45% commitment. That's higher than any other public stadium built in this county. Before this goes forward the local officials have asked to have that substantial commitment in terms of public funding. And secondly have asked to have a lien against the franchise in the event of sale to retire the debt. That has also not been done in this country yet.

Representatives D. Schmidt, Appelwick, Van Luven and Quall spoke in favor of passage of the bill.

Representatives Sheldon, Mason, Campbell and Hargrove spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6049 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6049 as amended by the House, and the bill failed to pass the House by the following vote: Yeas - 40, Nays - 56, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Blanton, Chopp, Cody, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Horn, Huff, Jacobsen, Lambert, Poulsen, Quall, Radcliff, Reams, Regala, Rust, Schmidt, D., Schoesler, Sheahan, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Mr. Speaker - 40.

Voting nay: Representatives Backlund, Beeksma, Benton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cole, Conway, Cooke, Costa, Crouse, Elliot, Fuhrman, Goldsmith, Hargrove, Hickel, Honeyford, Hymes, Johnson, Kessler, Koster, Kremen, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Robertson, Romero, Schmidt, K., Scott, Sehlin, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens and Wolfe - 56.

Excused: Representative Dellwo - 1.

Engrossed Substitute Senate Bill No. 6049, as amended by the House, having received the constitutional majority, was declared failed.

MOTION FOR RECONSIDERATION

Representative Dyer: Having voted on the prevailing side of which Engrossed Substitute Senate Bill No. 6049 failed to pass the House moved for immediately reconsideration.

A division was called. The Speaker called on the House to divide. The results of the division was: 55-YEAS, 41-NAYS. The motion was adopted.

There being no objection, the House deferred further consideration of Engrossed Substitute Senate Bill No. 6049 on reconsideration.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5914, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Heavey, Deccio and Finkbeiner)

Financing public stadium, convention, performing arts, visual arts, and other tourism facilities.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

With the consent of the House, amendment number 698 to Engrossed Substitute Senate Bill No. 5914 was withdrawn.

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.38.010 and 1963 c 4 s 36.38.010 are each amended to read as follows:

Any county may by ordinance enacted by its ~~((board of))~~ county ~~((commissioners))~~ legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the ~~((board of))~~ county ~~((commissioners))~~, except that the legislative authority of a county with a population of one million or more may levy a tax of not more than one cent on forty cents or fraction thereof on events in stadiums that are owned by county government and that have seating capacities over forty-five thousand.

Sec. 2. RCW 35.21.280 and 1965 c 7 s 35.21.280 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax in excess of one cent on forty cents or fraction thereof on events in stadiums that are owned by county government and that have seating capacities over forty-five thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert " and amending RCW 36.38.010 and 35.21.280."

Representative Van Luven spoke in favor of the adoption of the amendment.

Representative Kremen spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sherstad and Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5914 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5914 as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Chappell, Dickerson, Hargrove, Kremen, Pennington, Sommers and Thibaudeau - 7.

Excused: Representative Dellwo - 1.

Engrossed Substitute Senate Bill No. 5914, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute House Bill No. 1248.

MOTION

Representative Appelwick moved that the House concur in the Senate amendments to Substitute House Bill No. 1248 and pass the bill as amended by the Senate.

Representative Appelwick spoke in favor of the motion. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1248 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1248 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Hargrove and Smith - 2.

Excused: Representative Dellwo - 1.

Substitute House Bill No. 1248, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1248.

STEVE HARGROVE, 23rd District

MESSAGES FROM THE SENATE

April 13, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,
and the same are herewith transmitted.

SUBSTITUTE HOUSE BILL NO. 1241,

Brad Hendrickson, Deputy Secretary

April 13, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5060,
SENATE BILL NO. 5108,
SUBSTITUTE SENATE BILL NO. 5308,
SUBSTITUTE SENATE BILL NO. 5780,
SENATE BILL NO. 5848,
SENATE BILL NO. 5895,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1178,
HOUSE BILL NO. 1190,
SUBSTITUTE HOUSE BILL NO. 1192,
HOUSE BILL NO. 1198,
HOUSE BILL NO. 1310,
HOUSE BILL NO. 1311,
HOUSE BILL NO. 1362,
HOUSE BILL NO. 1407,
HOUSE BILL NO. 1450,
HOUSE BILL NO. 1790,
SUBSTITUTE HOUSE BILL NO. 1853,
HOUSE BILL NO. 1866,
HOUSE BILL NO. 1893,
HOUSE BILL NO. 2063,
SENATE BILL NO. 5060,
SENATE BILL NO. 5108,
SUBSTITUTE SENATE BILL NO. 5308,
SUBSTITUTE SENATE BILL NO. 5780,
SENATE BILL NO. 5848,
SENATE BILL NO. 5895,

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Friday, April 14, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

NINETY-FIFTH DAY, APRIL 13, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

NINETY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 14, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tim Nelson and Eric Nelson. Prayer was offered by Pastor Dwight Nelson of the Bethany Covenant Church of Mt. Vernon.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4658, by Representatives Mitchell, Buck, Hickel, Thompson, Pennington, Smith, Johnson, Fuhrman, Cairnes, McMahan, Pelesky, Campbell, Robertson, Chandler and Lambert

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Matthew Case has exhibited the highest standard of excellence by his scholastic accomplishments; and

WHEREAS, Scholastic accomplishment is kindred and akin to the values for achievement in life, inasmuch as the setting of the very highest goals and aspirations and the persistence, dedication, sacrifice, commitment, focus, effort, skill, and talent to obtain those goals and aspirations all correspond to lifetime and personal achievement; and

WHEREAS, Matthew Case is a junior at Federal Way High School as well as an advanced-placement student at Highline Community College; and

WHEREAS, Matthew Case recently placed first in the 1995 State AAA Tournament in Debate thereby becoming the State Champion in this field, which builds upon a foundation of success wherein he has been awarded forty-five debate trophies, thirty of which are for first place; and

WHEREAS, Matthew Case recently placed first in the 1995 State AAA Tournament in Extemporaneous Speech, thereby becoming the State Champion in this field as well, which builds upon a foundation of success heretofore mentioned, as well as by having placed second in this same competition in 1994; and

WHEREAS, Matthew Case recently was conferred the 1995 Best Speaker Award, bestowed upon the best speaker in the annual "Lincoln-Douglas" Class AAA debate competition, which builds upon a foundation of success heretofore mentioned, thereby becoming a triple-state champion for 1995; and

WHEREAS, Matthew Case will represent the great state of Washington in the National Tournament in 1995 in both divisions of Debate and Extemporaneous Speech, which builds upon his

inaugural and successful representation of the great state of Washington in the 1994 National Tournament;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honors the excellence in achievement and accomplishment demonstrated by Matthew Case and for the example of inspiration he has set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Matthew Case, his family, and to the Principal of Federal Way High School, in the city of Federal Way in the great state of Washington.

Representative Mitchell moved adoption of the resolution.

Representatives Mitchell and Buck spoke in favor of adoption of the resolution.

House Resolution No. 4658 was adopted.

HOUSE RESOLUTION NO. 95-4673, by Representatives Mitchell, Hickel, Thompson, Pennington, Johnson, Fuhrman, McMahan, Pelesky, Robertson, Chandler and Lambert

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Federal Way High School Speech and Debate Team has exhibited the highest level of excellence by their scholastic and extracurricular program achievement; and

WHEREAS, Scholastic achievement is kindred and akin to the values for achievement in life, inasmuch as the setting of the very highest goals and aspirations and the persistence, dedication, sacrifice, commitment, focus, effort, skill, talent, and teamwork to obtain these goals and aspirations all correspond to lifetime and personal achievement; and

WHEREAS, Participation in and contribution to extracurricular programs demonstrates the initiative of success, the inspiration of improvement, the motivation of competition, and the surmounting of challenge; and

WHEREAS, In the 1995 academic year, the Federal Way High School Speech and Debate Teams exhibited superior talent and skill by earning two hundred forty well-deserved trophies in demanding and challenging tournaments across this great state of Washington; and

WHEREAS, From this highly accomplished Debate and Speech Team emerges further distinction from team members Matthew Case, Angela Chung, and Noah Down, who have each distinguished themselves by earning the special privilege and coveted responsibility of representing the great state of Washington at the 1995 National Forensic League Tournament; and

WHEREAS, All of the aforementioned accomplishments would not have been possible without the instruction, guidance, and leadership of Speech Coach Lois Gorny, nor would these accomplishments have been possible without the unequivocal support and encouragement of the Federal Way High School student body, faculty and staff, alumni, friends, community members, and especially the families of each of the team members;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honors the excellence in achievement and accomplishment demonstrated by the Federal Way High School Speech and Debate Team and for the example of inspiration set for others; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the Federal Way High School Speech and Debate Team and Speech Coach as well as to the principal of Federal Way High School.

Representative Hickel moved adoption of the resolution.

Representatives Hickel and Mitchell spoke in favor of adoption of the resolution.

House Resolution No. 4673 was adopted.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

RESOLUTION

HOUSE RESOLUTION NO. 95-4631, by Representatives Carlson, Jacobsen, Foreman, Benton, D. Schmidt, Mulliken, Elliot, Padden, Talcott, Mielke, Stevens, Schoesler, Horn, Crouse, K. Schmidt, Cooke, Carrell, Johnson, Huff, Hankins, Lisk, Silver, Thompson, Blanton, Boldt, Mastin, Morris, Skinner, Brumsickle, Delvin, Sehlin, Lambert, Mason, Appelwick, Regala, Grant, Chopp, Valle, Dickerson, Dellwo, Cole, Kessler, Brown, Conway, Ogden, Thibaudeau, Chappell, Costa, R. Fisher, Cody, Hatfield, Quall, Scott, Basich, Ballard, Robertson, McMorris, L. Thomas, Chandler, Dyer, Koster and Kremen

WHEREAS, The students selected for special recognition as Washington Scholars in 1995 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The State of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the teachers and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the chief clerk of the House of Representatives to each of the Washington Scholars selected in 1995.

Representative Carlson moved adoption of the resolution.

Representatives Carlson, Jacobsen, Kremen and Basich spoke in favor of the resolution.

House Resolution No. 4631 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5118, by Senate Committee on Ways & Means (originally sponsored by Senators Winsley, Long, Bauer, Loveland and Fraser)

Calculating excess compensation for retirement purposes.

The bill was read the second time.

There being no objection, the committee amendment was adopted. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Carlson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5118 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5118 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 1, Excused - 4.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Absent: Representative Goldsmith - 1.

Excused: Representatives Beeksma, Brown, Fuhrman and Schoesler - 4.

Substitute Senate Bill No. 5118, as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5728, by Senators Gaspard, McDonald, Wojahn, Rinehart, Rasmussen and Winsley

Modifying the business and occupation tax on international investment management companies.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

MOTION

On motion of Representative Robertson, Representative Delvin was excused.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5728.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5728, and the bill passed the House by the following vote: Yeas - 87, Nays - 4, Absent - 1, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 87.

Voting nay: Representatives Cody, Dickerson, Mason and Veloria - 4.

Absent: Representative Goldsmith - 1.

Excused: Representatives Beeksma, Brown, Delvin, Fuhrman and Schoesler - 5.

Senate Bill No. 5728, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6037, by Senators Sheldon, Hale, Rinehart, Haugen, Drew, Oke, Kohl, Fairley, Franklin, Snyder, Quigley, Bauer, McAuliffe, Fraser, Sutherland and Gaspard

Creating the Washington Independent Regulatory Affairs Commission.

The bill was read the second time.

There being no objection, the committee amendment was moved. Committee on Government Operation recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

Representative Reams moved adoption of the following amendment to the committee amendment by Representative Reams:

On page 1, line 21 of the amendment, after "obtained." insert "The committees may examine the possible functions of an independent commission, including its role in the systematic review of existing agency rules for compliance with the determinations contained in section 201, chapter. . . , Laws of 1995 (section 201 of Engrossed Substitute House Bill No. 1010)."

Representative Reams spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Reams spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 6037 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6037 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Beeksma, Brown, Delvin, Fuhrman, Goldsmith and Schoesler - 6.

Engrossed Senate Bill No. 6037, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute Senate Bill No. 5606.

With the consent of the House, amendment number 835 to Substitute Senate Bill No. 5606 was withdrawn.

Representative Mastin moved adoption of the following amendment by Representative Mastin:

On page 2, line 6, after "of" strike everything down to and including "This" on page 6, line 14 and insert "salvaged water by local communities and individuals for domestic, agricultural, industrial, recreational, and fish and wildlife habitat creation and enhancement purposes, including wetland enhancement, will contribute to the peace, health, safety, and welfare of the people of the state of Washington. To the extent salvaged water is appropriate and available for beneficial uses, it should be used where feasible to supplement existing water supplies without threatening existing resources or public health in order to preserve potable water for drinking purposes and encourage water conservation practices.

The legislature further finds and declares that the use of salvaged water is not inconsistent with the policy of antidegradation of state waters announced in other state statutes, including the water pollution control act, chapter 90.48 RCW and the water resources act, chapter 90.54 RCW, nor is it inconsistent with the state's relinquishment statutes, chapter 90.48 RCW.

It is the intent of the legislature that the department of ecology and the department of health undertake the necessary steps to encourage the development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state. It is also the intent of the legislature that the relationship between reclaimed water and other salvaged water be clarified to allow for the maximum use of current water conservation technologies and promote efficient administration of this limited resource.

The legislature further finds and declares that reclaimed water facilities are water pollution control facilities as defined in chapter 70.146 RCW and are eligible for financial assistance as provided in chapter 70.146 RCW.

Sec. 2. RCW 90.46.010 and 1992 c 204 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Greywater" means ((sewage)) wastewater having the consistency and strength of residential domestic type wastewater. Greywater includes wastewater from sinks, showers, and laundry fixtures, but does not include toilet or urinal waters.

(2) "Land application" means application of treated effluent for purposes of irrigation or landscape enhancement for residential, business, and governmental purposes.

(3) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.

(4) "Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for a ~~((direct))~~ beneficial use or a controlled use that would not otherwise occur.

(5) "Sewage" means water-carried human wastes ~~((, including kitchen, bath, and laundry waste))~~ from residences, buildings, industrial and commercial establishments, or other places, together with such ground water infiltration, surface waters, or industrial wastewater as may be present.

(6) "User" means any person who uses reclaimed water.

(7) "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system.

(8) "Beneficial use", as used in this chapter, means the use of reclaimed water, that has been transported from the point of production to the point of use without an intervening discharge to the waters of the state, for a beneficial purpose.

(9) "Direct recharge" means the controlled subsurface addition of water directly to the ground water basin that results in the replenishment of ground water.

(10) "Ground water recharge criteria" means the contaminant criteria found in the drinking water quality standards adopted by the state board of health pursuant to chapter 43.20 RCW and the department of health pursuant to chapter 70.119A RCW.

(11) "Planned ground water recharge project" means any reclaimed water project designed for the purpose of recharging ground water, via direct recharge or surface percolation.

(12) "Reclamation criteria" means the criteria set forth in the water reclamation and reuse interim standards and subsequent revisions adopted by the department of ecology and the department of health.

(13) "Salvaged water" means water reclaimed under this chapter and water made surplus through efficiencies in use and related activities.

(14) "Streamflow augmentation" means the discharge of reclaimed water to rivers and streams of the state or other surface water bodies, but not wetlands.

(15) "Surface percolation" means the controlled application of water to the ground surface for the purpose of recharging ground water.

(16) "Wetland or wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. No agency shall use a delineation process for what constitutes a wetland that is more stringent than that adopted by the United States army corps of engineers.

(17) "Man-made wetlands" means a wetland intentionally created from a nonwetland site to produce or replace natural habitat.

NEW SECTION. Sec. 3. A new section is added to chapter 90.46 RCW to read as follows:

(1) Reclaimed water may be beneficially used for surface percolation provided the reclaimed water meets the ground water recharge criteria as measured in ground water beneath or down gradient of the recharge project site, and has been incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) If the state ground water recharge criteria as defined in RCW 90.46.010 do not contain a standard for a constituent or contaminant, the department of ecology shall establish a discharge limit consistent with the goals of this chapter.

(3) Reclaimed water that does not meet the ground water recharge criteria may be beneficially used for surface percolation where the department of ecology has specifically authorized such use at such lower standard.

NEW SECTION. Sec. 4. A new section is added to chapter 90.46 RCW to read as follows:

(1) Reclaimed water may be beneficially used for discharge into man-made wetlands provided the reclaimed water meets the class A or B reclaimed water standards as defined in the reclamation criteria, and the discharge is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) Reclaimed water that does not meet the class A or B reclaimed water standards may be beneficially used for discharge into man-made wetlands where the department of ecology has specifically authorized such use at lower standards.

NEW SECTION. Sec. 5. A new section is added to chapter 90.46 RCW to read as follows:

Reclaimed water intended for beneficial reuse may be discharged for streamflow augmentation provided the reclaimed water meets the requirements of the federal water pollution control act, chapter 90.48 RCW, and is incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

NEW SECTION. Sec. 6. A new section is added to chapter 90.46 RCW to read as follows:

The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before December 31, 1996, for direct recharge using reclaimed water. The standards shall address both water quality considerations and avoidance of property damage from excessive recharge.

NEW SECTION. Sec. 7. A new section is added to chapter 90.46 RCW to read as follows:

The department of ecology shall, in consultation with the department of health, adopt a single set of standards, procedures, and guidelines, on or before June 30, 1996, for discharge of reclaimed water to wetlands.

NEW SECTION. Sec. 8. A new section is added to chapter 90.46 RCW to read as follows:

On or before December 31, 1995, the department of ecology and department of health shall, in consultation with local governments and local interested parties, jointly review and, if required, propose amendments to chapter 372-32 WAC to resolve conflicts between the development of reclaimed water projects in the Puget Sound region and chapter 372-32 WAC.

NEW SECTION. Sec. 9. The department of ecology and the department of health shall report

on the progress of the implementation of this act to the members of the agriculture and ecology committee of the house of representatives and the members of the ecology and parks committee of the senate by December 15, 1995.

Sec. 10. RCW 90.46.050 and 1992 c 204 s 6 are each amended to read as follows:

(1) The department of health shall, before ~~((May 1, 1992))~~ July 1, 1995, form an advisory committee, in coordination with the department of ecology and the department of agriculture, which will provide technical assistance in the development of standards, procedures, and guidelines required by this chapter. Such committee shall be composed of individuals from public water and wastewater utilities, landscaping enhancement industry, commercial and industrial application community, and any other persons deemed technically helpful by the department of health.

(2) ~~((The department of health shall report to the joint select committee on water resource policy by December 1, 1992, on the fee structure which has been recommended under RCW 90.46.030(3) and review fees authorized under RCW 90.46.40(3).))~~ The advisory committee shall: review and make recommendations regarding the relationship between the right to use reclaimed water and the abandonment and relinquishment statutes, chapter 90.48 RCW; examine the anomaly in water allocation law posed by statutes calling for the issuance of permits under the water pollution control laws, chapter 90.48 RCW, rather than permits issued under the state's water allocation laws which govern other salvaged water; analyze whether the administration of use permits for reclaimed water should be transferred to the water allocation laws; and identify administrative barriers to the use of practices or technologies that will result in water being made surplus because of greater efficiencies.

NEW SECTION. Sec. 11. Sections 1 through 10 of this"

Correct internal references accordingly and correct the title.

Representative Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5606 and the bill held it's place on the second reading calendar.

SENATE BILL NO. 5087, by Senator Fraser; by request of Environmental Hearings Office
Revising appeals involving environmental and land use boards.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Agriculture & Ecology recommendation: Majority, do pass as amended. (For committee amendment see Journal, 82nd Day, March 31, 1995.)

With the consent of the House, amendment numbers 871 and 873 to Senate Bill No. 5087 were withdrawn.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature recognizes that judicial review of certain environmental and land use appeals can be expedited to benefit the people of the state. Allowing direct appeals to superior court or the court of appeals can reduce backlogs, conserve resources, and provide quicker guidance to individuals and communities concerning important matters impacting their area. The legislature therefore finds that it is in the public interest to reduce delays in obtaining a final resolution over certain environmental and land use matters by streamlining the judicial appeals process.

Sec. 2. RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section (~~and RCW 36.70A.300(3)~~), proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

(3) For proceedings involving water quantity decisions made by the department of ecology, as defined in section 14 of this act, the petition shall be filed in the superior court in the county that will be directly and immediately affected by the decision.

Sec. 3. RCW 43.21B.110 and 1993 c 387 s 22 are each amended to read as follows:

(1) The pollution control hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, the administrator of the office of marine safety, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, (~~90.44.130~~) and 90.48.120.

(c) The issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Any other decision by the department, the administrator of the office of marine safety, or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The jurisdiction of the pollution control hearings board is further limited as follows:

(a) The hearings board shall have no jurisdiction whatsoever to review water quantity decisions of the department of ecology as defined in section 14 of this act, which are appealed directly to a superior court, to review orders pertaining to the relinquishment of a water right under RCW 90.14.130, or to review proceedings regarding general adjudications of water rights conducted pursuant to chapter 90.03 or 90.44 RCW.

(b) The following hearings shall not be conducted by the hearings board:

~~((a))~~ (i) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

~~((b))~~ (ii) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

~~((c) Proceedings by the department relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW.~~

~~((d))~~ (iii) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 4. RCW 43.21B.130 and 1990 c 65 s 3 are each amended to read as follows:

The administrative procedure act, chapter 34.05 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions were transferred by section 6, chapter 62, Laws of 1970 ex. sess. to the department. Except with regard to water quantity decisions by the department, as defined in section 14 of this act, which are appealed directly to a superior court and orders pertaining to the relinquishment of a water right under RCW 90.14.130, all other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be subject to review by the hearings board as provided in this chapter.

Sec. 5. RCW 43.21B.140 and 1987 c 109 s 30 are each amended to read as follows:

In all appeals over which the hearings board has jurisdiction, a party taking an appeal may elect either a formal or an informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the hearings board: PROVIDED, That nothing herein shall be construed to modify the provisions of RCW 43.21B.190 ~~((and 43.21B.200))~~. In the event that appeals are taken from the same decision, order, or determination, as the case may be, by different parties and only one of such parties elects ~~((a formal))~~ an informal hearing, ~~((a formal))~~ an informal hearing shall be granted.

Sec. 6. RCW 43.21B.240 and 1989 c 175 s 105 are each amended to read as follows:

The department and air authorities shall not have authority to hold adjudicative proceedings pursuant to the Administrative Procedure Act, chapter 34.05 RCW. ~~((Such))~~ All other hearings, except for water quantity decisions as defined in section 14 of this act, that are appealed directly to a superior court, and appeals of orders pertaining to the relinquishment of a water right under RCW 90.14.130, shall be held by the pollution control hearings board.

Sec. 7. RCW 43.21B.310 and 1992 c 73 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any order issued by the department, the administrator of the office of marine safety, or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after receipt of the order. Except as provided under chapter 70.105D RCW, ~~((this is))~~ these are the exclusive means of appeal of such an order.

~~((2))~~ (a) The department, the administrator, or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

~~((3))~~ (b) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

~~((4))~~ (c) Any appeal before the hearings board must contain the following in accordance with the rules of the hearings board:

~~((a))~~ (i) The appellant's name and address;

~~((b))~~ (ii) The date and docket number of the order, permit, or license appealed;

~~((c))~~ (iii) A description of the substance of the order, permit, or license that is the subject of the appeal;

~~((d))~~ (iv) A clear, separate, and concise statement of every error alleged to have been committed;

~~((e))~~ (v) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

~~((f))~~ (vi) A statement setting forth the relief sought.

~~((5))~~ (d) Upon failure to comply with any final order of the department or the administrator, the attorney general, on request of the department or the administrator, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

~~((6))~~ (e) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt.

(2) Water quantity decisions of the department, as defined in section 14 of this act may be appealed either to the pollution control hearings board or directly to a superior court as provided in section 14 of this act. Appeals of orders pertaining to the relinquishment of a water right shall be filed in superior court as provided by RCW 90.14.130.

Sec. 8. RCW 43.27A.190 and 1987 c 109 s 11 are each amended to read as follows:

Notwithstanding and in addition to any other powers granted to the department of ecology, whenever it appears to the department that a person is violating or is about to violate any of the provisions of the following:

(1) Chapter 90.03 RCW; or

(2) Chapter 90.44 RCW; or

(3) Chapter 86.16 RCW; or

(4) Chapter 43.37 RCW; or

(5) Chapter 43.27A RCW; or

(6) Any other law relating to water resources administered by the department; or

(7) A rule or regulation adopted, or a directive or order issued by the department relating to subsections (1) through (6) of this section; the department may cause a written regulatory order to be served upon ~~((said))~~ the person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him or her. The order shall specify the provision of the statute, rule, regulation, directive or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other person so authorized by the department shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein. Any person aggrieved by such order may appeal the order pursuant to RCW 43.21B.310 unless the order is a water quantity decision of the department, as defined in section 14 of this act, in which case it may be appealed either to the pollution control hearings board or directly to a superior court as provided in section 14 of this act.

Sec. 9. RCW 90.03.383 and 1991 c 350 s 1 are each amended to read as follows:

(1) The legislature recognizes the value of interties for improving the reliability of public water systems, enhancing their management, and more efficiently utilizing the increasingly limited resource. Given the continued growth in the most populous areas of the state, the increased complexity of public water supply management, and the trend toward regional planning and regional solutions to resource issues, interconnections of public water systems through interties provide a valuable tool to ensure reliable public water supplies for the citizens of the state. Public water systems have been encouraged in the past to utilize interties to achieve public health and resource management objectives. The legislature finds that it is in the public interest to recognize interties existing and in use as of January 1, 1991, and to have associated water rights modified by the department of ecology to reflect current use of water through those interties, pursuant to subsection (3) of this section. The legislature further finds it in the public interest to develop a coordinated process to review proposals for interties commencing use after January 1, 1991.

(2) For the purposes of this section, the following definitions shall apply:

(a) "Interties" are interconnections between public water systems permitting exchange or delivery of water between those systems for other than emergency supply purposes, where such exchange or delivery is within established instantaneous and annual withdrawal rates specified in the systems' existing water right permits or certificates, or contained in claims filed pursuant to chapter 90.14 RCW, and which results in better management of public water supply consistent with existing rights and obligations. Interties include interconnections between public water systems permitting exchange or delivery of water to serve as primary or secondary sources of supply, but do not include development of new sources of supply to meet future demand.

(b) "Service area" is the area designated in a water system plan or a coordinated water system plan pursuant to chapter 43.20 or 70.116 RCW respectively. When a public water system does not have a designated service area subject to the approval process of those chapters, the service area shall be the designated place of use contained in the water right permit or certificate, or contained in the claim filed pursuant to chapter 90.14 RCW.

(3) Public water systems with interties existing and in use as of January 1, 1991, or that have received written approval from the department of health prior to that date, shall file written notice of those interties with the department of health and the department of ecology. The notice may be incorporated into the public water system's five-year update of its water system plan, but shall be filed no later than June 30, 1996. The notice shall identify the location of the intertie; the dates of its first use; the purpose, capacity, and current use; the intertie agreement of the parties and the service areas assigned; and other information reasonably necessary to modify the water right permit. Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, for public water systems with interties existing and in use as of January 1, 1991, the department of ecology, upon receipt of notice meeting the requirements of this subsection, shall, as soon as practicable, modify the place of use descriptions in the water right permits, certificates, or claims to reflect the actual use through such interties, provided that the place of use is within service area designations established in a water system plan approved pursuant to chapter 43.20 RCW, or a coordinated water system plan approved pursuant to chapter 70.116 RCW, and further provided that the water used is within the instantaneous and annual withdrawal rates specified in the water right permit and that no outstanding complaints of impairment to existing water rights have been filed with the department of ecology prior to September 1, 1991. Where such complaints of impairment have been received, the department of ecology shall make all reasonable efforts to resolve them in a timely manner through agreement of the parties or through available administrative remedies.

(4) Notwithstanding the provisions of RCW 90.03.380 and 90.44.100, exchange or delivery of water through interties commencing use after January 1, 1991, shall be permitted when the intertie improves overall system reliability, enhances the manageability of the systems, provides opportunities for conjunctive use, or delays or avoids the need to develop new water sources, and otherwise meets the requirements of this section, provided that each public water system's water use shall not exceed the instantaneous or annual withdrawal rate specified in its water right authorization, shall not adversely affect existing water rights, and shall not be inconsistent with state-approved plans such as water system plans or other plans which include specific proposals for construction of interties. Interties commencing use after January 1, 1991, shall not be inconsistent with regional water resource plans developed pursuant to chapter 90.54 RCW.

(5) For public water systems subject to the approval process of chapter 43.20 RCW or chapter 70.116 RCW, proposals for interties commencing use after January 1, 1991, shall be incorporated into water system plans pursuant to chapter 43.20 RCW or coordinated water system plans pursuant to chapter 70.116 RCW and submitted to the department of health and the department of ecology for review and approval as provided for in subsections (5) through (9) of this section. The plan shall state how the proposed intertie will improve overall system reliability, enhance the manageability of the systems, provide opportunities for conjunctive use, or delay or avoid the need to develop new water sources.

(6) The department of health shall be responsible for review and approval of proposals for new interties. In its review the department of health shall determine whether the intertie satisfies the criteria of subsection (4) of this section, with the exception of water rights considerations, which are the responsibility of the department of ecology, and shall determine whether the intertie is necessary to address emergent public health or safety concerns associated with public water supply.

(7) If the intertie is determined by the department of health to be necessary to address emergent public health or safety concerns associated with public water supply, the public water system shall amend its water system plan as required and shall file an application with the department of ecology to change its existing water right to reflect the proposed use of the water as described in the approved water system plan. The department of ecology shall process the application for change pursuant to RCW 90.03.380 or 90.44.100 as appropriate, except that, notwithstanding the requirements of those sections regarding notice and protest periods, applicants shall be required to publish notice one time, and the comment period shall be fifteen days from the date of publication of the notice. Within sixty days of receiving the application, the department of ecology shall issue findings and advise the department of health if existing water rights are determined to be adversely affected. If no determination is provided by the department of ecology within the sixty-day period, the department of health shall proceed as if existing rights are not adversely affected by the proposed intertie. The department of ecology may obtain an extension of the sixty-day period by submitting written notice to the department of health and to the applicant indicating a definite date by which its determination will be made. No additional extensions shall be granted, and in no event shall the total review period for the department of ecology exceed one hundred eighty days.

(8) If the department of health determines the proposed intertie appears to meet the requirements of subsection (4) of this section but is not necessary to address emergent public health or safety concerns associated with public water supply, the department of health shall instruct the applicant to submit to the department of ecology an application for change to the underlying water right or claim as necessary to reflect the new place of use. The department of ecology shall consider the applications pursuant to the provisions of RCW 90.03.380 and 90.44.100 as appropriate. If in its review of proposed interties and associated water rights the department of ecology determines that additional information is required to act on the application, the department may request applicants to provide information necessary for its decision, consistent with agency rules and written guidelines. Parties disagreeing with the decision of the department of ecology ~~((en))~~ to approve or deny the application for change in place of use may appeal the decision to the pollution control hearings board or directly to a superior court as provided in section 14 of this act.

(9) The department of health may approve plans containing intertie proposals prior to the department of ecology's decision on the water right application for change in place of use. However, notwithstanding such approval, construction work on the intertie shall not begin until the department of ecology issues the appropriate water right document to the applicant consistent with the approved plan.

Sec. 10. RCW 90.14.130 and 1987 c 109 s 13 are each amended to read as follows:

When it appears to the department of ecology that a person entitled to the use of water has not beneficially used his or her water right or some portion thereof, and it appears that ~~((said))~~ the right has or may have reverted to the state because of such nonuse, as provided by RCW 90.14.160, 90.14.170, or 90.14.180, the department of ecology shall notify such person by order: PROVIDED, That where a company, association, district, or the United States has filed a blanket claim under the provisions of RCW 90.14.060 for the total benefits of those served by it, the notice shall be served on such company, association, district or the United States and not upon any of its individual water users who may not have used the water or some portion thereof which they were entitled to use. The order shall contain: (1) A description of the water right, including the approximate location of the point of diversion, the general description of the lands or places where such waters were used, the water

source, the amount involved, the purpose of use, and the apparent authority upon which the right is based; (2) a statement that unless sufficient cause be shown on appeal the water right will be declared relinquished; and (3) a statement that such order may be appealed to ~~((the pollution control hearings board))~~ superior court. Any person aggrieved by such an order may appeal it to ~~((the pollution control hearings board pursuant to RCW 43.21B.310))~~ the superior court in the county where the land is located upon which the water was used. Any such appeal to superior court shall be de novo. The order shall be served by registered or certified mail to the last known address of the person and be posted at the point of division or withdrawal. The order by itself shall not alter the recipient's right to use water, if any.

Sec. 11. RCW 90.14.190 and 1987 c 109 s 14 are each amended to read as follows:

Any person feeling aggrieved by any decision of the department of ecology may have the same reviewed by the pollution control hearings board or directly to a superior court pursuant to ~~((RCW 43.21B.310))~~ section 14 of this act. In any such review, the findings of fact as set forth in the report of the department of ecology shall be prima facie evidence of the fact of any waiver or relinquishment of a water right or portion thereof. If the hearings board affirms the decision of the department, a party seeks review in superior court of that hearings board decision pursuant to chapter 34.05 RCW, and the court determines that the party was injured by an arbitrary, capricious, or erroneous order of the department, the court may award reasonable attorneys' fees. Any order regarding the relinquishment of a water right shall be appealed pursuant to RCW 90.14.130.

Sec. 12. RCW 90.14.200 and 1989 c 175 s 180 are each amended to read as follows:

(1) All matters relating to the implementation and enforcement of this chapter by the department of ecology shall be carried out in accordance with chapter 34.05 RCW, the Administrative Procedure Act, except where the provisions of this chapter expressly conflict with chapter 34.05 RCW. Proceedings held pursuant to RCW 90.14.130 are ~~((adjudicative proceedings within the meaning of chapter 34.05 RCW. Final decisions of the department of ecology in these proceedings))~~ appealable to superior court as provided in that section. Other final decisions of the department of ecology under this chapter are subject to review by the pollution control hearings board or a superior court in accordance with ~~((chapter 43.21B RCW))~~ section 14 of this act.

(2) RCW 90.14.130 provides nonexclusive procedures for determining a relinquishment of water rights under RCW 90.14.160, 90.14.170, and 90.14.180. RCW 90.14.160, 90.14.170, and 90.14.180 may be applied in, among other proceedings, general adjudication proceedings initiated under RCW 90.03.110 or 90.44.220: PROVIDED, That nothing herein shall apply to litigation involving determinations of the department of ecology under RCW 90.03.290 relating to the impairment of existing rights.

Sec. 13. RCW 90.66.080 and 1979 c 3 s 8 are each amended to read as follows:

The department is hereby empowered to promulgate such rules as may be necessary to carry out the provisions of this chapter. Decisions of the department, other than rule making, shall be subject to review by the pollution control hearings board or a superior court in accordance with ~~((chapter 43.21B RCW))~~ section 14 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.21B RCW to read as follows:

(1) A person who is aggrieved or adversely affected by a water quantity decision may appeal the decision either to the pollution control hearings board pursuant to RCW 43.21B.310 or directly to a superior court. Any direct appeal to a superior court as authorized by this section shall be de novo and must be filed in the superior court in the county that will be directly and immediately affected by the decision.

(2) For purposes of this section, a "water quantity decision" includes the following:

(a) A decision to grant or deny a permit or certificate for a right to the beneficial use of water or to amend, change, or transfer such a right;

(b) A decision to enforce the conditions of a permit for, or right to, the beneficial use of water or to require any person to discontinue the use of water; and

(c) A decision to establish a minimum flow or level for water under chapter 90.03, 90.22, or 90.54 RCW, or to reserve water for such a minimum flow or level

Sec. 15. RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6).

~~((Concurrently with)) Within seven days of the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall ((file a copy)) serve copies of his or her request ((with)) on the department and the attorney general. ((If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor.)) The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. ((The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.))~~

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW.

(4) A local government may appeal to the shorelines hearings board any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

If the board determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or
- (d) Was developed without fully considering and evaluating all material submitted to the department by the local government; or
- (e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.

(5) Rules, regulations, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board.

Sec. 16. RCW 34.05.518 and 1988 c 288 s 503 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

((4)) (a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

((2)) (b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

((3)) (c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

((4)) (d) The appellate court's determination in the proceeding would have significant precedential value.

Procedures for certification shall be established by court rule.

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and growth management hearings boards as identified in RCW 36.70A.250.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

(i) Fundamental and urgent state-wide or regional issues are raised; or

(ii) The proceeding is likely to have significant precedential value.

(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section.

(6) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

Sec. 17. RCW 34.05.522 and 1988 c 288 s 504 are each amended to read as follows:

The court of appeals may refuse to accept direct review of a case ((certified)) pursuant to RCW 34.05.518 if it finds that the case does not meet the applicable standard in RCW 34.05.518(2) or (5). Rules of Appellate Procedure 2.3 do not apply in this instance. The refusal to accept such review is not subject to further appellate review, notwithstanding anything in Rule 13.3 of the Rules of Appellate Procedure to the contrary.

Sec. 18. RCW 34.05.542 and 1988 c 288 s 509 are each amended to read as follows:

Subject to other requirements of this chapter or of another statute:

(1) A petition for judicial review of a rule may be filed at any time, except as limited by RCW 34.05.375.

(2) A petition for judicial review of an order shall be filed with the court and served on the agency, the hearings board if one is involved, the office of the attorney general, and all parties of record within thirty days after service of the final order.

(3) A petition for judicial review of agency action other than the adoption of a rule or the entry of an order is not timely unless filed with the court and served on the agency, the office of the attorney general, and all other parties of record within thirty days after the agency action, but the time is extended during any period that the petitioner did not know and was under no duty to discover or could not reasonably have discovered that the agency had taken the action or that the agency action had a sufficient effect to confer standing upon the petitioner to obtain judicial review under this chapter.

(4) Service of the petition on the agency shall be by delivery of a copy of the petition to the office of the director, or other chief administrative officer or chairperson of the agency, at the principal office of the agency. Service of a copy by mail upon the other parties of record, the hearings board if one is involved, and the office of the attorney general shall be deemed complete upon deposit in the United States mail, as evidenced by the postmark.

(5) Failure to timely serve a petition on the office of the attorney general or the hearings board if one is involved, is not grounds for dismissal of the petition unless the service that is provided impairs the orderly conduct of judicial process. The service so provided as to the hearings board only applies to judicial proceedings pending on the effective date of this act.

(6) For the purposes of this section, "hearings board" means an independent, quasi-judicial, multiperson entity whose sole responsibility is to determine on review in a contested matter the validity or invalidity of an order issued by another governmental entity.

Sec. 19. RCW 34.05.566 and 1989 c 175 s 26 are each amended to read as follows:

(1) Within thirty days after service of the petition for judicial review, or within further time allowed by the court or by other provision of law, the agency shall transmit to the court the original or a certified copy of the agency record for judicial review of the agency action. The record shall consist of any agency documents expressing the agency action, other documents identified by the agency as having been considered by it before its action and used as a basis for its action, and any other material described in this chapter as the agency record for the type of agency action at issue, subject to the provisions of this section.

(2) If part of the record has been preserved without a transcript, the agency shall prepare a transcript for inclusion in the record transmitted to the court, except for portions that the parties stipulate to omit in accordance with subsection (4) of this section.

(3) The agency may charge a nonindigent petitioner with the reasonable costs of preparing any necessary copies and transcripts for transmittal to the court. A failure by the petitioner to pay any of this cost to the agency relieves the agency from the responsibility for preparation of the record and transmittal to the court.

(4) The record may be shortened, summarized, or organized temporarily or, by stipulation of all parties, permanently.

(5) The court may tax the cost of preparing transcripts and copies of the record:

(a) Against a party who unreasonably refuses to stipulate to shorten, summarize, or organize the record; or

(b) In accordance with any provision of law.

(6) Additions to the record pursuant to RCW 34.05.562 must be made as ordered by the court.

(7) The court may require or permit subsequent corrections or additions to the record.

(8) For the purposes of this section, agency includes hearings board as defined in RCW 34.05.542(6).

NEW SECTION. Sec. 20. It is the intent of the legislature through the enactment of section 18 of this act to clarify the filing procedures in RCW 34.05.542. Section 18 of this act is remedial in nature and applies to all judicial proceedings pending on the effective date of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 43.21B RCW to read as follows:

The hearings board shall ensure that a hearing pertaining to a water quantity decision, as defined in section 14 of this act, shall be conducted in the general area where the petitioner resides, or provide for the hearing to be conducted by telephone. A single member of the board may conduct such hearings.

NEW SECTION. **Sec. 22.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 23.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 34.05.514, 43.21B.110, 43.21B.130, 43.21B.240, 43.21B.310, 43.27A.190, 90.03.383, 90.14.130, 90.14.190, 90.14.200, 90.66.080, 90.58.180, 34.05.542, 34.05.518, 34.05.522, 34.05.542, and 34.05.566; adding new sections to chapter 43.21B RCW; creating new sections; and declaring an emergency."

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

SPEAKER'S RULING

Representative Rust, the Speaker is prepared to Rule on your Point of Order which challenges amendment 876 to Senate Bill No. 5087.

"The Title of Senate Bill No. 5087 is AN ACT Relating to appeals involving environmental and land use appeals boards. The underlying Senate bill and the striking amendment both deal with environmental and land use appeals.

Both the underlying bill and the amendment provide for expedited judicial review for limited cases. In both cases the expedited review is that the option of the appellant. The language in the committee striker that would have subjected these types of cases to review under the APA before an ALJ is removed.

The purpose of both measures is to reduce back logs in the system and to save people time and money and provide quicker guidance to the community on whether certain actions should be allowed.

The Speaker finds that the amendment is not beyond the scope and object of the bill.

Representative Rust, Your Point of Order is not well taken.

Representative Reams moved adoption of the following amendment to the amendment by Representative Reams:

On page 1, after line 15 of the amendment, insert the following:

"The legislature also finds that petitions to growth management hearings boards have resulted in costly reviews that have not accorded adequate deference to planning decisions of counties and cities. Sections 22 through 25 of this act are intended to reaffirm the presumption of validity accorded to local decisions and clarify the role of the state and the boards in the review and appeal of local plans."

On page 19, after line 2 of the amendment, insert the following:

"**Sec. 22.** RCW 36.70A.310 and 1994 c 249 s 32 are each amended to read as follows:

(1) A request for review by the state to a growth management hearings board may be made only by the governor, or with the governor's consent the head of an agency, or by the commissioner of public lands as relating to state trust lands, for the review of whether: ~~((4))~~ (a) A county or city that is required or chooses to plan under RCW 36.70A.040 has failed to adopt a comprehensive plan or development regulations, or county-wide planning policies within the time limits established by this chapter; or ~~((2))~~ (b) a county or city that is required or chooses to plan under this chapter has adopted a comprehensive plan, development regulations, or county-wide planning policies, that are not in compliance with the requirements of this chapter.

(2) Except as provided in subsection (1) of this section with regard to state trust lands, a state agency may be authorized to seek review by a growth management hearings board only if the governor finds:

(a) The agency has participated substantially in the local process and has consistently raised the issues to be addressed in the petition; or

(b) Review by a board is the best means to accomplish the state goals.

Sec. 23. RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended to read as follows:

(1)(a) Comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4).

(b) The board shall find compliance unless it finds that the petitioner has demonstrated by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter. The presumption of validity accorded to the decisions of the local legislative body places the burden upon the petitioner to demonstrate noncompliance. The failure of a county or city to develop a record that supports the action that is the basis of the petition does not by itself constitute a basis for a finding of noncompliance.

(2) In making its determination, the board shall take into consideration the extent of urbanization of the area in question, the planning history and capabilities of the county or city, and the relative amount of financial assistance made available to the county or city by the state for purposes of meeting the requirements of this chapter.

NEW SECTION. Sec. 24. A new section is added to chapter 36.70A RCW to read as follows:

The office of the attorney general shall, at the request of a county or city that has been found in compliance with the provisions of this chapter by a growth management hearings board, defend or provide assistance in the county or city's defense of an appeal of the board finding in superior court.

Sec. 25. RCW 36.70A.250 and 1994 c 249 s 29 are each amended to read as follows:

(1) There are hereby created three growth management hearings boards for the state of Washington. Each board is a quasi-judicial body. The boards shall be established as follows:

(a) An Eastern Washington board with jurisdictional boundaries including all counties that are required to or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains;

(b) A Central Puget Sound board with jurisdictional boundaries including King, Pierce, Snohomish, and Kitsap counties; and

(c) A Western Washington board with jurisdictional boundaries including all counties that are required or choose to plan under RCW 36.70A.040 and are located west of the crest of the Cascade mountains and are not included in the Central Puget Sound board jurisdictional boundaries. Skamania county, should it be required or choose to plan under RCW 36.70A.040, may elect to be included within the jurisdictional boundaries of either the Western or Eastern board.

(2) Each board shall only hear matters pertaining to the cities and counties located within its jurisdictional boundaries."

Renumber the remaining sections consecutively and correct the title.

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

SPEAKER'S RULING

Representative Rust, the Speaker is prepared to Rule on your Point of Order which challenges amendment 877 to Senate Bill No. 5087 as being beyond the Scope and Object of the bill.

"The title of Senate Bill No. 5087 is AN ACT Relating to appeals involving environmental and land use appeals boards. On page 5, lines 20-23 of the Senate Bill, RCW34.05.518 is amended to specify that "environmental boards include those boards identified in RCW 43.21B.005 and growth management hearings boards."

The original bill aims to streamline appeals to and from environmental boards. The Reams amendment to the House striking amendment has the same intent.

(Most importantly, the Reams amendment strengthens the provision that local plans are presumed valid and the burden is on the petitioner to overturn the local choice.)

The Speaker finds that the amendment is not beyond the scope and object of the bill.

Representative Rust, Your point of order is not well taken.

Representative Reams spoke in favor of the adoption of the amendment to the amendment.

Representative Rust spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives Chandler and Mastin spoke in favor of the adoption of the amendment as amended.

Representative Rust spoke against the adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5087 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5087 as amended by the House, and the bill passed the House by the following vote: Yeas - 71, Nays - 20, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Dellwo, Dyer, Elliot, Fisher, G., Foreman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 71.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Dickerson, Ebersole, Fisher, R., Jacobsen, Mason, Ogden, Poulsen, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 20.

Excused: Representatives Beeksma, Brown, Delvin, Fuhrman, Goldsmith and Schoesler - 6.

Senate Bill No. 5087, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Engrossed Substitute Senate Bill No. 5466 and Engrossed Substitute Senate Bill No. 5684 and the bills held their place on the second reading calendar.

There being no objection, the House resumed consideration of Engrossed Substitute Senate Bill No. 6049 on reconsideration.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage on reconsideration.

Representatives Appelwick, Reams and Van Luven spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Carlson was excused.

Representatives Sheldon, Hargrove, Kremen and Ebersole spoke against passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was sustained.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6049, as amended by the House on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6049, as amended by the House on reconsideration, and the bill passed the House by the following vote: Yeas - 50, Nays - 40, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brumsickle, Chopp, Cody, Cooke, Costa, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Horn, Huff, Jacobsen, Kessler, Mastin, Mielke, Ogden, Poulsen, Quall, Radcliff, Reams, Regala, Rust, Schmidt, D., Scott, Sheahan, Sommers, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 50.

Voting nay: Representatives Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Clements, Cole, Conway, Crouse, Dellwo, Hargrove, Hickel, Honeyford, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mason, McMahan, McMorris, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Robertson, Romero, Schmidt, K., Sehlin, Sheldon, Sherstad, Silver, Skinner, Smith and Stevens - 40.

Excused: Representatives Beeksma, Brown, Carlson, Delvin, Fuhrman, Goldsmith and Schoesler - 7.

Engrossed Substitute Senate Bill No. 6049, as amended by the House, on reconsideration having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of Substitute Senate Bill No. 5606.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 6, after line 18, insert the following:

"**Sec. 12.** RCW 90.03.380 and 1991 c 347 s 15 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER,

That ~~((said))~~ the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and ~~((said))~~ the application shall not be granted until notice of ~~((said))~~ the application ~~((shall be))~~ is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district.

(4) Sections (1), (2), and (3) of this section do not apply to a change regarding a portion of the water governed by a water right that is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in crops grown under the water right. The use within an irrigation district of water supplied by the district and made surplus as provided in this subsection shall be regulated solely as provided by the board of directors of the irrigation district except as follows: Such a use requires the approval of the board of directors of the irrigation district or must otherwise be authorized by the board; the board may approve or authorize such a use only if the use does not impair the financial or operational integrity of the district; and water made surplus through a change in the crops grown with district-supplied water is not available for use as a matter of right by the individual water user making the change, but may be used by the board for the benefit of the district generally. The district's board of directors may approve or otherwise authorize under this subsection uses of such surplus water that result in the total irrigated acreage within the district exceeding the irrigated acreage recorded with the department for the district's water right if the board notifies the department of the change in the irrigated acreage within the district. Such a notification provides a change in the district's water right and, upon receiving the notification, the department shall revise its records for the district's right to reflect the change. A change or use authorized by or under this subsection shall be made without loss of priority of the right. The use of water other than irrigation district-supplied water that is made surplus as provided in this subsection is governed by section 13 of this act.

(5) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

NEW SECTION. Sec. 13. A new section is added to chapter 90.03 RCW to read as follows:

If a portion of the water governed by a water right is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance practices or technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right, the right to use the surplus water may be changed to use on other lands owned by the holder of the water right that are contiguous to the lands upon which the use of the water was authorized by the right before such a change. Such a change shall be made without loss of priority of the right. The holder of the water right shall notify the department of such a change. The notification provides a change in the holder's water right and, upon receiving the notification, the department shall revise its records for the water right to reflect the change.

This section does not apply to water supplied by an irrigation district.

Sec. 14. RCW 90.44.100 and 1987 c 109 s 113 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or he may change the manner or the place of use of the water (~~(: PROVIDED, HOWEVER, That such)~~). An amendment shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: ~~((1))~~ (a) The additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; ~~((2))~~ (b) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; ~~((3))~~ (c) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and ~~((4))~~ (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(2) This section does not apply to a change in use of a portion of the water governed by a ground water right that is made surplus to the beneficial uses exercised under the right through the implementation of practices or technologies, including but not limited to conveyance technologies, which are more efficient or more water use efficient than those under which the right was perfected or through a change in the crops grown under the water right. RCW 90.03.380(4) and section 13 of this act apply to water made surplus as provided in this subsection.

Sec. 15. RCW 90.03.290 and 1994 c 264 s 84 are each amended to read as follows:

When an application complying with the provisions of this chapter and with the rules and regulations of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public. If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit. The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for

more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470: PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance.

This section does not apply to changes made under section 13 of this act or to changes made under RCW 90.03.380(4) or 90.44.100(2).

Sec. 16. RCW 90.44.445 and 1993 c 99 s 1 are each amended to read as follows:

In any acreage expansion program adopted by the department as an element of a ground water management program, the authorization for a water right certificate holder to participate in the program shall be on an annual basis for the first two years. After the two-year period, the department may authorize participation for ten-year periods. The department may authorize participation for ten-year periods for certificate holders who have already participated in an acreage expansion program for two years. The department may require annual certification that the certificate holder has complied with all requirements of the program. The department may terminate the authority of a certificate holder to participate in the program for one calendar year if the certificate holder fails to comply with the requirements of the program.

This section applies only in an area with a ground water area or subarea management program in effect on the effective date of this section. The provisions of section 13 of this act, RCW 90.03.380, and 90.44.100 apply to transfers, changes, amendments to permits or rights for the beneficial use of ground water in any other area."

Renumber the remaining section consecutively, correct internal references accordingly, and correct the title.

POINT OF ORDER

Representative Rust: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment.

SPEAKER'S RULING

"Representative Rust, the Speaker is prepared to Rule on your Point of Order which challenges amendment 880 to Substitute Senate Bill No. 5606 as being beyond the Scope and Object of the bill.

"The title of Substitute Senate Bill No. 5606 is "AN ACT Relating to water conservation and the reclamation and direct beneficial use of wastewater.

"The title is somewhat narrow. The bill amends RCW 90.46.005, 90.46.010, and 90.46.050, adds new sections to chapter 90.46 RCW, and creates a new section.

"The bill promotes water conservation through the reclamation and beneficial use of wastewater resulting in water made surplus through the implementation of practices or technologies that are more water use efficient.

"The house just adopted amendment 876 which added language regarding salvaged water which includes reclaimed and surplus water, and directing the advisory committee to examine various application of the state's abandonment and relinquishment statutes to permits or rights to use such water.

"Amendment 877 to Substitute Senate Bill No. 5087 would amend various RCW's and add a new section to chapter 90.03 RCW. The amendment would enhance the ability of state and local entities to ensure more surplus water is available and that reclaimed and salvaged water is applied for beneficial use.

"The Speaker finds that the amendment is not beyond the scope and object of the bill.

"Representative Rust, Your Point of Order is not well taken.

Representatives Chandler and Mastin spoke in favor of the adoption of the amendment.

Representative Rust spoke against the adoption of the amendment.

The amendment was adopted.

MOTION

On motion of Representative Talcott, Representative Brumsickle was excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5606, as amended by the House.

Representative Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5606 as amended by the House and the bill passed the House by the following vote: Yeas - 79, Nays - 9, Absent - 1, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria and Mr. Speaker - 79.

Voting nay: Representatives Cole, Dellwo, Fisher, R., Romero, Rust, Sommers, Thibaudeau, Valle and Wolfe - 9.

Absent: Representative Benton - 1.

Excused: Representatives Beeksma, Brown, Brumsickle, Carlson, Delvin, Fuhrman, Goldsmith and Schoesler - 8.

Substitute Senate Bill No. 5606, as amended by the House having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 5606.

DON BENTON, 17th District

There being no objection, the House considered Engrossed Substitute Senate Bill No. 5684 and Engrossed Substitute Senate Bill No. 5466.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5684, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Winsley, Gaspard, Oke, Wood and Hale; by request of Public Disclosure Commission)

Consolidating and revising public disclosure laws.

The bill was read the second time.

Representative Foreman moved adoption of the following amendment by Representative Foreman:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The House of Representatives will continue discussions with the Senate on this legislation."

Representatives Foreman and Appelwick spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5684 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5684, as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Excused: Representatives Beeksma, Brown, Brumsickle, Carlson, Delvin, Fuhrman, Goldsmith and Schoesler - 8.

Engrossed Substitute Senate Bill No. 5684, as amended by the House having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5466, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Oke, Heavey, Winsley and Franklin)

Protecting children from sexually explicit films, publications, and devices.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. Committee on Law & Justice recommendation: Majority, do pass as amended. (For committee amendment see Journal, 78th Day, March 27, 1995.)

With the consent of the House, amendment numbers 789, 652, 787, 760, 761, 762, 758, 759, 763, 764, 765, 766, 767, 768, 788, 791 and 756 to Engrossed Substitute Senate Bill No. 5466 were withdrawn.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** As used in sections 1 through 6 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Minor" means any person under the age of eighteen years.

- (2) "Harmful to minors" means any matter or live performance:
- (a) That the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and
 - (b) That explicitly depicts or describes, by prevailing standards in the adult community with respect to what is suitable for minors, patently offensive representations or descriptions of:
 - (i) Ultimate sexual acts, normal or perverted, actual or simulated; or
 - (ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, lewd exhibition of the genitals or genital area, sexually explicit conduct, sexual excitement, or sexually explicit nudity; or
 - (iii) Sexual acts that are violent or destructive, including but not limited to human or animal mutilation, dismemberment, rape, or torture; and
 - (c) That, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors.
- (3) "Matter" means a motion picture film, a publication, a sexual device, or any combination thereof.
- (4) "Motion picture film" means any:
- (a) Film or plate negative;
 - (b) Film or plate positive;
 - (c) Film designed to be projected on a screen for exhibition;
 - (d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;
 - (e) Video tape; or
 - (f) Any other medium used to electronically transmit or reproduce images on a screen.
- (5) "Publication" means any book, magazine, article, pamphlet, writing, printing illustration, picture, sound recording, telephonic communication, or coin-operated machine.
- (6) "Sexual device" means any artificial device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals.
- (7) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, in person or by electronic transmission, or by telephonic communication, with or without consideration.
- (8) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.
- (9) "Knowledge of its character" means that the person has knowledge that the matter or performance contains, depicts, or describes activity or conduct that may be found to be patently offensive under subsection (2)(b) of this section. Such knowledge may be proved by direct or circumstantial evidence, or both.
- (10) "Knowledge" means knowledge as defined in RCW 9A.08.010(1)(b).

NEW SECTION. Sec. 2. No person shall with knowledge of its character:

- (1) Display matter that is harmful to minors, as defined in section 1(2) of this act, in such a way that minors, as part of the invited general public, will be exposed to view such matter; however, a person shall be deemed not to have displayed matter harmful to minors if the matter is kept behind devices commonly known as blinder racks so that the lower two-thirds of the matter is not exposed to view. In the case of on-line accessibility to information stored in an electronic form, a person shall be deemed not to have displayed matter harmful to minors if:
- (a) The matter is stored in a restricted area where access is allowed only to persons who are reasonably believed to be eighteen years of age or older based on information supplied as provided for in section 3(3) of this act and who have obtained a password or other authorization necessary for access to the matter; or
 - (b) Where it is not reasonably possible to restrict access in the manner described in (a) of this subsection, the matter is stored in an area labelled "adults only";
- (2) Sell, furnish, present, distribute, allow to view or hear, or otherwise disseminate to a minor, with or without consideration, any matter that is harmful to minors as defined in section 1(2) of this act; or
- (3) Present to a minor or participate in presenting to a minor, with or without consideration, any live performance that is harmful to minors as defined in section 1(2) of this act.

NEW SECTION. Sec. 3. In any prosecution for violation of section 2 of this act, it shall be an affirmative defense that:

(1) The matter or performance involved was displayed or otherwise disseminated to a minor by the minor's parent or legal guardian, for bona fide purposes;

(2) The matter or performance involved was displayed or otherwise disseminated to a minor with the written permission of the minor's parent or legal guardian, for bona fide purposes; or

(3) The person made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper, or copy thereof if supplied by mail or electronic facsimile when in-person production thereof is impractical, and not relying solely on the oral allegations or apparent age of the minor.

NEW SECTION. Sec. 4. Any person who is convicted of violating any provision of section 2 of this act is guilty of a gross misdemeanor. Each day that any violation of section 2 of this act occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by section 2 of this act shall constitute a separate offense as to each item, issue, or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume, and number issue, or other such identical material shall constitute a single offense.

NEW SECTION. Sec. 5. Nothing in this chapter shall apply to the official distribution of material by a recognized historical society or museum, a library of a college or university, or an archive or library under the supervision and control of the state, county, municipality, or other political subdivision of the state.

NEW SECTION. Sec. 6. The state of Washington hereby fully occupies and preempts within the boundaries of the state the entire field of regulation and sanctions for displaying, selling, furnishing, presenting, or otherwise distributing matter or performances that are harmful to minors. Counties, cities, towns, or other municipalities may enact only those laws and ordinances relating to matter and performances harmful to minors that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this chapter shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such county, city, town, or municipality.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) RCW 9.68.015 and 1959 c 260 s 2;
- (2) RCW 9.68.050 and 1992 c 5 s 1 & 1969 ex.s. c 256 s 13;
- (3) RCW 9.68.060 and 1992 c 5 s 2 & 1969 ex.s. c 256 s 14;
- (4) RCW 9.68.070 and 1992 c 5 s 4 & 1969 ex.s. c 256 s 15;
- (5) RCW 9.68.080 and 1969 ex.s. c 256 s 16;
- (6) RCW 9.68.090 and 1992 c 5 s 3 & 1969 ex.s. c 256 s 17;
- (7) RCW 9.68.100 and 1969 ex.s. c 256 s 18;
- (8) RCW 9.68.110 and 1969 ex.s. c 256 s 19;
- (9) RCW 9.68.120 and 1969 ex.s. c 256 s 20;
- (10) RCW 9.68.130 and 1975 1st ex.s. c 156 s 1;
- (11) RCW 9.68A.140 and 1987 c 396 s 1;
- (12) RCW 9.68A.150 and 1987 c 396 s 2; and
- (13) RCW 9.68A.160 and 1987 c 396 s 3.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act are each added to chapter 9.68 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Representative Hatfield moved adoption of the following amendment to the amendment by Representative Hatfield:

On page 2, line 12, after "picture," strike "sound recording,"

Representatives Hatfield and Smith spoke in favor of the adoption of the amendment to the amendment.

Representative Smith spoke against the adoption of the amendment to the amendment.

The amendment was not adopted.

Representative Mitchell moved adoption of the following amendment to the amendment by Representative Mitchell:

On page 2, after line 29, insert the following:

"(11) "Community" means the state-wide community."

Representatives Mitchell and Cole spoke in favor of the adoption of the amendment to the amendment.

Representative Sheahan spoke against the adoption of the amendment to the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 50-YEAS, 38-NAYS. The amendment was adopted.

Representative Cole moved adoption of the following amendment to the amendment by Representative Cole:

On page 4, beginning on line 21, after "apply" strike "to the" and insert "to:
(1) The"

On page 4, line 25, after "state" insert "; or
(2) The official distribution or use of instructional or educational material by a public school as defined in 28A.150.010"

Representative Cole spoke in favor of the adoption of the amendment to the amendment.

Representative Sherstad spoke against the adoption of the amendment to the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 36-YEAS, 53-NAYS. The amendment was not adopted.

Representative Thibaudeau moved adoption of the following amendment to the amendment by Representative Thibaudeau:

On page 4, beginning on line 21, after "apply" strike "to the" and insert "to:
(1) The"

On page 4, line 25, after "state" insert ";

(2) The official distribution or use of material by a health care provider, or health agency under the supervision and control, or funded in whole or in part by the state, county, municipality, or other political division of the state;

(3) Devices designed for contraceptive purposes; or

(4) The depiction of a female breast-feeding an infant"

Representative Thibaudeau spoke in favor of the adoption of the amendment to the amendment.

Representative Sheahan spoke against the adoption of the amendment to the amendment.

Representative Thibaudeau again spoke in favor of the adoption of the amendment to the amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 39-YEAS, 47-NAYS. The amendment was not adopted.

With the consent of the House, amendment number 885 to Engrossed Substitute Senate Bill No. 5466 was withdrawn.

Representative Radcliff moved adoption of the following striking amendment to the striking amendment by Representative Radcliff:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** There is hereby created a task force on regulation of availability of pornographic material to children.

(1) The task force shall consist of ten members: Four members selected by the president of the senate; four members selected by the speaker of the house of representatives; and two members appointed by the governor.

(2) The task force shall study the issue of availability of pornography to children and shall submit a report that includes legislative recommendations to the legislature by January 1, 1996."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "and creating a new section."

Representatives Radcliff, Hatfield, Costa, Thibaudeau, Blanton and Mason spoke in favor of the adoption of the striking amendment to the striking amendment.

Representatives Sheahan and Morris spoke against the adoption of the striking amendment to the striking amendment.

A division was called. The Speaker called on the House to divide. The results of the division was: 34-YEAS, 53-NAYS. The amendment was not adopted.

Representative McMahan spoke in favor of the adoption of the striking amendment as amended.

The striking amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McMahan, Ebersole, Buck and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House, and the bill passed the House by the following vote: Yeas - 75, Nays - 14, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Wolfe and Mr. Speaker - 75.

Voting nay: Representatives Chopp, Cody, Cole, Dellwo, Dickerson, Fisher, R., Hatfield, Mason, Regala, Romero, Rust, Thibaudeau, Tokuda and Veloria - 14.

Excused: Representatives Beeksma, Brown, Brumsickle, Carlson, Delvin, Fuhrman, Goldsmith and Schoesler - 8.

Engrossed Substitute Senate Bill No. 5466, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection the following bills were referred to the Committee on Rules: Engrossed Senate Bill No. 5204, Substitute Senate Bill No. 5211, Senate Bill No. 5310, Substitute Senate Bill No. 5591, Substitute Senate Bill No. 5747, Senate Bill No. 5830, Substitute Senate Bill No. 5556, Second Substitute Senate Bill No. 5557, Senate Bill No. 5819, Engrossed Substitute Senate Bill No. 5901, House Bill No. 1255, House Bill No. 2083, Senate Bill No. 5272, Substitute Senate Bill No. 5467, Substitute Senate Bill No. 5568 and House Bill No. 2091.

Representative Conway moved that the remarks by Representative Morris be spread upon the Journal and the motion failed.

MESSAGES FROM THE SENATE

April 14, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5755,
SUBSTITUTE SENATE BILL NO. 5992,
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8210,

and the same are herewith transmitted.

Marty Brown, Secretary

April 14, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1178,
HOUSE BILL NO. 1189,
HOUSE BILL NO. 1190,

SUBSTITUTE HOUSE BILL NO. 1192,
HOUSE BILL NO. 1310,
HOUSE BILL NO. 1311,
HOUSE BILL NO. 1362,
HOUSE BILL NO. 1407,
HOUSE BILL NO. 1450,
HOUSE BILL NO. 1790.
SUBSTITUTE HOUSE BILL NO. 1853,
HOUSE BILL NO. 1866,
HOUSE BILL NO. 1893,

HOUSE BILL NO. 2063,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1241,
SUBSTITUTE HOUSE BILL NO. 1483,
SUBSTITUTE HOUSE BILL NO. 1929,
SUBSTITUTE HOUSE BILL NO. 2060,
HOUSE JOINT MEMORIAL NO. 4008,
SENATE BILL NO. 5755,
SUBSTITUTE SENATE BILL NO. 5992,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8210,

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Foreman, the House adjourned until 1:00 p.m., Monday, April 17, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

NINETY-SIXTH DAY, APRIL 14, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

NINETY-NINTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, April 17, 1995

The House was called to order at 1:00 p.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kelly Smith and Annalisa Woods. Prayer was offered by Wes Johnson, of the Bethel Baptist Church of Everett.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

POINT OF PERSONAL PRIVILEGE

Representative Campbell: Thank you Mr. Speaker. Mr. Speaker, over the weekend since we adjourned I have to report that a good friend and comrade died in a very tragic car accident and I just wanted to point out his passing today. Dr. David Cantwell who's up on Canyon Rd. when some irresponsible drunken mad man ran into him, killed him. A wonderful man, a good friend 36 yrs old, left his wife and three children. They live in an adjoining district, the 25th, but they're good friends of ours. And I have to tell you this is a grievous loss and we're certainly going to be saddened for it.

He wasn't alone, another gentleman was killed in the wreck and two young ladies are tragically in the hospital and probably crippled for life. I hate to start this session this week on this note but I wanted to thank the body for the outstanding work we did on the drunk driving legislation and I hope and pray that these types of injuries and incidents will be reduced in the years to come. I just wanted to mention David, because the world certainly is going to be a lesser place without him, he was a wonderful person and my heart goes out to his family and all the family members from the other families that are going to miss their uncle and that gentleman who was killed also from people that were good samaritans, just to try to help move a car off the road. I thank you Mr. Speaker for indulging me and thank the body once again for really acting and, I think in very positive way, this very tragic menace that we're dealing with.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of House of Representatives
The Legislature of the State of Washington
Olympia, Washington

Mr. Speaker:

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, certify that according to records on file in my office Mark K. Sterk is to fill the vacancy of State Representative of the 4th District by action of the King County Council.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the State of Washington, this 17th day of April, 1995.
(Seal)

Ralph Munro, Secretary of State.

OATH OF OFFICE

The Speaker (Representative Horn presiding) instructed the Sergeant at Arms to escort Mark K. Sterk to the rostrum.

Justice Utter administered the oath of office to Mr. Sterk. The Speaker (Representative Horn presiding) and Secretary of State presented Representative Sterk with the certificate of appointment, and he was escorted to his seat in the House Chamber.

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4667, by Representatives Cairnes, Cooke, Campbell, Kremen, Dyer, D. Schmidt, Koster and Hatfield

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in service and contribution to the great state of Washington and these United States; and

WHEREAS, A great many citizens of the great state of Washington served in the American Merchant Marine during the years surrounding World War II, and many other Washington state citizens continue to serve today; and

WHEREAS, During World War II the United States depended heavily upon the Merchant Marine for the war effort, to man the "Liberty Ships," that carried forty-one Merchant Seaman and twenty-six United States Navy Armed Guard gunners, bringing much needed cargo, foodstuffs, munitions, supplies, and other raw material to our Allies and vital war theaters, by way of large ship convoys crossing the treacherous Atlantic and Pacific Oceans; and

WHEREAS, These convoys faced untold dangers and perils, including being methodically hunted by U-boats in "wolf-packs," which, for example, in the first twenty days of March 1943 sank ninety-seven Allied merchant ships. The convoys also faced the hazards of mines, enemy aircraft, surface warships, armed raiders, and not least of all the North Atlantic gales and Pacific typhoons; and

WHEREAS, The Merchant Marines surmounted and conquered these perils and served the United States readily and reliably, unselfishly and unwaveringly, valiantly and proudly, courageously and patriotically; and

WHEREAS, The fight for freedom in World War II would have been immeasurably affected without the selfless and determined contributions by the Merchant Marines to vanquish and defeat the Axis powers, heretofore the greatest enemies of freedom the world had known; and

WHEREAS, During times of peace, the Merchant Marines faithfully ensure strong, robust seaborne commerce, bolstering and fostering international trade and continued prosperity for the great state of Washington and these United States;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington, honor the excellence in service and contribution to the great state of Washington and these United States by those who serve in the Merchant Marines, helping to assure continued economic prosperity through trade, and especially those who have served during the years surrounding World War II, who, by their courage, patriotism, and selfless and unwavering sacrifices have contributed to ensuring that the forces of tyranny will never triumph over the bright light of freedom.

Representative Cairnes moved adoption of the resolution.

Representative Cairnes spoke in favor of adoption of the resolution.

House Resolution No. 4667 was adopted.

HOUSE RESOLUTION NO. 95-4670, by Representatives Johnson, Carrell, K. Schmidt, Huff, Buck, Sheldon, Hymes, Sheahan, Brumsickle, Silver, Honeyford, Sehlin, Backlund, Dyer,

Boldt, Koster, McMahan, Pelesky, Fuhrman, D. Schmidt, L. Thomas, Lisk, Hickel, Foreman, Casada, Pennington, Lambert, Benton, Cooke, Skinner, Mitchell, Talcott, Mulliken, Thompson, Beekma, McMorris, Stevens, Robertson, B. Thomas, Hargrove, Goldsmith, Chandler, Ballard, Smith, Clements, Campbell, Kremen, Basich, Wolfe, Hankins, Regala, Chappell, Morris, Elliot, Carlson and Horn

WHEREAS, Home schools and private schools provide families the opportunity for their children to receive a sound academic education integrated with high ethical standards taught within a safe and secure environment; and

WHEREAS, Home schools and private schools allow parents to ensure that the positive character traits and moral values instilled in their children at home are reinforced by the educational process; and

WHEREAS, It is a fundamental principle that precedes both the federal and state constitutions that parents have the ultimate authority and responsibility for the care and upbringing of their children; and

WHEREAS, Parents have the paramount right to direct the education of their children and to oversee what their children learn and how they are taught; and

WHEREAS, The Washington State Legislature has appropriately and statutorily recognized home education and private schooling as legitimate and viable education alternatives; and

WHEREAS, The Washington State Legislature has also recognized the rights of parents to teach and train their children according to the dictates of their sincerely held religious beliefs; and

WHEREAS, Home education and private school education were the predominant if not singular forms of education for much of the early years of America's past; and

WHEREAS, Many notable Americans, including George Washington, Patrick Henry, John Marshall, Abraham Lincoln, Booker T. Washington, and Woodrow Wilson were primarily educated at home; and

WHEREAS, Washington now has more children being educated at home schools and private schools than ever before in the history of our state; and

WHEREAS, Parents of students in home schools and private schools must not only pay for the education of their own children but as taxpayers they also pay for the education of their neighbors' children saving the state millions of dollars each year; and

WHEREAS, Contemporary studies continue to confirm that children who are educated at home or in private schools score exceptionally well on nationally normed achievement tests, exhibit confidence, conviction, poise, and purpose, and are fully prepared to meet the challenges of today's society; and

WHEREAS, It is appropriate that home and private school educators throughout Washington be recognized for their sacrificial contributions to the diversity and quality of education in this great state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor, thank, and celebrate the home school and private school educators of our state and recognize the first week of June as Washington State Home School and Private School Education Week.

Representative Johnson moved adoption of the resolution.

Representatives Johnson, Sheldon, Kremen, Pennington, Ebersole, McMahan, Skinner, Regala, Campbell, Hargrove, Koster and Clements spoke in favor of adoption of the resolution.

House Resolution No. 4670 was adopted.

MESSAGES FROM THE SENATE

April 17, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1241,
SUBSTITUTE HOUSE BILL NO. 1483,
SUBSTITUTE HOUSE BILL NO. 1929,

SUBSTITUTE HOUSE BILL NO. 2060,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 17, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5728,
ENGROSSED SENATE BILL NO. 5876,

and the same are herewith transmitted.

Marty Brown, Secretary

April 14, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1432,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

The Speaker (Representative Horn presiding) declared the House to ease.

The Speaker called the House to order.

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 70.47 RCW to read as follows:
BASIC HEALTH PLAN--EXPANDED ENROLLMENT. (1) The legislature finds that the basic health plan has been an effective program in providing health coverage for uninsured residents.

Further, since 1993, substantial amounts of public funds have been allocated for subsidized basic health plan enrollment.

(2) It is the intent of the legislature that the basic health plan enrollment be expanded expeditiously, consistent with funds available in the health services account, with the goal of two hundred thousand adult subsidized basic health plan enrollees and one hundred thirty thousand children covered through expanded medical assistance services by June 30, 1997, with the priority of providing needed health services to children in conjunction with other public programs.

(3) Effective January 1, 1996, basic health plan enrollees whose income is less than one hundred twenty-five percent of the federal poverty level shall pay at least a ten-dollar premium share.

(4) No later than July 1, 1996, the administrator shall implement procedures whereby hospitals licensed under chapters 70.41 and 71.12 RCW, health carrier, rural health care facilities regulated under chapter 70.175 RCW, and community and migrant health centers funded under RCW 41.05.220, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

(5) No later than July 1, 1996, the administrator shall implement procedures whereby health insurance agents and brokers, licensed under chapter 48.17 RCW, may expeditiously assist patients and their families in applying for basic health plan or medical assistance coverage, and in submitting such applications directly to the health care authority or the department of social and health services. Brokers and agents shall be entitled to receive a commission for each individual sale of the basic health plan to anyone not at anytime previously signed up and a commission for each group sale of the basic health plan. No commission shall be provided upon a renewal. Commissions shall be determined based on the estimated annual cost of the basic health plan, however, commissions shall not result in a reduction in the premium amount paid to health carriers. For purposes of this section "health carrier" is as defined in section 4 of this act. The health care authority and the department of social and health services shall make every effort to simplify and expedite the application and enrollment process.

NEW SECTION. Sec. 2. HEALTH CARE SAVINGS ACCOUNTS. (1) This chapter shall be known as the health care savings account act.

(2) The legislature recognizes that the costs of health care are increasing rapidly and most individuals are removed from participating in the purchase of their health care.

As a result, it becomes critical to encourage and support solutions to alleviate the demand for diminishing state resources. In response to these increasing costs in health care spending, the legislature intends to clarify that health care savings accounts may be offered as health benefit options to all residents as incentives to reduce unnecessary health services utilization, administration, and paperwork, and to encourage individuals to be in charge of and participate directly in their use of service and health care spending. To alleviate the possible impoverishment of residents requiring long-term care, health care savings accounts may promote savings for long-term care and provide incentives for individuals to protect themselves from financial hardship due to a long-term health care need.

(3) Health care savings accounts are authorized in Washington state as options to employers and residents.

NEW SECTION. Sec. 3. HEALTH CARE SAVINGS ACCOUNTS--REQUEST FOR TAX EXEMPTION. The governor and responsible agencies shall:

(1) Request that the United States congress amend the internal revenue code to treat premiums and contributions to health benefits plans, such as health care savings account programs, basic health plans, conventional and standard health plans offered through a health carrier, by employers, self-employed persons, and individuals, as fully excluded employer expenses and deductible from individual adjusted gross income for federal tax purposes.

(2) Request that the United States congress amend the internal revenue code to exempt from federal income tax interest that accrues in health care savings accounts until such money is withdrawn for expenditures other than eligible health expenses as defined in law.

(3) If all federal statute or regulatory waivers necessary to fully implement this chapter have not been obtained by the effective date of this section, this chapter shall remain in effect.

NEW SECTION. Sec. 4. DEFINITIONS. Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(3) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of this act.

(4) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(5) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(6) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(7) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(8) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(9) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care service except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care service offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans; and

(j) Dental only and vision only coverage.

(10) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(11) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(12) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(13) "Small employer" means any person, firm, corporation, partnership, association, political subdivision except school districts, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate Internal Revenue Service form 1040, Schedule C or F, for the previous taxable year.

(14) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

(15) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

NEW SECTION. Sec. 5. INSURANCE REFORM--PORTABILITY. (1) Every health carrier shall waive any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan if such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least three months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions. If the person was continuously covered for less than three months under the immediately preceding health plan, the carrier must credit any waiting period under the immediately preceding health plan toward the new health plan. For the purposes of this subsection, a preceding health plan includes an employer provided self-funded health plan.

(2) Subject to the provisions of subsection (1) of this section, nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history.

NEW SECTION. Sec. 6. INSURANCE REFORM--PREEXISTING CONDITIONS. (1) No carrier may reject an individual for health plan coverage based upon preexisting conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that a carrier may impose a three-month benefit waiting period for preexisting conditions for which medical advice was given, or for which a health care provider recommended or provided treatment within three months before the effective date of coverage.

(2) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. These provisions apply only to individuals who are Washington residents.

NEW SECTION. Sec. 7. INSURANCE REFORM--GUARANTEED ISSUE. (1) All health carriers shall accept for enrollment any state resident within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (5) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. In the case of group plans, the carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

- (a) Nonpayment of premium;
- (b) Violation of published policies of the carrier approved by the insurance commissioner;
- (c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;
- (d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;
- (e) Covered persons committing fraudulent acts as to the carrier;
- (f) Covered persons who materially breach the health plan; or
- (g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply in the following cases:

- (a) A carrier has zero enrollment on a product; or
- (b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product; or
- (c) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

NEW SECTION. Sec. 8. A new section is added to chapter 48.43 RCW to read as follows:

Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:

(1) Permit every category of health care provider to provide health services or care for conditions included in the basic health plan services to the extent that:

- (a) The provision of such health services or care is within the health care providers' permitted scope of practice; and
- (b) The providers agree to abide by standards related to:
 - (i) Provision, utilization review, and cost containment of health services;
 - (ii) Management and administrative procedures; and
 - (iii) Provision of cost-effective and clinically efficacious health services.

(2) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals.

NEW SECTION. Sec. 9. WASHINGTON HEALTH CARE POLICY BOARD. (1) There is hereby created the Washington health care policy board. The board shall consist of: (a) Five members appointed by the governor; (b) two members of the senate appointed by the president of the senate, one of whom shall be a member of the minority party; and (c) two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the minority party. One member of the board shall be designated by the governor as chair and shall serve at the pleasure of the governor. All legislative members shall be appointed before the close of each regular or special session during an odd-numbered year.

(2) Of the members appointed by the governor, two shall be appointed to two-year terms and two shall be appointed to three-year terms. Thereafter, members shall be appointed to three-year terms. The chair shall serve at the pleasure of the governor. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated. A majority of the voting members shall constitute a quorum.

(3) Members of the board appointed by the governor shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. They shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 10. CHAIR--POWERS AND DUTIES. The chair shall be the chief administrative officer and the appointing authority of the board. The chair shall have the authority to employ personnel of the board in accordance with chapter 41.06 RCW and prescribe their duties. The chair may employ up to eight personnel exempt from the provisions of chapter 41.06 RCW. The chair shall also have the following powers and duties:

- (1) Enter into contracts on behalf of the board;
- (2) Accept and expend donations, grants, and other funds received by the board;
- (3) Appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the board.

NEW SECTION. Sec. 11. BOARD--POWERS AND DUTIES. The board shall have the following powers and duties:

- (1) Periodically make recommendations to the appropriate committees of the legislature and the governor on issues including, but not limited to the following:
 - (a) The scope, financing, and delivery of health care benefit plans including access for both the insured and uninsured population;
 - (b) Long-term care services including the finance and delivery of such services in conjunction with the basic health plan by 1999;
 - (c) The use of health care savings accounts including their impact on the health of participants and the cost of health insurance;
 - (d) Rural health care needs;
 - (e) Whether Washington is experiencing an increase in immigration as a result of health insurance reforms and the availability of subsidized and unsubsidized health care benefits;
 - (f) The status of medical education and make recommendations regarding steps possible to encourage adequate availability of health care professionals to meet the needs of the state's populations with particular attention to rural areas;
 - (g) The implementation of community rating and its impacts on the marketplace including costs and access;
 - (h) The status of quality improvement programs in both the public and private sectors;
 - (i) Models for billing and claims processing forms, ensuring that these procedures minimize administrative burdens on health care providers, facilities, carriers, and consumers. These standards shall also apply to state-purchased health services where appropriate;
 - (j) Guidelines to health carriers for utilization management and review, provider selection and termination policies, and coordination of benefits and premiums; and
 - (k) Study the feasibility of including long-term care services in a medicare supplemental insurance policy offered according to RCW 41.05.197;

(2) Review rules prepared by the insurance commissioner, health care authority, department of social and health services, department of labor and industries, and department of health, and make recommendations where appropriate to facilitate consistency with the goals of health reform;

(3) Make recommendations on a system for managing health care services to children with special needs and report to the governor and the legislature on their findings by January 1, 1997;

(4) Conduct a comparative analysis of individual and group insurance markets addressing: Relative costs; utilization rates; adverse selection; and specific impacts upon small businesses and individuals. The analysis shall address, also, the necessity and feasibility of establishing explicit related policies, to include, but not be limited to, establishing the maximum allowable individual premium rate as a percentage of the small group premium rate. The board shall submit an interim report on its findings to the governor and appropriate committees of the legislature by December 15, 1995, and a final report on December 15, 1996;

(5) Develop sample enrollee satisfaction surveys that may be used by health carriers.

NEW SECTION. Sec. 12. STUDY. In January 1999 the legislative budget committee shall commence a study of the necessity of the existence of the board and report its recommendations to the appropriate committees of the legislature by December 1, 1999.

NEW SECTION. Sec. 13. A new section is added to chapter 48.20 RCW to read as follows:

(1)(a) An insurer offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude an insurer from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.20.390, 48.20.393, 48.20.395, 48.20.397, 48.20.410, 48.20.411, 48.20.412, 48.20.416, and 48.20.420 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan.

(2) Premiums for health benefit plans for individuals shall be calculated using the adjusted community rating method that spreads financial risk across the carrier's entire individual product population. All such rates shall conform to the following:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045.

(4) As used in this section, "health benefit plan," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in section 4 of this act.

Sec. 14. RCW 48.21.045 and 1990 c 187 s 2 are each amended to read as follows:

~~((A basic group disability insurance policy may be offered to employers of fewer than twenty-five employees. Such a basic group disability insurance policy))~~ (1)(a) An insurer offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. An insurer offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, benefits in excess of the basic ~~((coverage authorized herein))~~ health plan services. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage.

(4) The ((policy)) health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees;
- and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "basic health plan," "adjusted community rate," and "wellness activities" mean the same as defined in section 4 of this act.

NEW SECTION. Sec. 15. A new section is added to chapter 48.44 RCW to read as follows:

(1)(a) A health care service contractor offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a contractor from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan.

(2) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023.

(4) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "basic health plan," "adjusted community rates," and "wellness activities" mean the same as defined in section 4 of this act.

Sec. 16. RCW 48.44.023 and 1990 c 187 s 3 are each amended to read as follows:

~~((A basic health care service contract may be offered to employers of fewer than twenty-five employees. Such a basic health care service contract))~~ (1)(a) A health care services contractor offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A contractor offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460 if (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.

(2) Nothing in this section shall prohibit ~~((an insurer))~~ a health care service contractor from offering, or a purchaser from seeking, benefits in excess of the basic ~~((coverage authorized herein))~~ health plan services. All forms, policies, and contracts shall be submitted for approval to the

commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage.

(4) The ((policy)) health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees;

and

- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect

to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 17. A new section is added to chapter 48.46 RCW to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to any individual shall offer and actively market to all individuals a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a health maintenance organization from offering, or an individual from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits provided in the basic health plan shall clearly disclose these differences to the individual in a brochure approved by the commissioner.

(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.26.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if the health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan.

(2) Premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.

(3) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066.

(4) As used in this section and RCW 48.46.066, "health benefit plan," "basic health plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in section 4 of this act.

Sec. 18. RCW 48.46.066 and 1990 c 187 s 4 are each amended to read as follows:

~~((A basic health maintenance agreement may be offered to employers of fewer than twenty-five employees. Such a basic health maintenance agreement)) (1)(a) A health maintenance organization offering any health benefit plan to a small employer shall offer and actively market to the small employer a health benefit plan providing benefits identical to the schedule of covered health services that are required to be delivered to an individual enrolled in the basic health plan. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more or less comprehensive benefits than the basic health plan, provided such plans are in accordance with this chapter. A health maintenance organization offering a health benefit plan that does not include benefits in the basic health plan shall clearly disclose these differences to the small employer in a brochure approved by the commissioner.~~

~~(b) A health benefit plan shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530 if: (i) The health benefit plan is the mandatory offering under (a) of this subsection that provides benefits identical to the basic health plan, to the extent these requirements differ from the basic health plan; or (ii) the health benefit plan is offered to employers with not more than twenty-five employees.~~

~~(2) Nothing in this section shall prohibit ((an insurer)) a health maintenance organization from offering, or a purchaser from seeking, benefits in excess of the basic ((coverage authorized herein)) health plan services. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

~~(i) Geographic area;~~

~~(ii) Family size;~~

~~(iii) Age; and~~

~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).~~

~~(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.~~

~~(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.~~

~~(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:~~

~~(i) Changes to the enrollment of the small employer;~~

~~(ii) Changes to the family composition of the employee;~~

~~(iii) Changes to the health benefit plan requested by the small employer; or~~

~~(iv) Changes in government requirements affecting the health benefit plan.~~

~~(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.~~

~~(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in section 5 of this act.~~

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage.

(4) The ((policy)) health benefit plans authorized by this section that are lower than the required offering shall not supplant or supersede any existing policy for the benefit of employees in this state. Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 19. A new section is added to chapter 43.70 RCW to read as follows:

(1) The identity of a whistleblower who complains, in good faith, to the department of health about the improper quality of care by a health care provider, or in a health care facility, as defined in RCW 43.72.010, shall remain confidential. The provisions of RCW 4.24.500 through 4.24.520, providing certain protections to persons who communicate to government agencies, shall apply to complaints filed under this section. The identity of the whistleblower shall remain confidential unless the department determines that the complaint was not made in good faith. An employee who is a whistleblower, as defined in this section, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW.

(2)(a) "Improper quality of care" means any practice, procedure, action, or failure to act that violates any state law or rule of the applicable state health licensing authority under Title 18 or chapters 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and enforced by the department of health. Each health disciplinary authority as defined in RCW 18.130.040 may, with consultation and interdisciplinary coordination provided by the state department of health, adopt rules defining accepted standards of practice for their profession that shall further define improper quality of care. Improper quality of care shall not include good faith personnel actions related to employee performance or actions taken according to established terms and conditions of employment.

(b) "Reprisal or retaliatory action" means but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct pursuant to Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; and a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower.

(c) "Whistleblower" means a consumer, employee, or health care professional who in good faith reports alleged quality of care concerns to the department of health.

(3) Nothing in this section prohibits a health care facility from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower.

(4) The department shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under Title 18 RCW for health professionals or health care facilities.

NEW SECTION. Sec. 20. A new section is added to chapter 48.43 RCW to read as follows:

Each health carrier as defined under section 4 of this act shall file with the commissioner its procedures for review and adjudication of complaints initiated by covered persons or health care providers. Procedures filed under this section shall provide a fair review for consideration of complaints. Every health carrier shall provide reasonable means whereby any person aggrieved by actions of the health carrier may be heard in person or by their authorized representative on their written request for review. If the health carrier fails to grant or reject such request within thirty days after it is made, the complaining person may proceed as if the complaint had been rejected. A complaint that has been rejected by the health carrier may be submitted to nonbinding mediation. Mediation shall be conducted pursuant to mediation rules similar to those of the American arbitration association, the center for public resources, the judicial arbitration and mediation service, RCW 7.70.100, or any other rules of mediation agreed to by the parties.

NEW SECTION. Sec. 21. The health care authority, the office of financial management, and the department of social and health services shall together monitor the enrollee level in the basic health plan and the medicaid caseload of children funded from the health services account. The office of financial management shall adjust the funding levels by interagency reimbursement of funds between the basic health plan and medicaid and adjust the funding levels between the health care authority and the medical assistance administration of the department of social and health services to maximize combined enrollment.

NEW SECTION. Sec. 22. A new section is added to chapter 48.21 RCW to read as follows:

(1) No insurer shall offer any health benefit plan to any small employer without complying with the provisions of RCW 48.21.045(5).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care shall not be considered small employers and such plans shall not be subject to the provisions of RCW 48.21.045(5).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in section 4 of this act.

NEW SECTION. Sec. 23. A new section is added to chapter 48.44 RCW to read as follows:

(1) No health care service contractor shall offer any health benefit plan to any small employer without complying with the provisions of RCW 48.44.023(5).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care shall not be considered small employers and such plans shall not be subject to the provisions of RCW 48.44.023(5).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in section 4 of this act.

NEW SECTION. Sec. 24. A new section is added to chapter 48.46 RCW to read as follows:

(1) No health maintenance organization shall offer any health benefit plan to any small employer without complying with the provisions of RCW 48.46.066(5).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care shall not be considered small employers and such plans shall not be subject to the provisions of RCW 48.46.066(5).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in section 4 of this act.

NEW SECTION. Sec. 25. (1) The legislature recognizes that every individual possesses a fundamental right to exercise their religious beliefs and conscience. The legislature further recognizes that in developing public policy, conflicting religious and moral beliefs must be respected. Therefore, while recognizing the right of conscientious objection to participating in specific health services, the

state shall also recognize the right of individuals enrolled with plans containing the basic health plan services to receive the full range of services covered under the plan.

(2)(a) No individual health care provider, religiously sponsored health carrier, or health care facility may be required by law or contract in any circumstances to participate in the provision of or payment for a specific service if they object to so doing for reason of conscience or religion. No person may be discriminated against in employment or professional privileges because of such objection.

(b) The provisions of this section are not intended to result in an enrollee being denied timely access to any service included in the basic health plan services. Each health carrier shall:

(i) Provide written notice to enrollees, upon enrollment with the plan, listing services that the carrier refuses to cover for reason of conscience or religion;

(ii) Provide written information describing how an enrollee may directly access services in an expeditious manner; and

(iii) Ensure that enrollees refused services under this section have prompt access to the information developed pursuant to (b)(ii) of this subsection.

(c) The insurance commissioner shall establish by rule a mechanism or mechanisms to recognize the right to exercise conscience while ensuring enrollees timely access to services and to assure prompt payment to service providers.

(3)(a) No individual or organization with a religious or moral tenet opposed to a specific service may be required to purchase coverage for that service or services if they object to doing so for reason of conscience or religion.

(b) The provisions of this section shall not result in an enrollee being denied coverage of, and timely access to, any service or services excluded from their benefits package as a result of their employer's or another individual's exercise of the conscience clause in (a) of this subsection.

(c) The insurance commissioner shall define by rule the process through which health carriers may offer the basic health plan services to individuals and organizations identified in (a) and (b) of this subsection in accordance with the provisions of subsection (2)(c) of this section.

(4) Nothing in this section requires a health carrier, health care facility, or health care provider to provide any health care services without appropriate payment of premium or fee.

NEW SECTION. Sec. 26. The department of social and health services, in consultation with the health care authority, the office of financial management, and other appropriate state agencies, shall seek necessary federal waivers and state law changes to the medical assistance program of the department to achieve greater coordination in financing, purchasing, and delivering health services to low-income residents of Washington state in a cost-effective manner, and to expand access to care for these low-income residents. Such waivers shall include any waiver needed to require that point-of-service cost-sharing, based on recipient household income, be applied to medical assistance recipients. In negotiating the waiver, consideration shall be given to the degree to which benefits in addition to the minimum list of services should be offered to medical assistance recipients.

NEW SECTION. Sec. 27. REPEALERS. The following acts or parts of acts are each repealed:

- (1) RCW 18.130.320 and 1993 c 492 s 408;
- (2) RCW 18.130.330 and 1994 c 102 s 1 & 1993 c 492 s 412;
- (3) RCW 43.72.005 and 1993 c 492 s 401;
- (4) RCW 43.72.010 and 1994 c 4 s 1, 1993 c 494 s 1, & 1993 c 492 s 402;
- (5) RCW 43.72.020 and 1994 c 154 s 311 & 1993 c 492 s 403;
- (6) RCW 43.72.030 and 1993 c 492 s 405;
- (7) RCW 43.72.040 and 1994 c 4 s 3, 1993 c 494 s 2, & 1993 c 492 s 406;
- (8) RCW 43.72.050 and 1993 c 492 s 407;
- (9) RCW 43.72.060 and 1994 c 4 s 2 & 1993 c 492 s 404;
- (10) RCW 43.72.070 and 1993 c 492 s 409;
- (11) RCW 43.72.080 and 1993 c 492 s 425;
- (12) RCW 43.72.090 and 1993 c 492 s 427;
- (13) RCW 43.72.100 and 1993 c 492 s 428;
- (14) RCW 43.72.110 and 1993 c 492 s 429;
- (15) RCW 43.72.120 and 1993 c 492 s 430;

- (16) RCW 43.72.130 and 1993 c 492 s 449;
- (17) RCW 43.72.140 and 1993 c 492 s 450;
- (18) RCW 43.72.150 and 1993 c 492 s 451;
- (19) RCW 43.72.160 and 1993 c 492 s 452;
- (20) RCW 43.72.170 and 1993 c 492 s 453;
- (21) RCW 43.72.180 and 1993 c 492 s 454;
- (22) RCW 43.72.190 and 1993 c 492 s 455;
- (23) RCW 43.72.210 and 1993 c 492 s 463;
- (24) RCW 43.72.220 and 1993 c 494 s 3 & 1993 c 492 s 464;
- (25) RCW 43.72.225 and 1994 c 4 s 4;
- (26) RCW 43.72.230 and 1993 c 492 s 465;
- (27) RCW 43.72.240 and 1993 c 494 s 4 & 1993 c 492 s 466;
- (28) RCW 43.72.300 and 1993 c 492 s 447;
- (29) RCW 43.72.310 and 1993 c 492 s 448;
- (30) RCW 43.72.800 and 1993 c 492 s 457;
- (31) RCW 43.72.810 and 1993 c 492 s 474;
- (32) RCW 43.72.820 and 1993 c 492 s 475;
- (33) RCW 43.72.830 and 1993 c 492 s 476;
- (34) RCW 43.72.840 and 1993 c 492 s 478;
- (35) RCW 43.72.870 and 1993 c 494 s 5;
- (36) RCW 48.01.200 and 1993 c 492 s 294;
- (37) RCW 48.43.010 and 1993 c 492 s 432;
- (38) RCW 48.43.020 and 1993 c 492 s 433;
- (39) RCW 48.43.030 and 1993 c 492 s 434;
- (40) RCW 48.43.040 and 1993 c 492 s 435;
- (41) RCW 48.43.050 and 1993 c 492 s 436;
- (42) RCW 48.43.060 and 1993 c 492 s 437;
- (43) RCW 48.43.070 and 1993 c 492 s 438;
- (44) RCW 48.43.080 and 1993 c 492 s 439;
- (45) RCW 48.43.090 and 1993 c 492 s 440;
- (46) RCW 48.43.100 and 1993 c 492 s 441;
- (47) RCW 48.43.110 and 1993 c 492 s 442;
- (48) RCW 48.43.120 and 1993 c 492 s 443;
- (49) RCW 48.43.130 and 1993 c 492 s 444;
- (50) RCW 48.43.140 and 1993 c 492 s 445;
- (51) RCW 48.43.150 and 1993 c 492 s 446;
- (52) RCW 48.43.160 and 1993 c 492 s 426;
- (53) RCW 48.43.170 and 1993 c 492 s 431;
- (54) RCW 48.01.210 and 1993 c 462 s 51;
- (55) RCW 48.20.540 and 1993 c 492 s 283;
- (56) RCW 48.21.340 and 1993 c 492 s 284;
- (57) RCW 48.44.480 and 1993 c 492 s 285;
- (58) RCW 48.46.550 and 1993 c 492 s 286;
- (59) RCW 70.170.100 and 1993 c 492 s 259, 1990 c 269 s 12, & 1989 1st ex.s. c 9 s 510;
- (60) RCW 70.170.110 and 1993 c 492 s 260 & 1989 1st ex.s. c 9 s 511;
- (61) RCW 70.170.120 and 1993 c 492 s 261;
- (62) RCW 70.170.130 and 1993 c 492 s 262;
- (63) RCW 70.170.140 and 1993 c 492 s 263;
- (64) RCW 48.44.490 and 1993 c 492 s 288;
- (65) RCW 48.46.560 and 1993 c 492 s 289; and
- (66) RCW 43.72.200 and 1993 c 492 s 456.

NEW SECTION. Sec. 28. CODIFICATION DIRECTION. (1) Sections 2 and 3 of this act shall constitute a new chapter in Title 48 RCW.

(2) Sections 4 through 7 and 25 of this act are each added to chapter 48.43 RCW.

(3) Sections 9 through 12 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 29.** CAPTIONS NOT LAW. Captions as used in this act constitute no part of the law.

NEW SECTION. **Sec. 30.** EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995, except that sections 13 through 18 of this act shall take effect January 1, 1996.

NEW SECTION. **Sec. 31.** SAVINGS CLAUSE. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. **Sec. 32.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "improvement;" strike the remainder of the title and insert "amending RCW 48.21.045, 48.44.023, and 48.46.066; adding a new section to chapter 70.47 RCW; adding new sections to chapter 48.43 RCW; adding a new section to chapter 48.20 RCW; adding new sections to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 48.21 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 18.130.320, 18.130.330, 43.72.005, 43.72.010, 43.72.020, 43.72.030, 43.72.040, 43.72.050, 43.72.060, 43.72.070, 43.72.080, 43.72.090, 43.72.100, 43.72.110, 43.72.120, 43.72.130, 43.72.140, 43.72.150, 43.72.160, 43.72.170, 43.72.180, 43.72.190, 43.72.210, 43.72.220, 43.72.225, 43.72.230, 43.72.240, 43.72.300, 43.72.310, 43.72.800, 43.72.810, 43.72.820, 43.72.830, 43.72.840, 43.72.870, 48.01.200, 48.43.010, 48.43.020, 48.43.030, 48.43.040, 48.43.050, 48.43.060, 48.43.070, 48.43.080, 48.43.090, 48.43.100, 48.43.110, 48.43.120, 48.43.130, 70.170.140, 48.43.140, 48.43.150, 48.43.160, 48.43.170, 48.01.210, 48.20.540, 48.21.340, 48.44.480, 48.46.550, 70.170.100, 70.170.110, 70.170.120, 70.170.130, 70.170.140, 48.44.490, 48.46.560, and 43.72.200; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Dyer moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1046 and pass the bill as amended by the Senate. The motion was carried.

MOTION

On motion of Representative Brown, Representatives Dellwo and Ebersole were excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1046 as amended by the Senate.

Representatives Dyer, Kessler, Backlund, Sheldon, Mielke, Hymes, Horn, Chopp and Hargrove spoke in favor of passage of the bill.

Representatives Cody, Thibaudeau, Conway and Veloria spoke against passage of the bill.

POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Mielke.

Representative Mielke: I am concerned about section 7 of the bill concerning Guarantee Issue. I understand that some companies write only individual plans and others write only group plans. I also understand that service to policyholders might suffer if a company were to issue individual plans where their expertise is in group and visa versa. Does this section require this?

Representative Dyer: No. Section 7 does not require plans to issue policies to those beyond their expertise. This section is nothing more than that this is not the case. In addition, a company can only issue a policy approved by the Commissioner and if it does not have a policy form and a rate approved for a group or an individual it cannot issue the policy.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1046 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 77, Nays - 19, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 77.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Dickerson, Fisher, R., Jacobsen, Mason, Patterson, Regala, Romero, Rust, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 19.

Excused: Representatives Dellwo and Ebersole - 2.

Engrossed Substitute House Bill No. 1046, as amended by the Senate, having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Costa: Thank you Mr. Speaker. I would like to let members know that today is the kick off of Sexual Assault Awareness week. There was a press conference held this morning at 9 a.m. I was a little disappointed that I was the only Legislator there. However, I would like to draw your attention to the fact that every single minute in America there are 1.3 forcible rapes of adult women. A study conducted by the National Victim Center in 1992, found that more than 6 out of 10 rape cases, a full 61% occurred before the victims reached the age of 18.

The Bureau of Justice statistics also reports that there were approximately 20,000 of males ages 12 and over in the United States in 1991.

This is a problem of incredible magnitude and I would encourage all of you to read the brochures that have been placed on your desk to kick off Sexual Assault Awareness week. Thank you.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The President has signed:

HOUSE JOINT MEMORIAL NO. 4008,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046,
SUBSTITUTE HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1432,
SUBSTITUTE HOUSE BILL NO. 1248,
SUBSTITUTE HOUSE BILL NO. 1677,
HOUSE JOINT MEMORIAL NO. 4028,
HOUSE JOINT MEMORIAL NO. 4029,
SENATE BILL NO. 5728,
ENGROSSED SENATE BILL NO. 5876,

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Mielke, the House adjourned until 9:00 a.m., Tuesday, April 18, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

NINETY-NINTH DAY, APRIL 17, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE-HUNDREDTH DAY

—————
MORNING SESSION
—————

House Chamber, Olympia, Tuesday, April 18, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tara Johnson and Jessamyn Tichy. Prayer was offered by Pastor Ed Evans of the United Church of Christ of Blaine.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 95-4678, by Representatives Basich, Kessler, Buck and Hatfield

WHEREAS, The Wishkah Valley Loggerettes finished 29-0 and are the 1995 State Girls Class B Basketball Champions; and

WHEREAS, The Loggerettes won the championship at the state playoffs in Spokane; and

WHEREAS, This marks the third season in a row that Wishkah Valley has reigned as Pacific League Champions and District IV Champions; and

WHEREAS, The Loggerettes, worked together with exceptional teamwork in practice and games to produce a winning team from one of the smallest high schools in the state; and

WHEREAS, The Loggerettes, Sissel Pierce, Crystal Teague, Mindy McElliott, Abbie Pierce, Amanda Matthews, Kim Witt, Ronda Moodenbaugh, Melissa Bowen, Amber Matthews, Carissa Johnson, and Debbie Gerchak, have an outstanding three-year record of 82 wins and 5 losses; and

WHEREAS, Coach Rick McDougall and his assistant Dave Busz have shown exceptional leadership and strategy to lead the team to victory; and

WHEREAS, Team managers Nicole Eager and Steve Ashler have contributed greatly to the undefeated season; and

WHEREAS, This proud accomplishment would not have been possible without the support and encouragement of all the students and staff of Wishkah Valley High School including Principal Dale Bowen and Superintendent Jim Miller, the parents, families, and members of the community;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the young women of the Wishkah Loggerettes Basketball Team for this hard-earned championship and for its contribution to the spirit of the entire student body and the community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Captain of the Wishkah Valley Loggerettes Basketball team, the Head Coach, the Student Body President, and the School Principal.

Representative Basich moved adoption of the resolution.

Representatives Basich and Kessler spoke in favor of adoption of the resolution.

House Resolution No. 4678 was adopted.

MESSAGES FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate has concurred in the House amendments and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5019,
SENATE BILL NO. 5029,
SENATE BILL NO. 5039,
SECOND SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5142,
SUBSTITUTE SENATE BILL NO. 5182,
SUBSTITUTE SENATE BILL NO. 5183,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190,
SUBSTITUTE SENATE BILL NO. 5209,
SENATE BILL NO. 5239,
SENATE BILL NO. 5267,
SENATE BILL NO. 5275,
SENATE BILL NO. 5282,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5342,
SENATE BILL NO. 5378,
SENATE BILL NO. 5399,
SUBSTITUTE SENATE BILL NO. 5402,

SUBSTITUTE SENATE BILL NO. 5403,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 14, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6062,
and the same is herewith transmitted.

Marty Brown, Secretary

April 14, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1677,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 15.92 RCW to read as follows:

(1) A commission on pesticide registration is established. The commission shall be composed of twelve voting members appointed by the governor as follows:

(a) Eight members from the following segments of the state's agricultural industry as nominated by a state-wide private agricultural association or agricultural commodity commission formed under Title 15 RCW: (i) The tree fruit industry; (ii) hop growers; (iii) potato growers; (iv) wheat growers; (v) vegetable and seed growers; (vi) berry growers; (vii) wine grape growers; and (viii) the nursery and landscape industry. Although members are appointed from various segments of the agriculture industry, they are appointed to represent and advance the interests of the industry as a whole.

(b) One member from each of the following: (i) Forest protection industry; (ii) food processors; (iii) agricultural chemical industry; and (iv) professional pesticide applicators. One member shall be appointed for each such segment of the industry and shall be nominated by a state-wide, private association of that segment of the industry. The representative of the agricultural chemical industry shall be involved in the manufacture of agricultural crop protection products.

The following shall be ex officio, nonvoting members of the commission: The coordinator of the interregional project number four at Washington State University; the director of the department of ecology or the director's designee; the director of the department of agriculture or the director's designee; the director of the department of labor and industries or the director's designee, and the secretary of the department of health or the secretary's designee.

(2) Each voting member of the commission shall serve a term of three years. However, the first appointments in the first year shall be made by the governor for one, two, and three-year terms so that, in subsequent years, approximately one-third of the voting members shall be appointed each year. The governor shall assign the initial one, two, and three-year terms to members by lot. A vacancy shall be filled by appointment for the unexpired term in the same manner provided for an appointment to the full term. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office. Each member of the commission shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for attending meetings of the commission and for performing special duties, in the way of official commission business, specifically assigned to the person by the commission. The voting members of the commission serve without compensation from the state other than such travel expenses.

(3) Nominations for the initial appointments to the commission under subsection (1) of this section shall be submitted by September 1, 1995. The governor shall make initial appointments to the commission by October 15, 1995.

(4) The commission shall elect a chair from among its voting members each calendar year. After its original organizational meeting, the commission shall meet at the call of the chair. A majority of the voting members of the commission constitutes a quorum and an official action of the commission may be taken by a majority vote of the voting members.

NEW SECTION. Sec. 2. A new section is added to chapter 15.92 RCW to read as follows:

(1) The following apply to the use of state moneys appropriated to Washington State University specifically and expressly for studies or activities regarding the registration of pesticides:

(a) The moneys may not be expended without the express approval of the commission on pesticide registration;

(b) The moneys may be used for: (i) Evaluations, studies, or investigations approved by the commission on pesticide registration regarding the registration or reregistration of pesticides for minor crops or minor uses or regarding the availability of pesticides for emergency uses. These evaluations, studies, or investigations may be conducted by the food and environmental quality laboratory or may be secured by the commission from other qualified laboratories, researchers, or contractors by contract, which contracts may include, but are not limited to, those purchasing the use of proprietary information; (ii) the tracking system described in RCW 15.92.060; and (iii) the support of the commission on pesticide registration and its activities; and

(c) Not less than twenty-five percent of such moneys shall be dedicated to studies or investigations concerning the registration or use of pesticides for crops that are not among the top twenty agricultural commodities in production value produced in the state, as determined annually by the Washington agricultural statistics service.

(2) The commission on pesticide registration shall establish priorities to guide it in approving the use of moneys for evaluations, studies, and investigations under this section. Each biennium, the commission shall prepare a contingency plan for providing funding for laboratory studies or investigations that are necessary to pesticide registrations or related processes that will address emergency conditions for agricultural crops that are not generally predicted at the beginning of the biennium.

NEW SECTION. Sec. 3. A new section is added to chapter 15.92 RCW to read as follows:

The commission on pesticide registration shall:

(1) Provide guidance to the food and environmental quality laboratory established in RCW 15.92.050 regarding the laboratory's studies, investigations, and evaluations concerning the registration of pesticides for use in this state for minor crops and minor uses and concerning the availability of pesticides for emergency uses;

(2) Encourage agricultural organizations to assist in providing funding, in-kind services, or materials for laboratory studies and investigations concerning the registration of pesticides for minor crops and minor uses that would benefit the organizations;

(3) Provide guidance to the laboratory regarding a program for: Tracking the availability of effective pesticides for minor crops, minor uses, and emergency uses; providing this information to organizations of agricultural producers; and maintaining close contact between the laboratory, the department of agriculture, and organizations of agricultural producers regarding the need for research to support the registration of pesticides for minor crops and minor uses and the availability of pesticides for emergency uses;

(4) Ensure that the activities of the commission and the laboratory are coordinated with the activities of other laboratories in the Pacific Northwest, the United States department of agriculture, and the United States environmental protection agency to maximize the effectiveness of regional efforts to assist in the registration of pesticides for minor crops and minor uses and in providing for the availability of pesticides for emergency uses for the region and the state; and

(5) Ensure that prior to approving any residue study that there is written confirmation of registrant support and willingness or ability to add the given minor crop to its label including any restrictions or guidelines the registrant intends to impose.

Sec. 4. RCW 15.92.010 and 1991 c 341 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable, or animal product, including but not limited to, products qualifying as organic food products under chapter 15.86 RCW, private sector cultured aquatic products as defined in RCW 15.85.020, bees and honey, and Christmas trees but not including timber or timber products.

(2) "Center" means the center for sustaining agriculture and natural resources established at Washington State University.

~~((2))~~ (3) "Laboratory" means the food and environmental quality laboratory established at Washington State University at Tri-Cities.

~~((3))~~ (4) "Integrated pest management" is a strategy that uses various combinations of pest control methods, biological, cultural, and chemical, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

~~((4))~~ (5) "IR-4 program" means interregional research project number four, clearances of chemicals and biologics for minor or special uses, established in 1963 by the cooperative state research service of the United States department of agriculture, the coordinated national program involving land-grant universities and the United States department of agriculture to provide data required for the registration of pesticides needed for the production of minor crops.

~~((5))~~ (6) "Minor crop" means an agricultural crop considered to be minor in the national context of registering pesticides.

(7) "Minor use" means a pesticide use considered to be minor in the national context of registering pesticides including, but not limited to, a use for a special local need.

(8) "Natural resources" means soil, water, air, forests, wetlands, wildlands, and wildlife.

~~((6))~~ (9) "Pesticide" means chemical or biologic used to control pests such as insect, rodent, nematode, snail, slug, weed, virus, or any organism the director of agriculture may declare to be a pest.

~~((7))~~ (10) "Registration" means use of a pesticide approved by the state department of agriculture.

~~((8))~~ (11) "Sustainable agriculture" means a systems approach to farming, ranching, and natural resource production that builds on and supports the physical, biological, and ecological resource base upon which agriculture depends. The goals of sustainable agriculture are to provide human food and fiber needs in an economically viable manner for the agriculture industry and in a manner which protects the environment and contributes to the overall safety and quality of life.

Sec. 5. RCW 15.92.060 and 1991 c 341 s 7 are each amended to read as follows:

The responsibilities of the laboratory shall include:

(1) Evaluating regional requirements for minor crop registration through the federal IR-4 program;

(2) Providing a program for tracking the availability of effective pesticides for minor crops, minor uses, and emergency uses in this state;

(3) Conducting studies on the fate of pesticides on crops and in the environment, including soil, air, and water;

~~((3))~~ (4) Improving pesticide information and education programs; ~~(and~~

~~(4))~~ (5) Assisting federal and state agencies with questions regarding registration of pesticides which are deemed critical to crop production, consistent with priorities established in RCW 15.92.070; and

~~((5))~~ (6) Assisting in the registration of biopesticides, pheromones, and other alternative chemical and biological methods.

NEW SECTION. Sec. 6. A new section is added to chapter 15.92 RCW to read as follows:

By December 15, 2002, the commission shall file with the legislature a report on the activities supported by the commission for the period beginning on the effective date of this act and ending on December 1, 2002. The report shall include an identification of: The priorities that have been set by the commission; the state appropriations made to Washington State University that have been within the jurisdiction of the commission; the evaluations, studies, and investigations funded in whole or in part by such moneys and the registrations and uses of pesticides made possible in large part by those evaluations, studies, and investigations; the matching moneys, in-kind services, and materials provided by agricultural organizations for those evaluations, studies, and investigations; and the program or programs for tracking pesticide availability provided by the laboratory under the guidance of the commission and the means used for providing this information to organizations of agricultural producers.

During the regular session of the legislature in the year 2003, the appropriate committees of the house of representatives and senate shall evaluate the effectiveness of the commission in fulfilling its statutory responsibilities.

NEW SECTION. Sec. 7. A new section is added to chapter 15.92 RCW to read as follows:

The commission on pesticide registration, and Washington State University on behalf of the commission, may receive such gifts, grants, and endowments from public or private sources as may be used from time to time, in trust or otherwise, for the use and benefit of the commission and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments."

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "amending RCW 15.92.010 and 15.92.060; and adding new sections to chapter 15.92 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Chandler moved that the House concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1009 and pass the bill as amended by the Senate.

Representative Chandler spoke in favor of the motion and it was carried.

MOTIONS

On motion of Representative Talcott, Representatives Dyer and Foreman were excused.

On motion of Representative Brown, Representatives Morris, Patterson and G. Fisher were excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1009 as amended by the Senate.

Representatives Rust and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1009 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 2, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 89.

Absent: Representatives Poulsen and Tokuda - 2.

Excused: Representatives Dyer, Fisher, G., Foreman, Morris, Patterson, Robertson and Schmidt, K. - 7.

Engrossed Second Substitute House Bill No. 1009, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1035 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of health, in conjunction with the department of social and health services, local health jurisdictions, coroners, medical examiners, and other appropriate entities, shall develop a consistent process for review of all unexpected deaths of minors who are in the care of or receiving those services described in chapter 74.13 RCW from the department of social and health services. For purposes of this section an "unexpected death of a minor" is a death not resulting from a diagnosed terminal illness or other debilitating or deteriorating illness or condition where death is anticipated.

(2) The department of health shall report its findings and recommendations to the legislature by November 1, 1995."

On page 1, line 3 of the title, after "services;" strike the remainder of the title and insert "and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cooke moved that the House concur in the Senate amendments to Substitute House Bill No. 1035 and pass the bill as amended by the Senate.

Representative Thibaudeau spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1035 as amended by the Senate.

Representative Cooke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1035 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 2, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon,

Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Absent: Representatives Poulsen and Tokuda - 2.

Excused: Representatives Dyer, Fisher, G., Foreman, Morris, Patterson, Robertson and Schmidt, K. - 7.

Substitute House Bill No. 1035, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1047 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.140 and 1994 c 271 s 601 are each amended to read as follows:

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within ~~((sixty))~~ one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class

of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim or defendant. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

Sec. 2. RCW 9.94A.142 and 1994 c 271 s 602 are each amended to read as follows:

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within ~~((sixty))~~ one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances. Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime. For the purposes of this section, the offender shall remain under the court's jurisdiction for a maximum term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during the ten-year period, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department.

(2) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(3) In addition to any sentence that may be imposed, a defendant who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(4) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or defendant. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through

civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(5) This section shall apply to offenses committed after July 1, 1985.

Sec. 3. RCW 9.94A.145 and 1991 c 93 s 2 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, after restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department of corrections.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be immediately issued. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) All legal financial obligations that are ordered as a result of a conviction for a felony, may also be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. These obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to truthfully and honestly respond to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring any and all documents as requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. Also, during the period of supervision, the offender may be required at the request of the department to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to truthfully and honestly respond to all questions concerning earning capabilities and the location and nature of all property or financial assets. Also, the offender is required to bring any and all documents as requested by the department in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department shall for any period of supervision be authorized to collect the legal financial obligation from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purposes of disbursements. The department is authorized to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.2001.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties as provided in RCW 9.94A.200 for noncompliance.

(11) The county clerk shall provide the department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department with notice of payments by such offenders no less frequently than weekly.

Sec. 4. RCW 6.17.020 and 1994 c 189 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) ~~((and))~~, (3), and (4) of this section, the party in whose favor a judgment of a court of record of this state or a district court of this state has been or may be rendered, or the assignee, may have an execution issued for the collection or enforcement of the judgment at any time within ten years from entry of the judgment.

(2) After July 23, 1989, a party who obtains a judgment or order of a court of record of any state, or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, may have an execution issued upon that judgment or order at any time within ten years of the eighteenth birthday of the youngest child named in the order for whom support is ordered.

(3) After June 9, 1994, a party in whose favor a judgment has been rendered pursuant to subsection (1) or (4) of this section may, within ninety days before the expiration of the original ten-year period, apply to the court that rendered the judgment for an order granting an additional ten years during which an execution may be issued. The petitioner shall pay to the court a filing fee equal to the filing fee for filing the first or initial paper in a civil action in the court. When application is made to the court to grant an additional ten years, the application shall be accompanied by a current and updated judgment summary as outlined in RCW 4.64.030. The filing fee required under this subsection shall be included in the judgment summary and shall be a recoverable cost.

(4) A party who obtains a judgment or order for restitution or other court-ordered legal financial obligations pursuant to a criminal judgment and sentence may execute the judgment or order any time within ten years subsequent to the entry of the judgment and sentence or ten years following the offender's release from total confinement as provided in chapter 9.94A RCW.

NEW SECTION. Sec. 5. Sections 1 and 2 of this act shall apply retroactively to allow courts to set restitution in cases sentenced prior to the effective date of this act if:

(1) The court failed to set restitution within sixty days of sentencing as required by RCW 9.94A.140 prior to the effective date of this act;

(2) The defendant was sentenced no more than three hundred sixty-five days before the effective date of this act; and

(3) The defendant is not unfairly prejudiced by the delay.

In those cases, the court may set restitution within one hundred eighty days of the effective date of this act or at a later hearing set by the court for good cause."

On page 1, line 1 of the title, after "restitution;" strike the remainder of the title and insert "amending RCW 9.94A.140, 9.94A.142, 9.94A.145, and 6.17.020; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1047 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1047 as amended by the Senate.

Representatives Sheahan and Costa spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1047 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Dyer, Fisher, G., Foreman, Morris, Patterson, Robertson and Schmidt, K. - 7.

Substitute House Bill No. 1047, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1053, with the following amendments:

On page 4, after line 2, insert the following:

"**Sec. 3.** RCW 70.94.457 and 1991 c 199 s 501 are each amended to read as follows:

The department of ecology shall establish by rule under chapter 34.05 RCW:

(1) State-wide emission performance standards for new solid fuel burning devices.

Notwithstanding any other provision of this chapter which allows an authority to adopt more stringent emission standards, no authority shall adopt any emission standard for new solid fuel burning devices other than the state-wide standard adopted by the department under this section.

(a) After January 1, 1995, no solid fuel burning device shall be offered for sale in this state to residents of this state that does not meet the following particulate air contaminant emission standards under the test methodology of the United States environmental protection agency in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the United States environmental protection agency subsequent to such date: (i) Two and one-half grams per hour for catalytic wood stoves; and (ii) four and one-half grams per hour for all other solid fuel burning devices. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by the department that compares the difference between the emission test methodology established by the United States environmental protection agency prior to May 15, 1991, with the test methodology adopted subsequently by the agency. Subsection (a) of this subsection does not apply to fireplaces.

(b) After January 1, 1997, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule. Prior to January 1, 1997, the state building code council shall establish by rule a methodology for the testing of factory-built fireplaces. The methodology shall be designed to achieve a particulate air emission standard equivalent to the 1990 United States environmental protection agency standard for wood stoves. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers.

(c) Prior to January 1, 1997, the state building code council shall establish by rule design standards for the construction of new masonry fireplaces in Washington state. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers. It shall be the goal of the council to develop design standards that generally achieve reductions in particulate air contaminant emissions commensurate with the reductions being achieved by factory-built fireplaces at the time the standard is established.

(d) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by this act.

(e) Subsection (1)(a) of this section shall not apply to fireplaces.

(f) Notwithstanding (a) of this subsection, the department is authorized to adopt, by rule, emission standards adopted by the United States environmental protection agency for new wood stoves sold at retail. For solid fuel burning devices for which the United States environmental protection agency has not established emission standards, the department may exempt or establish, by rule, state-wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves and fireplaces regulated under this subsection.

(2) A program to:

(a) Determine whether a new solid fuel burning device complies with the state-wide emission performance standards established in subsection (1) of this section; and

(b) Approve the sale of devices that comply with the state-wide emission performance standards.

Sec. 4. RCW 70.94.460 and 1987 c 405 s 7 are each amended to read as follows:

After July 1, 1988, no person shall sell, offer to sell, or knowingly advertise to sell a new wood stove in this state to a resident of this state unless the wood stove has been approved by the department under the program established under RCW 70.94.457."

On page 1, beginning on line 1 of the title, after "RCW" strike the remainder of the title and insert "70.94.473, 70.94.477, 70.94.457, and 70.94.460."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Chandler moved that the House concur in the Senate amendments to Substitute House Bill No. 1053 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1053 as amended by the Senate.

Representative Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1053 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 2, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Absent: Representatives Quall and Stevens - 2.

Excused: Representatives Dyer, Fisher, G., Foreman, Morris, Patterson, Robertson and Schmidt, K. - 7.

Substitute House Bill No. 1053, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 17, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5019,
SENATE BILL NO. 5029,
SENATE BILL NO. 5039,
SECOND SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5142,
SUBSTITUTE SENATE BILL NO. 5182,

WHEREAS, The county's current borders were established shortly before Washington became a state in 1889. Today, it is Washington's sixth largest county in land area. With 2,423 square miles, it is the largest county west of the Cascade Mountains; and

WHEREAS, Lewis County is named for Meriwether Lewis, the great explorer of the Lewis and Clark Expedition. His explorations were key in claiming this part of North America for the United States and residents are proud to live in a county bearing his name; and

WHEREAS, Lewis County is home to many of Washington "firsts": The first United States District Court north of San Francisco was held at the Jackson Courthouse, a building that still stands today. The oldest governmental records still in existence in Washington State are from the Board of Lewis County Commissioners in October 1847. Simon Plamondon was the first white settler who settled near present day Toledo; and

WHEREAS, Lewis County is rich in natural resources. For the past 150 years, the land has provided a living to many of the county's citizens in agriculture, mining, and especially its vast forests. Today, the county is enjoying greater economic diversity, but natural resources will always play a vital role to visitors and citizens alike;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Lewis County during its Sesquicentennial year;

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the Lewis County Sesquicentennial Committee.

Representative Brumsickle moved adoption of the resolution.

Representatives Brumsickle, Chappell and Pennington spoke in favor of adoption of the resolution.

House Resolution No. 4668 was adopted.

There being no objection, the House considered the following bills in the following order: Second Substitute House Bill No. 1027, Engrossed Second Substitute House Bill No. 1156, Second Substitute House Bill No. 1162, Engrossed Substitute House Bill No. 1206, House Bill No. 1224, House Bill No. 1249, House Bill No. 1282, Substitute House Bill No. 1342, Substitute House Bill No. 1348 and Substitute House Bill No. 1430.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1027 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that in order to improve student learning in Washington's public schools, school districts and the state need to take actions to use the maximum amount of available funding and resources to improve student achievement. The legislature intends to study the state-level education governance system to improve student learning and to reduce unnecessary regulatory oversight. The legislature also finds that if school districts are encouraged to review their expenditures, school districts can develop strategies that will increase the amount of resources used in the classroom.

NEW SECTION. Sec. 2. (1) The joint select committee on education restructuring established in RCW 28A.630.950 shall review the current constitutional and statutory roles and responsibilities of the office of the superintendent of public instruction, the state board of education, the work force training and education coordinating board, the commission on student learning, and educational service districts, and by December 15, 1996, develop a recommendation to the legislature for creating a revised state-level education governance system. The new state-level governance system shall: (a) Focus on the improvement of student learning; (b) result in a reduction of state-level administrative expenditures; (c) provide school district staff and parents technical assistance and leadership; (d) result in minimal regulatory oversight; and (e) have clear lines of authority and accountability.

(2) The select committee may continue its review of laws that inhibit, or do not enhance, student learning.

(3) This section shall expire December 31, 1997.

NEW SECTION. Sec. 3. (1) School district boards of directors are strongly encouraged to review school district expenditures, and to take actions that will increase the percentage of district funds that are used to support the classroom. In order to assist school districts in this effort, the school district financial review program is created. The purpose of the program is to provide funding to school districts to conduct financial reviews and to develop strategies that will increase the amount of resources that are used in the classroom.

(2) The program shall be administered by the superintendent of public instruction, or a public, nonprofit, or private contractor as designated by the superintendent.

(3) The superintendent, or his or her designee, shall establish application and approval requirements for the program. A minimum fifty percent financial match shall be required of school districts. Districts with enrollments larger than five hundred full-time equivalent students that expended less than two-thirds of their total general fund expenditures on teaching and teaching support during the 1993-94 fiscal year shall receive priority in the allocation of funds.

(4) School districts that receive grants shall submit a report to the superintendent, or his or her designee, by December 31, 1995, of actions that the district has taken, or plans to take, to increase classroom expenditures. The superintendent, or his or her designee, shall summarize the information submitted by the districts and present a summary to the fiscal and education policy committees of the legislature before January 15, 1996. If one or more of the fiscal or policy committees find that adequate progress is not being made in redirecting resources to the classroom, the committee or committees shall recommend to the legislature additional measures that should be taken.

(5) The process established in subsections (1) through (4) of this section shall be repeated during calendar year 1997, with the summary in subsection (4) of this section being submitted to the legislature before December 31, 1997.

(6) This section shall expire December 31, 1997.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect May 1, 1995."

On page 1, line 1 of the title, after "classroom;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF ORDER

Representative Cole: Thank you Mr. Speaker. I would request a ruling on the scope and object of the amendment to Second Substitute House Bill No. 1027.

There being no objection, the House deferred further consideration of Second Substitute House Bill No. 1027 and the bill held it's place on second reading.

There being no objection, the House deferred consideration of Engrossed Second Substitute House Bill No. 1156 and the bill held it's place on third reading.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1162 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95E.010 and 1994 c 136 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW.

(2) "Department" means the department of ecology.

(3) "EPA/state identification number" means the number assigned by the EPA (environmental protection agency) or by the department of ecology to each generator and/or transporter and treatment, storage, and/or disposal facility.

(4) "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW.

(5) "Fee" means the annual fees imposed under this chapter.

(6) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

(7) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes but for the purposes of this chapter excludes all radioactive wastes or substances composed of both radioactive and hazardous components.

(8) (~~"Known generators" means persons that have notified the department and have received an EPA/state identification number.-~~) "Hazardous waste generator" means all persons whose primary business activities are identified by the department to generate any quantity of hazardous waste in the calendar year for which the fee is imposed.

(9) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization.

(10) (~~"Potential generators" means all persons whose primary business activities are identified by the department to be likely to generate any quantity of hazardous wastes.~~

~~(11))~~ "Price deflator" means the United States department of commerce bureau of economic analysis, "Implicit Price Deflator for Gross National Product" for "Government Purchases of Goods and Services," for "State and Local Government."

~~((12))~~ (11) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include: (a) Use constituting disposal; (b) incineration; or (c) use as a fuel.

~~((13))~~ (12) "Waste generation site" means any geographical area that has been assigned an EPA/state identification number.

Sec. 2. RCW 70.95E.020 and 1994 sp.s. c 2 s 3 and 1994 c 136 s 2 are each reenacted and amended to read as follows:

A fee is imposed for the privilege of generating ~~((or potentially generating))~~ hazardous waste in the state. The annual amount of the fee shall be thirty-five dollars upon every ~~((known generator or potential))~~ hazardous waste generator doing business in Washington in the current calendar year or any part thereof. This fee shall be collected by the department ~~((of revenue))~~ or its designee. A ~~((potential))~~ hazardous waste generator shall be exempt from the fee imposed under this section if the value of products, gross proceeds of sales, or gross income of the business, from all business activities of the ~~((potential))~~ hazardous waste generator, is less than twelve thousand dollars in the current calendar year. The department shall, subject to appropriation, use the funds collected from the fees assessed in this subsection to support the activities of the office of waste reduction as specified in RCW 70.95C.030. The fee imposed pursuant to this section is due annually by July 1 of the year following the calendar year for which the fee is imposed ~~((, except the fee scheduled to be imposed for calendar year 1993 shall be imposed on known generators only))~~.

Sec. 3. RCW 70.95E.050 and 1994 c 136 s 4 are each amended to read as follows:

In administration of this chapter for the enforcement and collection of the fees due and owing under ~~((this chapter))~~ RCW 70.95E.020 and 70.95E.030, the department ~~((of revenue is authorized to))~~ may apply ~~((the provisions of chapter 82.32 RCW, except that the provisions of RCW 82.32.045 shall not apply))~~ RCW 43.17.240.

Sec. 4. RCW 70.95E.090 and 1990 c 114 s 19 are each amended to read as follows:

The department may use funds in the hazardous waste assistance account to provide technical assistance and compliance education assistance to hazardous substance users and waste generators, to provide grants to local governments, and for administration of this chapter. ~~((The department of revenue shall be appropriated a percentage amount of the total fees collected, not to exceed two percent of the total fees collected, for administration and collection expenses incurred by the department of revenue.))~~

Technical assistance may include the activities authorized under chapter 70.95C RCW and RCW 70.105.170 to encourage hazardous waste reduction and hazardous use reduction and the assistance provided for by RCW 70.105.100(2).

Compliance education may include the activities authorized under RCW 70.105.100(2) to train local agency officials and to inform hazardous substance users and hazardous waste generators and owners and operators of hazardous waste management facilities of the requirements of chapter 70.105 RCW and related federal laws and regulations. To the extent practicable, the department shall contract with private businesses to provide compliance education.

Grants to local governments shall be used for small quantity generator technical assistance and compliance education components of their moderate risk waste plans as required by RCW 70.105.220.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 70.95E.010, 70.95E.050, and 70.95E.090; reenacting and amending RCW 70.95E.020; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Chandler moved that the House concur in the Senate amendments to Second Substitute House Bill No. 1162 and pass the bill as amended by the Senate. The motion was carried.

MOTIONS

On motion of Representative Brown, Representative Sommers was excused.

On motion of Representative Talcott, Representative Silver was excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1162 as amended by the Senate.

Representatives Chandler, Rust and Mastin spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1162 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 1, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Absent: Representative Dellwo - 1.

Excused: Representatives Foreman, Robertson, Schmidt, K., Silver and Sommers - 5.

Second Substitute House Bill No. 1162, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that teachers, principals, and district administrators need the ability to make transitions to other public or private sector careers, and that the

retirement system should not be a barrier to exercise of employee choice. The legislature also recognizes that teachers, principals, and district administrators need a secure and viable retirement benefit, not only for their own financial protection, but also that public funds are spent prudently for their intended purpose.

It is the legislative intent to create a new public retirement system that balances flexibility with stability, provides both increased employee control of investments and responsible protection of the public's investment in employee benefits, and encourages the pursuit of public sector careers without preventing employees from transitioning into other public or private sector employment.

Therefore, the purpose of chapter . . . , Laws of 1995 (this act) is to continue to provide teachers, principals, and district administrators with a guaranteed pension at retirement age based on years of public service with an element of inflation protection. It is further the purpose of chapter . . . , Laws of 1995 (this act) to create a parallel retirement plan where employees have options regarding the investment of their retirement contributions and have the opportunity, along with the accompanying risk, to receive a full rate of return on their investments and where employees who leave public employment prior to retirement receive a fair and reasonable value from the retirement system.

PART I DEFINED BENEFIT--TRS III

Sec. 101. RCW 41.32.005 and 1992 c 72 s 4 are each amended to read as follows:
RCW 41.32.010 through 41.32.067 shall apply to members of plan I (~~and~~), plan II, and plan

III.

Sec. 102. RCW 41.32.010 and 1994 c 298 s 3, 1994 c 247 s 2, and 1994 c 197 s 12 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan I members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan II members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan II and plan III members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan I members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan I members.

(10)(a) "Earnable compensation" for plan I members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(ii) "Earnable compensation" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(iii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(iv) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Earnable compensation" for plan II and plan III members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Earnable compensation" for plan II and plan III members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan I members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan I members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan I members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan I members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan I members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan II and plan III members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan I members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan II and plan III members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns

earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iv) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(v) When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(vi) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(viii) The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan II and plan III members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (24) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan II members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan II and plan III on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan I" means the teachers' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan II" means the teachers' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and prior to the effective date of this act.

(40) "Plan III" means the teachers' retirement system, plan III providing the benefits and funding provisions covering persons who first become members of the system on and after the effective date of this act or who transfer under section 303 of this act.

(41) "Education association" means an association organized to carry out collective bargaining activities, the majority of whose members are employees covered by chapter 41.59 RCW or academic employees covered by chapter 28B.52 RCW.

(42) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

~~((41))~~ (43) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

~~((42))~~ (44) "Index B" means the index for the year prior to index A.

~~((43))~~ (45) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

~~((44))~~ (46) "Adjustment ratio" means the value of index A divided by index B.

Sec. 103. RCW 41.32.032 and 1992 c 212 s 17 are each amended to read as follows:

(1) Any teacher, as defined under RCW 41.32.010, who is first employed by a public school on or after June 7, 1984, shall become a member of the retirement system (~~as directed under RCW 41.32.780~~) if otherwise eligible.

(2) Any person who before June 7, 1984, has established service credit under chapter 41.40 RCW while employed in an educational staff associate position and who is employed in such a position on or after June 7, 1984 has the following options:

(a) To remain a member of the public employees' retirement system notwithstanding the provisions of RCW 41.32.240 or 41.32.780; or

(b) To irrevocably elect to join the retirement system under this chapter and to receive service credit for previous periods of employment in any position included under RCW 41.32.010. This service credit and corresponding employee contribution shall be computed as though the person had then been a member of the retirement system under this chapter. All employee contributions credited to a member under chapter 41.40 RCW for service now to be credited to the retirement system under this chapter shall be transferred to the system and the member shall not receive any credit nor enjoy any rights under chapter 41.40 RCW for those periods of service. The member shall pay any

difference between the employee contributions made under chapter 41.40 RCW and transferred under this subsection and what would have been required under this chapter, including interest as set by the director. The member shall be given until July 1, 1989, to make the irrevocable election permitted under this section. The election shall be made by submitting written notification as required by the department requesting credit under this section and by remitting any necessary proof of service or payments within the time set by the department.

Any person, not employed as an educational staff associate on June 7, 1984, may, before June 30 of the fifth school year after that person's return to employment as a teacher, request and establish membership and credit under this subsection.

PLAN III

NEW SECTION. Sec. 104. (1) Sections 104 through 117 of this act shall apply only to plan III members.

(2) Plan III shall consist of two separate elements: (a) A defined benefit portion covered under this subchapter; and (b) a defined contribution portion covered under chapter 41.-- RCW (sections 201 through 209 of this act). All contributions on behalf of the employer paid by an employee shall be made to the defined benefit portion of plan III and shall be nonrefundable when paid to the fund described in RCW 41.50.075(3).

(3) Unless otherwise specified, all references to "plan III" in this subchapter refer to the defined benefit portion of plan III.

NEW SECTION. Sec. 105. All teachers who first become employed by an employer in an eligible position on or after the effective date of this act shall be members of plan III.

NEW SECTION. Sec. 106. A member of the retirement system shall receive a retirement allowance equal to one percent of such member's average final compensation for each service credit year.

NEW SECTION. Sec. 107. Retirement allowances paid under the defined benefit portion of plan III shall have a postretirement cost-of-living allowance calculated and paid as provided in RCW 41.32.770.

NEW SECTION. Sec. 108. (1) Upon retirement for service as prescribed in section 113 of this act or retirement for disability under section 114 of this act, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the retired member, all benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to such person or persons as the retiree shall have nominated by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

NEW SECTION. Sec. 109. Any member or beneficiary eligible to receive a retirement allowance under the provisions of section 113, 114, or 117 of this act shall be eligible to commence receiving a retirement allowance after having filed written application with the department.

(1) Retirement allowances paid to members shall accrue from the first day of the calendar month immediately following such member's separation from employment.

(2) Retirement allowances paid to vested members no longer in service, but qualifying for such an allowance pursuant to section 112 of this act shall accrue from the first day of the calendar month immediately following such qualification.

(3) Disability allowances paid to disabled members shall accrue from the first day of the calendar month immediately following such member's separation from employment for disability.

(4) Retirement allowances paid as death benefits shall accrue from the first day of the calendar month immediately following the member's death.

NEW SECTION. Sec. 110. (1) No retiree shall be eligible to receive such retiree's monthly retirement allowance if he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030, except that a plan III retiree may work in eligible positions on a temporary basis for up to five months per calendar year.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused the suspension of benefits. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

NEW SECTION. Sec. 111. (1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit.

(2) A member who receives compensation from an employer while on an authorized leave of absence to serve as an elected official of a labor organization, and whose employer is reimbursed by the labor organization for the compensation paid to the member during the period of absence, may also be considered to be on a paid leave of absence. This subsection shall only apply if the member's leave of absence is authorized by a collective bargaining agreement that provides that the member retains seniority rights with the employer during the period of leave. The earnable compensation reported for a member who establishes service credit under this subsection may not be greater than the salary paid to the highest paid job class covered by the collective bargaining agreement.

(3) Except as specified in subsection (4) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if:

(a) The member makes the contribution on behalf of the employer, plus interest, as determined by the department; and

(b) The member makes the employee contribution, plus interest, as determined by the department, to the defined contribution portion.

The contributions required shall be based on the average of the member's earnable compensation at both the time the authorized leave of absence was granted and the time the member resumed employment.

(4) A member who leaves the employ of an employer to enter the armed forces of the United States shall be entitled to retirement system service credit for up to four years of military service if within ninety days of the member's honorable discharge from the United States armed forces, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the United States armed forces.

The department shall bill the employer for its contribution required under this act for the period of military service, plus interest as determined by the department. Service credit under this subsection may be obtained only if the member makes the employee contribution plus interest to the defined contribution portion as determined by the department.

The contributions required shall be based on the average of the member's earnable compensation at both the time the member left the employ of the employer to enter the armed forces and the time the member resumed employment.

NEW SECTION. Sec. 112. (1) The director may pay a member eligible to receive a retirement allowance or the member's beneficiary a lump sum payment in lieu of a monthly benefit if the initial monthly benefit would be less than one hundred dollars. The one hundred dollar limit shall be increased by three percent compounded annually on January 1. The lump sum payment shall be the actuarial equivalent of the monthly benefit.

(2) Persons covered under the provisions of subsection (1) of this section may upon returning to member status reinstate all previous service by depositing the lump sum payment received, with interest as computed by the director, within two years of returning to service or prior to retiring again, whichever comes first. In computing the amount due, the director shall exclude the accumulated value of the normal payments the member would have received while in beneficiary status if the lump sum payment had not occurred.

(3) Any member who receives a settlement under this section shall be deemed to be retired from this system.

NEW SECTION. Sec. 113. (1) **NORMAL RETIREMENT.** Any member who has vested and attained at least age sixty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 106 of this act.

(2) **EARLY RETIREMENT.** Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of section 106 of this act, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

NEW SECTION. Sec. 114. (1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department shall be eligible to receive an allowance under the provisions of plan III. The member shall receive a monthly disability allowance computed as provided for in section 106 of this act and shall have this allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to comprehensive medical examinations as required by the department. If these medical examinations reveal that a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, the member shall cease to be eligible for the allowance.

(2) If the recipient of a monthly retirement allowance under this section dies, any further benefit payments shall be conditioned by the payment option selected by the retiree as provided in section 108 of this act.

NEW SECTION. Sec. 115. (1) An active member shall become vested in the right to a benefit upon completing ten years of service or upon completing five years of service and attaining age fifty-five.

(2) A vested member who separates or has separated may remain a member during the period of such member's absence from service for the exclusive purpose only of receiving a retirement allowance under the provisions of section 113 of this act.

(3) The retirement allowance payable under section 113 of this act to a member who separates after having completed at least twenty years of service shall be increased by twenty-five one-hundredths of one percent, compounded for each month from the date of separation to the date that the retirement allowance commences.

NEW SECTION. **Sec. 116.** A nonvested member who leaves service and then reenters membership must earn an additional twelve service credit months to restore past service credit in the defined benefit portion of plan III.

NEW SECTION. **Sec. 117.** If a member who is vested dies prior to retirement, the surviving spouse or eligible child or children shall receive a retirement allowance computed as provided in section 108 of this act actuarially reduced to reflect a joint and one hundred percent survivor option and if the member was not eligible for normal retirement at the date of death a further reduction as described in section 113(2) of this act.

If the surviving spouse who is receiving the retirement allowance dies leaving a child or children under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority.

If there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance, share and share alike. The allowance shall be calculated with the assumption that the age of the spouse and member were equal at the time of the member's death.

NEW SECTION. **Sec. 118.** Sections 104 through 117 of this act are designated as a subchapter within chapter 41.32 RCW with the subchapter heading "Provisions Applicable to Plan III."

PART II DEFINED CONTRIBUTION PORTION OF PLAN III

NEW SECTION. **Sec. 201.** The purpose of chapter . . . , Laws of 1995 (this act) is to:

- (1) Provide a fair and reasonable value from the retirement system for those who leave public employment before retirement;
- (2) Increase flexibility for such employees to make transitions into other public or private sector employment;
- (3) Increase employee options for addressing retirement needs, personal financial planning, and career transitions; and
- (4) Continue the legislature's established policy of having employees contribute toward their retirement benefits.

NEW SECTION. **Sec. 202.** As used in this chapter, the following terms have the meanings indicated:

- (1) "Actuary" means the state actuary or the office of the state actuary.
- (2) "Board" means the employee retirement benefits board authorized in chapter 41.50 RCW.
- (3) "Department" means the department of retirement systems.
- (4) "Compensation" for purposes of this chapter is the same as "earnable compensation" for plan III in chapter 41.32 RCW.
- (5) "Member" means any employee included in the membership of a retirement system as provided for plan III in chapter 41.32 RCW.
- (6) "Member account" means the sum of the contributions and earnings on behalf of the member.
- (7) "Retiree" means any member in receipt of an allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

NEW SECTION. **Sec. 203.** (1) This chapter applies only to members of plan III retirement systems created under chapter 41.32 RCW.

(2) Plan III consists of two separate elements: (a) A defined benefit portion covered under sections 101 through 117, chapter . . . , Laws of 1995 (sections 101 through 117 of this act); and (b) a defined contribution portion covered under this chapter. Unless specified otherwise, all references to "plan III" in this chapter refer to the defined contribution portion of plan III.

NEW SECTION. Sec. 204. (1) A member shall contribute from his or her compensation according to one of the following rate structures:

Option A	Contribution Rate
All Ages	5.0% fixed
Option B	
Up to Age 35	5.0%
Age 35 to 44	6.0%
Age 45 and above	7.5%
Option C	
Up to Age 35	6.0%
Age 35 to 44	7.5%
Age 45 and above	8.5%

(2) The board shall have the right to offer contribution rate options in addition to those listed in subsection (1) of this section, provided that no significant additional administrative costs are created. All options offered by the board shall conform to the requirements stated in subsections (3) and (4) of this section.

(3) Within ninety days of the date that an employee becomes a member of plan III, he or she has an irrevocable option to choose one of the above contribution rate structures. If the member does not select an option within this ninety-day period, he or she shall be assigned option A. Such assignment shall be irrevocable.

(4) Contributions shall begin the first day of the month immediately following the earlier of the selection of an option or the end of the ninety-day period.

NEW SECTION. Sec. 205. The legislature may authorize contributions to the members' accounts for a biennium through budget appropriation.

NEW SECTION. Sec. 206. The member's account shall be invested by the state investment board unless the member elects to self direct investments as authorized by the board. Members who make this election shall pay the expenses for self-directed investment.

NEW SECTION. Sec. 207. (1) If the member retires, becomes disabled, or otherwise terminates employment, the balance in the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the board.

(2) If the member dies while in service, the balance of the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the board. The distribution shall be made to such person or persons as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, the balance of the member's account in the retirement system, less any amount identified as owing to an obligee upon withdrawal of such account balance pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there is no surviving spouse, then to such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department.

(3) The distribution under subsections (1) or (2) of this section shall be less any amount identified as owing to an obligee upon withdrawal pursuant to a court order filed under RCW 41.50.670.

NEW SECTION. Sec. 208. (1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the various funds created by chapter . . . , Laws of 1995 (this act) and all moneys and investments and income thereof, is hereby exempt

from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and that has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(3) Subsection (1) of this section shall not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

NEW SECTION. Sec. 209. (1) The retirement plan created by this chapter shall be administered so as to comply with the federal Internal Revenue Code, Title 26 U.S.C., and specifically with plan qualification requirements imposed on governmental plans by section 401(a) of the Internal Revenue Code.

(2) Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy requirements imposed by section 401(a) of the Internal Revenue Code.

(3) If any section or provision of this chapter is found to be in conflict with the plan qualification requirements for governmental plans in section 401(a) of the Internal Revenue Code, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict, and such finding shall not affect the operation of the remainder of this chapter.

NEW SECTION. Sec. 210. Sections 201 through 209 of this act shall constitute a new chapter in Title 41 RCW.

PART III MISCELLANEOUS

NEW SECTION. Sec. 301. A new section is added to chapter 41.50 RCW to read as follows:

(1) The employee retirement benefits board is created within the department of retirement systems.

(2) The board shall be composed of eight members appointed by the governor and one ex officio member as follows:

(a) Three members representing the public employees' retirement system: One retired, two active. The members shall be appointed from a list of nominations submitted by organizations representing each category. The initial term of appointment shall be two years for the retired member, one year for one active member, and three years for the remaining active member.

(b) Three members representing the teachers' retirement system: One retired, two active. The members shall be appointed from a list of nominations submitted by organizations representing each category. The initial term of appointment shall be one year for the retired member, two years for one active member, and three years for the remaining active member.

(c) Two members with experience in defined contribution plan administration. The initial term for these members shall be two years for one member and three years for the remaining member.

(d) The director of the department shall serve ex officio and shall be the chair of the board.

- (3) After the initial appointments, members shall be appointed to three-year terms.
- (4) The board shall meet at least quarterly during the calendar year, at the call of the chair.
- (5) Members of the board shall serve without compensation but shall receive travel expenses as provided for in RCW 43.03.050 and 43.03.060. Such travel expenses shall be reimbursed by the department from the retirement system expense fund.
- (6) The board shall adopt rules governing its procedures and conduct of business.
- (7) The actuary shall perform all actuarial services for the board and provide advice and support.
- (8) The state investment board shall provide advice and support to the board.

NEW SECTION. Sec. 302. A new section is added to chapter 41.50 RCW to read as follows:
The board shall adopt rules as necessary and exercise all the powers and perform all duties prescribed by law with respect to:

- (1) The preselection of options for members to choose from for self-directed investment deemed by the board to be in the best interest of the member. At the board's request, the state investment board may provide investment options for purposes of this subsection;
- (2) The selection of optional benefit payment schedules available to members and survivors of members upon the death, disability, retirement, or termination of the member. The optional benefit payments may include but not be limited to: Fixed and participating annuities, joint and survivor annuities, and payments that bridge to social security or defined benefit plan payments;
- (3) Approval of actuarially equivalent annuities that may be purchased from the combined plan II and plan III funds under RCW 41.50.075 (2) or (3);
- (4) Determination of the basis for administrative charges to the self-directed investment fund to offset self-directed account expenses; and
- (5) Selection of investment options for the deferred compensation program.

NEW SECTION. Sec. 303. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan II" to read as follows:

- (1) Every plan II member employed by an employer in an eligible position may make an irrevocable option to transfer to plan III. For those who elect to transfer:
 - (a) All service credit in plan II shall be transferred to the defined benefit portion of plan III.
 - (b) The accumulated contributions in plan II shall be transferred to the member's account in the defined contribution portion established in sections 201 through 209 of this act, pursuant to procedures developed by the department and subject to section 209 of this act.
 - (c) A member vested on the effective date of this act under plan II shall be automatically vested in plan III upon transfer.
 - (d) Members employed by an employer in an eligible position on January 1, 1998, who request to transfer to plan III by January 1, 1998, shall have their account in the defined contribution portion of plan III, other than those accumulated contributions attributable to restorations made under RCW 41.50.165(2), increased by twenty percent of their plan II accumulated contributions as of January 1, 1996. If the member who requests to transfer dies before January 1, 1998, the additional payment provided by this subsection shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department.
 - (e) The legislature reserves the right to discontinue the right to transfer under this section.
- (2) This subsection shall also apply to dual members as provided in section 320 of this act.
- (3) Any member who elects to transfer to plan III and has eligible unrestored withdrawn contributions in plan II, may subsequently restore such contributions under the provisions of RCW 41.32.825. The restored plan II service credit will be automatically transferred to plan III. Contributions restored will be transferred to the member's account in plan III.
- (4) Anyone previously retired from plan II is prohibited from transferring to plan III.

NEW SECTION. Sec. 304. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan II" to read as follows:

Any person who elected pursuant to RCW 41.32.032(2)(a) to remain a member of the public employees' retirement system under chapter 41.40 RCW may make an irrevocable option to transfer to plan III pursuant to section 303 of this act, PROVIDED THAT:

(1) Only service credit for previous periods of employment in a position covered by RCW 41.32.010 is transferred to plan III;

(2) Equivalent accumulated employee and employer contributions attributable to service covered by subsection (1) of this section are transferred to plan III;

(3) Employer contributions transferred under this section shall be paid into the teachers' retirement system combined plan II and III fund.

Any person, not employed as an educational staff associate on the effective date of this act may choose, within one year of the person's return to employment as a teacher, to transfer to plan III under this section.

Sec. 305. RCW 41.45.010 and 1989 c 273 s 1 are each amended to read as follows:

It is the intent of the legislature to provide a dependable and systematic process for funding the benefits provided to members and retirees of the public employees' retirement system, chapter 41.40 RCW; the teachers' retirement system, chapter 41.32 RCW; the law enforcement officers' and fire fighters' retirement system, chapter 41.26 RCW; and the Washington state patrol retirement system, chapter 43.43 RCW.

The funding process established by this chapter is intended to achieve the following goals:

(1) To continue to fully fund the public employees' retirement system plan II, the teachers' retirement system plans II and III, and the law enforcement officers' and fire fighters' retirement system plan II as provided by law;

(2) To fully amortize the total costs of the public employees' retirement system plan I, the teachers' retirement system plan I, and the law enforcement officers' and fire fighters' retirement system plan I not later than June 30, 2024;

(3) To establish predictable long-term employer contribution rates which will remain a relatively constant proportion of the future state budgets; and

(4) To fund, to the extent feasible, benefit increases for plan I members and all benefits for plan II and III members over the working lives of those members so that the cost of those benefits are paid by the taxpayers who receive the benefit of those members' service.

Sec. 306. RCW 41.45.020 and 1989 c 273 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the economic and revenue forecast council created in RCW (~~82.01.130~~) 82.33.010.

(2) "Department" means the department of retirement systems.

(3) "Law enforcement officers' and fire fighters' retirement system plan I," and "law enforcement officers' and fire fighters' retirement system plan II" mean((s) the benefits and funding provisions (~~covering persons who first became members of the law enforcement officers' and fire fighters' retirement system prior to October 1, 1977.~~

~~(4) "Law enforcement officers' and fire fighters' retirement system plan II" means the benefits and funding provisions covering persons who first became members of the law enforcement officers' and fire fighters' retirement system on or after October 1, 1977)) under chapter 41.26 RCW.~~

~~((5)) (4) "Public employees' retirement system plan I" ((means the benefits and funding provisions covering persons who first became members of the public employees' retirement system prior to October 1, 1977.~~

~~(6) "Public employees' retirement system plan II" means the benefits and funding provisions covering persons who first became members of the public employees' retirement system on or after October 1, 1977)) and "public employees' retirement system plan II" mean the benefits and funding provisions under chapter 41.40 RCW.~~

~~((7))~~ (5) "Teachers' retirement system plan I," "teachers' retirement system plan II," and "teachers' retirement system plan III" mean(s) the benefits and funding provisions ~~((covering persons who first became members of the teachers' retirement system prior to October 1, 1977.~~

~~(8) "Teachers' retirement system plan II" means the benefits and funding provisions covering persons who first became members of the teachers' retirement system on or after October 1, 1977))~~ under chapter 41.32 RCW.

~~((9))~~ (6) "Washington state patrol retirement system" means the retirement benefits provided under chapter 43.43 RCW.

(7) "Unfunded liability" means the unfunded actuarial accrued liability of a retirement system.

~~((10))~~ (8) "Actuary" or "state actuary" means the state actuary employed under chapter 44.44 RCW.

~~((11))~~ (9) "State retirement systems" means the retirement systems listed in RCW 41.50.030.

Sec. 307. RCW 41.45.030 and 1993 c 519 s 17 are each amended to read as follows:

(1) Beginning September 1, ~~((1989))~~ 1995, and every ~~((six))~~ two years thereafter, the state actuary shall submit to the council information regarding the experience and financial condition of each state retirement system. The council shall review this and such other information as it may require.

~~((The council shall review the information submitted by the state actuary and))~~ By December 31, 1995, and every two years thereafter, the council, by affirmative vote of five councilmembers, shall adopt the following long-term economic assumptions:

(a) Growth in system membership;

(b) Growth in salaries, exclusive of merit or longevity increases;

(c) Growth in inflation; and

(d) Investment rate of return.

(3) The council shall work with the department of retirement systems, the state actuary, and the executive director of the state investment board, and shall consider long-term historical averages, in developing the economic assumptions. The assumptions adopted by the council shall be used by the state actuary in conducting valuation studies of the state retirement systems.

~~((3) The council may utilize information provided by the state actuary and such other information as it may request.))~~

Sec. 308. RCW 41.45.050 and 1989 c 273 s 5 are each amended to read as follows:

(1) ~~((Beginning September 1, 1990,))~~ Employers of members of the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall make contributions to those systems based on the rates established in RCW 41.45.060 and 41.45.070.

(2) ~~((Beginning September 1, 1990,))~~ The state shall make contributions to the law enforcement officers' and fire fighters' retirement system based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) ~~((Beginning September 1, 1990,))~~ The department shall bill employers, and the state shall make contributions to the law enforcement officers' and fire fighters' retirement system, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of pension funding provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan I fund and public employees' retirement system plan II fund as follows: The contributions necessary to fully fund the public employees' retirement system plan II employer contribution required by RCW 41.40.650 shall first be deposited in the public employees' retirement system plan II fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan I fund.

~~((The employer contributions for the teachers' retirement system, and the state contributions for the law enforcement officers' and fire fighters' retirement system shall be allocated in the same manner as the public employees' retirement system and in accordance with the law enforcement~~

~~officers' and fire fighters' retirement system plan II and the teachers' retirement system plan II contribution rates required by RCW 41.26.450 and 41.32.775 respectively))~~ (5) The contributions received for the teachers' retirement system shall be allocated between the plan I fund and the combined plan II and plan III fund as follows: The contributions necessary to fully fund the combined plan II and plan III employer contribution shall first be deposited in the combined plan II and plan III fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan I fund.

(6) The contributions received under RCW 41.26.450 for the law enforcement officers' and fire fighters' retirement system shall be allocated between the law enforcement officers' and fire fighters' retirement system plan I and the law enforcement officers' and fire fighters' retirement system plan II fund as follows: The contributions necessary to fully fund the law enforcement officers' and fire fighters' retirement system plan II employer contributions shall be first deposited in the law enforcement officers' and fire fighters' retirement system plan II fund. All remaining law enforcement officers' and fire fighters' retirement system employer contributions shall be deposited in the law enforcement officers' and fire fighters' retirement system plan I fund.

Sec. 309. RCW 41.45.060 and 1993 c 519 s 19 are each amended to read as follows:

~~(1) ((For the period of September 1, 1993, through August 31, 1995, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and the basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall be as determined in the 1991 valuations prepared by the office of the state actuary-))~~ The state actuary shall provide actuarial valuation results based on the assumptions adopted under RCW 41.45.030.

(2) Not later than September 30, ((1994)) 1996, and every two years thereafter((: (a))), consistent with the assumptions adopted under RCW 41.45.030, the council shall adopt ((the contributions to be used in the ensuing biennial period for the systems specified in subsection (1) of this section-

(b))) both: (a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system; and (b) basic employer contribution rates for the public employees' retirement system plan I, the teachers' retirement system plan I, and the Washington state patrol retirement system to be used in the ensuing biennial period.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan I, the teachers' retirement system plan I, the law enforcement officers' and fire fighters' retirement system plan I, and the unfunded liability of the Washington state patrol retirement system not later than June 30, 2024; and

(b) To also continue to fully fund the public employees' retirement system plan II, the teachers' retirement system plans II and III, and the law enforcement officers' and fire fighters' retirement system plan II in accordance with RCW 41.40.650, 41.26.450, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan II and III employer contribution rate.

(5) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted ((under (a) of this subsection)).

((e)) (6) The director of the department of retirement systems shall collect those rates adopted by the council ((under this chapter)).

Sec. 310. RCW 41.45.070 and 1990 c 18 s 2 are each amended to read as follows:

(1) ((Beginning September 1, 1991,)) In addition to the basic employer contribution rate established in RCW 41.45.060, the department shall also charge employers of public employees' retirement system, teachers' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems ((after January 1, 1990)). The supplemental contribution rates required by this section

shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) (~~Beginning September 1, 1991,~~) In addition to the basic state contribution rate established in RCW 41.45.060 for the law enforcement officers' and fire fighters' retirement system the department shall also establish a supplemental rate to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and fire fighters' retirement system (~~after January 1, 1990~~). This supplemental rate shall be calculated by the state actuary and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan I, the teachers' retirement system plan I, the law enforcement officers' and fire fighters' retirement system plan I, and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan II, the teachers' retirement system plan II and plan III, or the law enforcement officers' and fire fighters' retirement system plan II, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.40.650, 41.32.775, or 41.26.450, respectively.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan I and the teachers' retirement system plan I shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

NEW SECTION. Sec. 311. A new section is added to chapter 41.45 RCW to read as follows:

(1) The required contribution rate for members of the plan II teachers' retirement system shall be fixed at the rates in effect on the effective date of this act, subject to the following:

(a) Beginning September 1, 1998, except as provided in (b) of this subsection, the employee contribution rate shall not exceed the employer plan II and III rates adopted under RCW 41.45.060 and 41.45.070 for the teachers' retirement system;

(b) In addition, the employee contribution rate for plan II shall be increased by fifty percent of the contribution rate increase caused by any plan II benefit increase passed after the effective date of this act.

(2) The required plan II and III contribution rates for employers shall be adopted in the manner described in RCW 41.45.060.

Sec. 312. RCW 41.50.075 and 1991 c 35 s 108 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' system plan I retirement fund, and the Washington law enforcement officers' and fire fighters' system plan II retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and fire fighters' retirement system plan II.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan I fund and the teachers' retirement system combined plan II and III fund. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan I, and the combined plan II and III

fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan II and III.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan I fund and the public employees' (~~(retirement system)~~) retirement system plan II fund. The plan I fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan I, and the plan II fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan II.

(4) There is hereby established in the state treasury the plan III defined contribution fund which shall consist of all contributions and earnings paid on behalf of members, except as otherwise provided.

Sec. 313. RCW 41.50.110 and 1990 c 8 s 3 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, the retirement system expense fund is hereby redesignated as the department of retirement systems expense fund from which shall be paid the expenses of the administration of the department and the expenses of administration of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.-- (sections 201 through 209 of this act), and 43.43 RCW.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

~~((3) All employers shall pay a standard fee to the department to cover the cost of administering the system.))~~ (5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses incurred pursuant to section 206 of this act shall be deducted from the defined contribution fund in accordance with rules established by the board under section 302 of this act.

NEW SECTION. Sec. 314. A new section is added to chapter 41.50 RCW to read as follows:

(1) "Employee" as used in this section and section 315 of this act includes all full-time, part-time, and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of the government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and of the superior and

district courts; and members of the state legislature or of the legislative authority of any county, city, or town.

(2) The state, through the department, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the amount allowable under 26 U.S.C. Sec. 457, and deposit or invest such deferred portion in a credit union, savings and loan association, bank, or mutual savings bank or purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or any investment company licensed to contract business in this state.

(3) The department can provide such plans as the employee retirement benefits board, established under section 301 of this act, deems are in the interests of state employees. In addition to the types of investments described in this section, the department may invest the deferred portion of an employee's income, without limitation as to amount, in any of the class of investments described in RCW 43.84.150 as in effect on January 1, 1981. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the state or local retirement and pension benefits earned by any employee.

(4) Coverage of an employee under a deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in any pension system for public employees.

NEW SECTION. Sec. 315. A new section is added to chapter 41.50 RCW to read as follows:

(1) The deferred compensation principal account is hereby created in the state treasury. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from that account over earnings of investments or balances credited to that account shall be eliminated by transferring moneys to that account from the deferred compensation principal account.

(2) The amount of compensation deferred by employees under agreements entered into under the authority contained in section 314 of this act shall be paid into the deferred compensation principal account and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by the department. The deferred compensation principal account shall be used to carry out the purposes of section 314 of this act. All eligible state employees shall be given the opportunity to participate in agreements entered into by the department under section 314 of this act. State agencies shall cooperate with the department in providing employees with the opportunity to participate.

(3) Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the department under section 314 of this act, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the deferred compensation principal account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein.

(4) All moneys in the deferred compensation principal account, all property and rights purchased therewith, and all income attributable thereto, shall remain (until made available to the participating employee or other beneficiary) solely the money, property, and rights of the state and participating counties, municipalities, and subdivisions (without being restricted to the provision of benefits under the plan) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately.

(5) The state investment board, at the request of the employee retirement benefits board as established under section 301 of this act, is authorized to invest moneys in the deferred compensation principal account in accordance with RCW 43.84.150. Except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation principal account.

(6) The deferred compensation administrative account is hereby created in the state treasury. All expenses of the department pertaining to the deferred compensation plan including staffing and

administrative expenses shall be paid out of the deferred compensation administrative account. Any excess of earnings of investments of balances credited to this account over administrative expenses disbursed from this account shall be transferred to the deferred compensation principal account. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from this account over earnings of investments of balances credited to this account shall be transferred to this account from the deferred compensation principal account.

(7) In addition to the duties specified in this section and section 314 of this act, the department shall administer the salary reduction plan established in RCW 41.04.600 through 41.04.645.

(8) The department shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of any deferred compensation plans created under section 314 of this act and this section.

(9) The department shall file an annual report of the financial condition, transactions, and affairs of the deferred compensation plans under its jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

(10) Members of the employee retirement benefits board established under section 301 of this act shall be deemed to stand in a fiduciary relationship to the employees participating in the deferred compensation plans created under section 314 of this act and this section and shall discharge the duties of their respective positions in good faith and with that diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

(11) The department may adopt rules necessary to carry out the purposes of section 314 of this act and this section.

Sec. 316. RCW 41.50.030 and 1975-'76 2nd ex.s. c 105 s 5 are each amended to read as follows:

(1) As soon as possible but not more than one hundred and eighty days after March 19, 1976, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

~~((1))~~ (a) The Washington public employees' retirement system ~~((and the retirement board thereof));~~

~~((2))~~ (b) The Washington state teachers' retirement system ~~((and the board of trustees thereof));~~

~~((3))~~ (c) The Washington law enforcement officers' and fire fighters' retirement system ~~((and the retirement board thereof));~~

~~((4))~~ (d) The Washington state patrol retirement system ~~((and the retirement board thereof));~~

~~((5))~~ (e) The Washington judicial retirement system ~~((and the retirement board thereof));~~ and

~~((6))~~ (f) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW.

(2) On the effective date of this act there is transferred to the department all powers, duties, and functions of the deferred compensation committee.

(3) The department shall administer sections 201 through 209 of this act.

Sec. 317. RCW 41.50.050 and 1993 c 61 s 1 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than ~~((three))~~ four divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department and inspect and audit the files and records as deemed necessary;

(3) Employ personnel to carry out the general administration of the department;

(4) Submit an annual written report of the activities of the department to the governor and the chairs of the appropriate legislative committees with one copy to the staff of each of the committees, including recommendations for statutory changes the director believes to be desirable;

(5) Adopt such rules and regulations as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.05 RCW.

Sec. 318. RCW 41.50.060 and 1975-'76 2nd ex.s. c 105 s 8 are each amended to read as follows:

The director may delegate the performance of such powers, duties, and functions, other than those relating to rule making, to employees of the department, but the director shall remain and be responsible for the official acts of the employees of the department.

The director shall be responsible for the public employees' retirement system, the teachers' retirement system, the judicial retirement system, the law enforcement officers' and fire fighters' retirement system, and the Washington state patrol retirement system. The director shall also be responsible for the deferred compensation program.

Sec. 319. RCW 41.54.030 and 1990 c 192 s 2 are each amended to read as follows:

(1) A dual member(~~(-s)~~) may combine service in all systems (~~((may be combined))~~) for the (~~(sole)~~) purpose of:

(a) Determining the member's eligibility to receive a service retirement allowance; and

(b) Qualifying for a benefit under section 115(3) of this act.

(2) A dual member who is eligible to retire under any system may elect to retire from all the member's systems and to receive service retirement allowances calculated as provided in this section. Each system shall calculate the allowance using its own criteria except that the member shall be allowed to substitute the member's base salary from any system as the compensation used in calculating the allowance.

(3) The service retirement allowances from a system which, but for this section, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

NEW SECTION. **Sec. 320.** A new section is added to chapter 41.54 RCW to read as follows:

Any dual member who elects to transfer under section 303 of this act may subject to the provisions of this chapter:

(1) Similarly transfer any other prior plan II service credit to plan III of the same retirement system; or

(2) Combine service credit in all systems for purposes of vesting pursuant to section 303(1)(c) of this act.

NEW SECTION. **Sec. 321.** A new section is added to chapter 43.33A RCW to read as follows:

Pursuant to section 302 of this act, the state investment board, at the request of the employee retirement benefits board, is authorized to offer investment options for self-directed investment under plan III.

Sec. 322. RCW 41.04.440 and 1984 c 227 s 1 are each amended to read as follows:

(1) The sole purpose of RCW 41.04.445 and 41.04.450 is to allow the members of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.-- (sections 201 through 209 of this act), and 43.43 RCW to enjoy the tax deferral benefits allowed under 26 USC 414(h). This act does not alter in any manner the provisions of RCW 41.26.450(~~(,41.32.775))~~) and 41.40.650 which require that the member contribution rates shall be set so as to provide fifty percent of the cost(~~(s)~~) of the respective retirement plans.

(2) Should the legislature revoke any benefit allowed under (~~(this act)~~) 26 U.S.C. 414(h), no affected employee shall be entitled thereafter to receive such benefit as a matter of contractual right.

Sec. 323. RCW 41.04.445 and 1992 c 212 s 15 are each amended to read as follows:

(1) This section applies to all members who are:

(a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;

(b) Employees of the state under the retirement system established by chapter 41.32, 41.40, or 43.43 RCW;

(c) Employees of school districts under the retirement system established by chapter 41.32 or 41.40 RCW, except for substitute teachers as defined by RCW 41.32.010;

(d) Employees of educational service districts under the retirement system established by chapter 41.32 or 41.40 RCW; or

(e) Employees of community college districts under the retirement system established by chapter 41.32 or 41.40 RCW.

(2) Only for compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

(a) RCW 2.10.090(1);

(b) RCW 2.12.060;

(c) RCW 2.14.090;

(d) RCW 41.32.263;

(e) RCW 41.32.350;

(f) ~~((RCW 41.32.775;~~

~~(g))~~ RCW 41.40.330 (1) and (3);

~~((h))~~ (g) RCW 41.40.650; ~~(and~~

~~(i))~~ (h) Section 207 of this act;

(i) RCW 43.43.300; and

(j) Section 204 of this act.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump-sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

(a) A complete explanation of the effects of this section to all members; and

(b) Notification of such implementation to the director of the department of retirement systems.

Sec. 324. RCW 41.04.450 and 1985 c 13 s 3 are each amended to read as follows:

(1) Employers of those members under chapters 41.26 ~~((and)), 41.40, and 41.-- (sections 201 through 209 of this act)~~ RCW who are not specified in RCW 41.04.445 may choose to implement the employer pick up of all member contributions without exception under RCW 41.26.080(1), 41.26.450, 41.40.330(1), ~~((and)) 41.40.650, and chapter 41.-- RCW (sections 201 through 209 of this act)~~. If the employer does so choose, the employer and members shall be subject to the conditions and limitations of RCW 41.04.445 (3), (4), and (5) and RCW 41.04.455.

(2) An employer exercising the option under this section may later choose to withdraw from and/or reestablish the employer pick up of member contributions only once in a calendar year following forty-five days prior notice to the director of the department of retirement systems.

NEW SECTION. Sec. 325. The benefits provided pursuant to this act are not provided to employees as a matter of contractual right prior to the effective date of this act. The legislature retains the right to alter or abolish these benefits at any time prior to the date this act becomes effective.

NEW SECTION. Sec. 326. The following acts or parts of acts are each repealed:

(1) RCW 41.04.250 and 1981 c 256 s 2, 1975 1st ex.s. c 274 s 2, 1973 1st ex.s. c 99 s 1, 1972 ex.s. c 19 s 1, & 1971 ex.s. c 264 s 1;

(2) RCW 41.04.255 and 1991 c 249 s 2 & 1982 c 107 s 2;

(3) RCW 41.04.260 and 1993 c 34 s 2 & 1991 sp.s. c 13 s 101;

(4) RCW 41.32.775 and 1990 c 274 s 9, 1989 c 273 s 19, 1986 c 268 s 2, 1984 c 184 s 11, & 1977 ex.s. c 293 s 6;

(5) RCW 41.45.040 and 1993 c 519 s 18 & 1989 c 273 s 4;
(6) RCW 41.45.0601 and 1993 c 519 s 20 & 1992 c 239 s 1;
(7) RCW 41.45.901 and 1989 c 273 s 33;
(8) RCW 41.50.032 and 1984 c 184 s 15 & 1982 c 163 s 9; and
(9) RCW 41.50.250 and 1991 c 35 s 72, 1989 c 273 s 21, 1981 c 3 s 32, 1969 c 128 s 4, 1963 c 174 s 6, 1955 c 220 s 2, 1953 c 200 s 3, 1949 c 240 s 5, & 1947 c 274 s 9.

NEW SECTION. **Sec. 327.** This act shall take effect July 1, 1996.

NEW SECTION. **Sec. 328.** Part headings and subchapter headings as used in this act constitute no part of the law."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 41.32.005, 41.32.032, 41.45.010, 41.45.020, 41.45.030, 41.45.050, 41.45.060, 41.45.070, 41.50.075, 41.50.110, 41.50.030, 41.50.050, 41.50.060, 41.54.030, 41.04.440, 41.04.445, and 41.04.450; reenacting and amending RCW 41.32.010; adding new sections to chapter 41.32 RCW; adding new sections to chapter 41.50 RCW; adding a new section to chapter 41.45 RCW; adding a new section to chapter 41.54 RCW; adding a new section to chapter 43.33A RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 41.04.250, 41.04.255, 41.04.260, 41.32.775, 41.45.040, 41.45.0601, 41.45.901, 41.50.032, and 41.50.250; and providing an effective date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Carlson moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1206 and pass the bill as amended by the Senate.

Representatives Carlson and Valle spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1206 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1206 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representative Goldsmith - 1.

Excused: Representatives Foreman, Robertson, Schmidt, K., Silver and Sommers - 5.

Engrossed Substitute House Bill No. 1206, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1224 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.630 RCW to read as follows:

(1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) School districts may use the application process in RCW 28A.305.140 or 28A.300.138 to apply for the waivers under subsection (1) of this section.

(3) The joint select committee on education restructuring shall study which waivers of state laws or rules are necessary for school districts to implement education restructuring. The committee shall study whether the waivers are used to implement specific essential academic learning requirements and student learning goals. The committee shall study the availability of waivers under the schools for the twenty-first century program created by chapter 525, Laws of 1987, and the use of those waivers by schools participating in that program. The committee shall also study the use of waivers authorized under RCW 28A.305.140. The committee shall report its findings to the legislature by December 1, 1997."

On page 1, line 1 of the title, after "waivers;" strike the remainder of the title and insert "and adding a new section to chapter 28A.630 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brumsickle moved that the House concur in the Senate amendments to House Bill No. 1224 and pass the bill as amended by the Senate.

Representatives Brumsickle and Cole spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1224 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1224 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Foreman, Robertson, Schmidt, K., Silver and Sommers - 5.

House Bill No. 1224, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1249 with the following amendments:

On page 5, line 1, strike "December 1, ((1998)) 1999" and insert "((~~December 1, 1998~~)) June 30, 1999"

On page 6, line 12, strike "September 1, ((1998)) 1999" and insert "((~~September 1, 1998~~)) June 30, 1999"

On page 6, beginning on line 13, strike "expire September 1, 1999, and insert "expire June 30, 1999"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brumsickle moved that the House concur in the Senate amendments to House Bill No. 1249 and pass the bill as amended by the Senate.

Representatives Chandler and Cole spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1249 as amended by the Senate.

Representative Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1249 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 1, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Absent: Representative Beeksma - 1.

Excused: Representatives Foreman, Robertson, Schmidt, K., Silver and Sommers - 5.

House Bill No. 1249, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1282, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.12.265 and 1987 c 506 s 35 are each amended to read as follows:

The owner, the owner's immediate family member, the owner's documented employee, or tenant of real property may trap or kill on that property, without the licenses required under RCW 77.32.010, wild animals or wild birds, other than an endangered species, that ((is)) are damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate department regional administrator to owners or tenants of real property to trap or kill on that property any deer, elk, or protected wildlife which is damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Except for coyotes and Columbian ground squirrels, wildlife trapped or killed under this section remain((s)) the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The director shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.

For the purposes of this section, "immediate family member" means spouse, brother, sister, grandparent, parent, child, or grandchild."

On page 1, line 2 of the title, after "crops;" strike the remainder of the title and insert "and amending RCW 77.12.265."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Fuhrman moved that the House concur in the Senate amendments to House Bill No. 1282 and pass the bill as amended by the Senate.

Representatives Fuhrman and Basich spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1282 as amended by the Senate.

Representative Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1282 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 81, Nays - 11, Absent - 1, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Vloria and Mr. Speaker - 81.

Voting nay: Representatives Benton, Boldt, Chopp, Cole, Dellwo, Kessler, Patterson, Romero, Rust, Thibaudeau and Wolfe - 11.

Absent: Representative Mason - 1.

Excused: Representatives Foreman, Robertson, Schmidt, K., Silver and Sommers - 5.

House Bill No. 1282, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1342 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that during the past fourteen years, the Washington state parks and recreation commission has endured a steady erosion of general fund operating support, which has caused park closures, staff reductions, and growing backlog of deferred maintenance projects. The legislature also finds that the growth of parks revenue has been constrained by staff limitations and by transfers of that revenue into the general fund.

The legislature intends to reverse the decline in operating support to its state parks, stabilize the system's level of general fund support, and inspire system employees and park visitors to enhance these irreplaceable resources and ensure their continuing availability to current and future state citizens and visitors. To achieve these goals, the legislature intends to dedicate park revenues to park operations, developing and renovating park facilities, undertaking deferred maintenance, and improving park stewardship. The legislature clearly intends that such revenues shall complement, not supplant, future general fund support.

Sec. 2. RCW 43.51.047 and 1984 c 82 s 3 are each amended to read as follows:

Only timber which qualifies for cutting or removal under RCW 43.51.045(2) may be sold. Timber shall be sold only when surplus to the needs of the park.

Net revenue derived from timber sales shall be deposited in the (~~trust land~~) parks renewal and stewardship account created in section 7 of this act.

Sec. 3. RCW 43.51.060 and 1993 c 156 s 1 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group shall agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper(~~—All fees received by the commission shall be deposited with the state treasurer in the state general fund~~);

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years;

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: PROVIDED, That the commission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

Sec. 4. RCW 43.51.270 and 1992 c 185 s 1 are each amended to read as follows:

(1) The ~~((beard))~~ department of natural resources and the state parks and recreation commission shall have authority to negotiate a sale to the state parks and recreation commission, for park and outdoor recreation purposes, of ~~((the))~~ trust lands ~~((withdrawn as of August 9, 1971, pursuant to law for park purposes and included within the state parks listed in subsection (2) of this section: PROVIDED, That the sale shall be by contract with a pay-off period of not less than ten years, a price of eleven million twenty-four thousand seven hundred forty dollars or the))~~ at fair market value(~~;~~ whichever is higher, for the land value, and interest not to exceed six percent. ~~All fees collected by the commission beginning in the 1973-1975 biennium shall be applied to the purchase price of the trust lands listed in subsection (2) of this section; the acquisition of the property described in subsections (3) and (4) of this section, and all reasonable costs of acquisition, described in subsection (5) of this section; the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks; the maintenance and operation of state parks; and any cost of collection pursuant to appropriations from the trust land purchase account created in RCW 43.51.280. The department of natural resources shall not receive any management fee pursuant to the sale of the trust lands listed in subsections (2) and (4) of this section. Timber on the trust lands which are the subject of subsections (2), (3), and (4) of this section shall continue to be under the management of the department of natural resources until such time as the legislature appropriates funds to the parks and recreation commission for purchase of said timber. The state parks which include trust lands which shall be the subject of this sale pursuant to this section are:~~

- ~~(2)(a) Penrose Point~~
- ~~(b) Kopachuck~~
- ~~(c) Long Beach~~
- ~~(d) Leadbetter Point~~
- ~~(e) Nason Creek~~
- ~~(f) South Whidbey~~
- ~~(g) Blake Island~~
- ~~(h) Rockport~~
- ~~(i) Mt. Pilchuck~~
- ~~(j) Ginkgo~~
- ~~(k) Lewis & Clark~~
- ~~(l) Rainbow Falls~~
- ~~(m) Bogachiel~~
- ~~(n) Sequim Bay~~

- (o) Federation Forest
- (p) Moran
- (q) Camano Island
- (r) Beacon Rock
- (s) Bridle Trails
- (t) Chief Kamiakin (formerly Kamiak Butte)
- (u) Lake Wenatchee
- (v) Fields Springs
- (w) Sun Lakes
- (x) Scenic Beach.

~~(3) The board of natural resources and the state parks and recreation commission shall negotiate a mutually acceptable transfer for adequate consideration to the state parks and recreation commission to be used for park and recreation purposes:~~

- ~~(a) All the state-owned Heart Lake property, including the timber therein, located in section 36, township 35 north, range 1E, W.M. in Skagit county;~~
- ~~(b) The Moran Park Additions, including the timber thereon, located in sections 16, 17, 19, 26, and 30, township 37 north, range 1W, W.M.;~~
- ~~(c) The Fort Ebey Addition (Partridge Point), including the timber thereon, located in section 36, township 32 north, range 1W, W.M. and section 6, township 31 north, range 1E, W.M.;~~
- ~~(d) The South Whidbey Addition (Classic U), including the timber thereon, located in section 29, township 30 north, range 2E, W.M.; and~~
- ~~(e) The Larrabee Addition, including the timber thereon, located in section 29, township 37 north, range 3E, W.M)).~~

~~((4)) (2) The ((board)) department of natural resources and the state parks and recreation commission shall negotiate a sale to the state parks and recreation commission of the lands and timber thereon identified in the joint study under section 4, chapter 163, Laws of 1985, and commonly referred to as(:~~

- ~~(a) The Packwood trust property, Lewis county — located on the Cowlitz river at Packwood;~~
- ~~(b) The Iron Horse (Bullfrog) trust property — adjoining the John Wayne Pioneer Trail at Iron Horse State Park;~~
- ~~(c) The Soleduck Corridor trust property, Clallam county — on the Soleduck river at Sappho;~~
- ~~(d) The Lake Sammamish (Providence Heights) trust property, King county — adjacent to Hans Jensen Youth Camp area at Lake Sammamish State Park;~~
- ~~(e) The Kinney Point trust property, Jefferson county — on the extreme southern tip of Marrowstone Island;~~
- ~~(f) The Hartstene Island trust property, Mason county — near Fudge Point on the east side of Hartstene Island approximately two miles south of Jarrell Cove State Park;~~
- ~~(g) The Wallace Falls trust property addition, Snohomish county — located adjacent to Wallace Falls State Park;~~
- ~~(h) The Diamond Point trust property, Clallam county — on the Strait of Juan de Fuca; provided, however, to the extent authorized by the commission by its action of December 7, 1990, as now or hereafter amended, the acreage and boundaries of the Diamond Point trust property acquired by the commission may vary from the acreage and boundaries described in the joint study. The commission may not authorize acquisition of any portion of the Diamond Point trust property by a private party prior to approval by the Clallam county board of commissioners of a preliminary master site plan for a resort development on the property;~~
- ~~(i) The Twin Falls trust property addition, King county — three parcels adjacent to the Twin Falls natural area, King county;~~
- ~~(j) The Skating Lake trust property, Pacific county — one and one-half miles north of Ocean Park and two miles south of Leadbetter State Park on the Long Beach Peninsula;~~
- ~~(k) The Kopachuck trust property addition, Pierce county — adjoining Kopachuck State Park;~~
- ~~((h)) the Point Lawrence trust property, San Juan county — on the extreme east point of Orcas Island(;~~

~~(m) The Huckleberry Island trust property, Skagit county — between Guemes Island and Saddlebag Island State Park;~~

~~(n) The Steamboat Rock (Osborn Bay) trust property, Grant county — southwest of Electric City on Osborn Bay;~~

~~(o) The Lord Hill trust property, Snohomish county — west of Monroe;~~

~~(p) The Larrabee trust property addition, Whatcom county — northeast of Larrabee State Park and Chuckanut Mountain;~~

~~(q) The Beacon Rock trust property, Skamania county — at Beacon Rock State Park;~~

~~(r) The Loomis Lake trust property, Pacific county — on the east shore of Loomis Lake and Lost Lake;~~

~~(s) The Lake Easton trust property addition, Kittitas county — one-quarter mile west of Lake Easton State Park near the town of Easton;~~

~~(t) The Fields Spring trust property addition, Asotin county — adjacent to the west and north boundaries of Fields Spring State Park;~~

~~(u) The Hoypus Hill trust property, Island county — south of the Hoypus Point natural forest area at Deception Pass State Park;~~

~~(v) The Cascade Island trust property, Skagit county — on the Cascade river about one and one-half miles east of Marblemount off of the South Cascade county road and ten and one-half miles east of Rockport State Park.~~

~~Payment for the property described in this subsection shall be derived from the trust land purchase account established pursuant to RCW 43.51.280)). Timber conservation and management practices provided for in RCW 43.51.045 and 43.51.395 shall govern the management of land and timber transferred under this subsection as of the effective date of the transfer, upon payment for the property, and nothing in this chapter shall be construed as restricting or otherwise modifying the department of natural resources' management, control, or use of such land and timber until such date.~~

~~((5) The funds from the trust land purchase account designated for the acquisition of the property described in subsections (3) and (4) of this section, and the reasonable costs of acquisition, shall be deposited in the park land trust revolving fund, hereby created, to be utilized by the department of natural resources for the exclusive purpose of acquiring real property as a replacement for the property described in subsections (3) and (4) of this section to maintain the land base of the several trusts and for the reimbursement of the department of natural resources for all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the property described in subsections (3) and (4) of this section. Disbursements from the park land trust revolving fund to acquire replacement property, and pay for all reasonable costs of acquisition, for the property described in subsections (3) and (4) of this section shall be on the authorization of the board of natural resources. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditures and payment of obligations from the fund. The state treasurer shall be custodian of the revolving fund.~~

~~The department of natural resources shall pay all reasonable costs, to include, but not exclusively, the appraisal and cruising of the timber on the property for the acquisition of the property described in subsection (3) of this section from funds provided in the trust land purchase account. Any agreement for the transfer of the property described in subsection (3) of this section shall not have an interest rate exceeding ten percent.~~

~~The parks and recreation commission is authorized to accept, receive, disburse, and administer grants or funds or gifts from any source including private individuals, public entities, and the federal government to supplement the funds from the trust land purchase account for the purchase of the property described in subsection (3) of this section.)~~

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.85 RCW to read as follows:

The park land trust revolving fund is to be utilized by the department of natural resources for the exclusive purpose of acquiring real property, including all reasonable costs associated with these acquisitions, as a replacement for the property transferred to the state parks and recreation commission or as directed by the legislature in order to maintain the land base of the affected trusts. Proceeds from

transfers of real property to the state parks and recreation commission or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in this fund. Disbursement from the park land trust revolving fund to acquire replacement property shall be on the authorization of the department of natural resources. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

NEW SECTION. **Sec. 6.** RCW 43.51.280 and 1991 sp.s. c 16 s 922, 1991 sp.s. c 13 s 4, & 1987 c 466 s 2 are each repealed.

NEW SECTION. **Sec. 7.** A new section is added to chapter 43.51 RCW to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

NEW SECTION. **Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "commission;" strike the remainder of title and insert "amending RCW 43.51.047, 43.51.060, and 43.51.270; adding a new section to chapter 43.85 RCW; adding a new section to chapter 43.51 RCW; creating a new section; repealing RCW 43.51.280; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Fuhrman moved that the House concur in the Senate amendments to Substitute House Bill No. 1342 as amended by the Senate.

Representatives Fuhrman and Regala spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1342 as amended by the Senate.

Representative Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1342 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Foreman, Robertson, Schmidt, K., Silver and Sommers - 5.

Substitute House Bill No. 1342, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1348, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.44.010 and 1985 c 7 s 47 are each amended to read as follows:

Unless the context otherwise requires terms used in this chapter shall have the following meanings:

- (1) "Department" means the department of ~~((licensing))~~ financial institutions.
- (2) "Director" means the director of ~~((licensing))~~ financial institutions, or his or her duly authorized representative.
- (3) "Escrow" means any transaction wherein any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.
- (4) "Escrow agent" means any sole proprietorship, firm, association, partnership, or corporation engaged in the business of performing for compensation the duties of the third person referred to in RCW 18.44.010(3) above.
- (5) "Certificated escrow agent" means any sole proprietorship, firm, association, partnership, or corporation holding a certificate of registration as an escrow agent under the provisions of this chapter.
- (6) "Person" unless a different meaning appears from the context, includes an individual, a firm, association, partnership or corporation, or the plural thereof, whether resident, nonresident, citizen or not.

(7) "Escrow officer" means any natural person handling escrow transactions and licensed as such by the director.

(8) "Escrow commission" means the escrow commission of the state of Washington created by RCW 18.44.208.

(9) "Controlling person" is any person who owns or controls ten percent or more of the beneficial ownership of any escrow agent, regardless of the form of business organization employed and regardless of whether such interest stands in such person's true name or in the name of a nominee.

Sec. 2. RCW 18.44.080 and 1985 c 340 s 1 are each amended to read as follows:

The director shall charge and collect the following fees:

(1) For filing an original or a renewal application for registration as an escrow agent, annual fees for the first office or location and for each additional office or location.

(2) For filing an application for a change of address, for each certificate of registration and for each escrow officer license being so changed.

(3) For filing an application for a duplicate of a certificate of registration or of an escrow officer license lost, stolen, destroyed, or for replacement.

(4) For providing administrative support to the escrow commission.

All fees under this chapter shall be set by rule by the director ~~((in accordance with RCW 43.24.086))~~. In fixing these fees, the director shall set the fees at a sufficient level to defray the costs of administering this chapter.

All fees received by the director under this chapter shall be paid ~~((by him))~~ into the state treasury to the credit of the ~~((general fund))~~ banking examination fund.

Sec. 3. RCW 18.44.208 and 1985 c 340 s 3 are each amended to read as follows:

There is established an escrow commission of the state of Washington, to consist of the director of ~~((licensing))~~ financial institutions or his or her designee as chairman, and five other members who shall act as advisors to the director as to the needs of the escrow profession, including but not limited to the design and conduct of tests to be administered to applicants for escrow licenses, the schedule of license fees to be applied to the escrow licensees, educational programs, audits and investigations of the escrow profession designed to protect the consumer, and such other matters determined appropriate. ~~((Such members shall be appointed by the governor))~~ The director is hereby empowered to and shall appoint the other members, each of whom shall have been a resident of this state for at least five years and shall have at least five years experience in the practice of escrow as an escrow agent or as a person in responsible charge of escrow transactions.

The members of the first commission shall serve for the following terms: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the commission shall receive a certificate of appointment from the ~~((governor))~~ director and before beginning the member's term of office shall file with the secretary of state a written oath or affirmation for the faithful discharge of the member's official duties. On the expiration of the term of each member, the ~~((governor))~~ director shall appoint a successor to serve for a term of five years or until the member's successor has been appointed and qualified.

The ~~((governor))~~ director may remove any member of the commission for cause. Vacancies in the commission for any reason shall be filled by appointment for the unexpired term.

Members shall be compensated in accordance with RCW 43.03.240, and shall be reimbursed for their travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060.

Sec. 4. RCW 18.44.290 and 1977 ex.s. c 156 s 22 are each amended to read as follows:

Any person desiring to be an escrow officer shall meet the requirements of RCW 18.44.220 as provided in this chapter. The applicant shall make application endorsed by a certificated escrow agent to the director on a form to be prescribed and furnished by the director. Such application must be received by the director within one year of passing the escrow officer examination. With this application the applicant shall:

- (1) Pay a license fee as set forth (~~in this chapter~~) by rule; and
- (2) Furnish such proof as the director may require concerning his or her honesty, truthfulness, good reputation, and identity, including but not limited to fingerprints.

Sec. 5. RCW 18.44.380 and 1987 c 471 s 10 are each amended to read as follows:

A request for a waiver of the required errors and omissions policy may be accomplished under the statute by submitting to the director an affidavit that substantially addresses the following:

REQUEST FOR WAIVER OF
ERRORS AND OMISSIONS POLICY

I,, residing at, City of, County of, State of Washington, declare the following:

- (1) The state escrow commission has determined that an errors and omissions policy is not reasonably available to a substantial number of licensed escrow officers; and
- (2) Purchasing an errors and omissions policy is cost-prohibitive at this time; and
- (3) I have not engaged in any conduct that resulted in the termination of my escrow certificate; and
- (4) I have not paid, directly or through an errors and omissions policy, claims in excess of ten thousand dollars, exclusive of costs and attorneys' fees, during the calendar year preceding submission of this affidavit; and
- (5) I have not paid, directly or through an errors and omissions policy, claims, exclusive of costs and attorneys' fees, totaling in excess of twenty thousand dollars in the three calendar years immediately preceding submission of this affidavit; and
- (6) I have not been convicted of a crime involving honesty or moral turpitude during the calendar year preceding submission of this application.

THEREFORE, in consideration of the above, I,, respectfully request that the director of (~~licensing~~) financial institutions grant this request for a waiver of the requirement that I purchase and maintain an errors and omissions policy covering my activities as an escrow agent licensed by the state of Washington for the period from, 19. . ., to, 19. . .

Submitted this day of day of, 19. . .

(signature)

State of Washington,

ss.

County of (~~King~~)

I certify that I know or have satisfactory evidence that, signed this instrument and acknowledged it to be free and voluntary act for the uses and purposes mentioned in the instrument.

Dated
Signature of
Notary Public

(Seal or stamp) Title

My appointment expires

Sec. 6. RCW 43.320.011 and 1993 c 472 s 6 are each amended to read as follows:

- (1) All powers, duties, and functions of the department of general administration under Titles 30, 31, 32, 33, and 43 RCW and any other title pertaining to duties relating to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, and other similar institutions are transferred to

the department of financial institutions. All references to the director of general administration, supervisor of banking, or the supervisor of savings and loan associations in the Revised Code of Washington are construed to mean the director of the department of financial institutions when referring to the functions transferred in this section. All references to the department of general administration in the Revised Code of Washington are construed to mean the department of financial institutions when referring to the functions transferred in this subsection.

(2) All powers, duties, and functions of the department of licensing under chapters 18.44, 19.100, 19.110, 21.20, 21.30, and 48.18A RCW and any other statute pertaining to the regulation under the chapters listed in this subsection of escrow agents, securities, franchises, business opportunities, commodities, and any other speculative investments are transferred to the department of financial institutions. All references to the director or department of licensing in the Revised Code of Washington are construed to mean the director or department of financial institutions when referring to the functions transferred in this subsection.

Sec. 7. RCW 43.320.013 and 1993 c 472 s 9 are each amended to read as follows:

All employees classified under chapter 41.06 RCW, the state civil service law, who are employees of the department of general administration or the department of licensing engaged in performing the powers, functions, and duties transferred by RCW 43.320.011, except those under chapter 18.44 RCW, are transferred to the department of financial institutions. All such employees are assigned to the department of financial institutions to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

Sec. 8. RCW 43.320.060 and 1993 c 472 s 20 are each amended to read as follows:

The director of financial institutions shall appoint, deputize, and employ examiners and such other assistants and personnel as may be necessary to carry on the work of the department of financial institutions.

In the event of the director's absence the director shall have the power to deputize one of the assistants of the director to exercise all the powers and perform all the duties prescribed by law with respect to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, securities, franchises, business opportunities, commodities, escrow agents, and other similar institutions or areas that are performed by the director so long as the director is absent: PROVIDED, That such deputized assistant shall not have the power to approve or disapprove new charters, licenses, branches, and satellite facilities, unless such action has received the prior written approval of the director. Any person so deputized shall possess the same qualifications as those set out in this section for the director.

Sec. 9. RCW 43.320.110 and 1993 c 472 s 25 are each amended to read as follows:

There is created a local fund known as the "banking examination fund" which shall consist of all moneys received by the department of financial institutions from banks, savings banks, foreign bank branches, savings and loan associations, consumer loan companies, check cashers and sellers, ~~((and))~~ trust companies and departments, and escrow agents, and which shall be used for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the proper regulation of these companies. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

NEW SECTION. **Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "agents;" strike the remainder of the title and insert "amending RCW 18.44.010, 18.44.080, 18.44.208, 18.44.290, 18.44.380, 43.320.011, 43.320.013, 43.320.060, and 43.320.110; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative L. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 1348 and pass the bill as amended by the Senate.

Representatives L. Thomas and Wolfe spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1348 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1348 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Foreman, Silver and Sommers - 3.

Substitute House Bill No. 1348, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended and House Concurrent Resolution No. 4408 was advanced to second reading.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4408, by Representative Foreman

Extending the cut-off for certain bills.

The resolution was read the second time.

Representative Ebersole moved adoption of the following amendment by Representative Ebersole:

On page 1, line 2, after "ESSB 5386" insert ", SSB 5322,"

On page 1, line 7, after "ESSB 5386" insert ", SSB 5322,"

Representative Ebersole spoke in favor of the adoption of the amendment.

Representative Mielke spoke against the adoption of the amendment.

Representative Grant demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, line 2, to House Concurrent Resolution No. 4408 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 60, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Robertson, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 38.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Representative Conway moved adoption of the following amendment by Representative Conway:

On page 1, line 2, after "ESSB 5386" insert ", ESB 5841,"

On page 1, line 7, after "ESSB 5386" insert ", ESB 5841,"

Representative Conway spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Foreman spoke against the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, line 2, to House Concurrent Resolution No. 4408 and the amendment was not adopted by the following vote: Yeas - 37, Nays - 61, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen,

Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 37.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 1, line 2, after "ESSB 5386" insert ", 2SHB 1255,"

On page 1, line 7, after "ESSB 5386" insert ", 2SHB 1255,"

Representatives Appelwick, Ebersole, Conway and Morris spoke in favor of the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Foreman spoke against the adoption of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, line 2, to House Concurrent Resolution No. 4408 and the amendment was not adopted by the following vote: Yeas - 37, Nays - 61, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 37.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

With the consent of the House, amendment number 893 to House Concurrent Resolution No. 4408 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Foreman spoke in favor of passage of the resolution.

Representative Brown spoke against passage of the resolution.

The Speaker stated the question before the House to be adoption passage of House Concurrent Resolution No. 4408.

ROLL CALL

The Clerk called the roll on the final adoption of House Concurrent Resolution No. 4408, and the resolution was adopted by the following vote: Yeas - 83, Nays - 15, Absent - 0, Excused - 0.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Mr. Speaker - 83.

Voting nay: Representatives Appelwick, Brown, Chopp, Cole, Conway, Dellwo, Ebersole, Fisher, R., Grant, Mastin, Patterson, Romero, Rust, Thibaudeau and Wolfe - 15.

House Concurrent Resolution No. 4408, having received the constitutional majority, was declared adopted.

There being no objection, the Rules Committee was relieved of Engrossed Substitute Senate Bill No. 5386 and the bill was placed on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5386, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Quigley, Franklin, C. Anderson and Wojahn; by request of Health Care Authority)

Modifying provision of the basic health plan.

The bill was read the second time.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.47.060 and 1994 c 309 s 5 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care (~~(, which)~~). In addition, the administrator may offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for groups of subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of

services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate. ~~((On and after July 1, 1995, the uniform benefits package adopted and from time to time revised by the Washington health services commission pursuant to RCW 43.72.130 shall be implemented by the administrator as the schedule of covered basic health care services.))~~

However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that the services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(c) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed the total premiums due from the enrollee.

(d) To develop, as an offering by all health carriers providing coverage identical to the basic health plan, a model plan benefits package with uniformity in enrollee cost-sharing requirements.

(3) To design and implement a structure of ~~((copayments))~~ enrollee cost sharing due a managed health care system from subsidized and nonsubsidized enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services. ~~((On and after July 1, 1995, the administrator shall endeavor to make the copayments structure of the plan consistent with enrollee point of service cost-sharing levels adopted by the Washington health services commission, giving consideration to funding available to the plan.))~~

(4) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option,

continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(8) To receive periodic premiums from or on behalf of subsidized and nonsubsidized enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and ~~((at least semiannually thereafter))~~ on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If, as a result of an eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee knowingly failed to inform the plan of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the federal poverty level. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator ~~((shall))~~ may require that a business owner pay at least ~~((fifty percent of the nonsubsidized))~~ an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) To provide, consistent with available funding, assistance for rural residents, undeserved populations, and persons of color.

Sec. 2. RCW 70.47.020 and 1994 c 309 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system. ~~((On and after July 1, 1995, "managed health care system" means a certified health plan, as defined in RCW 43.72.010.))~~

(4) "Subsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, ~~((who the administrator determines shall not have, or shall not have voluntarily relinquished health insurance more comprehensive than that offered by the plan as of the effective date of enrollment,))~~ and who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children, not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, ~~((who the administrator determines shall not have, or shall not have voluntarily relinquished health insurance more comprehensive than that offered by the plan as of the effective date of enrollment,))~~ and who chooses to obtain basic health care coverage from a particular managed health care system, and who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(7) "Premium" means a periodic payment, based upon gross family income which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee or a nonsubsidized enrollee.

(8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized and nonsubsidized enrollees in the plan and in that system.

NEW SECTION. Sec. 3. A new section is added to chapter 70.47 RCW to read as follows:

(1) The legislature recognizes that every individual possesses a fundamental right to exercise their religious beliefs and conscience. The legislature further recognizes that in developing public policy, conflicting religious and moral beliefs must be respected. Therefore, while recognizing the right of conscientious objection to participating in specific health services, the state shall also recognize the right of individuals enrolled with the basic health plan to receive the full range of services covered under the basic health plan.

(2)(a) No individual health care provider, religiously sponsored health carrier, or health care facility may be required by law or contract in any circumstances to participate in the provision of or payment for a specific service if they object to so doing for reason of conscience or religion. No

person may be discriminated against in employment or professional privileges because of such objection.

(b) The provisions of this section are not intended to result in an enrollee being denied timely access to any service included in the basic health plan. Each health carrier shall:

(i) Provide written notice to enrollees, upon enrollment with the plan, listing services that the carrier refuses to cover for reason of conscience or religion;

(ii) Provide written information describing how an enrollee may directly access services in an expeditious manner; and

(iii) Ensure that enrollees refused services under this section have prompt access to the information developed pursuant to (b)(ii) of this subsection.

(c) The administrator shall establish a mechanism or mechanisms to recognize the right to exercise conscience while ensuring enrollees timely access to services and to assure prompt payment to service providers.

(3)(a) No individual or organization with a religious or moral tenet opposed to a specific service may be required to purchase coverage for that service or services if they object to doing so for reason of conscience or religion.

(b) The provisions of this section shall not result in an enrollee being denied coverage of, and timely access to, any service or services excluded from their benefits package as a result of their employer's or another individual's exercise of the conscience clause in (a) of this subsection.

(c) The administrator shall define the process through which health carriers may offer the basic health plan to individuals and organizations identified in (a) and (b) of this subsection in accordance with the provisions of subsection (2)(c) of this section.

(4) Nothing in this section requires the health care authority, health carriers, health care facilities, or health care providers to provide any basic health plan service without payment of appropriate premium share or enrollee cost sharing.

NEW SECTION. **Sec. 4.** RCW 70.47.065 and 1993 c 494 s 6 are each repealed.

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Correct the title accordingly.

Representative Cody moved adoption of the following amendment to the amendment by Representative Cody:

On page 1, line 15, after "health services" insert ", medical rehabilitation services"

On page 1, line 16, after "these" strike "three" and insert "four"

Representatives Cody, Costa and Thibaudeau spoke in favor of the adoption of the amendment to the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Dyer spoke against the adoption of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, line 15, to Engrossed Substitute Senate Bill No. 5386 and the amendment was not adopted by the following vote: Yeas - 36, Nays - 62, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Honeyford, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 36.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment number 895 to Engrossed Substitute Senate Bill No. 5386.

JIM HONEYFORD, 12th District

Representative Campbell moved adoption of the following amendment to the amendment by Representative Campbell:

On page 1, line 15, after "health services" insert ", chiropractic services"

On page 1, line 16, after "these" strike "three" and insert "four"

Representatives Campbell, Ebersole, Conway and Cody spoke in favor of the adoption of the amendment to the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

Representative Dyer spoke against the adoption of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 1, line 15, to Engrossed Substitute Senate Bill No. 5386 and the amendment was not adopted by the following vote: Yeas - 35, Nays - 62, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Scott, Smith, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Excused: Representative Benton - 1.

Representative Dyer spoke in favor of the adoption of the striking amendment.

The striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer, Campbell, Ebersole, Conway and Dellwo spoke in favor of passage of the bill.

Representatives Cody and Romero spoke against passage of the bill.

MOTION

On motion of Representative McMahan, Representative Benton was excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5386 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5386 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Cody - 1.

Excused: Representative Benton - 1.

Engrossed Substitute Senate Bill No. 5386, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) One of its fundamental responsibilities, to the benefit of all the citizens of the state, is the protection of public health and safety, including health and safety in the workplace, and the preservation of the extraordinary natural environment with which Washington is endowed;

(b) Essential to this mission is the delegation of authority to state agencies to implement the policies established by the legislature; and that the adoption of administrative rules by these agencies helps assure that these policies are clearly understood, fairly applied, and uniformly enforced;

(c) Despite its importance, Washington's regulatory system must not impose excessive, unreasonable, or unnecessary obligations; to do so serves only to discredit government, makes enforcement of essential regulations more difficult, and detrimentally affects the economy of the state and the well-being of our citizens.

(2) The legislature therefore enacts chapter . . . , Laws of 1995 (this act), to be known as the regulatory reform act of 1995, to ensure that the citizens and environment of this state receive the highest level of protection, in an effective and efficient manner, without stifling legitimate activities and responsible economic growth. To that end, it is the intent of the legislature, in the adoption of this act, that:

(a) Unless otherwise authorized, substantial policy decisions affecting the public be made by those directly accountable to the public, namely the legislature, and that state agencies not use their administrative authority to create or amend regulatory programs;

(b) When an agency is authorized to adopt rules imposing obligations on the public, that it do so responsibly: The rules it adopts should be justified and reasonable, with the agency having determined, based on common sense criteria established by the legislature, that the obligations imposed are truly in the public interest;

(c) Governments at all levels better coordinate their regulatory efforts to avoid confusing and frustrating the public with overlapping or contradictory requirements;

(d) The public respect the process whereby administrative rules are adopted, whether or not they agree with the result: Members of the public affected by administrative rules must have the opportunity for a meaningful role in their development; the bases for agency action must be legitimate and clearly articulated;

(e) Members of the public have adequate opportunity to challenge administrative rules with which they have legitimate concerns through meaningful review of the rule by the executive, the legislature, and the judiciary. While it is the intent of the legislature that upon judicial review of a rule, a court should not substitute its judgment for that of an administrative agency, the court should determine whether the agency decision making was rigorous and deliberative; whether the agency reached its result through a process of reason; and whether the agency took a hard look at the rule before its adoption;

(f) In order to achieve greater compliance with administrative rules at less cost, that a cooperative partnership exist between agencies and regulated parties that emphasizes education and assistance before the imposition of penalties; and

(g) Workplace safety and health in this state not be diminished, whether provided by constitution, by statute, or by rule.

PART I GRANTS OF AUTHORITY

NEW SECTION. Sec. 101. A new section is added to chapter 43.12 RCW to read as follows:

For rules adopted after the effective date of this section, the commissioner of public lands may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

NEW SECTION. Sec. 102. A new section is added to chapter 43.20A RCW to read as follows:

For rules adopted after the effective date of this section, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

Sec. 103. RCW 43.21A.080 and 1970 ex.s. c 62 s 8 are each amended to read as follows:

The director of the department of ecology is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter: PROVIDED, That the director may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt the rule.

NEW SECTION. Sec. 104. A new section is added to chapter 43.23 RCW to read as follows:

For rules adopted after the effective date of this section, the director of agriculture may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

Sec. 105. RCW 43.70.040 and 1989 1st ex. s. c 9 s 106 are each amended to read as follows:

In addition to any other powers granted the secretary, the secretary may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.: PROVIDED, That for rules adopted after the effective date of this section, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary and the board of health shall review each advisory committee within their jurisdiction and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess. in accordance with RCW 43.70.050;

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(5) Enter into contracts on behalf of the department to carry out the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program to the purposes of ~~((this act))~~ chapter 9, Laws of 1989 1st ex. sess.; or

(7) Accept gifts, grants, or other funds.

Sec. 106. RCW 82.01.060 and 1977 c 75 s 92 are each amended to read as follows:

The director of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the director, through the department of revenue, hereinafter in ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. referred to as the department, shall:

(1) Assess and collect all taxes and administer all programs relating to taxes which are the responsibility of the tax commission at the time ~~((this 1967 amendatory act))~~ chapter 26, Laws of 1967 ex. sess. takes effect or which the legislature may hereafter make the responsibility of the director or of the department;

(2) Make, adopt and publish such rules ~~((and regulations))~~ as he or she may deem necessary or desirable to carry out the powers and duties imposed upon him or her or the department by the legislature: PROVIDED, That the director may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule;

(3) Rules ~~((and regulations))~~ adopted by the tax commission ~~((prior to))~~ before the effective date of this ~~((1967 amendatory act))~~ section shall remain in force until such time as they may be revised or rescinded by the director;

~~((3))~~ (4) Provide by general regulations for an adequate system of departmental review of the actions of the department or of its officers and employees in the assessment or collection of taxes;

~~((4))~~ (5) Maintain a tax research section with sufficient technical, clerical and other employees to conduct constant observation and investigation of the effectiveness and adequacy of the revenue laws of this state and of the sister states in order to assist the governor, the legislature and the director in estimation of revenue, analysis of tax measures, and determination of the administrative feasibility of proposed tax legislation and allied problems;

~~((5))~~ (6) Recommend to the governor such amendments, changes in, and modifications of the revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of taxes in the most economical manner.

NEW SECTION. Sec. 107. A new section is added to chapter 43.24 RCW to read as follows:

For rules adopted after the effective date of this section, the director of the department of licensing may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

Sec. 108. RCW 46.01.110 and 1979 c 158 s 120 are each amended to read as follows:

The director of licensing is hereby authorized to adopt and enforce such reasonable rules ~~((and regulations))~~ as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW: PROVIDED, That the director of licensing may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

Sec. 109. RCW 50.12.040 and 1973 1st ex.s. c 158 s 3 are each amended to read as follows:

~~((Regular))~~ Permanent and emergency rules ~~((and regulations))~~ shall be adopted, amended, or repealed by the commissioner in accordance with the provisions of Title 34 RCW and the rules ~~((or regulations))~~ adopted pursuant thereto: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

Sec. 110. RCW 76.09.040 and 1994 c 264 s 48 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall ~~((promulgate))~~ adopt forest practices ~~((regulations))~~ rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section: PROVIDED, That the board may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

(2) The board shall adopt rules that:

(a) Establish minimum standards for forest practices;

(b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(c) Set forth necessary administrative provisions; and

(d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter.

Forest practices ~~((regulations))~~ rules pertaining to water quality protection shall be ~~((promulgated))~~ adopted individually by the board and by the department of ecology after they have

reached agreement with respect thereto. All other forest practices ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted by the board.

Forest practices ~~((regulations))~~ rules shall be administered and enforced by the department except as otherwise provided in this chapter. Such ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

~~((2))~~ (3) The board shall prepare proposed forest practices ~~((regulations))~~ rules. In addition to any forest practices ~~((regulations))~~ rules relating to water quality protection proposed by the board, the department of ecology shall prepare proposed forest practices ~~((regulations))~~ rules relating to water quality protection.

Prior to initiating the rule making process, the proposed ~~((regulations))~~ rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices ~~((regulations))~~ rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed ~~((regulations))~~ rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed ~~((regulations))~~ rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices ~~((regulations))~~ rules relating to problems existing within such county. The board and the department of ecology may adopt such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

Sec. 111. RCW 77.04.090 and 1984 c 240 s 1 are each amended to read as follows:

The commission shall adopt permanent rules and amendments to or repeals of existing rules by approval of four members by resolution, entered and recorded in the minutes of the commission: PROVIDED, That the commission may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. The commission shall adopt emergency rules by approval of four members. The commission or the director, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

NEW SECTION. Sec. 112. A new section is added to chapter 43.22 RCW to read as follows:

For rules adopted after the effective date of this section, the director of the department of labor and industries may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule: PROVIDED, That this section shall not apply to rules adopted pursuant to chapter 39.12 RCW. It is the intent of the legislature to retain the status quo and that the provisions of chapter . . . , Laws of 1995 (this act) shall neither explicitly or impliedly diminish nor expand the rule-making authority of the department under chapter 39.12 RCW.

Sec. 113. RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:

(1) The commissioner shall have the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his or her duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules and regulations for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on this statute, or on a statute's statement of intent or purpose, or on the enabling provisions of the statute

establishing the agency, or any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. No such rules and regulations shall be effective prior to their being filed for public inspection in the commissioner's office.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

Sec. 114. RCW 48.30.010 and 1985 c 264 s 13 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices ~~((are defined pursuant to subsection (2) of this section.~~

~~((2) In addition to such unfair methods and unfair or deceptive acts or practices)) as are expressly defined and prohibited by this code(, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive.~~

~~((3) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated)).~~

~~((4))~~ (2) If the commissioner has cause to believe that any person is violating any such ~~((regulation))~~ rule or prohibition of this code, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

~~((5))~~ (3) If any such ~~((regulation))~~ rule or prohibition of this code is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a ~~((regulation))~~ rule or that prohibition.

(4) Any permanent rule that was adopted by the commissioner under the authority of this section as it existed before the effective date of this section, and that was in effect as of the effective date of this section, shall, if otherwise valid, remain in effect until and unless it is repealed by the commissioner, who shall retain the authority to repeal any such rule, or is effectively repealed by an act of the legislature.

Sec. 115. RCW 48.44.050 and 1947 c 268 s 5 are each amended to read as follows:

The insurance commissioner shall make reasonable regulations in aid of the administration of this chapter which may include, but shall not be limited to regulations concerning the maintenance of adequate insurance, bonds, or cash deposits, information required of registrants, and methods of expediting speedy and fair payments to claimants: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute.

Sec. 116. RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each amended to read as follows:

The commissioner may adopt, in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW, ~~((promulgate))~~ rules and regulations as necessary or proper to carry out the provisions of this chapter: PROVIDED, That the commissioner may not adopt rules after the effective date of this section that are based solely on this section, a statute's statement of intent or purpose, or on the enabling provisions of the statute establishing the agency, or any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of a statute. Nothing in this chapter shall be construed

to prohibit the commissioner from requiring changes in procedures previously approved by ~~((him))~~ the commissioner.

NEW SECTION. Sec. 117. A new section is added to chapter 70.94 RCW to read as follows:

(1) After the effective date of this section, the department may adopt or amend a rule under the authority of this chapter that exceeds the requirements of the federal clean air act or regulations adopted under it or that imposes burdens or obligations before the scheduled adoption of federal regulations addressing similar subject matter only after compliance with the procedures established in section 201 of this act.

(2) In fulfilling the requirements of section 201(1)(g)(ii) of this act, the department shall consider: (a) The differences between the proposed rule and the corresponding provisions of the federal clean air act; (b) the air quality problem that the proposed rule would address, including the sources of the problem and any factors that make the problem different in the state or in a part of the state than in other parts of the United States; and (c) the effect of the proposed rule in eliminating the problem or reducing its severity. This section shall not be interpreted to impede efforts to streamline or simplify federal air regulations that are developed with participation of the public and regulated entities.

(3) This section shall expire July 1, 1999.

NEW SECTION. Sec. 118. A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

For rules implementing statutes enacted after the effective date of this section, an agency may not rely solely on the section of law stating a statute's intent or purpose, or on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for its statutory authority to adopt the rule. An agency may use the statement of intent or purpose or the agency enabling provisions to interpret ambiguities in a statute's other provisions.

NEW SECTION. Sec. 119. A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

Section 118 of this act does not apply to: The commissioner of public lands, the department of social and health services, the department of ecology, the department of agriculture, the department of health, the department of revenue, the department of licensing, the department of labor and industries, the employment security department, the forest practices board, the fish and wildlife commission, and the office of the insurance commissioner.

PART II RULE-MAKING CRITERIA

NEW SECTION. Sec. 201. A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Before adopting a rule described in subsection (5) of this section, an agency shall:

(a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements;

(b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;

(c) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;

(d) Determine, after considering alternative versions of the rule and the analysis required under (b) and (c) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection;

(e) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;

(f) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;

(g) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following:

(i) A state statute that explicitly allows the agency to differ from federal standards; or

(ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and

(h) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

(2) In making its determinations pursuant to subsection (1)(b) through (g) of this section, the agency shall place in the rule-making file documentation of sufficient quantity and quality so as to persuade a reasonable person that the determinations are justified.

(3) Before adopting rules described in subsection (5) of this section, an agency shall place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to:

(a) Implement and enforce the rule, including a description of the resources the agency intends to use;

(b) Inform and educate affected persons about the rule;

(c) Promote and assist voluntary compliance; and

(d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.

(4) After adopting a rule described in subsection (5) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following:

(a) Provide to the business assistance center a list citing by reference the other federal and state laws that regulate the same activity or subject matter;

(b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following:

(i) Deferring to the other entity;

(ii) Designating a lead agency; or

(iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement.

If the agency is unable to comply with this subsection (4)(b), the agency shall report to the legislature pursuant to (c) of this subsection;

(c) Report to the joint administrative rules review committee:

(i) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and

(ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference.

(5)(a) Except as provided in (b) of this subsection, this section applies to:

(i) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter 75.20 RCW; and

(ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320.

(b) This section does not apply to:

(i) Emergency rules adopted under RCW 34.05.350;

(ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(v) Rules the content of which is explicitly and specifically dictated by statute; or

(vi) Rules that set or adjust fees or rates pursuant to legislative standards.

(c) For purposes of this subsection:

(i) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency.

(ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers.

(iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program.

(d) In the notice of proposed rule making under RCW 34.05.320, an agency shall state whether this section applies to the proposed rule pursuant to (a)(i) of this subsection, or if the agency will apply this section voluntarily.

(6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document:

(a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted;

(b) The costs incurred by state agencies in complying with this section;

(c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;

(d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;

(e) The extent to which this section has improved the acceptability of state rules to those regulated; and

(f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section.

PART III PUBLIC PARTICIPATION

Sec. 301. RCW 34.05.310 and 1994 c 249 s 1 are each amended to read as follows:

(1) To meet the intent of providing greater public access to administrative rule making and to promote consensus among interested parties, agencies shall solicit comments from the public on a subject of possible rule making before ~~((publication of))~~ filing with the code reviser a notice of proposed rule ~~((adoption))~~ making under RCW 34.05.320. The agency shall prepare a statement of ~~((intent))~~ inquiry that:

(a) ~~((States the specific statutory authority for the new rule;~~

~~(b) Identifies the reasons the new rule is needed;~~
~~(c) Identifies the goals of the new rule;~~
~~(d) Describes)) Identifies the specific statute or statutes authorizing the agency to adopt rules on this subject;~~

~~(b) Discusses why rules on this subject may be needed and what they might accomplish;~~
~~(c) Identifies other federal and state agencies that regulate this subject, and describes the process whereby the agency would coordinate the contemplated rule with these agencies;~~
~~(d) Discusses the process by which the rule ((will)) might be developed, including, but not limited to, negotiated rule making, pilot rule making, or agency study; ((and))~~
~~(e) Specifies the process by which interested parties can effectively participate in the ((formulation of the)) decision to adopt a new rule and formulation of a proposed rule before its publication.~~

The statement of ~~((intent)) inquiry~~ shall be filed with the code reviser for publication in the state register at least thirty days before the date the agency files notice of proposed rule making under RCW 34.05.320 and shall be sent to any party that has requested receipt of the agency's statements of ~~((intent)) inquiry~~.

(2) Agencies are encouraged to develop and use new procedures for reaching agreement among interested parties before publication of notice and the adoption hearing on a proposed rule. Examples of new procedures include, but are not limited to:

(a) Negotiated rule making ~~((which includes:~~
(i) ~~Identifying individuals and organizations that have a recognized interest in or will be significantly affected by the adoption of the proposed rule;~~
(ii) ~~Soliciting participation by persons who are capable, willing, and appropriately authorized to enter into such negotiations;~~
(iii) ~~Assuring that participants fully recognize the consequences of not participating in the process, are committed to negotiate in good faith, and recognize the alternatives available to other parties;~~
(iv) ~~Establishing guidelines to encourage consideration of all pertinent issues, to set reasonable completion deadlines, and to provide fair and objective settlement of disputes that may arise;~~
(v) ~~Agreeing on a reasonable time period during which the agency will be bound to the rule resulting from the negotiations without substantive amendment; and~~
(vi) ~~Providing a mechanism by which one or more parties may withdraw from the process or the negotiations may be terminated if it appears that consensus cannot be reached on a draft rule that accommodates the needs of the agency, interested parties, and the general public and conforms to the legislative intent of the statute that the rule is intended to implement))~~ by which representatives of an agency and of the interests that are affected by a subject of rule making, including, where appropriate, county and city representatives, seek to reach consensus on the terms of the proposed rule and on the process by which it is negotiated; and

~~(b) Pilot rule making which includes testing the ((draft of a proposed rule)) feasibility of complying with or administering draft new rules or draft amendments to existing rules through the use of volunteer pilot ((study)) groups in various areas and circumstances, as provided in RCW 34.05.313 or as otherwise provided by the agency.~~

(3)(a) An agency must make a determination whether negotiated rule making, pilot rule making, or another process for generating participation from interested parties prior to development of the rule is appropriate.

(b) An agency must include a written justification in the rule-making file if an opportunity for interested parties to participate in the rule-making process prior to publication of the proposed rule has not been provided.

(4) This section does not apply to:

(a) Emergency rules adopted under RCW 34.05.350;
(b) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(c) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master

programs other than those programs governing shorelines of state-wide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(d) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(e) Rules the content of which is explicitly and specifically dictated by statute;

(f) Rules that set or adjust fees or rates pursuant to legislative standards; or

(g) Rules that adopt, amend, or repeal;

(i) A procedure, practice, or requirement relating to agency hearings; or

(ii) A filing or related process requirement for applying to an agency for a license or permit.

Sec. 302. RCW 34.05.320 and 1994 c 249 s 14 are each amended to read as follows:

(1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; ~~((and))~~

(k) A ~~((statement indicating how a person can obtain a))~~ copy of the small business economic impact statement prepared under chapter 19.85 RCW, or an explanation for why the agency did not prepare the statement; ~~and~~

(l) A statement indicating whether section 201 of this act applies to the rule adoption.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person ~~((who)), city, and county that~~ has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing ~~((individual))~~ a requesting party mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

Sec. 303. RCW 34.05.313 and 1993 c 202 s 4 are each amended to read as follows:

~~((If,))~~ (1) During the development of a rule or after its adoption, an agency ~~((determines that implementation may produce unreasonable economic, procedural, or technical burdens, agencies are encouraged to))~~ may develop methods for measuring or testing the feasibility of ~~((compliance))~~

complying with or administering the rule (, including the use of voluntary pilot study groups) and for identifying simple, efficient, and economical alternatives for achieving the goal of the rule. ((Measuring and testing methods should emphasize)) A pilot project shall include public notice, participation by ((persons who have a recognized interest in or are significantly affected by the adoption of the proposed rule)) volunteers who are or will be subject to the rule, a high level of involvement from agency management, ((consensus on issues and procedures among participants in the pilot group, assurance of fairness, and)) reasonable completion dates, and a process by which one or more parties may withdraw from the process or the process may be terminated ((if consensus cannot be reached on the rule)). Volunteers who agree to test a rule and attempt to meet the requirements of the draft rule, to report periodically to the proposing agency on the extent of their ability to meet the requirements of the draft rule, and to make recommendations for improving the draft rule shall not be obligated to comply fully with the rule being tested nor be subject to any enforcement action or other sanction for failing to comply with the requirements of the draft rule.

(2) An agency conducting a pilot rule project authorized under subsection (1) of this section may waive one or more provisions of agency rules otherwise applicable to participants in such a pilot project if the agency first determines that such a waiver is in the public interest and necessary to conduct the project. Such a waiver may be only for a stated period of time, not to exceed the duration of the project.

(3) The findings of the pilot project should be widely shared and, where appropriate, adopted as amendments to the rule.

(4) If an agency conducts a pilot rule project in lieu of meeting the requirements of the regulatory fairness act, chapter 19.85 RCW, the agency shall ensure the following conditions are met:

(a) If over ten small businesses are affected, there shall be at least ten small businesses in the test group and at least one-half of the volunteers participating in the pilot test group shall be small businesses.

(b)(i) If there are at least one hundred businesses affected, the participation by small businesses in the test group shall be as follows:

(A) Not less than twenty percent of the small businesses must employ twenty-six to fifty employees;

(B) Not less than twenty percent of the small businesses must employ eleven to twenty-six employees, and

(C) Not less than twenty percent of the small businesses must employ zero to ten employees.

(ii) If there do not exist a sufficient number of small businesses in each size category set forth in (b)(i) of this subsection willing to participate in the pilot project to meet the minimum requirements of that subsection, then the agency must comply with this section to the maximum extent practicable.

(c) The agency may not terminate the pilot project before completion.

(d) Before filing the notice of proposed rule making pursuant to RCW 34.05.320, the agency must prepare a report of the pilot rule project that includes:

(i) A description of the difficulties small businesses had in complying with the pilot rule;

(ii) A list of the recommended revisions to the rule to make compliance with the rule easier or to reduce the cost of compliance with the rule by the small businesses participating in the pilot rule project;

(iii) A written statement explaining the options it considered to resolve each of the difficulties described and a statement explaining its reasons for not including a recommendation by the pilot test group to revise the rule; and

(iv) If the agency was unable to meet the requirements set forth in (b)(i) of this subsection, a written explanation of why it was unable to do so and the steps the agency took to include small businesses in the pilot project.

Sec. 304. RCW 34.05.325 and 1994 c 249 s 7 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data,

shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

(6) ~~((Before the adoption of a final rule))~~ (a) Before it files an adopted rule with the code reviser, an agency shall prepare a ((written summary of)) concise explanatory statement of the rule:

(i) Identifying the agency's reasons for adopting the rule;

(ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and

(iii) Summarizing all comments received regarding the proposed rule, and ((a substantive response)) responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

(b) The agency shall provide the ((written summary and response)) concise explanatory statement to any person upon request or from whom the agency received comment.

NEW SECTION. Sec. 305. RCW 34.05.355 and 1994 c 249 s 8 & 1988 c 288 s 310 are each repealed.

PART IV REGULATORY FAIRNESS ACT

NEW SECTION. Sec. 401. A new section is added to chapter 19.85 RCW to read as follows:

(1) Unless an agency receives a written objection to the expedited repeal of a rule, this chapter does not apply to a rule proposed for expedited repeal pursuant to section 701 of this act. If an agency receives a written objection to expedited repeal of the rule, this chapter applies to the rule-making proceeding.

(2) This chapter does not apply to the adoption of a rule described in RCW 34.05.310(4).

(3) An agency is not required to prepare a separate small business economic impact statement under RCW 19.85.040 if it prepared an analysis under section 201 of this act that meets the requirements of a small business economic impact statement, and if the agency reduced the costs imposed by the rule on small business to the extent required by RCW 19.85.030(3). The portion of the analysis that meets the requirements of RCW 19.85.040 shall be filed with the code reviser and provided to any person requesting it in lieu of a separate small business economic impact statement.

Sec. 402. RCW 19.85.030 and 1994 c 249 s 11 are each amended to read as follows:

~~(1) ((In the adoption of any rule pursuant to RCW 34.05.320 that will impose more than minor costs on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:~~

~~(a) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:~~

~~(i) Establish differing compliance or reporting requirements or timetables for small businesses;~~
~~(ii) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;~~

~~(iii) Establish performance rather than design standards;~~

~~(iv) Exempt small businesses from any or all requirements of the rule;~~

~~(v) Reduce or modify fine schedules for noncompliance; and~~

~~(vi) Other mitigation techniques;~~

~~(b) Before filing notice of a proposed rule, shall prepare a small business economic impact statement in accordance with RCW 19.85.040 and file notice of how the person can obtain the statement with the code reviser as part of the notice required under RCW 34.05.320.~~

~~(2) If requested to do so by a majority vote of the joint administrative rules review committee within thirty days after notice of the proposed rule is published in the state register, an agency shall prepare a small business economic impact statement on the proposed rule before adoption of the rule. Upon completion, an agency shall provide a copy of the small business economic impact statement to any person requesting it.~~

~~(3)) In the adoption of a rule under chapter 34.05 RCW, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on businesses in an industry; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320. However, if the agency has completed the pilot rule process as defined by RCW 34.05.313 before filing the notice of a proposed rule, the agency is not required to prepare a small business economic impact statement.~~

~~An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency shall provide a copy of the small business economic impact statement to any person requesting it.~~

~~An agency may request assistance from the business assistance center in the preparation of the small business economic impact statement.~~

~~((4)) (2) The business assistance center shall develop guidelines to assist agencies in determining whether a proposed rule will impose more than minor costs on businesses in an industry and therefore require preparation of a small business economic impact statement. The business assistance center may review an agency determination that a proposed rule will not impose such costs, and shall advise the joint administrative rules review committee on disputes involving agency determinations under this section.~~

~~(3) Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:~~

~~(a) Reducing, modifying, or eliminating substantive regulatory requirements;~~

~~(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;~~

~~(c) Reducing the frequency of inspections;~~

~~(d) Delaying compliance timetables;~~

~~(e) Reducing or modifying fine schedules for noncompliance; or~~

~~(f) Any other mitigation techniques.~~

Sec. 403. RCW 19.85.040 and 1994 c 249 s 12 are each amended to read as follows:

(1) A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. It shall analyze the costs of compliance for businesses required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, and increased administrative costs. It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. To determine whether the proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:

- (a) Cost per employee;
- (b) Cost per hour of labor; or
- (c) Cost per one hundred dollars of sales.

(2) A small business economic impact statement must also include:

(a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030~~((4))~~ (3), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030~~((4))~~ (3);

(b) A description of how the agency will involve small businesses in the development of the rule; and

(c) A list of industries that will be required to comply with the rule. However, this subsection (2)(c) shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply.

(3) To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee under RCW 34.05.310(2) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business.

NEW SECTION. **Sec. 404.** A new section is added to chapter 19.85 RCW to read as follows:

Unless so requested by a majority vote of the joint administrative rules review committee under RCW 19.85.030, an agency is not required to comply with this chapter when adopting any rule solely for the purpose of conformity or compliance, or both, with federal statute or regulations. In lieu of the statement required under RCW 19.85.030, the agency shall file a statement citing, with specificity, the federal statute or regulation with which the rule is being adopted to conform or comply, and describing the consequences to the state if the rule is not adopted.

NEW SECTION. **Sec. 405.** RCW 19.85.060 and 1989 c 374 s 5 are each repealed.

PART V STRENGTHENED LEGISLATIVE OVERSIGHT

NEW SECTION. **Sec. 501.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

The joint administrative rules review committee shall not render a decision on a rule unless a quorum is present. A quorum shall consist of at least five members of the committee. Once a quorum is established, a majority of the quorum may render any decision except a suspension recommendation. A recommendation to suspend a rule under RCW 34.05.640 shall require a majority vote of the entire membership of the rules review committee.

NEW SECTION. **Sec. 502.** A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

(1) Any person may petition the rules review committee for a review of that rule. Within thirty days of the receipt of the petition, the rules review committee shall acknowledge receipt of the petition

and describe any initial action taken. If the rules review committee rejects the petition, a written statement of the reasons for rejection shall be included.

(2) Within ninety days of receipt of the petition, the rules review committee shall make a final decision on the rule for which the petition for review was not previously rejected.

NEW SECTION. Sec. 503. A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

Any individual employed or holding office in any department or agency of state government may submit rules warranting review to the rules review committee. Any such state employee is protected under chapter 42.40 RCW.

Sec. 504. RCW 34.05.660 and 1988 c 288 s 606 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is the express policy of the legislature that establishment of procedures for review of administrative rules by the legislature and the notice of objection required by RCW 34.05.630(2) and 34.05.640(2) in no way serves to establish a presumption as to the legality or constitutionality of a rule in any subsequent judicial proceedings interpreting such rules.

(2) If the joint administrative rules review committee recommends to the governor that an existing rule be suspended because it does not conform with the intent of the legislature, the recommendation shall establish a rebuttable presumption in any proceeding challenging the validity of the rule that the rule is invalid. The burden of demonstrating the rule's validity is then on the adopting agency.

NEW SECTION. Sec. 505. A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

(1) The rules review committee may make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings.

(2) The committee may establish ad hoc advisory boards, including but not limited to, ad hoc economics or science advisory boards to assist the committee in its rules review functions.

(3) The committee may hire staff as needed to perform functions under this chapter.

NEW SECTION. Sec. 506. A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

In the discharge of any duty imposed under this chapter, the rules review committee may examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency, and administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

NEW SECTION. Sec. 507. A new section is added to chapter 34.05 RCW under the subchapter heading Part VI to read as follows:

In case of the failure on the part of any person to comply with any subpoena issued in behalf of the rules review committee, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it is the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court.

Sec. 508. RCW 42.40.010 and 1982 c 208 s 1 are each amended to read as follows:

It is the policy of the legislature that employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions, and it is the intent of the legislature to

protect the rights of state employees making these disclosures. It is also the policy of the legislature that employees should be encouraged to identify rules warranting review or provide information to the rules review committee, and it is the intent of the legislature to protect the rights of these employees.

Sec. 509. RCW 42.40.020 and 1992 c 118 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3)(a) "Improper governmental action" means any action by an employee:

(i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under chapter 41.06 (~~or 28B-16~~) RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 (~~or 28B-16~~) RCW, or other disciplinary action.

(5) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported alleged improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

Sec. 510. RCW 42.40.030 and 1989 c 284 s 2 are each amended to read as follows:

(1) An employee shall not directly or indirectly use or attempt to use the employee's official authority or influence for the purpose of intimidating, threatening, coercing, commanding, influencing, or attempting to intimidate, threaten, coerce, command, or influence any individual for the purpose of interfering with the right of the individual to: (a) Disclose to the auditor (or representative thereof) information concerning improper governmental action; or (b) identify rules warranting review or provide information to the rules review committee.

(2) Nothing in this section authorizes an individual to disclose information otherwise prohibited by law.

NEW SECTION. **Sec. 511.** Before the 1996 legislative session, the appropriate standing committees of the legislature shall study alternative means to provide effective, objective oversight of state agency rule making, and make a recommendation whether the joint administrative rules review committee should be continued or replaced.

NEW SECTION. Sec. 601. The legislature finds that, due to the volume and complexity of laws and rules it is appropriate for regulatory agencies to adopt programs and policies that encourage voluntary compliance by those affected by specific rules. The legislature recognizes that a cooperative partnership between agencies and regulated parties that emphasizes education and assistance before the imposition of penalties will achieve greater compliance with laws and rules and that most individuals and businesses who are subject to regulation will attempt to comply with the law, particularly if they are given sufficient information. In this context, enforcement should assure that the majority of a regulated community that complies with the law are not placed at a competitive disadvantage and that a continuing failure to comply that is within the control of a party who has received technical assistance is considered by an agency when it determines the amount of any civil penalty that is issued.

NEW SECTION. Sec. 602. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law or rules. The term does not include any criminal penalty, damage assessments, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(2) "Regulatory agency" means an agency as defined in RCW 34.05.010 that has the authority to issue civil penalties. The term does not include the state patrol or any institution of higher education as defined in RCW 28B.10.016.

(3) "Technical assistance" includes:

- (a) Information on the laws, rules, and compliance methods and technologies applicable to the regulatory agency's programs;
- (b) Information on methods to avoid compliance problems;
- (c) Assistance in applying for permits; and
- (d) Information on the mission, goals, and objectives of the program.

NEW SECTION. Sec. 603. All regulatory agencies shall develop programs to encourage voluntary compliance by providing technical assistance consistent with statutory requirements. The programs shall include but are not limited to technical assistance visits, printed information, information and assistance by telephone, training meetings, and other appropriate methods to provide technical assistance. In addition, all regulatory agencies shall provide upon request a list of organizations, including private companies, that provide technical assistance. This list shall be compiled by the agencies from information submitted by the organizations and shall not constitute an endorsement by an agency of any organization.

NEW SECTION. Sec. 604. (1) For the purposes of this chapter, a technical assistance visit is a visit by a regulatory agency to a facility, business, or other location that:

- (a) Has been requested or is voluntarily accepted; and
- (b) Is declared by the regulatory agency at the beginning of the visit to be a technical assistance visit.

(2) A technical assistance visit also includes a consultative visit pursuant to RCW 49.17.250.

(3) During a technical assistance visit, or within a reasonable time thereafter, a regulatory agency shall inform the owner or operator of the facility of any violations of law or agency rules identified by the agency as follows:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the agency requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the agency or others; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

NEW SECTION. Sec. 605. The owner and operator shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided for by law is imposed for those violations. A regulatory agency may revisit a facility, business, or other location after a technical assistance visit and a reasonable period of time has passed to correct violations identified by the agency in writing and issue civil penalties as provided for by law for any uncorrected violations.

NEW SECTION. Sec. 606. A regulatory agency that observes a violation during a technical assistance visit may issue a civil penalty as provided for by law if: (1) The individual or business has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) the issue involves sales taxes due to the state and the individual or business is not remitting previously collected sales taxes to the state; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

NEW SECTION. Sec. 607. (1) If in the course of any site inspection or visit that is not a technical assistance visit, the department of ecology becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in section 608 of this act, the department may issue a notice of correction to the responsible party that shall include:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the department or others; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

NEW SECTION. Sec. 608. The department of ecology may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

NEW SECTION. Sec. 609. The provisions of sections 607 and 608 of this act affecting civil penalties issued by the department of ecology shall not apply to civil penalties for negligent discharge of oil as authorized under RCW 90.56.330 or to civil penalties as authorized under RCW 90.03.600 for unlawful use of water in violation of RCW 90.03.250 or 90.44.050.

NEW SECTION. Sec. 610. (1) Following a consultative visit pursuant to RCW 49.17.250, the department of labor and industries shall issue a report to the employer that the employer shall make available to its employees. The report shall contain:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of means to contact technical assistance services provided by the department; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) Following a compliance inspection pursuant to RCW 49.17.120, the department of labor and industries shall issue a citation for violations of industrial safety and health standards. The citation shall not assess a penalty if the violations:

- (a) Are determined not to be of a serious nature;
- (b) Have not been previously cited;
- (c) Are not willful; and
- (d) Do not have a mandatory penalty under chapter 49.17 RCW.

NEW SECTION. Sec. 611. (1) If in the course of any inspection or visit that is not a technical assistance visit, the department of agriculture, fish and wildlife, health, licensing, or natural resources becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in section 612 of this act, the department may issue a notice of correction to the responsible party that shall include:

- (a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the department or others; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

NEW SECTION. Sec. 612. The department of agriculture, fish and wildlife, health, licensing, or natural resources may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or (4) the violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months. In addition, the department of fish and wildlife may issue a civil penalty provided for by law without first issuing a notice of correction for a violation of any rule dealing with seasons, catch or bag limits, gear types, or geographical areas for fish or wildlife removal, reporting, or disposal.

NEW SECTION. **Sec. 613.** The date for compliance established by the department of ecology, labor and industries, agriculture, fish and wildlife, health, licensing, or natural resources pursuant to section 607, 610, or 611 of this act respectively shall provide for a reasonable time to achieve compliance. Any person receiving a notice of correction pursuant to section 607 or 611 of this act or a report or citation pursuant to section 610 of this act may request an extension of time to achieve compliance for good cause from the issuing department. Requests shall be submitted to the issuing department and responded to by the issuing department in writing in accordance with procedures specified by the issuing department in the notice, report, or citation.

NEW SECTION. **Sec. 614.** The departments of revenue and labor and industries and the employment security department shall undertake an educational program directed at those who have the most difficulty in determining their tax or premium liability. The departments may rely on information from internal data, trade associations, and businesses to determine which entities should be selected. The educational programs may include, but not be limited to, targeted informational fact sheets, self-audits, or workshops, and may be presented individually by the agency or in conjunction with other agencies.

NEW SECTION. **Sec. 615.** The department of revenue, the department of labor and industries in respect to its duties in Title 51 RCW, and the employment security department shall develop and administer a pilot voluntary audit program. Voluntary audits can be requested by businesses from any of these agencies according to guidelines established by each agency. No penalty assessments may be made against participants in such a program except when the agency determines that either a good faith effort has not been made by the taxpayer or premium payer to comply with the law or that the taxpayer has failed to remit previously collected sales taxes to the state. The persons conducting the voluntary audit shall provide the business undergoing the voluntary audit an audit report that describes errors or omissions found and future reporting instructions. This program does not relieve a business from past or future tax or premium obligations.

NEW SECTION. **Sec. 616.** The departments of revenue and labor and industries and the employment security department shall each review the penalties it issues related to taxes or premiums to determine if they are consistent and provide for waivers in appropriate circumstances. Each department shall report the results of its review to the legislature no later than December 1, 1995.

NEW SECTION. **Sec. 617.** Nothing in this chapter obligates a regulatory agency to conduct a technical assistance visit. The state and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from providing technical assistance, or if liability is asserted to arise from the failure of the state or officers or employees of the state to provide technical assistance. This chapter does not limit the authority of any regulatory agency to take any enforcement action, other than a civil penalty, authorized by law. This chapter shall not limit a regulatory agency's authority to issue a civil penalty as authorized by law based upon a person's failure to comply with specific terms and conditions of any permit or license issued by the agency to that person.

NEW SECTION. **Sec. 618.** Agency rules, guidelines, and procedures necessary to implement sections 601 through 615, 617, and 619 through 621 of this act shall be established and implemented expeditiously and not later than July 1, 1996.

NEW SECTION. **Sec. 619.** If a regulatory agency determines any part of this chapter to be in conflict with federal law or program requirements, in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or in conflict with the requirements for eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this chapter shall be inoperative solely to the extent of the conflict. Any rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 620. If notified by responsible federal officials of any conflict of this chapter with federal law or program requirements or with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the regulatory agency notified of the conflict shall actively seek to resolve the conflict. If the agency determines that the conflict cannot be resolved without loss of benefits or authority to the state, the agency shall notify the governor, the president of the senate, and the speaker of the house of representatives in writing within thirty days of making that determination.

NEW SECTION. Sec. 621. (1) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state regulatory agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of sections 601 through 615, 617, and 619 through 621 of this act on the regulatory system in this state. The report shall document:

(a) Technical assistance, including but not limited to technical assistance visits, provided by state regulatory agencies consistent with this chapter;

(b) Any rules adopted, guidelines developed, or training conducted to implement this chapter;

(c) Any changes in the appropriation, allocation, or expenditure of regulatory agency resources to implement this chapter;

(d) Any legal action against state regulatory agencies for any alleged failure to comply with this chapter, the costs to the state of the action, and the result;

(e) The extent to which this chapter has resulted in either an increase or decrease in regulatory agency use of civil penalties;

(f) The extent to which this chapter has contributed to any change in voluntary compliance with state statutes or rules;

(g) The extent to which this chapter has improved the acceptability or effectiveness of state regulatory procedures; and

(h) Any other information considered by the office of financial management to be useful in evaluating the effect of this chapter.

(2) This section shall expire June 30, 2000.

NEW SECTION. Sec. 622. A new section is added to chapter 43.12 RCW to read as follows:
Enforcement action taken after the effective date of this section by the commissioner of public lands shall be in accordance with sections 611 and 612 of this act.

NEW SECTION. Sec. 623. A new section is added to chapter 43.23 RCW to read as follows:
Enforcement action taken after the effective date of this section by the director or the department of agriculture shall be in accordance with sections 611 and 612 of this act.

NEW SECTION. Sec. 624. A new section is added to chapter 43.24 RCW to read as follows:
Enforcement action taken after the effective date of this section by the director or the department of licensing shall be in accordance with sections 611 and 612 of this act.

NEW SECTION. Sec. 625. A new section is added to chapter 43.30 RCW to read as follows:
Enforcement action taken after the effective date of this section by the commissioner or supervisor of public lands shall be in accordance with sections 611 and 612 of this act.

NEW SECTION. Sec. 626. A new section is added to chapter 43.70 RCW to read as follows:
Enforcement action taken after the effective date of this section by the director or the department shall be in accordance with sections 611 and 612 of this act.

NEW SECTION. Sec. 627. A new section is added to chapter 43.300 RCW to read as follows:

Enforcement action taken after the effective date of this section by the director or the department shall be in accordance with sections 611 and 612 of this act.

Sec. 628. RCW 18.104.155 and 1993 c 387 s 21 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, the department of ecology may assess a civil penalty for a violation of this chapter or rules or orders of the department adopted or issued pursuant to it.

(2) There shall be three categories of violations: Minor, serious, and major.

(a) A minor violation is a violation that does not seriously threaten public health, safety, and the environment. Minor violations include, but are not limited to:

- (i) Failure to submit completed start cards and well reports within the required time;
- (ii) Failure to submit variance requests before construction;
- (iii) Failure to submit well construction fees;
- (iv) Failure to place a well identification tag on a new well; and
- (v) Minor or reparable construction problems.

(b) A serious violation is a violation that poses a critical or serious threat to public health, safety, and the environment. Serious violations include, but are not limited to:

- (i) Improper well construction;
- (ii) Intentional and improper location or siting of a well;
- (iii) Construction of a well without a required permit;
- (iv) Violation of decommissioning requirements;
- (v) Repeated minor violations; or
- (vi) Construction of a well by a person whose license has expired or has been suspended for not more than ninety days.

(c) A major violation is the construction of a well by a person:

- (i) Without a license; or
- (ii) After the person's license has been suspended for more than ninety days or revoked.

(3)(a) The penalty for a minor violation shall be not less than one hundred dollars and not more than five hundred dollars. Before the imposition of a penalty for a minor violation, the department may issue an order of noncompliance to provide an opportunity for mitigation or compliance.

(b) The penalty for a serious violation shall be not less than five hundred dollars and not more than five thousand dollars.

(c) The penalty for a major violation shall be not less than five thousand dollars and not more than ten thousand dollars.

(4) In determining the appropriate penalty under subsection (3) of this section the department shall consider whether the person:

(a) Has demonstrated a general disregard for public health and safety through the number and magnitude of the violations;

(b) Has demonstrated a disregard for the well construction laws or rules in repeated or continuous violations; or

(c) Knew or reasonably should have known of circumstances that resulted in the violation.

(5) Penalties provided for in this section shall be imposed pursuant to RCW 43.21B.300. The department shall provide thirty days written notice of a violation as provided in RCW 43.21B.300(3).

(6) For informational purposes, a copy of the notice of violation, resulting from the improper construction of a well, that is sent to a water well contractor or water well construction operator, shall also be sent by the department to the well owner.

(7) Penalties collected by the department pursuant to this section shall be deposited in the reclamation account established by chapter 89.16 RCW. Subject to legislative appropriation, the penalties may be spent only for purposes related to the restoration and enhancement of ground water resources in the state.

Sec. 629. RCW 49.17.180 and 1991 c 108 s 1 are each amended to read as follows:

(1) Except as provided in section 610 of this act, any employer who willfully or repeatedly violates the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or

49.17.090 may be assessed a civil penalty not to exceed seventy thousand dollars for each violation. A minimum penalty of five thousand dollars shall be assessed for a willful violation.

(2) Any employer who has received a citation for a serious violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090 as determined in accordance with subsection (6) of this section, shall be assessed a civil penalty not to exceed seven thousand dollars for each such violation.

(3) Any employer who has received a citation for a violation of the requirements of RCW 49.17.060, of any safety or health standard promulgated under this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under RCW 49.17.080 or 49.17.090, where such violation is specifically determined not to be of a serious nature as provided in subsection (6) of this section, may be assessed a civil penalty not to exceed seven thousand dollars for each such violation, unless such violation is determined to be de minimis.

(4) Any employer who fails to correct a violation for which a citation has been issued under RCW 49.17.120 or 49.17.130 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board of industrial insurance appeals in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than seven thousand dollars for each day during which such failure or violation continues.

(5) Any employer who violates any of the posting requirements of this chapter, or any of the posting requirements of rules promulgated by the department pursuant to this chapter related to employee or employee representative's rights to notice, including but not limited to those employee rights to notice set forth in RCW 49.17.080, 49.17.090, 49.17.120, 49.17.130, 49.17.220(1) and 49.17.240(2), shall be assessed a penalty not to exceed seven thousand dollars for each such violation. Any employer who violates any of the posting requirements for the posting of informational, educational, or training materials under the authority of RCW 49.17.050(7), may be assessed a penalty not to exceed seven thousand dollars for each such violation.

(6) For the purposes of this section, a serious violation shall be deemed to exist in a work place if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such work place, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) The director, or his authorized representatives, shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the number of affected employees of the employer being charged, the gravity of the violation, the size of the employer's business, the good faith of the employer, and the history of previous violations.

(8) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established by RCW 51.44.033. Civil penalties may be recovered in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may utilize the procedures for collection of civil penalties as set forth in RCW 51.48.120 through 51.48.150.

Sec. 630. RCW 70.94.431 and 1991 c 199 s 311 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, and in addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW, chapter 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount not to exceed ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection (1) of this section shall be reduced by the amount of the payment.

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 631. RCW 70.105.080 and 1987 c 109 s 12 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, every person who fails to comply with any provision of this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than ten thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed pursuant to the procedures in RCW 43.21B.300.

Sec. 632. RCW 70.132.050 and 1982 c 113 s 5 are each amended to read as follows:

Except as provided in sections 607 through 609 and 617 of this act, any person who violates any provision of this chapter or any rule adopted under this chapter is subject to a civil penalty not exceeding five hundred dollars for each violation. Each day of a continuing violation is a separate violation.

Sec. 633. RCW 70.138.040 and 1987 c 528 s 4 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, any person who violates any provision of a department regulation or regulatory order relating to the management of special incinerator ash shall incur in addition to any other penalty provided by law, a penalty in an amount up

to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense. ~~((If-If))~~ In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in this chapter.

Sec. 634. RCW 86.16.081 and 1987 c 523 s 8 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

Sec. 635. RCW 90.03.600 and 1987 c 109 s 157 are each amended to read as follows:

Except as provided in sections 607 through 609 and 617 of this act, the power is granted to the department of ecology to levy civil penalties of up to one hundred dollars per day for violation of any of the provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same.

Sec. 636. RCW 90.48.144 and 1992 c 73 s 27 are each amended to read as follows:

Except as provided in sections 607 through 609 and 617 of this act, every person who:

(1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or 90.48.260 through 90.48.262, or

(2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or 90.48.260 through 90.48.262, or

(3) Violates the provisions of RCW 90.48.080, or other sections of this chapter or chapter 90.56 RCW or rules or orders adopted or issued pursuant to either of those chapters, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the violation's impact on public health and/or the environment in addition to other relevant factors. The penalty herein provided for shall be imposed pursuant to the procedures set forth in RCW 43.21B.300.

Sec. 637. RCW 90.58.210 and 1986 c 292 s 4 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board.

Sec. 638. RCW 90.58.560 and 1983 c 138 s 2 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, a person who violates RCW 90.58.550, or any rule adopted thereunder, is subject to a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty provided for in this section.

(2) The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the director or the director's representative describing such violation with reasonable particularity. The director or the director's representative may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed to carry out the

purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he or she deems proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he or she may deem proper.

(3) Any person incurring any penalty under this section may appeal the penalty to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or the director's representative setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

Sec. 639. RCW 90.76.080 and 1989 c 346 s 9 are each amended to read as follows:

(1) Except as provided in sections 607 through 609 and 617 of this act, a person who fails to notify the department pursuant to tank notification requirements or who submits false information is subject to a civil penalty not to exceed five thousand dollars per violation.

(2) Except as provided in sections 607 through 609 and 617 of this act, a person who violates this chapter is subject to a civil penalty not to exceed five thousand dollars for each tank per day of violation.

PART VII RULES REVIEW

NEW SECTION. **Sec. 701.** A new section is added to chapter 34.05 RCW under the subchapter heading Part III to read as follows:

(1) Not later than June 30th of each year, each agency shall submit to the code reviser, according to procedures and time lines established by the code reviser, rules that it determines should be repealed by the expedited repeal procedures provided for in this section. An agency shall file a copy of a preproposal notice of inquiry, as provided in RCW 34.05.310(1), that identifies the rule as one that is proposed for expedited repeal.

(2) An agency may propose the expedited repeal of rules meeting one or more of the following criteria:

(a) The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;

(b) The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;

(c) The rule is no longer necessary because of changed circumstances; or

(d) Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

(3) The agency shall also send a copy of the preproposal notice of inquiry to any person who has requested notification of copies of proposals for the expedited repeal of rules or of agency rule

making. The preproposal notice of inquiry shall include a statement that any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after the preproposal notice of inquiry is published. The notice of inquiry shall also include an explanation of the reasons the agency believes the expedited repeal of the rule is appropriate.

(4) The code reviser shall publish all rules proposed for expedited repeal in a separate section of a regular edition of the Washington state register or in a special edition of the Washington state register. The publication shall be not later than July 31st of each year, or in the first register published after that date.

(5) Any person may file a written objection to the expedited repeal of a rule. The notice shall be filed with the agency rules coordinator within thirty days after the notice of inquiry has been published in the Washington state register. The written objection need not state any reason for objecting to the expedited repeal of the rule.

(6) If no written objections to the expedited repeal of a rule are filed with the agency within thirty days after the preproposal notice of inquiry is published, the agency may enter an order repealing the rule without further notice or an opportunity for a public hearing. The order shall be published in the manner required by this chapter for any other order of the agency adopting, amending, or repealing a rule. If a written objection to the expedited repeal of the rule is filed with the agency within thirty days after the notice of inquiry has been published, the preproposal notice of inquiry published pursuant to this section shall be considered a preproposal notice of inquiry for the purposes of RCW 34.05.310(1) and the agency may initiate rule adoption proceedings in accordance with the provisions of this chapter.

Sec. 702. RCW 34.05.230 and 1988 c 288 s 203 are each amended to read as follows:

(1) If the adoption of rules is not feasible and practicable, an agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive or policy statements. Current interpretive and policy statements are advisory only. An agency is encouraged to convert long-standing interpretive and policy statements into rules.

(2) A person may petition an agency requesting the conversion of interpretive and policy statements into rules. Upon submission, the agency shall notify the joint administrative rules review committee of the petition. Within sixty days after submission of a petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or initiate rule-making proceedings in accordance with this chapter.

(3) Each agency shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. Each agency shall update the roster once each year and eliminate persons who do not indicate a desire to continue on the roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster. The agency may charge a nominal fee to the interested person for this service.

Sec. 703. RCW 34.05.330 and 1988 c 288 s 305 are each amended to read as follows:

(1) Any person may petition an agency requesting the adoption, amendment, or repeal of any rule. ~~((Each agency may))~~ The office of financial management shall prescribe by rule the ((form)) format for such petitions and the procedure for their submission, consideration, and disposition and provide a standard form that may be used to petition any agency. Within sixty days after submission of a petition, the agency shall ~~((4))~~ either (a) deny the petition in writing, stating (i) its reasons for the denial, specifically addressing the concerns raised by the petitioner, and, where appropriate, (ii) the alternative means by which it will address the concerns raised by the petitioner, or ~~((2))~~ (b) initiate rule-making proceedings in accordance with this chapter.

(2) If an agency denies a petition to repeal or amend a rule submitted under subsection (1) of this section, the petitioner, within thirty days of the denial, may appeal the denial to the governor. The governor shall immediately file notice of the appeal with the code reviser for publication in the Washington state register. Within forty-five days after receiving the appeal, the governor shall either (a) deny the petition in writing, stating (i) his or her reasons for the denial, specifically addressing the concerns raised by the petitioner, and, (ii) where appropriate, the alternative means by which he or she

will address the concerns raised by the petitioner; (b) for agencies listed in RCW 43.17.010, direct the agency to initiate rule-making proceedings in accordance with this chapter; or (c) for agencies not listed in RCW 43.17.010, recommend that the agency initiate rule-making proceedings in accordance with this chapter. The governor's response to the appeal shall be published in the Washington state register and copies shall be submitted to the chief clerk of the house of representatives and the secretary of the senate.

(3) In petitioning for repeal or amendment of a rule under this section, a person is encouraged to address, among other concerns:

(a) Whether the rule is authorized;

(b) Whether the rule is needed;

(c) Whether the rule conflicts with or duplicates other federal, state, or local laws;

(d) Whether alternatives to the rule exist that will serve the same purpose at less cost;

(e) Whether the rule applies differently to public and private entities;

(f) Whether the rule serves the purposes for which it was adopted;

(g) Whether the costs imposed by the rule are unreasonable;

(h) Whether the rule is clearly and simply stated; and

(i) Whether the rule is different than a federal law applicable to the same activity or subject matter without adequate justification.

(4) The business assistance center and the office of financial management shall coordinate efforts among agencies to inform the public about the existence of this rules review process.

(5) The office of financial management shall initiate the rule making required by subsection (1) of this section by September 1, 1995.

NEW SECTION. Sec. 704. A new section is added to chapter 1.08 RCW to read as follows:

(1) The code reviser shall compile and publish on a quarterly basis a report on state agency rule-making activity. The report shall summarize the following information by agency and by type of activity for new, amended, and repealed rules adopted by state agencies pursuant to chapter 34.05 RCW:

(a) The number adopted, proposed for adoption, and withdrawn;

(b) The number adopted as emergency rules;

(c) The number adopted in order to comply with federal statute, with federal rules or standards, and with recently enacted state statutes;

(d) The number adopted at the request of a nongovernmental entity;

(e) The number adopted on an agency's own initiative;

(f) The number adopted in order to clarify, streamline, or reform agency procedures;

(g) The number of petitions for review of rules received by agencies;

(h) The number of rules appealed to superior court; and

(i) The number adopted using negotiated rule making, pilot rule making, or other alternative rule-making mechanisms.

(2) For purposes of the report required by this section, each Washington State Register filing section shall be considered as a separate rule. The code reviser may adopt rules necessary to implement this section. To the maximum extent practicable, the code reviser shall use information supplied on forms provided by state agencies pursuant to chapter 34.05 RCW to prepare the report required by this section.

PART VIII JUDICIAL REVIEW

Sec. 801. RCW 34.05.370 and 1994 c 249 s 2 are each amended to read as follows:

(1) Each agency shall maintain an official rule-making file for each rule that it (a) proposes by publication in the state register, or (b) adopts. The file and materials incorporated by reference shall be available for public inspection.

(2) The agency rule-making file shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

~~(e) ((The concise explanatory statement required by RCW 34.05.355;~~

~~(f)))~~ All petitions for exceptions to, amendment of, or repeal or suspension of, the rule;

~~((g)))~~ (f) Citations to data, factual information, studies, or reports on which the agency relies in the adoption of the rule, indicating where such data, factual information, studies, or reports are available for review by the public, but this subsection (2)(f) does not require the agency to include in the rule-making file any data, factual information, studies, or reports gathered pursuant to chapter 19.85 RCW that can be identified to a particular business;

~~((h)))~~ (g) The ~~((written summary and response))~~ concise explanatory statement required by RCW 34.05.325(6); and

~~((i)))~~ (h) Any other material placed in the file by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making file under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the file required by this section constitutes the official agency rule-making file with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making file need not be the exclusive basis for agency action on that rule.

Sec. 802. RCW 34.05.570 and 1989 c 175 s 27 are each amended to read as follows:

(1) Generally. Except to the extent that this chapter or another statute provides otherwise:

(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;

(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and

(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.

(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: ~~((i))~~ The rule violates constitutional provisions((-)); the rule exceeds the statutory authority of the agency((-)); the rule was adopted without compliance with statutory rule-making procedures((-or could not conceivably have been the product of a rational decision-maker)); or the rule is arbitrary and capricious.

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;

(b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;

(c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;

(d) The agency has erroneously interpreted or applied the law;

(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(f) The agency has not decided all issues requiring resolution by the agency;

(g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(i) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action.

Sec. 803. RCW 34.05.534 and 1988 c 288 s 507 are each amended to read as follows:

A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except:

(1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, ~~((or))~~ have petitioned for its amendment or repeal, or have appealed a petition for amendment or repeal to the governor;

(2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or

(3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that:

(a) The remedies would be patently inadequate;

(b) The exhaustion of remedies would be futile; or

(c) The grave irreparable harm that would result from having to exhaust administrative remedies would clearly outweigh the public policy requiring exhaustion of administrative remedies.

EQUAL ACCESS TO JUSTICE

NEW SECTION. Sec. 901. The legislature finds that certain individuals, smaller partnerships, smaller corporations, and other organizations may be deterred from seeking review of or defending against an unreasonable agency action because of the expense involved in securing the vindication of their rights in administrative proceedings. The legislature further finds that because of the greater resources and expertise of the state of Washington, individuals, smaller partnerships, smaller corporations, and other organizations are often deterred from seeking review of or defending against state agency actions because of the costs for attorneys, expert witnesses, and other costs. The legislature therefore adopts this equal access to justice act to ensure that these parties have a greater opportunity to defend themselves from inappropriate state agency actions and to protect their rights.

NEW SECTION. Sec. 902. A new section is added to chapter 4.84 RCW to read as follows:
Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 902 through 904 of this act.

(1) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law.

(2) "Agency action" means agency action as defined by chapter 34.05 RCW.

(3) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(4) "Judicial review" means a judicial review as defined by chapter 34.05 RCW.

(5) "Qualified party" means (a) an individual whose net worth did not exceed one million dollars at the time the initial petition for judicial review was filed or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial petition for judicial review was filed, except that an organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association.

NEW SECTION. Sec. 903. A new section is added to chapter 4.84 RCW to read as follows:

(1) Except as otherwise specifically provided by statute, a court shall award a qualified party that prevails in a judicial review of an agency action fees and other expenses, including reasonable attorneys' fees, unless the court finds that the agency action was substantially justified or that circumstances make an award unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought.

(2) The amount awarded a qualified party under subsection (1) of this section shall not exceed twenty-five thousand dollars. Subsection (1) of this section shall not apply unless all parties challenging the agency action are qualified parties. If two or more qualified parties join in an action, the award in total shall not exceed twenty-five thousand dollars. The court, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy.

NEW SECTION. Sec. 904. A new section is added to chapter 4.84 RCW to read as follows:

Fees and other expenses awarded under sections 902 and 903 of this act shall be paid by the agency over which the party prevails from operating funds appropriated to the agency within sixty days. Agencies paying fees and other expenses pursuant to sections 902 and 903 of this act shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the court announces the award.

NEW SECTION. Sec. 905. A new section is added to chapter 43.88 RCW to read as follows:

The office of financial management shall report annually to the legislature on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to sections 902 through 904 of this act. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

PART X BUSINESS LICENSE INFORMATION

NEW SECTION. Sec. 1001. The master license system of the department of licensing is a proven, progressive program for one-stop state licensing. This flexible system should be expanded into a state-wide shared data base to facilitate combined licensing processes at local, state, and federal levels as a benefit to the business community through improved customer service.

In order to achieve this goal the department of licensing should expand the license information management system, offered by the master license system, to include local and federal licensing requirements, making this information readily accessible at appropriate locations throughout the state. In addition, the department should develop a pilot program expanding the capabilities of the master licensing system to local and federal levels in an efficient manner; and provide access to the expanded master licensing system for all jurisdictions within the state of Washington.

NEW SECTION. Sec. 1002. (1) The department shall solicit advice and recommendations for planning and establishing policy for a combined licensing pilot project and license information management system. Advice and assistance shall be solicited from:

- (a) The business assistance center;
- (b) The office of the secretary of state;
- (c) The department of revenue;
- (d) The department of labor and industries;
- (e) The employment security department;
- (f) The Washington state association of counties;
- (g) The association of Washington cities;
- (h) The department of information services;
- (i) The small business improvement council; and
- (j) The cities chosen under section 1005 of this act.

(2) The department may create ad hoc advisory committees for purposes of subsection (1) of this section.

(3) This section shall expire July 1, 1997.

NEW SECTION. Sec. 1003. By December 31, 1995, the department of licensing, with advice and recommendations provided in section 1002 of this act, shall develop a plan for the state-wide license information management system. This plan shall include:

- (1) The scope and phases of the project, listing areas of responsibility for each phase;
- (2) Analysis of the costs and benefits, as well as funding sources, staffing levels, and technological issues involved in completing the project; and
- (3) A computer prototype for demonstration of the new license information system to interested jurisdictions.

NEW SECTION. Sec. 1004. By December 31, 1995, the department of licensing, with advice and recommendations provided in section 1002 of this act, shall develop a plan for a pilot combined licensing program. The plan shall include:

- (1) The scope and phases of the project, listing areas of responsibility for each phase;
- (2) Analysis of the costs and benefits, as well as funding sources, staffing levels, and technological issues involved in completing the project;
- (3) The use of the state unified business identifier as the key number for identifying persons and businesses, for licensing purposes, throughout local, state and, if appropriate, federal levels of government;
- (4) Steps leading to the expansion of the department's master license automated system, to be used for combined licensing processes at selected local service jurisdictions;
- (5) Development of common technology for information dissemination, access, and delivery at appropriate service locations through the master license system, including remote field input of master business application information;
- (6) Adoption of the state's master business application to become the standard for all registration or licensing applications used at local and state levels, and federal levels where appropriate; and
- (7) Necessary training for staff at service locations.

NEW SECTION. Sec. 1005. By December 31, 1996, the department of licensing shall:

- (1) Expand the license information management system, in order to provide on-line local, state, and federal business registration and licensing requirements;
- (2) Include specific licensing requirements for local jurisdictions in the license information packet;
- (3) Provide the capability to distribute the information packets at the appropriate service locations;
- (4) Provide the ability for local jurisdictions to access, store, and update the license requirements data of their own jurisdiction; and
- (5) Provide training to all organizations providing services using the master license information management system.

NEW SECTION. Sec. 1006. A new section is added to chapter 19.02 RCW to read as follows:

- (1) By June 30, 1997, the department shall have a pilot combined licensing project fully operational in at least two cities within the state of Washington, with at least one city west of the Cascade mountains and at least one city east of the Cascade mountains.
- (2) By January 31, 1997, the department shall make an interim report to the legislature on the progress of the pilot combined licensing project.
- (3) By January 31, 1998, the department shall have evaluated the pilot combined licensing project and reported to the legislature with a plan for transition of the pilot project into an ongoing program. The transition plan shall include cost, funding sources, and staffing needs for the ongoing program.
- (4) Upon approval and continued funding of the transition plan by the legislature under this section, the master license system shall implement a transition from the pilot program to the ongoing program.

Sec. 1007. RCW 19.02.075 and 1992 c 107 s 2 are each amended to read as follows:

- (1) ~~((Beginning June 1, 1992,))~~ The department shall collect a fee of fifteen dollars on each master application ~~((and five dollars on each license information packet. From June 1, 1992, to June 30, 1992, twelve dollars of the master application fee shall be deposited in the general fund and three dollars deposited in the master license fund. Thereafter,))~~. The entire master application fee shall be deposited in the master license fund. ~~((License information packet fees shall be deposited in the general fund.))~~

(2) (~~Beginning July 1, 1992,~~) The department shall collect a fee of nine dollars on each renewal application. Renewal application fees shall be deposited in the master license fund.

PART XI
MISCELLANEOUS

NEW SECTION. **Sec. 1101.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 1102.** Sections 201, 301 through 305, 401 through 405, and 801 of this act shall apply to all rule making for which a statement of proposed rule making under RCW 34.05.320 is filed after the effective date of this section.

NEW SECTION. **Sec. 1103.** Sections 601 through 615, 617, and 619 through 621 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 1104.** If specific funding for the purposes of sections 704 and 1001 through 1007 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1995, in the omnibus appropriations act, sections 704 and 1001 through 1007 of this act shall be null and void.

NEW SECTION. **Sec. 1105.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "reform;" strike the remainder of the title and insert "amending RCW 43.21A.080, 43.70.040, 82.01.060, 46.01.110, 50.12.040, 76.09.040, 77.04.090, 48.02.060, 48.30.010, 48.44.050, 48.46.200, 34.05.310, 34.05.320, 34.05.313, 34.05.325, 19.85.030, 19.85.040, 34.05.660, 42.40.010, 42.40.020, 42.40.030, 18.104.155, 49.17.180, 70.94.431, 70.105.080, 70.132.050, 70.138.040, 86.16.081, 90.03.600, 90.48.144, 90.58.210, 90.58.560, 90.76.080, 34.05.230, 34.05.330, 34.05.370, 34.05.570, 34.05.534, and 19.02.075; adding new sections to chapter 43.12 RCW; adding a new section to chapter 43.20A RCW; adding new sections to chapter 43.23 RCW; adding new sections to chapter 43.24 RCW; adding new sections to chapter 43.22 RCW; adding a new section to chapter 70.94 RCW; adding new sections to chapter 34.05 RCW; adding new sections to chapter 19.85 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.300 RCW; adding a new section to chapter 1.08 RCW; adding new sections to chapter 4.84 RCW; adding a new section to chapter 43.88 RCW; adding a new section to chapter 19.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 34.05.355 and 19.85.060; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1010 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1010 as amended by the Senate.

Representatives Reams, Rust, Patterson, Conway and Clements spoke in favor of passage of the bill.

Representative Chopp spoke against passage of the bill.

POINT OF INQUIRY

Representative Reams yielded to a question by Representative Chandler.

Representative Chandler: The U. S. Environmental Protection Agency is developing an unprecedented volume of rules to implement the federal clean air act. Washington also has a complex state clean air act, with provisions which may be construed as authority to develop regulations more stringent than, or in advance of, similar federal requirements. Is it the intention of the procedures required by Section 113 to provide a respite from state rule making, so that deferral requirements can be implemented and evaluated before the state imposes burdens sooner than, or more stringent than, the federal regulations?

Representative Reams: Yes. It is the intent of this Section that the Department of Ecology may adopt or amend an air quality regulation that imposes burdens sooner than, or more stringent than, similar federal requirements only after complying with the analysis outlined in this Section.

POINT OF INQUIRY

Representative Reams yielded to a question by Representative Hickel.

Representative Hickel: The striking amendment replaces the existing standard for Judicial review of agency rules with the arbitrary and capricious standard. What is your intent in using this standard?

Representative Chandler: It is our intent in replacing the existing standard with the arbitrary and capricious standard to affirm the direction taking by the majority of our State's Supreme Court in 1992 decision *Neha Bay Chambers of Commerce verses the Department of Fisheries*, that is that when reviewing an agency rule, although a court should not substitute it's judgment for that of the agency. It should engage in a thorough probing, in depth review to determine whether the agency reached its result through a process of reason and took a hard look at the rule before adopting it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1010 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Raddcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Chopp, Cody, Cole, Fisher, R., Mason, Regala, Tokuda and Veloria - 8.

Excused: Representative Benton - 1.

Engrossed Substitute House Bill No. 1010, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2095 by Representatives Dyer and Poulsen

AN ACT Relating to somatic education; amending RCW 18.108.005, 18.108.010, 18.108.020, 18.108.030, 18.108.040, 18.108.060, 18.108.070, 18.108.073, 18.108.095, and 18.74.010; reenacting and amending RCW 18.130.040; adding a new section to chapter 18.108 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2096 by Representatives Pelesky, Quall, L. Thomas, Hymes, Smith, Carrell, McMahan, Elliot, Brumsickle, Talcott, Casada, Reams, D. Schmidt, Clements, Basich, Sherstad, Campbell, Blanton, Huff, Backlund, Hatfield, Kremen, Honeyford, Mulliken, Benton and Kessler

AN ACT Relating to teachers' early retirement benefits; reenacting and amending RCW 28A.400.212; creating new sections; and declaring an emergency.

Referred to Committee on Education.

HJM 4032 by Representatives Morris, Pennington, Dickerson, Van Luven, Sheldon, Boldt, Mason, Carrell, B. Thomas, Cooke, Honeyford, Mulliken, Benton, Kessler, Kremen, Elliot, Backlund, D. Schmidt, Koster and Romero

Petitioning Congress to reinstate income tax deduction for state sales tax.

Referred to Committee on Finance.

HCR 4408 by Representative Foreman

Extending the cut-off for certain bills.

E2SSB 6062 by Senate Committee on Ways & Means (originally sponsored by Senators Quigley, Moyer, Fairley, Wood, Wojahn and Winsley)

Making welfare work.

There being no objection, the bills, memorial and resolution listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of Engrossed Second Substitute Senate Bill No. 6062.

There being no objection, the rules were suspended and Engrossed Second Substitute Senate Bill No. 6062 was advanced to the second reading calendar and held.

MESSAGE FROM THE SENATE

April 18, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1046,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE BILL NO. 5019,
SENATE BILL NO. 5029,
SENATE BILL NO. 5039,
SECOND SUBSTITUTE SENATE BILL NO. 5088,
SENATE BILL NO. 5142,
SUBSTITUTE SENATE BILL NO. 5182,
SUBSTITUTE SENATE BILL NO. 5183,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5190,
SUBSTITUTE SENATE BILL NO. 5209,
SENATE BILL NO. 5239,
SENATE BILL NO. 5267,
SENATE BILL NO. 5275,
SENATE BILL NO. 5282,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5342,
SENATE BILL NO. 5378,
SENATE BILL NO. 5399,
SUBSTITUTE SENATE BILL NO. 5402,
SUBSTITUTE SENATE BILL NO. 5403,

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Wednesday, April 19, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

ONE-HUNDREDTH DAY, APRIL 18, 1995

JOURNAL OF THE HOUSE

Marty Brown, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

There being no objection, the House considered the following bills in the following order: House Bill No. 1088, Substitute House Bill No. 1123, House Bill No. 1136 and Substitute House Bill No. 1140.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1088 with the following amendments:

On page 8, line 2, after "9.94A.127" insert "or 13.40.135"

On page 15, after line 6, insert the following:

"**Sec. 5.** RCW 13.40.150 and 1992 c 205 s 109 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

- (a) Violations which are current offenses count as misdemeanors;
- (b) Violations may not count as part of the offender's criminal history;
- (c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

- (a) Consider the facts supporting the allegations of criminal conduct by the respondent;
- (b) Consider information and arguments offered by parties and their counsel;
- (c) Consider any predisposition reports;

(d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

(ii) The respondent acted under strong and immediate provocation;

(iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;

(iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and

(v) There has been at least one year between the respondent's current offense and any prior criminal offense;

(i) Consider whether or not any of the following aggravating factors exist:

(i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;

(ii) The offense was committed in an especially heinous, cruel, or depraved manner;

(iii) The victim or victims were particularly vulnerable;

(iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;

(v) The current offense included a finding of sexual motivation pursuant to RCW ((9.94A.127)) 13.40.135;

(vi) The respondent was the leader of a criminal enterprise involving several persons; and

(vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.

(4) The following factors may not be considered in determining the punishment to be imposed:

(a) The sex of the respondent;

(b) The race or color of the respondent or the respondent's family;

(c) The creed or religion of the respondent or the respondent's family;

(d) The economic or social class of the respondent or the respondent's family; and

(e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.

(5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community."

On page 1, line 2 of the title, after "9A.44.130," strike "and 9A.44.140" and insert "9A.44.140, and 13.40.150"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ballasiotes moved that the House concur in the Senate amendments to House Bill No. 1088 and pass the bill as amended by the Senate.

Representative Ballasiotes spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1088 as amended by the Senate.

Representatives Ballasiotes and Quall spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representatives Appelwick, Sommers, Morris and Patterson were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1088 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 1, Excused - 9.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Cody, Cole,

Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Absent: Representative Poulsen - 1.

Excused: Representatives Appelwick, Benton, Chandler, Clements, Cooke, Hickel, Morris, Patterson and Sommers - 9.

House Bill No. 1088, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1123 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The expansion of international trade is vital to the overall growth of Washington's economy;

(b) On a per capita basis, Washington state is the most international trade dependent state in the nation;

(c) The north american free trade agreement (NAFTA) and the general agreement on tariffs and trade (GATT) highlight the increased importance of international trade opportunities to the United States and the state of Washington;

(d) The passage of NAFTA and GATT will have a major impact on the state's agriculture, aerospace, computer software, and textiles and apparel sectors;

(e) There is a need to strengthen and coordinate the state's activities in promoting and developing its agricultural, manufacturing, and service industries overseas, especially for small and medium-sized businesses, and minority and women-owned business enterprises; and

(f) The importance of having a coherent vision for advancing Washington state's interest in the global economy has rarely been so consequential as it is now.

(2) The legislature declares that the purpose of the office of the Washington state trade representative is to strengthen and expand the state's activities in marketing its goods and services overseas.

NEW SECTION. Sec. 2. The office of the Washington state trade representative is created under the office of the governor. The office shall serve as the state's official liaison with foreign governments on trade matters.

The office of the Washington state trade representative may accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this section. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

NEW SECTION. Sec. 3. (1) The executive and administrative head of the office of the Washington state trade representative shall be the governor's special trade representative. The

governor's special trade representative shall be appointed by the governor with consent of the senate, and shall serve at the pleasure of the governor. The governor's special trade representative shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

(2) The governor's special trade representative shall supervise and administer the activities of the office of the Washington state trade representative and shall advise the governor and legislature with respect to trade matters affecting the state.

(3) The governor's special trade representative may establish a trade advisory council to:

(a) Advise the governor and legislature on mechanisms for enhancing the state export promotion and assistance efforts;

(b) Evaluate proposals for enhancement, coordination, and structure of the state's activities in international trade, including but not limited to proposals on new or expanded overseas trade offices, sister-state relations, and new trade priorities for the state, and make recommendations to the legislature and the governor on the merits of such proposals; and

(c) Provide the special trade representative with such advice and assistance as may be necessary to carry out the purposes of the office of the Washington state trade representative.

(4) The governor's special trade representative may hire such personnel as may be necessary for the general administration of the office. To the extent permitted by law, state agencies may temporarily assign staff to the office of the Washington state trade representative to assist in carrying out the office's duties and responsibilities under this chapter.

(5) The governor's special trade representative is authorized to:

(a) Consult with the department of agriculture and the various agricultural commissions, created in Title 15 RCW, on the promotion of Washington agricultural commodities overseas; and

(b) Consult with the department of community, trade, and economic development on the promotion of Washington goods and services overseas.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act shall constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "trade;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative D. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1123 and pass the bill as amended by the Senate.

Representative Sheldon spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1123 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1123 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin,

McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Benton, Chandler, Clements, Cooke, Morris, Patterson, Poulsen and Sommers - 8.

Substitute House Bill No. 1123, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1136 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the responsibility for criminal activity should fall squarely on the criminal. To the greatest extent possible society should not be expected to have to pay the price for crimes twice, once for the criminal activity and again by feeding, clothing, and housing the criminal. The corrections system should be the first place criminals are given the opportunity to be responsible for paying for their criminal act, not just through the loss of their personal freedom, but by making financial contributions to alleviate the pain and suffering of victims of crime.

NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW to read as follows:

Each year the department shall transfer twenty-five percent of the total annual revenues and receipts received in each institutional betterment fund subaccount to the department of labor and industries for the purpose of providing direct benefits to crime victims through the crime victims' compensation program as outlined in chapter 7.68 RCW. This transfer takes priority over any expenditure of betterment funds and shall be reflected on the monthly financial statements of each institution's betterment fund subaccount.

Any funds so transferred to the department of labor and industries shall be in addition to the crime victims' compensation amount provided in an omnibus appropriation bill. It is the intent of the legislature that the funds forecasted or transferred pursuant to this section shall not reduce the funding levels provided by appropriation.

Sec. 3. RCW 7.68.090 and 1973 1st ex.s. c 122 s 9 are each amended to read as follows:

The director shall establish such fund or funds, separate from existing funds, necessary to administer this chapter, and payment to these funds shall be from legislative appropriation, statutory provision, reimbursement and subrogation as provided in this chapter, and from any contributions or grants specifically so directed."

On page 1, line 1 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 7.68.090; adding a new section to chapter 72.09 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ballasiotes moved that the House concur in the Senate amendments to House Bill No. 1136 and pass the bill as amended by the Senate.

Representative Ballasiotes spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1136 as amended by the Senate.

Representatives Ballasiotes and Quall spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1136 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Benton, Chandler, Clements, Cooke, Morris, Patterson, Poulsen and Sommers - 8.

House Bill No. 1136, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1140 with the following amendments:

On page 2, line 5, after "any" insert "gross misdemeanor or felony"

On page 2, line 11, after "committing any" insert "gross misdemeanor or felony"

On page 2, line 17, after "committing any" insert "gross misdemeanor or felony"

On page 7, after line 24, insert the following:

"(i) The current offense was one of domestic violence as defined in RCW 10.99.020."

On page 7, after line 24, insert the following:

"(i) The current offense was a violent offense committed to obstruct or hinder legal abortions and the victim was an employee, volunteer, or patient of a health care facility as defined in RCW 9A.50.010 where legal abortions are performed. For purposes of this subsection (2)(i), "employee" includes a person contracting with the health care facility."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Sheahan moved that the House not concur in the Senate amendments to Substitute House Bill No. 1140 and ask the Senate to recede therefrom.

POINT OF ORDER

Representative Sheahan: Thank you Mr. Speaker. I would request a ruling on the scope and object of the Senate amendments to Substitute House Bill No. 1140.

There being no objection, the House deferred further consideration of Substitute House Bill No. 1140 and the bill held its place on the third reading calendar.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1060 with the following amendments:

On page 10, after line 36, insert the following:

"**Sec. 8.** RCW 66.24.420 and 1981 1st ex.s. c 5 s 45 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be seven hundred dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated	
Cities and towns	Fees
Less than 20,000	\$1,200
20,000 or over	\$2,000

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: Two thousand dollars; this fee shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(f) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a class H licensed hotel, property owned or controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place: PROVIDED, That the holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license: PROVIDED FURTHER, That an additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of class H licenses issued in the state of Washington by the board, not including those class H licenses issued to clubs, shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community."

On page 1, line 3 of the title, after "66.24.330," insert "66.24.420,"

On page 11, after line 31, insert the following:

"**Sec. 9.** RCW 66.28.180 and 1985 c 226 s 4 are each amended to read as follows:

It is unlawful for a person, firm, or corporation holding a certificate of approval issued under RCW 66.24.270 or 66.24.206, a beer wholesaler's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine wholesaler's license within the state of Washington to modify any prices without prior notification to and approval of the board.

(1) Intent. This section is enacted, pursuant to the authority of this state under the twenty-first amendment to the United States Constitution, to promote the public's interest in fostering the orderly and responsible distribution of malt beverages and wine towards effective control of consumption; to promote the fair and efficient three-tier system of distribution of such beverages; and to confirm existing board rules as the clear expression of state policy to regulate the manner of selling and pricing of wine and malt beverages by licensed suppliers and wholesalers.

(2) Beer and wine wholesale price posting. (a) Every beer or wine wholesaler shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of beer and wine sold by such beer and/or wine wholesaler shall be sold to retailers within the state.

(b) Each price posting shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(i) All brands, types, packages, and containers of beer offered for sale by such beer and/or wine wholesaler;

(ii) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(c) No beer and/or wine wholesaler may sell or offer to sell any package or container of beer or wine to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer and/or wine wholesaler and then in effect, according to rules adopted by the board.

(d) Quantity discounts are prohibited. No price may be posted that is below acquisition cost plus ten percent of acquisition cost. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent.

(e) Wholesale prices on a "close-out" item shall be accepted by the board if the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(f) The board may reject any price posting that it deems to be in violation of this section or any rule, or portion thereof, or that would tend to disrupt the orderly sale and distribution of beer and wine. Whenever the board rejects any posting, the licensee submitting the posting may be heard by the board and shall have the burden of showing that the posting is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of beer and wine. If the posting is accepted, it shall become effective at the time fixed by the board. If the posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this section.

(g) All price postings filed as required by this section shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

(h) Any beer and/or wine wholesaler or employee authorized by the wholesaler-employer may sell beer and/or wine at the wholesaler's posted prices to any class A, B, C, D, E, F, H, G, or J licensee upon presentation to the wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(i) Every class A, B, C, D, E, F, H, G, or J licensee, upon purchasing any beer and/or wine from a wholesaler, shall immediately cause such beer or wine to be delivered to the licensed premises, and the licensee shall not thereafter permit such beer to be disposed of in any manner except as authorized by the license.

(ii) Beer and wine sold as provided in this section shall be delivered by the wholesaler or an authorized employee either to the retailer's licensed premises or directly to the retailer at the wholesaler's licensed premises. A wholesaler's prices to retail licensees shall be the same at both such places of delivery.

(3) Beer and wine suppliers' price filings, contracts, and memoranda. (a) Every brewery and winery offering beer and/or wine for sale within the state shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewery or winery may have with any beer or wine wholesaler, which contracts or memoranda shall contain a schedule of prices charged to wholesalers for all items and all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances, and incentive programs; and all commissions, bonuses or gifts, and any and all other discounts or allowances. Whenever changed or modified, such revised contracts or memoranda shall forthwith be filed with the board as provided for by rule. The provisions of this section also apply to certificate of approval holders, beer and/or wine importers, and beer and/or wine wholesalers who sell to other beer and/or wine wholesalers.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages, and containers of beer or

wine offered for sale by such licensed brewery or winery; all additional information required may be filed as a supplement to the price schedule forms.

(b) Prices filed by a brewery or winery shall be uniform prices to all wholesalers on a state-wide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed that is below acquisition/production cost plus ten percent of that cost, except that acquisition cost plus ten percent of acquisition cost does not apply to sales of beer or wine between a beer or wine importer who sells beer or wine to another beer or wine importer or to a beer or wine wholesaler, or to a beer or wine wholesaler who sells beer or wine to another beer or wine wholesaler. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition/production cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent.

(c) No brewery, winery, certificate of approval holder, wine importer, or wine wholesaler may sell or offer to sell any beer or wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(d) No brewery or winery may sell or offer to sell any package or container of beer or wine to any wholesaler at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer or domestic winery and then in effect, according to rules adopted by the board.

(e) The board may reject any supplier's price filing, contract, or memorandum of oral agreement, or portion thereof that it deems to be in violation of this section or any rule or that would tend to disrupt the orderly sale and distribution of beer or wine. Whenever the board rejects any such price filing, contract, or memorandum, the licensee submitting the price filing, contract, or memorandum may be heard by the board and shall have the burden of showing that the price filing, contract, or memorandum is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of beer or wine. If the price filing, contract, or memorandum is accepted, it shall become effective at a time fixed by the board. If the price filing, contract, or memorandum, or portion thereof, is rejected, the last effective price filing, contract, or memorandum shall remain in effect until such time as an amended price filing, contract, or memorandum is filed and approved, in accordance with the provisions of this section.

(f) All prices, contracts, and memoranda filed as required by this section shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential."

On page 1, line 3 of the title, after "66.24.330," strike "and 66.24.490" and insert "66.24.490, and 66.28.180"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House concur in the Senate amendments to House Bill No. 1060 and pass the bill as amended by the Senate.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1060 as amended by the Senate.

Representatives Lisk and Romero spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1060 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chappell, Chopp, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Chandler, Clements, Cooke and Patterson - 5.

House Bill No. 1060, as amended by the House, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 95-4672, by Representatives Boldt, Benton, Carlson, Pennington, Morris, Ogden and Robertson

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Evergreen Plainsmen High School boys basketball team has exhibited the highest level of excellence in winning the 1995 Class AAA State Basketball Championship; and

WHEREAS, This level of excellence is built upon an admirable and solid foundation of success in which the Plainsmen crafted a record of 29-0 during the "Season of Perfection," while the team members also attained superior academic performance, with a team cumulative grade point average of 3.786 and with distinctive scholarship by Matt Dymant, Knute Nesland, Derrick Nesland, Paul Jones, Jason Myers, Aaron Carlson, and Sean Janson who all achieved a perfect 4.0 grade point average; and

WHEREAS, Achievement in sports is kindred to the values for achievement in life inasmuch as the setting of the very highest goals and aspirations and the persistence, dedication, sacrifice, commitment, focus, effort, teamwork, skill, and talent to obtain those goals and aspirations all correspond to lifetime and personal achievement; and

WHEREAS, The extraordinary achievements of the Evergreen High School basketball team are due to the outstanding individual efforts of each team member with the additional benefit of the direction and encouragement of cocaptains Matt Dymant and Paul Bustrin; and

WHEREAS, These outstanding accomplishments would not have been possible without the instruction, guidance, and leadership of Head Coach John Triplett, Assistant Coach Ken Nesland, Assistant Coach Jeff Bears, Manager Clayton Lane, and Statistician Charles Simons, nor would these accomplishments have been possible without the unequivocal support and encouragement of the Evergreen High School student body, faculty and staff, alumni, family and friends, community members, and fans;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in achievement and spirit shown by the Evergreen High School boys basketball team and for the example of inspiration such achievements have set for others; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the Championship Team and Coaching Staff indicated in this Resolution as well as to the Principal of Evergreen High School, in Clark County of the great state of Washington.

Representative Boldt moved adoption of the resolution.

Representatives Boldt, Carlson and Basich spoke in favor of adoption of the resolution.

House Resolution No. 4672 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.94.745 and 1991 c 199 s 401 are each amended to read as follows:

(1) It shall be the responsibility and duty of the department of natural resources, department of ecology, department of agriculture, fire districts, and local air pollution control authorities to establish, through regulations, ordinances, or policy, a limited burning permit program ((for the people of this state, consisting of a one permit system, until such time as)).

(2) The permit program shall apply to residential and land clearing burning in the following areas:

(a) In the nonurban areas of any county with an unincorporated population of greater than fifty thousand; and

(b) In any city and urban growth area that is not otherwise prohibited from burning pursuant to RCW 70.94.743.

(3) The permit program shall apply only to land clearing burning in the nonurban areas of any county with an unincorporated population of less than fifty thousand.

(4) The permit program may be limited to a general permit by rule, or by verbal, written, or electronic approval by the permitting entity.

(5) Notwithstanding any other provision of this section, neither a permit nor the payment of a fee shall be required for outdoor burning for the purpose of disposal of tumbleweeds blown by wind. Such burning shall not be conducted during an air pollution episode or any stage of impaired air quality declared under RCW 70.94.714. This subsection (5) shall only apply within counties with a population less than 250,000.

(6) Burning shall be prohibited in an area when an alternate technology or method((s)) of disposing of the organic refuse ((have been developed that are)) is available, reasonably economical, and less harmful to the environment. It is the policy of this state to foster and encourage development of alternate methods or technology for disposing of or reducing the amount of organic refuse.

(7) Incidental agricultural burning must be allowed without applying for any permit and without the payment of any fee if:

(a) The burning is incidental to commercial agricultural activities;

(b) The operator notifies the local fire department within the area where the burning is to be conducted;

(c) The burning does not occur during an air pollution episode or any stage of impaired air quality declared under RCW 70.94.715; and

(d) Only the following items are burned:

(i) Orchard prunings;

(ii) Organic debris along fence lines or irrigation or drainage ditches; or

(iii) Organic debris blown by wind.

(8) As used in this section, "nonurban areas" are unincorporated areas within a county that is not designated as an urban growth area under chapter 36.70A RCW.

(9) Nothing in this section shall require fire districts to enforce air quality requirements related to outdoor burning, unless the fire district enters into an agreement with the department of ecology, department of natural resources, a local air pollution control authority, or other appropriate entity to provide such enforcement."

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 70.94.745."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Pennington moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1080 and pass the bill as amended by the Senate.

Representatives Pennington and Mastin spoke in favor of the motion.

Representatives Rust and Basich spoke against the motion.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1080 as amended by the Senate.

Representatives Pennington and Honeyford spoke in favor of passage of the bill.

Representative Basich spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1080 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 76, Nays - 19, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Cody, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Veloria and Mr. Speaker - 76.

Voting nay: Representatives Basich, Brown, Chopp, Cole, Conway, Dellwo, Dickerson, Ebersole, Fisher, R., Mason, Ogden, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle and Wolfe - 19.

Excused: Representatives Benton, Clements and Patterson - 3.

Engrossed Substitute House Bill No. 1080, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

RESOLUTION

HOUSE RESOLUTION NO. 95-4680, by Representatives Wolfe, Clements, Patterson, Lisk, Cole, Brumsickle, Valle, Horn, Kremen, Hatfield, Kessler, Sheldon, Tokuda, Cairnes, Mastin, Cody, Morris, Conway, Rust, Grant, Elliot, Dickerson, Thibaudeau, Robertson, Talcott, Chappell, Regala, Ogden, D. Schmidt, Veloria, Mulliken and Lambert

WHEREAS, The legislature recognizes that our children are one of the most cherished parts of our lives, representing our heritage, hopes, values and ideals for the future; and

WHEREAS, The legislature recognizes that each of our earnest efforts and endeavors, whether legislative, professional or personal, seeks to leave a worthwhile legacy and provides a foundation upon which our children can build a prosperous and bright future; and

WHEREAS, The citizens of the great state of Washington recognize the highest importance of our children by preparing them to meet the untold challenges of the future, wherein forty-eight percent of the state general fund budget for kindergarten through twelfth grade is allocated for primary and secondary education and twelve percent of the state general fund is allocated for higher education and wherein the legislature of the great state of Washington declared in 1993, and passed in statute, that the second Sunday of each October of each year as "Children's Day,"; and

WHEREAS, The legislature of the state of Washington hereby recognizes that April 19, 1995, will be recognized as "Bring Your Children to Work Day" in the legislature, wherein children of legislators and staff have the opportunity to observe and learn of the various responsibilities and activities of their parents;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington does hereby recognize our children as one of the most cherished parts of our lives as well as April 19, 1995, being observed as "Bring Your Children to Work Day" in the legislature of the great state of Washington, and also reaffirms the spirit and principles indicated herein and especially honors the spirit of "Children's Day."

Representative Wolfe moved adoption of the resolution.

Representatives Wolfe, Brumsickle, Brown, Johnson, Ebersole, Beeksmas, Elliot, Reams, Mitchell and Dickerson spoke in favor the resolution.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of House Resolution No. 4680 and the resolution was adopted by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Absent: Representative Talcott - 1.

Excused: Representatives Benton and Clements - 2.

House Resolution No. 4680 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE INITIATIVE NO. 164,

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1547 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.22.072 and 1993 c 177 s 2 are each amended to read as follows:

The committee appointed pursuant to RCW 48.22.071 shall submit a report to the legislature no later than January 1(~~(, 1994 and 1995)~~) of each year, summarizing the activities of the plan adopted under RCW 48.22.070 during its most recent fiscal year and since its inception. (~~(The committee shall in each report examine, based on the experience of the plan or other information made available to it, whether the Washington state industrial insurance fund should participate in the plan adopted pursuant to RCW 48.22.070; whether there are methods that will satisfy the intent of chapter 209, Laws of 1992 that will not involve the Washington state industrial insurance fund; and the feasibility of requiring that this coverage be made directly available through the Washington state industrial insurance fund.)~~)

NEW SECTION. **Sec. 2.** 1993 c 177 s 3 & 1992 c 209 s 6 (uncodified) are each repealed.

NEW SECTION. **Sec. 3.** This act shall expire on July 1, 1997.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.22.072; repealing 1993 c 177 s 3 and 1992 c 209 s 6 (uncodified); providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative L. Thomas moved that the House not concur in the Senate amendments to Substitute House Bill No. 1547.

Representatives L. Thomas and Wolfe spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1560 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.36.010 and 1993 c 54 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated

upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state; also every person who acquires motor vehicle fuel, on which the tax has not been paid, and exports it by commercial motor vehicle as defined in RCW 82.37.020 to a location outside the state. For the purposes of liability for a county fuel tax, "distributor" has that meaning defined in the county ordinance imposing the tax;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Alcohol" means alcohol that is produced from renewable resources;

(16) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account;

(17) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement, misrepresentation of fact, or other act of deception; or

(b) An intentional: Omission, failure to file a return or report, or other act of deception.

Sec. 2. RCW 82.36.380 and 1961 c 15 s 82.36.380 are each amended to read as follows:

~~((Any person failing to pay the tax as herein provided, or violating any of the other provisions of this chapter, or making any false statement, or concealing any material fact in any report, record, affidavit, or claim provided for herein, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.))~~

(1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of fifty percent of the tax evaded, to the general fund of the state.

Sec. 3. RCW 82.38.020 and 1994 c 262 s 22 are each amended to read as follows:

As (~~hereinafter~~) used in this chapter:

(1) "Person" means every natural person, fiduciary, association, or corporation. The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(2) "Department" means the department of licensing.

(3) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

(4) "Motor vehicle" means every self-propelled vehicle designed for operation upon land utilizing special fuel as the means of propulsion.

(5) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined in chapter 82.36 RCW.

(6) "Bulk storage" means the placing of special fuel by a special fuel dealer into a receptacle other than the fuel supply tank of a motor vehicle.

(7) "Special fuel dealer" means any person engaged in the business of delivering special fuel into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him, or into bulk storage facilities for subsequent use in a motor vehicle. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(8) "Special fuel user" means any person purchasing special fuel into bulk storage without payment of the special fuel tax for subsequent use in a motor vehicle, or any person engaged in interstate commercial operation of motor vehicles any part of which is within this state.

(9) "Service station" means any location at which fueling of motor vehicles is offered to the general public.

(10) "Unbonded service station" means any service station at which an unbonded special fuel dealer regularly makes sales of special fuel by means of delivery thereof into the fuel supply tanks of motor vehicles.

(11) "Bond" means: (a) A bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 48.28 RCW which bond shall be payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations of such dealer, arising out of this chapter; or (b) a deposit with the state treasurer by the special fuel dealer or special fuel user, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington, or any county of said state, of an actual market value not less than the amount so fixed by the department; or (c) such other instruments as the department may determine and prescribe by rule to protect the interests of the state and to insure compliance of the requirements of this chapter.

(12) "Lessor" means any person (a) whose principal business is the bona fide leasing or renting of motor vehicles without drivers for compensation to the general public, and (b) who maintains established places of business and whose lease or rental contracts require such motor vehicles to be returned to the established places of business.

(13) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

(14) "Standard pressure and temperature" means fourteen and seventy-three hundredths pounds of pressure per square inch at sixty degrees Fahrenheit.

(15) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement, misrepresentation of fact, or other act of deception; or

(b) An intentional: Omission, failure to file a return or report, or other act of deception.

Sec. 4. RCW 82.38.270 and 1979 c 40 s 19 are each amended to read as follows:

~~((It shall be unlawful for any person to:~~

~~(1) Refuse, or knowingly and intentionally fail to make and file any statement required by this chapter in the manner or within the time required;~~

~~(2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this chapter;~~

~~(3) Conduct any activities requiring a license under this chapter without a license or after a license has been suspended, surrendered, canceled, or revoked;~~

~~(4) Fail to keep and maintain the books and records required by this chapter;~~

~~(5) Divert special fuel purchased for a nontaxable use to a use subject to the taxes imposed by this chapter without payment of the taxes as required by this chapter.~~

~~Except as otherwise provided by law, any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.~~

~~The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this chapter.)) (1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.~~

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of fifty percent of the tax evaded, to the general fund of the state.

Sec. 5. RCW 9A.04.080 and 1993 c 214 s 1 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Arson if a death results.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) No other felony may be prosecuted more than three years after its commission.

- (h) No gross misdemeanor may be prosecuted more than two years after its commission.
- (i) No misdemeanor may be prosecuted more than one year after its commission.
- (2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.
- (3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside."

In line 1 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.36.010, 82.36.380, 82.38.020, 82.38.270, and 9A.04.080; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt insists on its position regarding the Senate amendments to Substitute House Bill No. 1560. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1630 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.27 RCW to read as follows:

The purposes of this chapter are to protect the general welfare of the residents of this state who purchase construction services and the general economic welfare of business in compliance with this chapter, to enhance state revenue collections, and to promote compliance and enforcement of this chapter by providing swift and meaningful penalties for those failing to register as required by this chapter.

This chapter shall be strictly enforced to accomplish these purposes. Therefore, the doctrine of substantial compliance shall not be used by the department in the application and construction of this chapter. Anyone engaged in the activities of a contractor is presumed to know the requirements of this chapter.

Sec. 2. RCW 18.27.010 and 1993 c 454 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Contractor" means any person, firm, or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. "Contractor" includes any person, firm, or corporation covered by this subsection, whether or not registered as required under this chapter.

(2) "General contractor" means a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part. "General contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined (~~(herein)~~) in this section. The terms "general contractor" and "builder" are synonymous.

(3) "Specialty contractor" means a contractor whose operations (~~(as such)~~) do not fall within the foregoing definition of "general contractor".

(4) "Unregistered contractor" means a person, firm, or corporation doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired for more than thirty days beyond the renewal date or has been suspended.

(5) "Department" means the department of labor and industries.

~~((5))~~ (6) "Director" means the director of the department of labor and industries.

~~((6))~~ (7) "Verification" means the receipt and duplication by the city, town, or county of a contractor registration card that is current on its face.

Sec. 3. RCW 18.27.020 and 1993 c 454 s 6 are each amended to read as follows:

(1) Every contractor shall register with the department.

(2) It is a misdemeanor for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;

(c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; (~~(or)~~)

(d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

(e) Knowingly subcontract work to a person, firm, or corporation not registered as required under this chapter. However, a contractor does not commit a misdemeanor under this section if a subcontractor becomes unregistered during the course of its work without the knowledge of the contractor.

(3) All misdemeanor actions under this chapter shall be prosecuted in the county where the (~~(infraction)~~) violation occurs.

(4) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the department of revenue and the employment security department of such infractions or convictions and shall cooperate with such departments in determining whether any taxes or registration, license, or other fees or penalties are owed the state.

Sec. 4. RCW 18.27.030 and 1992 c 217 s 1 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) As applicable: (i) The industrial insurance account number covering employees domiciled in Washington; and (ii) evidence of workers' compensation coverage in the applicant's state of domicile for the applicant's employees working in Washington who are not domiciled in Washington.

(c) Employment security department number.

(d) State excise tax registration number.

(e) Unified business identifier (UBI) account number may be substituted for the information required by (b), (c), and (d) of this subsection.

(f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(g) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name and address of

the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(b) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) The department shall deny an application for registration ((shall be denied)) if the applicant has been previously registered as a sole proprietor, partnership, or corporation((, and was a principal or officer of the corporation,)) and ((if)) the applicant has an unsatisfied final judgment in an action based on RCW 18.27.040((,)) that was incurred during a previous registration under this chapter. The department shall check for unsatisfied judgments under RCW 18.27.040 and a history of violations and misdemeanors when application is made. A history of violations, revoked and suspended registrations or licenses, or misdemeanors relating to the construction business may be grounds for denial.

Sec. 5. RCW 18.27.040 and 1988 c 139 s 1 are each amended to read as follows:

(1) Each applicant shall((, at the time of applying for or renewing a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of six thousand dollars; if a specialty contractor, in the sum of four thousand dollars,)) accompany the application for a certificate of registration with a surety bond or continuation certificate issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of fifteen thousand dollars if the applicant is a general contractor and ten thousand dollars if the applicant is a specialty contractor. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. A cancellation or revocation of the bond or withdrawal of the surety from the bond suspends the registration issued to the registrant until a new bond or reinstatement notice has been filed and approved as provided in this section. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or a portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of ((negligent or improper work or)) breach of contract including negligent or improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) Any contractor registered as of ((the effective date of this 1983 act)) July 1, 1995, who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a bond, cash deposit, or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon ((such)) the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon ((such)) the bond or deposit shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed or abandoned. Service of process in an action against the

contractor, the contractor's bond, or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the summons and complaint. ~~((Such))~~ The service shall constitute service on the registrant and the surety for suit upon the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the registrant at the address listed in his or her application and to the surety within forty-eight hours after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Employee labor, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Material and equipment;
- (d) Taxes and contributions due the state of Washington;

(e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover. The prevailing party in a bond claim action against the contractor and the contractor's bond, as required by this section, for breach of a construction contract is entitled to costs, interest, and reasonable attorneys' fees. In no event, however, may the combined costs, interest, attorneys' fees, and bond loss exceed the penal limit of the bond.

The total amount paid from a bond or deposit to claimants other than those asserting a claim for breach of construction contract shall not exceed in the aggregate six thousand dollars for a general contractor and four thousand dollars for a specialty contractor.

A payment made by the surety in good faith shall exonerate the bond to extent of any payment made by the surety.

(5) ~~((In the event that any))~~ If a final judgment ~~((shall))~~ impairs the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of ~~((such))~~ the contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims ~~((shall have been))~~ is furnished. If ~~((such))~~ the bond becomes fully impaired, a new bond must be furnished at the ~~((increased))~~ rates prescribed by this section ~~((as now or hereafter amended)).~~

(6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(7) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of ~~((such))~~ the certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(8) The director may ~~((promulgate))~~ adopt rules necessary for the proper administration of the security.

Sec. 6. RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each amended to read as follows:

(1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for:

(a) One year;

(b) Until the bond expires; or

(c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate.

(3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year.

(4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor by certified and by first class mail within forty-eight hours after suspension.

(5) Renewal of registration shall be considered valid upon the date the department receives the required fee and proof of bond and liability insurance, if sent by certified mail or other means requiring proof of delivery. The receipt or proof of delivery shall serve as the contractor's proof of renewed registration until he or she receives verification from the department.

Sec. 7. RCW 18.27.090 and 1987 c 313 s 1 are each amended to read as follows:

This chapter (~~shall~~) does not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property, except this chapter shall apply to all mobile/manufactured housing. A mobile/manufactured home may be installed, set up, or repaired by the registered or legal owner, by a contractor (~~licensed~~) registered under this chapter, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his or her own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his or her professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his or her license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his or her sole compensation or as an employee with wages as his or her sole compensation;

(16) Contractors on highway projects who have been prequalified as required by (~~chapter 13 of the Laws of 1961,~~) RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work.

Sec. 8. RCW 18.27.100 and 1993 c 454 s 3 are each amended to read as follows:

(1) Except as provided in RCW 18.27.065 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity, of a contractor under any other name unless such name also is registered under this chapter.

(2) All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents which show a contractor's name or address shall show the contractor's name or address as registered under this chapter.

(3)(a) (~~The alphabetized listing of contractors appearing in the advertising section of telephone books or other directories and~~) All advertising that shows the contractor's name or address shall show the contractor's current registration number. The registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. A contractor shall not use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required. Advertising by airwave transmission shall not be subject to this subsection (3)(a) ((if the person selling the advertisement obtains the contractor's current registration number from the contractor)).

(b) (~~A person selling advertising should not accept advertisements for which the contractor registration number is required under (a) of this subsection if the contractor fails to provide the contractor registration number.~~) The director may issue a subpoena to any person or entity selling any advertising subject to this section for the name, address, and telephone number provided to the seller of the advertising by the purchaser of the advertising. The subpoena must have enclosed a stamped, self-addressed envelope and blank form to be filled out by the seller of the advertising. If the seller of the advertising has the information on file, the seller shall, within a reasonable time, return the completed form to the department. The subpoena must be issued within forty-eight hours after the expiration of the issue or publication containing the advertising or after the broadcast of the advertising. The good-faith compliance by a seller of advertising with a written request of the department for information concerning the purchaser of advertising shall constitute a complete defense to any civil or criminal action brought against the seller of advertising arising from such compliance. Advertising by airwave or electronic transmission is subject to this subsection (3)(b).

(4) No contractor shall advertise that he or she is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter.

(5) A contractor shall not falsify a registration number and use it, or use an expired registration number, in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall

use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto.

(6) Any advertising by a person, firm, or corporation soliciting work as a contractor when that person, firm, or corporation is not registered pursuant to this chapter is a violation of this chapter.

(7)(a) The finding of a violation of this section by the director at a hearing held in accordance with ~~((the Administrative Procedure Act,))~~ chapter 34.05 RCW~~((,))~~ shall subject the person committing the violation to a penalty of not more than five thousand dollars as determined by the director.

(b) Penalties under this section shall not apply to a violation determined to be an inadvertent error.

Sec. 9. RCW 18.27.104 and 1989 c 175 s 61 are each amended to read as follows:

(1) If, upon investigation, the director or the director's designee has probable cause to believe that a person holding a registration, an applicant for registration, or ~~((an unregistered))~~ a person acting in the capacity of a contractor who is not otherwise exempted from this chapter, has violated RCW 18.27.100 by unlawfully advertising for work covered by this chapter ~~((in an alphabetical or classified directory)),~~ the department may issue a citation containing an order of correction. Such order shall require the violator to cease the unlawful advertising.

(2) If the person to whom a citation is issued under subsection (1) of this section notifies the department in writing that he or she contests the citation, the department shall afford an opportunity for an adjudicative proceeding under chapter 34.05 RCW~~((, the Administrative Procedure Act,))~~ within thirty days after receiving the notification.

Sec. 10. RCW 18.27.110 and 1993 c 454 s 5 are each amended to read as follows:

(1) No city, town or county shall issue a construction building permit for work which is to be done by any contractor required to be registered under this chapter without verification that such contractor is currently registered as required by law. When such verification is made, nothing contained in this section is intended to be, nor shall be construed to create, or form the basis for any liability under this chapter on the part of any city, town or county, or its officers, employees or agents. However, failure to verify the contractor registration number results in liability to the city, town, or county to a penalty to be imposed according to RCW 18.27.100~~((6))~~ (7)(a).

(2) At the time of issuing the building permit, all cities, towns, or counties are responsible for:

(a) Printing the contractor registration number on the building permit; and

(b) Providing a written notice to the building permit applicant informing them of contractor registration laws and the potential risk and monetary liability to the homeowner for using an unregistered contractor.

(3) If a building permit is obtained by an applicant or contractor who falsifies information to obtain an exemption provided under RCW 18.27.090, the building permit shall be forfeited.

Sec. 11. RCW 18.27.114 and 1988 c 182 s 1 are each amended to read as follows:

(1) ~~((Until July 1, 1989, any contractor agreeing to perform any contracting project: (a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:~~

"NOTICE TO CUSTOMER

~~This contractor is registered with the state of Washington, registration no. . . . , as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide~~

~~you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."~~

~~(2) On and after July 1, 1989,)~~ Any contractor agreeing to perform any contracting project:
(a) For the repair, alteration, or construction of four or fewer residential units or accessory structures on such residential property when the bid or contract price totals one thousand dollars or more; or (b) for the repair, alteration, or construction of a commercial building when the bid or contract price totals one thousand dollars or more but less than sixty thousand dollars, must provide the customer with the following disclosure statement prior to starting work on the project:

"NOTICE TO CUSTOMER

This contractor is registered with the state of Washington, registration no., as a general/specialty contractor and has posted with the state a bond or cash deposit of \$6,000/\$4,000 for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. The expiration date of this contractor's registration is This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the department of labor and industries."

~~((3) On and after July 1, 1989,)~~ (2) A contractor subject to this section shall notify any consumer to whom notice is required under subsection ~~((2))~~ (1) of this section if the contractor's registration has expired or is revoked or suspended by the department prior to completion or other termination of the contract with the consumer.

~~((4))~~ (3) No contractor subject to this section may bring or maintain any lien claim under chapter 60.04 RCW based on any contract to which this section applies without alleging and proving that the contractor has provided the customer with a copy of the disclosure statement as required in subsection (1) ~~((or (2)))~~ of this section.

~~((5))~~ (4) This section does not apply to contracts authorized under chapter 39.04 RCW or to contractors contracting with other contractors.

~~((6))~~ (5) Failure to comply with this section shall constitute an infraction under the provisions of this chapter.

~~((7))~~ (6) The department shall produce model disclosure statements, and public service announcements detailing the information needed to assist contractors and contractors' customers to comply under this section. As necessary, the department shall periodically update these education materials.

Sec. 12. RCW 18.27.117 and 1987 c 313 s 2 are each amended to read as follows:

The legislature finds that setting up and siting mobile/manufactured homes must be done properly for the health, safety, and enjoyment of the occupants. Therefore, when any of the following cause a health and safety risk to the occupants of a mobile/manufactured home, or severely hinder the use and enjoyment of the mobile/ manufactured home, a violation of RCW 19.86.020 shall have occurred:

(1) The mobile/manufactured home has been improperly installed by a contractor ~~((licensed))~~ registered under chapter 18.27 RCW, or a mobile/manufactured dealer or manufacturer licensed under chapter 46.70 RCW;

(2) A warranty given under chapter 18.27 RCW or chapter 46.70 RCW has not been fulfilled by the person or business giving the warranty; and

(3) A bonding company that issues a bond under chapter 18.27 RCW or chapter 46.70 RCW does not reasonably and professionally investigate and resolve claims made by injured parties.

Sec. 13. RCW 18.27.200 and 1993 c 454 s 7 are each amended to read as follows:

(1) It is a violation of this chapter and an infraction for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked; ~~((or))~~

(c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

(d) Knowingly subcontract work to a person not registered as required under this chapter. However, a contractor does not commit an infraction if the subcontractor becomes unregistered during the course of its work without the knowledge of the contractor.

(2) Each day that a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended, or works under a registration issued to another contractor is a separate infraction. Each worksite at which a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended, or works under a registration issued to another contractor is a separate infraction.

Sec. 14. RCW 18.27.230 and 1993 c 454 s 9 are each amended to read as follows:

The department may issue a notice of infraction if the department reasonably believes that the contractor ~~((required to be registered by this chapter has failed to do so or))~~ has ~~((otherwise))~~ committed ~~((a violation under RCW 18.27.200))~~ an infraction under this chapter. A notice of infraction issued under this section shall be personally served on the contractor named in the notice by the department's compliance inspectors or service can be made by certified mail directed to the contractor named in the notice of infraction. If the contractor named in the notice of infraction is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If a notice of infraction is personally served upon an employee of a firm or corporation, the department shall within four days of service send a copy of the notice by certified mail to the contractor if the department is able to obtain the contractor's address.

Sec. 15. RCW 18.27.340 and 1986 c 197 s 10 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4) and (5) of this section, a contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of not less than two hundred dollars and not more than three thousand dollars.

(2) Except as otherwise provided in subsections (4) and (5) of this section, the administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction only upon a showing of good cause that the penalty would be unduly burdensome ~~((to))~~ for the contractor.

(3) The director may waive collection in favor of payment of restitution to a consumer complainant.

(4) A contractor found to have committed an infraction under RCW 18.27.200 for failure to register shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars. The penalty for failure to register may be reduced, but in no case below five hundred dollars, if the person becomes registered within ten days of receiving a citation and the citation is for a first offense.

(5) If a contractor who is issued a notice of infraction is an unregistered contractor under this chapter, then the contractor is subject to a penalty in the amount of one thousand dollars per violation. The penalty may be reduced, but in no case below five hundred dollars, if the person registers as a contractor within ten days of the notice of infraction.

(6) Monetary penalties collected under this chapter shall be deposited in the general fund.

Sec. 16. RCW 51.12.020 and 1991 c 324 s 18 and 1991 c 246 s 4 are each reenacted and amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, or repair, (~~remodeling, or similar work~~) in or about the private home of the employer. For the purposes of this subsection, "maintenance" means the work of keeping in proper condition, "repair" means to restore to sound condition after damage, and "private home" means a person's place of residence.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners.

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400(~~(19)~~) (20) may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third degree or marriage. If a corporation that is not a "public company" elects to be covered under subsection (8)(a) of this section, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

(d) A corporation may elect to cover officers who are exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper carrier selling or distributing newspapers on the street or from house to house.

(11) Services performed by an insurance agent, insurance broker, or insurance solicitor, as defined in RCW 48.17.010, 48.17.020, and 48.17.030, respectively.

(12) Services performed by a booth renter as defined in RCW 18.16.020. However, a person exempted under this subsection may elect coverage under RCW 51.32.030.

NEW SECTION. Sec. 17. RCW 18.27.140 and 1983 1st ex.s. c 2 s 21 & 1973 1st ex.s. c 161 s 2 are each repealed."

On page 1, line 1 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.060, 18.27.090, 18.27.100, 18.27.104, 18.27.110, 18.27.114, 18.27.117, 18.27.200, 18.27.230, and 18.27.340; reenacting and amending RCW 51.12.020; adding a new section to chapter 18.27 RCW; repealing RCW 18.27.140; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Substitute House Bill No. 1630 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cairnes, Hargrove and Conway as Conferees on Substitute House Bill No. 1630.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.04.320 and 1986 c 21 s 1 are each amended to read as follows:

(1) For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in the individual's trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

(2) For the purpose of payment of benefits, "wages" means the remuneration paid by one or more employers to an individual for employment under this title during his base year: PROVIDED, That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The department shall notify each claimant that wages are calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable.

(3) For the purpose of payment of benefits and payment of contributions, the term "wages" includes tips which are received after January 1, 1987, while performing services which constitute employment, and which are reported to the employer for federal income tax purposes.

(4)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, shall be considered remuneration for the period to which it is assigned.

Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an employment contract with a public agency prior to its expiration date shall be considered remuneration. The proceeds shall be deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Except as provided in (c) of this subsection, the provisions of this ((section)) subsection (4) pertaining to the assignment of previously accrued compensation shall not apply to individuals subject to RCW 50.44.050.

Sec. 2. RCW 50.44.050 and 1990 c 33 s 587 are each amended to read as follows:

Except as otherwise provided in subsections (1) through (4) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title.

(1) Benefits based on service in an instructional, research or principal administrative capacity for an educational institution shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or terms within an academic year (or, when an agreement provides instead for a similar period between two regular but not successive terms within an academic year, during such period) if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. Any employee of a common school district who is presumed to be reemployed pursuant to RCW 28A.405.210 shall be deemed to have a contract for the ensuing term.

(2) Benefits shall not be paid based on services in any other capacity for an educational institution for any week of unemployment which commences during the period between two successive academic years or terms within an academic year, if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms: **PROVIDED**, That if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in an educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.310 RCW and exists to provide services to local school districts.

(5) As used in subsections (1) and (2) of this section, "academic year" includes fall, winter, spring, and summer quarters and comparable semesters unless, based upon objective criteria including enrollment and staffing, the quarter or comparable semester is not in fact a part of the academic year for the particular institution.

Sec. 3. RCW 50.44.053 and 1985 ex.s. c 5 s 9 are each amended to read as follows:

The term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term, provided that the agreement is not contingent on enrollment, funding, or program changes. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 50.04.320, 50.44.050, and 50.44.053; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1821 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Lisk, Carlson and Kessler as Conferees on Engrossed Substitute House Bill No. 1821.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed HOUSE JOINT MEMORIAL NO. 4030 with the following amendment:

On page 1, after line 8, strike the remainder of the joint memorial and insert the following:

"WHEREAS, The federal government, in an effort to protect the national security of the United States, established the Hanford site in Central Washington in 1943; and

WHEREAS, During the course of the past five decades, many dangerous, toxic, and nuclear wastes were disposed of or stored at the site; and

WHEREAS, Two-thirds of the volume of nuclear waste in the entire United States is stored at Hanford; and

WHEREAS, The Department of Energy has been tasked with overseeing the cleanup of the site; and

WHEREAS, Millions of dollars have been expended at Hanford for environmental cleanup; and

WHEREAS, The United States General Accounting Office estimates that a significant amount of the cleanup funds have been expended on administrative and legal activities; and

WHEREAS, The federal government agreed under the "Tri-Party Agreement" to a series of milestones to clean up the site; and

WHEREAS, Key milestones in this agreement cannot be met if the Department of Energy does not follow through on its proposal to reduce cleanup funding at the Hanford site; and

WHEREAS, The federal government has now announced that four thousand five hundred jobs will be eliminated as a result of these cuts; and

WHEREAS, These cuts will delay the cleanup and increase its cost.

NOW, THEREFORE, Your Memorialists respectfully pray that the federal government work with Washington State and local officials to eliminate duplicative Department of Energy orders, streamline paperwork requirements, and otherwise reduce unnecessary costs so that full and adequate funding may be available for environmental cleanup; that it begin immediately to construct the facilities necessary to implement cleanup of the Hanford site; and that it maintain its commitment to funding and implementing all the key milestones of the "Tri-Party Agreement."

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the Secretary of the Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Chandler moved that the House not concur in the Senate amendments to House Joint Memorial No. 4030 and ask the Senate to recede therefrom.

There being no objection, the House considered the following bills in the following order: Substitute House Bill No. 1017, Second Engrossed House Bill No. 1130, Engrossed Second Substitute House Bill No. 1156, House Bill No. 1176, House Bill No. 1186, House Bill No. 1193 and Substitute House Bill No. 1195.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1017, with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 38.52.005 and 1986 c 266 s 22 are each amended to read as follows:

The department (~~(of community development)~~) shall administer the comprehensive emergency management program of the state of Washington as provided for in this chapter. All local organizations, organized and performing emergency management functions pursuant to RCW 38.52.070, may change their name and be called the department/division of emergency management.

Sec. 2. RCW 38.52.010 and 1993 c 251 s 5 and 1993 c 206 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural or man-made, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with a local emergency management organization or the department (~~(of community development)~~) and holds an identification card issued by the local emergency management director or the department (~~(of community development)~~) for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or man-made disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor.

(9) "Director" means the ~~((director of community development))~~ adjutant general.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the state military department ~~((of community development))~~.

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

Sec. 3. RCW 38.52.090 and 1987 c 185 s 6 are each amended to read as follows:

(1) The director of each local organization for emergency management may, in collaboration with other public and private agencies within this state, develop or cause to be developed mutual aid arrangements for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management plan and program, and in time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. The ~~((director of community development))~~ adjutant general shall adopt and distribute a standard form of contract for use by local organizations in understanding and carrying out said mutual aid arrangements.

(2) The ~~((director of community development))~~ adjutant general and the director of each local organization for emergency management may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. All such arrangements shall be pursuant to either of the compacts contained in subsection (2) (a) or (b) of this section.

(a) The legislature recognizes that the compact language contained in this subsection is inadequate to meet many forms of emergencies. For this reason, after June 7, 1984, the state may not enter into any additional compacts under this subsection (2)(a).

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting States solemnly agree:

Article 1. The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise) including sabotage and subversive acts and direct attacks by bombs, shellfire, and atomic, radiological, chemical, bacteriological means, and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source, are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The Directors of Civil Defense (Emergency Services) of all party States shall constitute a committee to formulate plans and take all necessary steps for the implementation of this compact.

Article 2. It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs the party States shall so far as possible provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services;

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces and other tests and exercises;

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith;

(d) The effective screening or extinguishing of all lights and lighting devices and appliances;

(e) Shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State;

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic, prior, during, and subsequent to drills or attacks;

(h) The safety of public meetings or gatherings; and

(i) Mobile support units.

Article 3. Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State, while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4. Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5. No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States, and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and

reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7. Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8. Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost incurred in connection with such requests; provided, that any aiding State may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost; and provided further that any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9. Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents, or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10. This compact shall be available to any State, territory or possession of the United States, and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact, and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12. This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13. This compact shall continue in force and remain binding on each party State until the legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be effected thereby.

Article 15. (a) This Article shall be in effect only as among those states which have enacted it into law or in which the Governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact. Nothing contained in this Article or in any

supplementary agreement made in implementation thereof shall be construed to abridge, impair or supersede any other provision of this compact or any obligation undertaken by a State pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances and subject matters to which preceding articles of this compact make it applicable, this compact and the authorizations, entitlements and procedures thereof shall apply to:

1. Searches for and rescue of person who are lost, marooned, or otherwise in danger.
2. Action useful in coping with disasters arising from any cause or designed to increase the capability to cope with any such disasters.
3. Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel or personnel in larger numbers than are locally available in order to reduce, counteract or remove the danger.
4. The giving and receiving of aid by subdivisions of party States.
5. Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party State, a subdivision of such State, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a State. The personnel of such a joint agency, when rendering aid pursuant to this compact shall have the same rights, authority and immunity as personnel of party States.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-15 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

(b) The compact language contained in this subsection (2)(b) is intended to deal comprehensively with emergencies requiring assistance from other states.

INTERSTATE MUTUAL AID COMPACT

Purpose

The purpose of this Compact is to provide voluntary assistance among participating states in responding to any disaster or imminent disaster, that over extends the ability of local and state governments to reduce, counteract or remove the danger. Assistance may include, but not be limited to, rescue, fire, police, medical, communication, transportation services and facilities to cope with problems which require use of special equipment, trained personnel or personnel in large numbers not locally available.

Authorization

Article I, Section 10 of the Constitution of the United States permits a state to enter into an agreement or compact with another state, subject to the consent of Congress. Congress, through enactment of Title 50 U.S.C. Sections 2281(g), 2283 and the Executive Department, by issuance of Executive Orders No. 10186 of December 1, 1950, encourages the states to enter into emergency, disaster and civil defense mutual aid agreements or pacts.

Implementation

It is agreed by participating states that the following conditions will guide implementation of the Compact:

1. Participating states through their designated officials are authorized to request and to receive assistance from a participating state. Requests will be granted only if the requesting state is committed to the mitigation of the emergency, and other resources are not immediately available.
2. Requests for assistance may be verbal or in writing. If the request is made by other than written communication, it shall be confirmed in writing as soon as practical after the request. A written request shall provide an itemization of equipment and operators, types of expertise, personnel or other resources needed. Each request must be signed by an authorized official.

3. Personnel and equipment of the aiding party made available to the requesting party shall, whenever possible, remain under the control and direction of the aiding party. The activities of personnel and equipment of the aiding party must be coordinated by the requesting party.

4. An aiding state shall have the right to withdraw some or all of their personnel and/or equipment whenever the personnel or equipment are needed by that state. Notice of intention to withdraw should be communicated to the requesting party as soon as possible.

General Fiscal Provisions

The state government of the requesting party shall reimburse the state government of the aiding party. It is understood that reimbursement shall be made as soon as possible after the receipt by the requesting party of an itemized voucher requesting reimbursement of costs.

1. Any party rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

2. Any state rendering aid pursuant to this Agreement shall be reimbursed by the state receiving such aid for the cost of payment of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives in the event such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement, provided that such payments are made in the same manner and on the same terms as if the injury or death were sustained within such state.

Privileges and Immunities

1. All privileges and immunities from liability, exemptions from law, ordinances, rules, all pension, relief disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Agreement.

2. All privileges and immunities from liability, exemptions from law, ordinances, and rules, workers' compensation and other benefits which apply to duly enrolled or registered volunteers when performing their respective functions at the request of their state and within its territorial limits, shall apply to the same degree and extent while performing their functions extra-territorially under the provisions of this Agreement. Volunteers may include, but not be limited to, physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.

3. The signatory states, their political subdivisions, municipal corporations and other public agencies shall hold harmless the corresponding entities and personnel thereof from the other state with respect to the acts and omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.

4. Nothing in this arrangement shall be construed as repealing or impairing any existing Interstate Mutual Aid Agreements.

5. Upon enactment of this Agreement by two or more states, and by January 1, annually thereafter, the participating states will exchange with each other the names of officials designated to request and/or provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it shall be permissible and desirable for the parties to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.

6. This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

7. This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate official of all other party states. An actual withdrawal shall not take effect until the thirtieth consecutive day after the notice provided in the statute has been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal.

Sec. 4. RCW 38.52.420 and 1994 c 264 s 11 are each amended to read as follows:

(1) The department (~~(of community, trade, and economic development)~~), in consultation with appropriate federal agencies, the departments of natural resources, fish and wildlife, and ecology, representatives of local government, and any other person the director may deem appropriate, shall develop a model contingency plan, consistent with other plans required for hazardous materials by federal and state law, to serve as a draft plan for local governments which may be incorporated into the state and local emergency management plans.

(2) The model contingency plan shall:

(a) Include specific recommendations for pollution control facilities which are deemed to be most appropriate for the control, collection, storage, treatment, disposal, and recycling of oil and other spilled material and furthering the prevention and mitigation of such pollution;

(b) Include recommendations for the training of local personnel consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(c) Suggest cooperative training exercises between the public and private sector consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(d) Identify federal and state laws requiring contingency or management plans applicable or related to prevention of pollution, emergency response capabilities, and hazardous waste management, together with a list of funding sources that local governments may use in development of their specific plans;

(e) Promote formal agreements between the department (~~(of community, trade, and economic development)~~) and local entities for effective spill response; and

(f) Develop policies and procedures for the augmentation of emergency services and agency spill response personnel through the use of volunteers: PROVIDED, That no contingency plan may require the use of volunteers by a responding responsible party without that party's consent.

Sec. 5. RCW 38.54.010 and 1992 c 117 s 9 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "State fire marshal" means the assistant director of the division of fire protection services in the department of community, trade, and economic development.

(4) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(5) "Jurisdiction" means state, county, city, fire district, or port district (~~(fire)~~) fire fighting units, or other units covered by this chapter.

(6) "Mobilization" means that fire fighting resources beyond those available through existing agreements will be requested and, when available, sent (~~(to fight a fire)~~) in response to an emergency or disaster situation that has (~~(or soon will exceed)~~) exceeded the capabilities of available local resources. During a large scale (~~(fire)~~) emergency, mobilization includes the redistribution of regional or state-wide fire fighting resources to either direct (~~(fire fighting)~~) emergency incident assignments or to assignment in communities where fire fighting resources are needed.

When mobilization is declared and authorized as provided in this chapter, all fire fighting resources except those of the host fire protection authorities, i.e. incident jurisdiction, shall be deemed as mobilized under this chapter, including those that responded earlier under existing mutual aid or other agreement. All nonhost fire protection authorities providing fire fighting resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter from the time of the mobilization declaration.

This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(7) "Mutual aid" means emergency interagency assistance provided without compensation under (~~(and an)~~) an agreement between jurisdictions under chapter 39.34 RCW.

Sec. 6. RCW 38.54.020 and 1992 c 117 s 10 are each amended to read as follows:

Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to insure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to fire fighting agencies that respond to help others in time of need or to a host fire district that experiences expenses beyond the resources of the fire district, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:

(1) Provide the policy and organizational structure for large scale mobilization of fire fighting resources in the state through creation of the Washington state fire services mobilization plan;

(2) Confer upon the director (~~(of the department of community development)~~) the powers provided herein; ~~(and)~~

(3) Provide a means for reimbursement to fire jurisdictions that incur expenses when mobilized by the director under the Washington state fire services mobilization plan; and

(4) Provide for reimbursement of host district fire fighting resources when the local district has: (a) Exhausted all of its resources; and (b) invoked its local mutual aid network and exhausted those resources. Upon implementation of state fire mobilization, the host district resources shall become state fire mobilization resources consistent with the fire mobilization plan.

It is the intent of the legislature that mutual aid and other interlocal agreements providing for enhanced emergency response be encouraged as essential to the public peace, safety, health, and welfare, and for the protection of the lives and property of the people of the state of Washington. If possible, mutual aid agreements should be without stated limitations as to resources available, time, or area. Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost fire protection authority for reimbursement of expenses incurred in providing fire fighting resources for mobilization.

Sec. 7. RCW 38.54.050 and 1992 c 117 s 13 are each amended to read as follows:

The department (~~(of community development)~~) in consultation with the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from appropriate federal and state funds when jurisdictions are mobilized by the director under the Washington state fire services mobilization plan. The department shall ensure that these procedures provide reimbursement to the host district in as timely a manner as possible.

Sec. 8. RCW 46.16.340 and 1986 c 266 s 49 are each amended to read as follows:

The director, from time to time, shall furnish the state military department, the department of community, trade, and economic development, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

Sec. 9. RCW 88.46.100 and 1991 c 200 s 423 are each amended to read as follows:

(1) In order to assist the state in identifying areas of the navigable waters of the state needing special attention, the owner or operator of a covered vessel shall notify the coast guard within one hour:

(a) Of the disability of the covered vessel if the disabled vessel is within twelve miles of the shore of the state; and

(b) Of a collision or a near miss incident within twelve miles of the shore of the state.

(2) The (~~(division of emergency management of the)~~) state military department (~~(of community development)~~) and the office shall request the coast guard to notify the (~~(division of emergency management)~~) state military department as soon as possible after the coast guard receives notice of a disabled covered vessel or of a collision or near miss incident within twelve miles of the shore of the state. The office shall negotiate an agreement with the coast guard governing procedures for coast guard notification to the state regarding disabled covered vessels and collisions and near miss incidents.

(3) The office shall prepare a summary of the information collected under this section and provide the summary to the regional marine safety committees, the coast guard, and others in order to identify problems with the marine transportation system.

(4) For the purposes of this section:

(a) A tank vessel or cargo vessel is considered disabled if any of the following occur:

- (i) Any accidental or intentional grounding;
 - (ii) The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;
 - (iii) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;
 - (iv) Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.
- (b) A barge is considered disabled if any of the following occur:
- (i) The towing mechanism becomes disabled;
 - (ii) The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.
- (c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.
- (5) Failure of any person to make a report under this section shall not be used as the basis for the imposition of any fine or penalty.

NEW SECTION. Sec. 10. A new section is added to chapter 38.52 RCW to read as follows:

All powers, duties, and functions of the department of community, trade, and economic development pertaining to emergency management are transferred to the state military department. All references to the director or the department of community development or the department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the adjutant general or the state military department when referring to the functions transferred in this section.

NEW SECTION. Sec. 11. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the state military department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the state military department. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the state military department.

Any appropriations made to the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the state military department.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 12. All employees of the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the state military department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state military department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. All employees of the department of community, trade, and economic development exempted under chapter 41.06 RCW shall retain such exemption after transfer.

NEW SECTION. Sec. 13. All rules and all pending business before the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the state military department. All existing contracts and obligations shall remain in full force and shall be performed by the state military department.

NEW SECTION. Sec. 14. The transfer of the powers, duties, functions, and personnel of the department of community, trade, and economic development shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 15. If apportionments of budgeted funds are required because of the transfers directed by sections 11 through 14 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 16. (1) The military department, in cooperation with the Washington state patrol and the emergency management council, shall by December 31, 1995, develop a strategic plan to enhance the coordination and efficiency and decrease the costs of the military department's emergency management programs and services. The plan shall:

- (a) Evaluate all current programs and services;
 - (b) Develop new and innovative techniques for the administration of programs and delivery of services;
 - (c) Strengthen military department linkages with local agencies; and
 - (d) Assess the use of private sector equipment, materials, and services.
- (2) A summary of the strategic plan shall be delivered to the appropriate committees of the legislature no later than July 10, 1996.

NEW SECTION. Sec. 17. Nothing contained in sections 10 through 15 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 38.52.005, 38.52.090, 38.52.420, 38.54.010, 38.54.020, 38.54.050, 46.16.340, and 88.46.100; reenacting and amending RCW 38.52.010; adding a new section to chapter 38.52 RCW; creating new sections; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House concur in the Senate amendments to Substitute House Bill No. 1017 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1017 as amended by the Senate.

Representatives Reams and Rust spoke in favor of passage of the bill.

Representative Mason spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1017 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 74, Nays - 23, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Conway, Cooke, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Kessler, Lambert, Lisk, Mastin, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 74.

Voting nay: Representatives Brown, Brumsickle, Chappell, Cole, Costa, Crouse, Fuhrman, Goldsmith, Hargrove, Hymes, Johnson, Koster, Kremen, Mason, McMahan, McMorris, Morris, Pennington, Regala, Sheldon, Sherstad, Stevens and Tokuda - 23.

Excused: Representative Benton - 1.

Substitute House Bill No. 1017, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1017.

GRANT PELESKY, 25th District

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed SECOND ENGROSSED HOUSE BILL NO. 1130, with the following amendments:

On page 1, after line 14, insert:

"This section shall not apply to an engineer operating a locomotive within yard limits or when on track, which is not main line track, where crossing speed is restricted by published special instruction or bulletin to ten miles per hour or less."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Second Engrossed House Bill No. 1130 and pass the bill as amended by the Senate.

Representatives Crouse and R. Fisher spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Second Engrossed House Bill No. 1130 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1130 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representatives Ebersole and Skinner - 2.

Excused: Representative Benton - 1.

Second Engrossed House Bill No. 1130, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1156 with the following amendments:

On page 1, beginning on line 9, after "nonprofit" strike "partnerships between school districts and local communities that" and insert "corporations that are organized to benefit education in school districts and local communities. These foundations"

On page 2, beginning on line 19, strike all material through "1999." on line 23

On page 2, line 27, after "31," strike "1999" and insert "1997"

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Brumsickle moved that the House concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1156 and pass the bill as amended by the Senate.

Representative Brumsickle spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1156 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1156 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 6, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Beeksmá, Cairnes, Cooke, Goldsmith, McMahan and Stevens - 6.
Excused: Representative Benton - 1.

Engrossed Second Substitute House Bill No. 1156, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1176 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 3.34.010 and 1994 c 111 s 1 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, two; Asotin, one; Benton, (~~two~~) three; Chelan, two; Clallam, two; Clark, five; Columbia, one; Cowlitz, two; Douglas, (~~two~~) one; Ferry, one; Franklin, one; Garfield, one; Grant, two; Grays Harbor, two; Island, one; Jefferson, one; King, twenty-six; Kitsap, three; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, two; Pend Oreille, one; Pierce, eleven; San Juan, one; Skagit, two; Skamania, one; Snohomish, seven; Spokane, nine; Stevens, one; Thurston, two; Wahkiakum, one; Walla Walla, two; Whatcom, two; Whitman, one; Yakima, four. This number may be increased only as provided in RCW 3.34.020.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "amending RCW 3.34.010; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Delvin moved that the House concur in the Senate amendments to House Bill No. 1176 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1176 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1176 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

House Bill No. 1176, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1186 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.18.190 and 1990 1st ex.s. c 2 s 17 are each amended to read as follows:

(1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of the injured worker for whom the injured worker owes a duty of child support, the amount of compensation the department or self-insurer pays on behalf of the child or children shall be treated for all purposes as if the injured worker paid the compensation toward satisfaction of the injured worker's child support obligations.

(2) When the social security administration pays social security disability dependency benefits, retirement benefits, or survivors insurance benefits on behalf of or on account of the child or children of ~~((the))~~ a disabled person, a retired person, or a deceased person, the amount of ~~((compensation))~~ benefits paid for the child or children shall be treated for all purposes as if the disabled person, the retired person, or the deceased person paid the ~~((compensation))~~ benefits toward the satisfaction of ~~((the disabled))~~ that person's child support obligation for that period for which benefits are paid.

(3) Under no circumstances shall the person who has the obligation to make the transfer payment have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section."

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title and insert "and amending RCW 26.18.190."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to House Bill No. 1186 and pass the bill as amended by the Senate.

Representative Sheahan spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1186 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1186 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

House Bill No. 1186, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1193 with the following amendments:

On page 1 beginning on line 6, strike all material through line 9 and insert: "~~((By July 1, 1991, the department shall set and charge reasonable rental rates for the use of its real property, buildings, or structures. The department shall deposit receipts from the charges in the transportation capital facilities account.))~~"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to House Bill No. 1193 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1193 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1193 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

House Bill No. 1193, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1195 with the following amendments:

On page 6, line 16, after "bond" insert "or provides other evidence of financial responsibility"

On page 6, line 16, after "jurisdiction" insert "to ensure that the site is restored to preexisting conditions"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1195 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1195 as amended by the Senate.

ROLL CALL

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
SUBSTITUTE HOUSE BILL NO. 1035,
SUBSTITUTE HOUSE BILL NO. 1053,
SECOND SUBSTITUTE HOUSE BILL NO. 1162,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206,
HOUSE BILL NO. 1224,
HOUSE BILL NO. 1249,
HOUSE BILL NO. 1282,
SUBSTITUTE HOUSE BILL NO. 1342,
SUBSTITUTE HOUSE BILL NO. 1348,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,

The Speaker declared the House to be ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: Second Substitute House Bill No. 1027, Substitute House Bill No. 1250, Substitute House Bill No. 1270, Substitute House Bill No. 1273, Engrossed Substitute House Bill No. 1298 and Substitute House Bill No. 1336.

There being no objection, the House resumed consideration of Second Substitute House Bill No. 1027.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Second Substitute House Bill No. 1027 as amended by the Senate.

Representatives Brumsickle, Mastin and Robertson spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Sheldon was excused.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1027 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Sheldon - 2.

Second Substitute House Bill No. 1027, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1270 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.25.050 and 1990 c 56 s 1 are each amended to read as follows:

(1) Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992, except when driving under a commercial driver's instruction permit and a valid automobile or classified license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving. However, this requirement does not apply to any person:

(a) Who is the operator of a farm vehicle, and the vehicle is:

(i) Controlled and operated by a farmer;

(ii) Used to transport either agricultural products, which in this section include Christmas trees and wood products harvested from private tree farms and transported by vehicles weighing no more than forty thousand pounds licensed gross vehicle weight, farm machinery, farm supplies, or any combination of those materials to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within one hundred fifty miles of the person's farm; or

(b) Who is a fire fighter or law enforcement officer operating emergency equipment, and:

(i) The fire fighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The fire fighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course; or

(c) Who is operating a recreational vehicle for noncommercial purposes. As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1)."

In line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 46.25.050."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1270 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1270 as amended by the Senate.

Representative Morris spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1270 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Sheldon - 2.

Substitute House Bill No. 1270, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1273 with the following amendments:

On page 2, beginning on line 7, after "in" strike all material through "(2)" on line 8

On page 2, beginning on line 25, after "in" strike all material through "(2)" on line 26
On page 2, after line 10, strike all of section 3

On page 2, after line 27, strike all of section 5

On page 1, beginning on line 2 of the title, after "tribes;" strike all material through "RCW;" on line 3 and insert "adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW;"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1273 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1273 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1273 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Substitute House Bill No. 1273, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.96A.400 and 1989 c 270 s 20 are each amended to read as follows:

The state of Washington declares that there is no fundamental right to ~~((methadone))~~ opiate substitution treatment. The state of Washington further declares that while methadone ~~((is an))~~ and other like pharmacological drugs, used in the treatment of opiate dependency are addictive substances, that ~~((it))~~ they nevertheless ~~((has))~~ have several legal, important, and justified uses and that one of ~~((its))~~ their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons addicted to or habituated to opioids.

Because methadone ~~((is))~~ and other like pharmacological drugs, used in the treatment of opiate dependency are addictive and ~~((is))~~ are listed as a schedule II controlled substance in chapter 69.50 RCW, the state of Washington and authorizing counties on behalf of their citizens have the legal obligation and right to regulate the use of ~~((methadone))~~ opiate substitution treatment. The state of Washington declares its authority to control and regulate carefully, in cooperation with the authorizing counties, all clinical uses of methadone and other pharmacological drugs used in the treatment of ~~((opium))~~ opiate addiction.

Further, the state declares that the primary goal of ((methadone)) opiate substitution treatment is ((drug-free living)) total abstinence from chemical dependency for the individuals who participate in the treatment program. The state recognizes that a small percentage of persons who participate in opiate substitute treatment programs require treatment for an extended period of time. Opiate substitution treatment programs shall provide a comprehensive transition program to eliminate chemical dependency; including opiate and opiate substitute addiction of program participants.

Sec. 2. RCW 70.96A.410 and 1989 c 270 s 21 are each amended to read as follows:

(1) A county legislative authority may prohibit ~~((methadone))~~ opiate substitution treatment in that county. The department shall not certify ~~((a-methadone))~~ an opiate substitution treatment program in a county where the county legislative authority has prohibited ~~((methadone))~~ opiate substitution treatment. If a county legislative authority authorizes ~~((methadone))~~ opiate substitution treatment programs, it shall limit by ordinance the number of ~~((methadone))~~ opiate substitution treatment programs operating in that county by limiting the number of licenses granted in that county. If a county has authorized ~~((methadone))~~ opiate substitution treatment programs in that county, it shall only license ~~((methadone))~~ opiate substitution treatment programs that comply with the department's operating and treatment standards under this section and RCW 70.96A.420. A county that authorizes ~~((methadone))~~ opiate substitution treatment may operate the programs directly or through a local health department or health district or it may authorize certified ~~((methadone))~~ opiate substitution treatment programs that the county licenses to provide the services within the county. Counties shall monitor ~~((methadone))~~ opiate substitution treatment programs for compliance with the department's operating and treatment regulations under this section and RCW 70.96A.420.

(2) A county that authorizes ~~((methadone))~~ opiate substitution treatment programs shall develop and enact by ordinance licensing standards, consistent with this chapter and the operating and treatment standards adopted under this chapter, that govern the application for, issuance of, renewal of, and revocation of the licenses. Certified programs existing before May 18, 1987, applying for renewal of licensure in subsequent years, that maintain certification and meet all other requirements for licensure, shall be given preference.

(3) In certifying programs, the department shall not discriminate against ~~((a-methadone))~~ an opiate substitution treatment program on the basis of its corporate structure. In licensing programs, the county shall not discriminate against ~~((a-methadone))~~ an opiate substitution treatment program on the basis of its corporate structure.

(4) A program applying for certification from the department and a program applying for a contract from a state agency that has been denied the certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial. A program applying for a license or a contract from a county that has been denied the license or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(5) A license is effective for one calendar year from the date of issuance. The license shall be renewed in accordance with the provisions of this section for initial approval ~~((and in accordance with))~~; the goals for treatment programs under RCW 70.96A.400; the standards set forth in RCW 70.96A.420; and the rules adopted by the secretary.

(6) For the purpose of this chapter, opiate substitution treatment means dispensing an opiate substitution drug approved by the Federal Drug Administration for the treatment of opiate addiction and providing a comprehensive range of medical and rehabilitative services.

Sec. 3. RCW 70.96A.420 and 1989 c 270 s 22 are each amended to read as follows:

(1) The department, in consultation with ~~((methadone))~~ opiate substitution treatment service providers and counties authorizing ~~((methadone))~~ opiate substitution treatment programs, shall establish state-wide treatment standards for ~~((methadone))~~ opiate substitution treatment programs. The department and counties that authorize ~~((methadone))~~ opiate substitution treatment programs shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter ~~((and the treatment standard authorized by this chapter))~~. A ~~((methadone))~~ opiate substitution treatment program shall not have a caseload in excess of three hundred fifty persons.

(2) The department, in consultation with ~~((methadone))~~ opiate substitution treatment programs and counties authorizing ~~((methadone))~~ opiate substitution treatment programs, shall establish state-wide operating standards for ~~((methadone))~~ opiate substitution treatment programs. The department and counties that authorize ~~((methadone))~~ opiate substitution treatment programs shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and authorizing counties to monitor certified and licensed ~~((methadone))~~ opiate substitution treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the ~~((methadone))~~ opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located.

(3) The department shall establish criteria for evaluating the compliance of opiate substitute treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis. The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Before January 1 of each year, the department shall submit an annual report to the legislature, including the outcome analysis of each treatment program."

On page 1, line 1 of the title, after "treatment;" strike the remainder of the title and insert "and amending RCW 70.96A.400, 70.96A.410, and 70.96A.420."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cooke moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1298 and pass the bill as amended by the Senate.

Representatives Cooke and Thibaudeau spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1298 as amended by the Senate.

Representative Cooke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1298 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mason, Mastin, McMorris, Mielke, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 87.

Voting nay: Representatives Beeksma, Dellwo, Goldsmith, Hargrove, Hymes, Lambert, McMahan, Mitchell, Pennington and Sherstad - 10.

Excused: Representative Benton - 1.

Engrossed Substitute House Bill No. 1298, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1336 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

The legislature finds that some college students who have recently graduated from high school must immediately enroll in one or more precollege classes before they can proceed successfully through college. The legislature also finds that these students should have received basic skills in English, reading, spelling, grammar, and mathematics before graduating from high school. It is the intent of the legislature that colleges and universities provide information to school districts about recent graduates who enroll in precollege classes. It is also the intent of the legislature to encourage institutions of higher education and the common schools to work together to solve problems of common concern.

NEW SECTION. Sec. 2. By June 30, 1996, in consultation with the commission on student learning, the superintendent of public instruction, the state board of education, faculty, teachers from institutions of higher education and high schools, and others as appropriate, the higher education coordinating board shall adopt common definitions of remedial and precollege material and course work. The definitions adopted by the board shall be rigorous, challenging students to come to college well prepared to engage in college and university work, and shall be adopted by each institution of higher education as defined in RCW 28B.10.016.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.10 RCW to read as follows:

Beginning in 1997, by September 30th of each year, each state university, regional university, state college, and, for community colleges and technical colleges, the state board for community and technical colleges shall provide a report to the office of the superintendent of public instruction, the state board of education, and the commission on student learning under RCW 28A.630.885. The report shall contain the following information on students who, within three years of graduating from a Washington high school, enrolled the prior year in a state-supported precollege level class at the institution: (1) The number of such students enrolled in a precollege level class in mathematics, reading, grammar, spelling, writing, or English; (2) the types of precollege classes in which each student was enrolled; and (3) the name of the Washington high school from which each student graduated.

For students who enrolled in a precollege class within three years of graduating from a Washington high school, each institution of higher education shall also report to the Washington high school from which the student graduated. The annual report shall include information on the number of students from that high school enrolled in precollege classes, and the types of classes taken by the students."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding new sections to chapter 28B.10 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Carlson moved that the House concur in the Senate amendments to Substitute House Bill No. 1336 and pass the bill as amended by the Senate.

Representatives Jacobsen and Carlson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1336 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1336 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Substitute House Bill No. 1336, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: House Bill No. 1296, Engrossed Substitute House Bill No. 1107 and House Bill No. 1425 and continue down the calendar.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1296 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Since enactment of chapter 227, Laws of 1984 most employers that participate in state retirement systems have been responsible for ensuring that member retirement contributions are transferred to the retirement trust funds, even in situations where service credit is being established on a retroactive basis for a member who is no longer employed by the employer.

(2) It is the responsibility of employers to accurately report their employees' compensation and service, and to ensure that all required member and employer contributions are transferred to the department of retirement systems. However, in situations where an employer determines that a former employee should have had contributions transferred, it is more reasonable and efficient to bill the employee for the past due member contributions than to make the employer responsible for them.

NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:

(1) If an employer, pursuant to RCW 41.50.140(2), does not transfer member contributions for a former employee's prior period of service, the member shall not receive service credit for the period of service unless the member pays the required member contributions as provided in this section. In such cases the member shall have the option, but shall not be obligated, to pay the member contributions necessary to receive credit for the period of service. As provided by RCW 41.50.140(1), the department shall collect from the employer all employer contributions due for periods of service, regardless of whether the member elects to pay the member contributions necessary to receive credit for the period of service.

(2) The department shall adopt, by rule, a process by which separated and active members may pay member contributions needed to establish service credit for prior periods of service for which their employers did not transmit member contributions.

Sec. 3. RCW 41.50.140 and 1982 1st ex.s. c 52 s 33 are each amended to read as follows:

(1) Every employer participating in one or more of the retirement systems listed in RCW 41.50.030 shall fully cooperate in the administration of the systems in which its employees participate, including the distribution of information to employees, and shall accept and carry out all other duties as required by law, regulation, or administrative instruction. Every employer shall transmit to the department all member and employer contributions due for periods of service rendered in the retirement systems, except as provided in subsection (2) of this section.

(2) When the department bills an employer for member and employer contributions owed for a prior period of service, the employer shall transmit the required contributions if the member is still an employee of the employer at the time of the billing. The employer shall have no duty to transfer member contributions for persons who are not employees on the date the department bills the employer but shall transfer the required employer contributions for the prior service.

(3) Members for whom member contributions for a prior period of service are not transferred by the employer pursuant to subsection (2) of this section shall have the option of paying the required member contributions pursuant to section 2 of this act.

~~((2) If an employee is entitled to retroactive service credit which was not previously established through no fault of the employee, or through an employer error which has caused a member's compensation or contributions to be understated or overstated so as to cause a loss to the retirement funds, the director may bill the employer for the loss, to include interest, if applicable. The employer contributions, with interest thereon, will be treated as if in fact the interest was part of the normal employer contribution and no distribution of interest received shall be required.~~

~~(3) Employer paid employee contributions will not be credited to a member's account until the employer notifies the director in writing that the employer has been reimbursed by the employee or beneficiary for the payment. The employer shall have the right to collect from the employee the amount of the employee's obligation. Failure on the part of the employer to collect all or any part of the sums which may be due from the employee or beneficiary shall in no way cause the employer obligation for the total liability to be lessened.))~~

(4) If an employer transfers member contributions which were not paid by the member, the employer shall have the right to collect the amount of the employee's obligation from the employee.

Sec. 4. RCW 41.54.020 and 1994 c 197 s 32 are each amended to read as follows:

(1) Those persons who are dual members on or after July 1, 1988, shall not receive a retirement benefit from any prior system while dual members without the loss of all benefits under this chapter. Retroactive retirement in any prior system will cancel membership in any subsequent systems except as allowed under RCW 41.04.270 and will result in the refund of all employee and employer contributions made to such systems.

(2) If a member has withdrawn contributions from a prior system, the member may restore the contributions, together with interest since the date of withdrawal as determined by the system, and recover the service represented by the contributions. Such restoration must be completed within two years of establishing dual membership or prior to retirement, whichever occurs first.

(3) If a member does not meet the time limitation under subsection (2) of this section, the member, prior to retirement, may restore the service credit destroyed by the withdrawn contributions by paying the amount required under RCW 41.50.165(2). However, if a member failed to meet the applicable statutory deadline and filed a petition with the director of the department of retirement systems prior to January 1, 1995, requesting an extension of the applicable period; and if the director's findings in denying the petition affirmatively show that the failure was due to the fact that the department's customary bulletins and other notifications that were furnished to the member's employer for distribution were not furnished to the member by the employer, and that the member did not otherwise receive notice through other channels of communication and was not at fault, the member may elect to restore the required contributions and interest and regain service credit under subsection (2) of this section under the same terms and conditions and without further liability as if the election had been made on a timely basis. The election must be made not later than July 1, 1995, or prior to retirement, whichever comes first. The department shall provide written notice and an application

directly to the affected members, and any further assistance as may be necessary to implement this section.

(4) Any service accrued in one system by the member shall not accrue in any other system.

NEW SECTION. Sec. 5. If specific funding for the purposes of sections 1 through 4 of this act, referencing sections 1 through 4 of this act by bill and section number, is not provided by June 30, 1995, in the omnibus appropriations act, sections 1 through 4 of this act shall be null and void.

NEW SECTION. Sec. 6. This act shall take effect July 1, 1996."

On page 1, line 2 of the title, after "contributions;" strike the remainder of the title and insert "amending RCW 41.50.140 and 41.54.020; adding a new section to chapter 41.50 RCW; creating new sections; and providing an effective date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Carlson moved that the House insists on its position regarding the Senate amendments to House Bill No. 1296 and ask the Senate to recede therefrom.

Representatives Carlson and Sommers spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART 1 LAW REVISION COMMISSION

NEW SECTION. Sec. 101. The following acts or parts of acts are each repealed:

- (1) RCW 1.30.010 and 1982 c 183 s 1;
- (2) RCW 1.30.020 and 1982 c 183 s 2;
- (3) RCW 1.30.030 and 1982 c 183 s 3;
- (4) RCW 1.30.040 and 1987 c 505 s 2 & 1982 c 183 s 4;
- (5) RCW 1.30.050 and 1982 c 183 s 5; and
- (6) RCW 1.30.060 and 1982 c 183 s 9.

PART 2 JUDICIAL COUNCIL

NEW SECTION. Sec. 201. The following acts or parts of acts are each repealed:

- (1) RCW 2.52.010 and 1994 c 32 s 1, 1987 c 322 s 1, 1977 ex.s. c 112 s 1, 1973 c 18 s 1, 1971 c 40 s 1, 1967 c 124 s 1, 1961 c 271 s 1, 1955 c 40 s 1, & 1925 ex.s. c 45 s 1;
- (2) RCW 2.52.020 and 1925 ex.s. c 45 s 2;
- (3) RCW 2.52.030 and 1987 c 322 s 2 & 1925 ex.s. c 45 s 3;
- (4) RCW 2.52.035 and 1987 c 322 s 4;

- (5) RCW 2.52.040 and 1977 ex.s. c 112 s 2 & 1925 ex.s. c 45 s 4; and
- (6) RCW 2.52.050 and 1987 c 322 s 3 & 1981 c 260 s 1.

PART 3
JUVENILE DISPOSITION STANDARDS COMMISSION

NEW SECTION. **Sec. 301.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The juvenile disposition standards commission is hereby abolished and its powers, duties, and functions are hereby transferred to the sentencing guidelines commission. All references to the director or the juvenile disposition standards commission in the Revised Code of Washington shall be construed to mean the director or the sentencing guidelines commission.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the juvenile disposition standards commission shall be delivered to the custody of the sentencing guidelines commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the juvenile disposition standards commission shall be made available to the sentencing guidelines commission. All funds, credits, or other assets held by the juvenile disposition standards commission shall be assigned to the sentencing guidelines commission.

(b) Any appropriations made to the juvenile disposition standards commission shall, on the effective date of this section, be transferred and credited to the sentencing guidelines commission.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the juvenile disposition standards commission are transferred to the jurisdiction of the sentencing guidelines commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the sentencing guidelines commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the juvenile disposition standards commission shall be continued and acted upon by the sentencing guidelines commission. All existing contracts and obligations shall remain in full force and shall be performed by the sentencing guidelines commission.

(5) The transfer of the powers, duties, functions, and personnel of the juvenile disposition standards commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 302. RCW 13.40.025 and 1986 c 288 s 8 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in

respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall (~~meet at least once every three months~~) cease to exist on June 30, 1997, and its powers and duties shall be transferred to the sentencing guidelines commission established under RCW 9.94A.040.

Sec. 303. RCW 9.94A.040 and 1994 c 87 s 1 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

(8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

(9) The commission may (a) serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local sentencing practices; (b) develop and maintain a computerized sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (c) conduct ongoing research regarding sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the criminal justice system.

(10) The staff and executive officer of the commission may provide staffing and services to the juvenile disposition standards commission, if authorized by RCW 13.40.025 and 13.40.027. The commission may conduct joint meetings with the juvenile disposition standards commission.

(11) The commission shall assume the powers and duties of the juvenile disposition standards commission after June 30, 1997.

(12) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

PART 4

COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD

NEW SECTION. Sec. 401. The legislature finds that the economic opportunities for cosmetologists, barbers, estheticians, and manicurists have deteriorated in this state as a result of the lack of skilled practitioners, inadequate licensing controls, and inadequate enforcement of health standards. To increase the opportunities for individuals to earn viable incomes in these professions and to protect the general health of the public, the state cosmetology, barbering, esthetics, and manicuring advisory board should be reconstituted and given a new charge to develop appropriate responses to this situation, including legislative proposals.

Sec. 402. RCW 18.16.050 and 1991 c 324 s 3 are each amended to read as follows:

(1) There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of ~~((five))~~ seven members appointed by the ~~((governor who shall advise the director concerning the administration of this chapter))~~ director. ~~((Four))~~ These seven members of the board shall include ~~((a minimum of two instructors))~~ a representative of a private cosmetology school and a representative of a public vocational technical school involved in cosmetology training, with the balance made up of currently practicing licensees who have been engaged in the practice of manicuring, esthetics, barbering, or cosmetology for at least three years. One member of the board shall be a consumer who is unaffiliated with the cosmetology, barbering, esthetics, or manicuring industry. The term of office for all board members ~~((is three years))~~ serving as of the effective date of this section expires June 30, 1995. On June 30, 1995, the director shall appoint seven new members to the board. These new members shall serve a term of two years, at the conclusion of which the board shall cease to exist. Any members serving on the advisory board as of the effective date of this section are eligible to be reappointed. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the ~~((committee))~~ board for the remainder of the unexpired term. ~~((No board member may serve more than two consecutive terms, whether full or partial.))~~

(2) The board appointed on June 30, 1995, together with the director or the director's designee, shall conduct a thorough review of educational requirements, licensing requirements, and enforcement and health standards for persons engaged in cosmetology, barbering, esthetics, or manicuring and shall prepare a report to be delivered to the governor, the director, and the chairpersons of the governmental operations committees of the house of representatives and the senate. The report must summarize their findings and make recommendations, including, if appropriate, recommendations for legislation reforming and restructuring the regulation of cosmetology, barbering, esthetics, and manicuring.

(3) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

PART 5

SHORTHAND REPORTERS ADVISORY BOARD

Sec. 501. RCW 18.145.030 and 1989 c 382 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of licensing.
- (2) "Director" means the director of licensing.
- (3) "Shorthand reporter" and "court reporter" mean an individual certified under this chapter.
- ~~((4) "Board" means the Washington state shorthand reporter advisory board.))~~

Sec. 502. RCW 18.145.050 and 1989 c 382 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the director may:

- (1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;
- (2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;
- (3) Establish the forms and procedures necessary to administer this chapter;
- (4) Issue a certificate to any applicant who has met the requirements for certification;
- (5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;
- (6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05 RCW;
- (7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;
- (8) Maintain the official departmental record of all applicants and certificate holders;
- (9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;
- (10) Prepare and administer or approve the preparation and administration of examinations for certification;
- (11) Establish by rule the procedures for an appeal of a failure of an examination;
- (12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification;
- (13) Establish ad hoc advisory committees whose membership shall include representatives of professional court reporting and stenomasking associations and representatives from accredited schools offering degrees in court reporting or stenomasking to advise the director on testing procedures, professional standards, disciplinary activities, or any other matters deemed necessary.

Sec. 503. RCW 18.145.070 and 1989 c 382 s 8 are each amended to read as follows:

The director(~~(, members of the board,))~~ and individuals acting on ~~((their))~~ the director's behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

Sec. 504. RCW 18.145.080 and 1989 c 382 s 9 are each amended to read as follows:

- (1) The department shall issue a certificate to any applicant who, as determined by the director ~~((upon advice of the board)),~~ has:
 - (a) Successfully completed an examination approved by the director;
 - (b) Good moral character;
 - (c) Not engaged in unprofessional conduct; and
 - (d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.
- (2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section

within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be no more difficult than the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

NEW SECTION. **Sec. 505.** RCW 18.145.060 and 1989 c 382 s 7 are each repealed.

PART 6
MARITIME BICENTENNIAL ADVISORY COMMITTEE

NEW SECTION. **Sec. 601.** RCW 27.34.300 and 1989 c 82 s 2 are each repealed.

PART 7
CENTENNIAL COMMISSION

NEW SECTION. **Sec. 701.** The following acts or parts of acts are each repealed:

- (1) RCW 27.60.010 and 1982 c 90 s 1;
- (2) RCW 27.60.020 and 1985 c 291 s 1, 1984 c 120 s 1, & 1982 c 90 s 2;
- (3) RCW 27.60.030 and 1982 c 90 s 3;
- (4) RCW 27.60.040 and 1987 c 195 s 1, 1985 c 291 s 2, & 1982 c 90 s 4;
- (5) RCW 27.60.050 and 1982 c 90 s 5;
- (6) RCW 27.60.070 and 1985 c 291 s 4;
- (7) RCW 27.60.090 and 1986 c 157 s 2; and
- (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s 6.

PART 8
STUDENT FINANCIAL AID POLICY STUDY ADVISORY COMMITTEE

Sec. 801. RCW 28B.10.804 and 1969 ex.s. c 222 s 10 are each amended to read as follows:

The commission shall be cognizant of the following guidelines in the performance of its duties:

(1) The commission shall be research oriented, not only at its inception but continually through its existence.

(2) The commission shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The commission shall take the initiative and responsibility for coordinating all federal student financial aid programs to insure that the state recognizes the maximum potential effect of these programs, and shall design the state program which complements existing federal, state and institutional programs.

(4) Counseling is a paramount function of student financial aid, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the commission, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) ~~((In the development of any new program, the commission shall seek advice from and consultation with the institutions of higher learning, state agencies, industry, labor, and such other interested groups as may be able to contribute to the effectiveness of program development and implementation.~~

~~(6))~~ The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptual element of the state's involvement.

PART 9
ADVISORY COMMITTEE ON ACCESS TO EDUCATION
FOR STUDENTS WITH DISABILITIES

NEW SECTION. **Sec. 901.** The following acts or parts of acts are each repealed:

- (1) RCW 28B.80.550 and 1991 c 228 s 7; and
- (2) RCW 28B.80.555 and 1991 c 228 s 8.

PART 10
ADVISORY COMMITTEE FOR PROGRAM FOR
DISLOCATED FOREST PRODUCTS WORKERS

Sec. 1001. RCW 28B.80.575 and 1991 c 315 s 19 are each amended to read as follows:

The board shall administer a program designed to provide upper division higher education opportunities to dislocated forest products workers, their spouses, and others in timber impact areas. In administering the program, the board shall have the following powers and duties:

(1) Distribute funding for institutions of higher education to service placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average; and

~~(2) ((Appoint an advisory committee to assist the board in program design and future project selection;~~

~~(3)) Monitor the program and report on student progress and outcome((; and~~

~~(4) Report to the legislature by December 1, 1993, on the status of the program)).~~

PART 11
STATE FIRE DEFENSE BOARD AND
FIRE PROTECTION POLICY BOARD

Sec. 1101. RCW 38.54.030 and 1992 c 117 s 11 are each amended to read as follows:

~~((There is created the state fire defense board consisting of the state fire marshal, a representative from the department of natural resources appointed by the commissioner of public lands, the assistant director of the emergency management division of the department of community development, and one representative selected by each regional fire defense board in the state. Members of the state fire defense board shall select from among themselves a chairperson. Members serving on the board do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.))~~

The state fire ~~((defense board shall develop and maintain))~~ protection policy board shall review and make recommendations to the director on the refinement and maintenance of the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. In carrying out this duty, the fire protection policy board shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The director shall review the fire services mobilization plan as submitted by the state fire defense board and after consultation with the fire protection policy board, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

It is the responsibility of the director to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

PART 12
EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS

Sec. 1201. RCW 38.52.030 and 1991 c 322 s 20 and 1991 c 54 s 2 are each reenacted and amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall

maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) ~~((The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee))~~ The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and subordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

- (b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;
- (c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and
- (d) Undertaking other duties in this area that are deemed appropriate by the director.

Sec. 1202. RCW 38.52.040 and 1988 c 81 s 18 are each amended to read as follows:

(1) There is hereby created the emergency management council (hereinafter called the council), to consist of not ~~((less than seven nor))~~ more than seventeen members who shall be appointed by the governor. ~~((The council shall advise the governor and the director on all matters pertaining to emergency management and shall advise the chief of the Washington state patrol on safety in the transportation of hazardous materials described in RCW 46.48.170.))~~ The membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, the Washington state patrol, the military department, the department of ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, building officials, and private industry~~((, and local fire chiefs))~~. The representatives of private industry shall include persons knowledgeable in ~~((the handling and transportation of hazardous materials))~~ emergency and hazardous materials management. The council members shall elect a chairman from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The emergency management council shall advise the governor and the director on all matters pertaining to state and local emergency management. The council may appoint such ad hoc committees, subcommittees, and working groups as are required to develop specific recommendations for the improvement of emergency management practices, standards, policies, or procedures. The council shall ensure that the governor receives an annual assessment of state-wide emergency preparedness including, but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards, and coordination of hazardous materials planning and response activities. The council or a subcommittee thereof shall periodically convene in special session and serve during those sessions as the state emergency response commission required by P.L. 99-499, the emergency planning and community right-to-know act. When sitting in session as the state emergency response commission, the council shall confine its deliberations to those items specified in federal statutes and state administrative rules governing the coordination of hazardous materials policy. The council shall review administrative rules governing state and local emergency management practices and recommend necessary revisions to the director.

NEW SECTION. **Sec. 1203.** By July 1, 1995, the director of community, trade, and economic development shall terminate the state emergency response commission, the disaster assistance council, the hazardous materials advisory committee, the hazardous materials transportation act grant review committee, the flood damage reduction committee, and the hazard mitigation grant review committee. The director shall ensure that the responsibilities of these committees are carried out by the emergency management council or subcommittees thereof.

PART 13
OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
ADVISORY COMMITTEE

NEW SECTION. **Sec. 1301.** RCW 39.19.040 and 1985 c 466 s 45 & 1983 c 120 s 4 are each repealed.

NEW SECTION. **Sec. 1302.** A new section is added to chapter 39.19 RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to assist in the development of policies to carry out the purposes of this chapter.

PART 14

SUPPLY MANAGEMENT ADVISORY BOARD

Sec. 1401. RCW 43.19.190 and 1994 c 138 s 1 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by the legislature: PROVIDED, That any agency may purchase material, supplies, services, and equipment for which the agency has notified the purchasing and material control director that it is more cost-effective for the agency to make the purchase directly from the vendor: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935: PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029;

~~(3) ((Provide the required staff assistance for the state supply management advisory board through the division of purchasing;~~

~~(4))~~ Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies (~~PROVIDED, That~~). Acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, or from policies established by the director (~~after consultation with the state supply management advisory board: PROVIDED FURTHER, That~~). Also, delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

~~((5))~~ (4) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

~~((6))~~ (5) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

~~((7))~~ (6) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

~~((8))~~ (7) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

~~((9))~~ (8) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications (~~after receiving the recommendation of the supply management advisory board~~);

~~((40))~~ (9) Provide for the maintenance of inventory records of supplies, materials, and other property;

~~((41))~~ (10) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

~~((42))~~ (11) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

~~((43))~~ (12) Advise state agencies, including educational institutions, regarding compliance with established purchasing and material control policies under existing statutes.

Sec. 1402. RCW 43.19.1905 and 1993 sp.s. c 10 s 3 are each amended to read as follows:

The director of general administration(~~(, after consultation with the supply management advisory board)~~) shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;

(7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions (~~(under the provisions of RCW 43.19.510)~~), including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

(8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters (~~(referred to him by a member of the advisory board)~~) which require the establishment of overall state-wide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002).

Sec. 1403. RCW 43.19.19052 and 1986 c 158 s 9 are each amended to read as follows:

Initial policy determinations for the functions described in RCW 43.19.1905 shall be developed and published within the 1975-77 biennium by the director(~~(, after consultation with the supply management advisory board)~~) for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director(~~(, after consultation with the advisory board,)~~) in future biennia as required to maintain an efficient and up-to-date state supply management system. The director shall transmit to the governor and the legislature in June 1976 and June 1977 a progress report which indicates the degree of accomplishment of each of these assigned duties, and which summarizes specific achievements obtained in increased effectiveness and dollar savings or cost avoidance within the overall state purchasing and material control system. The second progress report in June 1977 shall include a comprehensive supply management plan which includes the recommended organization of a state-wide purchasing and material control system and development of an orderly schedule for implementing such recommendation. In the interim between these annual progress reports, the director shall furnish periodic reports to the office of financial management for review of progress being accomplished in achieving increased efficiencies and dollar savings or cost avoidance.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director, (~~(in consultation with the supply management advisory board, and)~~) through the state purchasing and material control director, shall have the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

Sec. 1404. RCW 43.19.1906 and 1994 c 300 s 1 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full

disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars ((with the approval of at least ten of the members of the state supply management advisory board)), if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

Sec. 1405. RCW 43.19.1937 and 1975-'76 2nd ex.s. c 21 s 13 are each amended to read as follows:

No ((member of the state supply management advisory board or)) state employee whose duties performed for the state include:

- (1) Advising on or drawing specifications for supplies, equipment, commodities, or services;
- (2) Suggesting or determining vendors to be placed upon a bid list;
- (3) Drawing requisitions for supplies, equipment, commodities, or services;
- (4) Evaluating specifications or bids and suggesting or determining awards; or
- (5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts;

shall accept or receive, directly or indirectly, a personal financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

Sec. 1406. RCW 43.19A.020 and 1991 c 297 s 3 are each amended to read as follows:

(1) The director shall adopt standards specifying the minimum content of recycled materials in products or product categories. The standards shall:

(a) Be consistent with the USEPA product standards, unless the director finds that a different standard would significantly increase recycled product availability or competition;

(b) Consider the standards of other states, to encourage consistency of manufacturing standards;

(c) Consider regional product manufacturing capability;

(d) Address specific products or classes of products; and

(e) Consider postconsumer waste content and the recyclability of the product.

(2) The director shall consult with the ~~((supply management board and))~~ department of ecology prior to adopting the recycled content standards.

(3) The director shall adopt recycled content standards for at least the following products by the dates indicated:

(a) By July 1, 1992:

(i) Paper and paper products;

(ii) Organic recovered materials; and

(iii) Latex paint products;

(b) By July 1, 1993:

(i) Products for lower value uses containing recycled plastics;

(ii) Retread and remanufactured tires;

(iii) Lubricating oils;

(iv) Automotive batteries; and

(v) Building insulation.

(4) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

NEW SECTION. **Sec. 1407.** RCW 43.19.1904 and 1979 c 88 s 2, 1975-'76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904 are each repealed.

PART 15 PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE

NEW SECTION. **Sec. 1501.** By July 1, 1995, the secretary of the department of social and health services shall abolish the prescription drug program advisory committee.

PART 16 TELECOMMUNICATIONS RELAY SERVICE PROGRAM ADVISORY COMMITTEE

NEW SECTION. **Sec. 1601.** RCW 43.20A.730 and 1992 c 144 s 4, 1990 c 89 s 4, & 1987 c 304 s 4 are each repealed.

PART 17 LABORATORY ACCREDITATION ADVISORY COMMITTEE

NEW SECTION. **Sec. 1701.** By July 1, 1995, the director of the department of ecology shall abolish the laboratory accreditation advisory committee.

PART 18
METALS MINING ADVISORY GROUP

NEW SECTION. **Sec. 1801.** 1994 c 232 s 27 (uncodified) is repealed.

PART 19
HYDRAULIC APPEALS BOARD

Sec. 1901. RCW 43.21B.005 and 1990 c 65 s 1 are each amended to read as follows:

There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, and the shorelines hearings board created in RCW 90.58.170(~~(, and the hydraulic appeals board created in RCW 75.20.130)~~). The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, and the shorelines hearings board(~~(, and the hydraulic appeals board)~~) shall be as provided by law.

The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

The chief executive officer may also contract for required services.

Sec. 1902. RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in RCW 75.20.1001 (~~(and 75.20.1002)~~), the department shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual

or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. ~~((Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision.))~~ The burden shall be upon the department to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective ~~((unless appealed to the hydraulic appeals board))~~ within thirty days from the notice of the proposed modification. The burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. ~~((A decision by the department may be appealed to the hydraulic appeals board within thirty days of the notice of the decision.))~~ The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

Sec. 1903. RCW 75.20.160 and 1991 c 279 s 1 are each amended to read as follows:

(1) In order to protect the property of marine waterfront shoreline owners it is necessary to facilitate issuance of hydraulic permits for bulkheads or rockwalls under certain conditions.

(2) The department shall issue a hydraulic permit with or without conditions within forty-five days of receipt of a complete and accurate application which authorizes commencement of construction, replacement, or repair of a marine beach front protective bulkhead or rockwall for single-family type residences or property under the following conditions:

(a) The waterward face of a new bulkhead or rockwall shall be located only as far waterward as is necessary to excavate for footings or place base rock for the structure and under no conditions shall be located more than six feet waterward of the ordinary high water line;

(b) Any bulkhead or rockwall to replace or repair an existing bulkhead or rockwall shall be placed along the same alignment as the bulkhead or rockwall it is replacing; however, the replaced or repaired bulkhead or rockwall may be placed waterward of and directly abutting the existing structure only in cases where removal of the existing bulkhead or rockwall would result in environmental degradation or removal problems related to geological, engineering, or safety considerations;

(c) Construction of a new bulkhead or rockwall, or replacement or repair of an existing bulkhead or rockwall waterward of the existing structure shall not result in the permanent loss of critical food fish or shellfish habitats; and

(d) Timing constraints shall be applied on a case-by-case basis for the protection of critical habitats, including but not limited to migration corridors, rearing and feeding areas, and spawning habitats, for the proper protection of fish life.

(3) Any bulkhead or rockwall construction, replacement, or repair not meeting the conditions in this section shall be processed under this chapter in the same manner as any other application.

(4) ~~((Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic permit approval under this section may formally appeal the decision to the hydraulic appeals board pursuant to this chapter.))~~ The director shall establish an advisory committee to develop new and review existing technical provisions for hydraulic project permit conditions that would commonly apply to bulkhead construction. The purpose of the advisory committee shall be to develop recommendations for legislative and rule changes that (a) protect against the loss of property of waterfront shoreline owners; (b) facilitate the timely issuance of hydraulic permits and the prompt completion of projects; (c) reduce subjective project approval decisions by the department; and (d) foster better working relationships between bulkhead contractors, landowners, and the department. These recommendations shall be based on scientific evidence that demonstrates the association of project activities with impacts on fish life. The advisory committee shall be comprised of technical experts in the field of bulkhead construction, civil engineering, hydrology, and fish biology. By January 1, 1996, the committee shall submit recommendations to the director and the natural resources committees of the house of representatives and senate. The advisory committee shall expire on December 31, 1996.

NEW SECTION. Sec. 1904. The following acts or parts of acts are each repealed:

(1) RCW 75.20.130 and 1993 sp.s. c 2 s 37, 1989 c 175 s 160, 1988 c 272 s 3, 1988 c 36 s 37, & 1986 c 173 s 4; and

(2) RCW 75.20.140 and 1989 c 175 s 161 & 1986 c 173 s 5.

PART 20 ECONOMIC RECOVERY COORDINATION BOARD

Sec. 2001. RCW 43.20A.750 and 1993 c 280 s 38 are each amended to read as follows:

(1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force (~~and in consultation with the economic recovery coordination board,~~) and, where appropriate, under an interagency agreement with the department of community, trade, and economic development, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means:

~~((a))~~ A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: ~~((i))~~ (a) A lumber and wood products employment location quotient at or above the state average; ~~((ii))~~ (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or ~~((iii))~~ (c) an annual unemployment rate twenty percent or more above the state average~~(; or~~

~~(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection).~~

NEW SECTION. **Sec. 2002.** RCW 43.31.631 and 1993 c 316 s 3 & 1991 c 314 s 6 are each repealed.

PART 21 JOINT OPERATING AGENCY EXECUTIVE COMMITTEE

NEW SECTION. **Sec. 2101.** RCW 43.52.373 and 1982 1st ex.s. c 43 s 6 & 1965 c 8 s 43.52.373 are each repealed.

PART 22 OFFICE OF CRIME VICTIMS ADVOCACY ADVISORY COMMITTEE

NEW SECTION. **Sec. 2201.** By July 1, 1995, the director of the department of community, trade, and economic development shall abolish the office of crime victims advocacy advisory committee.

NEW SECTION. **Sec. 2202.** A new section is added to chapter 43.63A RCW to read as follows:

The director of the department of community, trade, and economic development may establish ad hoc advisory committees, as necessary, to obtain advice and guidance regarding the office of crime victims advocacy program.

PART 23 HEALTH CARE ACCESS AND COST CONTROL COUNCIL

Sec. 2301. RCW 43.70.010 and 1994 sp.s. c 7 s 206 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Assessment" means the regular collection, analysis, and sharing of information about health conditions, risks, and resources in a community. Assessment activities identify trends in illness, injury, and death and the factors that may cause these events. They also identify environmental risk factors, community concerns, community health resources, and the use of health services. Assessment includes gathering statistical data as well as conducting epidemiologic and other investigations and evaluations of health emergencies and specific ongoing health problems;

(2) "Board" means the state board of health;

~~(3) ("Council" means the health care access and cost control council;~~

~~(4))~~ (4) "Department" means the department of health;

~~((5))~~ (4) "Policy development" means the establishment of social norms, organizational guidelines, operational procedures, rules, ordinances, or statutes that promote health or prevent injury, illness, or death; and

~~((6))~~ (5) "Secretary" means the secretary of health.

Sec. 2302. RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each amended to read as follows:

The department shall evaluate and analyze readily available data and information to determine the outcome and effectiveness of health services, utilization of services, and payment methods. This section should not be construed as allowing the department access to proprietary information.

(1) The department shall make its evaluations available to the board (~~and the council~~) for use in preparation of the state health report required by RCW 43.20.050, and to consumers, purchasers, and providers of health care.

(2) The department (~~, with advice from the council~~) shall use the information to:

(a) Develop guidelines which may be used by consumers, purchasers, and providers of health care to encourage necessary and cost-effective services; and

(b) Make recommendations to the governor on how state government and private purchasers may be prudent purchasers of cost-effective, adequate health services.

Sec. 2303. RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each amended to read as follows:

As used in this chapter:

(1) (~~"Council" means the health care access and cost control council created by this chapter.~~

~~(2))~~ "Department" means department of health.

~~((3))~~ (2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

~~((4))~~ (3) "Secretary" means secretary of health.

~~((5))~~ (4) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the department.

~~((6))~~ (5) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.

~~((7))~~ (6) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

NEW SECTION. **Sec. 2304.** The following acts or parts of acts are each repealed:

(1) RCW 70.170.030 and 1989 1st ex.s. c 9 s 503; and

(2) RCW 70.170.040 and 1989 1st ex.s. c 9 s 504.

PART 24

COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE

Sec. 2401. RCW 43.150.030 and 1992 c 66 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer" means a person who is willing to work without expectation of salary or financial reward and who chooses where he or she provides services and the type of services he or she provides.

(2) "Center" means the state center for volunteerism and citizen service.

~~((3) "Council" means the Washington state council on volunteerism and citizen service.)~~

NEW SECTION. **Sec. 2402.** RCW 43.150.060 and 1992 c 66 s 6, 1987 c 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

PART 25

COMMISSION ON EFFICIENCY AND ACCOUNTABILITY IN GOVERNMENT

NEW SECTION. **Sec. 2501.** The following acts or parts of acts are each repealed:

(1) RCW 43.17.260 and 1987 c 480 s 1;

(2) RCW 43.17.270 and 1987 c 480 s 2;

(3) RCW 43.17.280 and 1987 c 480 s 3;

- (4) RCW 43.17.290 and 1987 c 480 s 4;
- (5) RCW 43.17.300 and 1987 c 480 s 5; and
- (6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

PART 26
TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION

Sec. 2601. RCW 46.61.380 and 1984 c 7 s 70 are each amended to read as follows:

The state superintendent of public instruction (~~(, by and with the advice of the state department of transportation and the chief of the Washington state patrol,)~~) shall adopt and enforce rules not inconsistent with the law of this state to govern the design, marking, and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children. Those rules shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district is subject to such rules. It is unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such rules.

PART 27
TRANSPORTATION IMPROVEMENT BOARD AND
MULTIMODAL TRANSPORTATION PROGRAMS
AND PROJECTS SELECTION COMMITTEE

Sec. 2701. RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee created in RCW 47.66.020))~~ transportation improvement board to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

Sec. 2702. RCW 81.104.090 and 1993 c 393 s 2 are each amended to read as follows:

The department of transportation shall be responsible for distributing amounts appropriated from the high capacity transportation account, which shall be allocated by the ~~((multimodal transportation programs and projects selection committee))~~ department of transportation based on criteria in subsection (2) of this section. The department shall assemble and participate in a committee comprised of transit agencies eligible to receive funds from the high capacity transportation account for the purpose of reviewing fund applications.

(1) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts.

(2) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

(a) Conformance with the designated regional transportation planning organization's regional transportation plan;

(b) Local matching funds;

(c) Demonstration of projected improvement in regional mobility;

(d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and

(e) Establishment, through interlocal agreements, of a joint regional policy committee as defined in RCW 81.104.030 or 81.104.040.

(3) The department of transportation shall provide general review and monitoring of the system and project planning process prescribed in RCW 81.104.100.

Sec. 2703. RCW 47.26.121 and 1994 c 179 s 13 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of ~~((eighteen))~~ twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) ~~((the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (c) the assistant secretary for local programs of))~~ two representatives from the department of transportation; ((d) a) (c) two representatives of ((a)) public transit systems; ((e)) (d) a private sector representative; ((and (f) a public member)) (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit

system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.

(7) The port member shall be a commissioner or senior staff person of a public port.

(8) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.

(9) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.

(10) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, ~~((and))~~ the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector ~~((and))~~, public, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, special needs transportation, or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, special needs transportation, or public member resigns or is unable or unwilling to serve.

~~((8))~~ (11) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

~~((9))~~ (12) The board shall elect a chair from among its members for a two-year term.

~~((10))~~ (13) Expenses of the board shall be paid in accordance with RCW 47.26.140.

~~((11))~~ (14) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, public transportation benefit area, or regional transit authority.

Sec. 2704. RCW 47.66.030 and 1993 c 393 s 5 are each amended to read as follows:

(1)(a) The ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board is authorized and responsible for the final selection of programs and projects funded from the central Puget Sound public transportation account; public transportation systems account; high capacity transportation account; and the intermodal surface transportation and efficiency act of 1991, surface transportation program, state-wide competitive.

(b) The ~~((committee))~~ board may establish subcommittees ~~((of the full committee))~~ as well as technical advisory committees to carry out the mandates of this chapter.

(2)~~((a))~~ Expenses of the ~~((committee))~~ board, including administrative expenses for managing the program, shall be paid ~~((from the transportation fund))~~ in accordance with RCW 47.26.140.

~~((b))~~ Members of the committee shall receive no compensation for their services on the committee, but shall be reimbursed for travel expenses incurred while attending meetings of the

~~committee or while engaged on other business of the committee when authorized by the committee in accordance with RCW 43.03.050 and 43.03.060.)~~

Sec. 2705. RCW 47.26.140 and 1994 c 179 s 14 are each amended to read as follows:

The transportation improvement board shall appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board, and may employ additional staff as it deems appropriate. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the urban arterial trust account, small city account, city hardship assistance account, transportation fund, and the transportation improvement account in the motor vehicle fund as determined by the biennial appropriation.

Sec. 2706. RCW 47.66.040 and 1993 c 393 s 6 are each amended to read as follows:

(1) The ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board shall select programs and projects based on a competitive process consistent with the mandates governing each account or source of funds. The competition shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the ~~((committee))~~ board in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by this ~~((committee))~~ board, and safety and security issues.

(3) The ~~((committee))~~ board shall determine the appropriate level of local match required for each program and project based on the source of funds.

Sec. 2707. RCW 47.26.160 and 1994 c 179 s 15 are each amended to read as follows:

The transportation improvement board shall:

(1) Adopt rules necessary to implement the provisions of chapter 47.66 RCW and this chapter relating to the allocation of funds;

(2) Adopt reasonably uniform design standards for city and county arterials.

NEW SECTION. **Sec. 2708.** The following acts or parts of acts are each repealed:

- (1) RCW 47.66.020 and 1993 c 393 s 4;
- (2) RCW 47.66.050 and 1993 c 393 s 7; and
- (3) RCW 47.66.060 and 1993 c 393 s 8.

PART 28 OVERSIGHT COMMITTEE ON LONGSHOREMAN'S AND HARBOR WORKER'S COMPENSATION COVERAGE

NEW SECTION. **Sec. 2801.** The following acts or parts of acts are each repealed:

- (1) RCW 48.22.071 and 1992 c 209 s 3; and
- (2) RCW 48.22.072 and 1993 c 177 s 2 & 1992 c 209 s 4.

PART 29 BOARD OF ADVISORS FOR SOLID WASTE INCINERATOR AND LANDFILL OPERATOR CERTIFICATION

Sec. 2901. RCW 70.95D.010 and 1989 c 431 s 65 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

~~(1) ("Board" means the board of advisors for solid waste incinerator and landfill operator certification established by RCW 70.95D.050.~~

~~(2))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) "Department" means the department of ecology.

~~((4))~~ (3) "Director" means the director of ecology.

~~((5))~~ (4) "Incinerator" means a facility which has the primary purpose of burning or which is designed with the primary purpose of burning solid waste or solid waste derived fuel, but excludes facilities that have the primary purpose of burning hog fuel.

~~((6))~~ (5) "Landfill" means a landfill as defined under RCW 70.95.030.

~~((7))~~ (6) "Owner" means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

~~((8))~~ (7) "Solid waste" means solid waste as defined under RCW 70.95.030.

Sec. 2902. RCW 70.95D.060 and 1989 c 431 s 70 are each amended to read as follows:

(1) The director may ~~((, with the recommendation of the board and after a hearing before the board,))~~ revoke a certificate:

(a) If it were found to have been obtained by fraud or deceit;

(b) For gross negligence in the operation of a solid waste incinerator or landfill;

(c) For violating the requirements of this chapter or any lawful rule or order of the department;

or

(d) If the facility operated by the certified employee is operated in violation of state or federal environmental laws.

(2) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order ~~((or of))~~ of revocation.

NEW SECTION. **Sec. 2903.** RCW 70.95D.050 and 1989 c 431 s 69 are each repealed.

NEW SECTION. **Sec. 2904.** A new section is added to chapter 70.95D RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance on the certification of solid waste incinerator and landfill operators.

PART 30
WATER AND WASTEWATER OPERATOR CERTIFICATION
BOARD OF EXAMINERS

Sec. 3001. RCW 70.95B.020 and 1987 c 357 s 1 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) ~~((("Board" means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.~~

~~(4))~~ "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((5))~~ (4) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

~~((6))~~ (5) "Operator in responsible charge" means an individual who is designated by the owner as the person on-site in responsible charge of the routine operation of a wastewater treatment plant.

~~((7))~~ (6) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((8))~~ (7) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used for the purpose of collecting and transporting wastewater.

~~((9))~~ (8) "Operating experience" means routine performance of duties, on-site in a wastewater treatment plant, that affects plant performance or effluent quality.

~~((10))~~ (9) "Owner" means in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chairman of the county legislative authority or the chairman's designee; in the case of a sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; in the case of a privately owned wastewater treatment plant, the legal owner.

~~((11))~~ (10) "Wastewater certification program coordinator" means an employee of the department (~~who is appointed by the director to serve on the board and~~) who administers the wastewater treatment plant operators' certification program.

Sec. 3002. RCW 70.95B.040 and 1987 c 357 s 3 are each amended to read as follows:

The director(~~, with the approval of the board,~~) shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of wastewater treatment plants.

Sec. 3003. RCW 70.95B.100 and 1973 c 139 s 10 are each amended to read as follows:

The director may, (~~with the recommendation of the board and after a hearing before the same~~) after conducting a hearing, revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

Sec. 3004. RCW 70.119.020 and 1991 c 305 s 2 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) (~~"Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.~~

~~(2))~~ "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~((4))~~ (3) "Department" means the department of health.

~~((5))~~ (4) "Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers.

~~((6))~~ (5) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

~~((7))~~ (6) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

~~((8))~~ (7) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((9))~~ (8) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

~~((10))~~ (9) "Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((11))~~ (10) "Secretary" means the secretary of the department of health.

~~((12))~~ (11) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

~~((13))~~ (12) "Surface water" means all water open to the atmosphere and subject to surface runoff.

Sec. 3005. RCW 70.119.050 and 1983 c 292 s 4 are each amended to read as follows:

The secretary shall adopt~~(, with the approval of the board,)~~ such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.05 RCW.

Sec. 3006. RCW 70.119.110 and 1991 c 305 s 7 are each amended to read as follows:

The secretary may~~(, with the recommendation of the board and after hearing before the same,)~~ after conducting a hearing revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation.

NEW SECTION. **Sec. 3007.** The following acts or parts of acts are each repealed:

(1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s 161, & 1973 c 139 s 7;
and

(2) RCW 70.119.080 and 1983 c 292 s 6 & 1977 ex.s. c 99 s 8.

NEW SECTION. **Sec. 3008.** A new section is added to chapter 70.95B RCW to read as follows:

The director, in cooperation with the secretary of health, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the examination and certification of operators of wastewater treatment plants.

NEW SECTION. **Sec. 3009.** A new section is added to chapter 70.119 RCW to read as follows:

The secretary, in cooperation with the director of ecology, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the development of rules implementing this chapter and on the examination and certification of operators of water systems.

TWIN RIVERS CORRECTIONS CENTER
VOLUNTEER ADVISORY COMMITTEE

NEW SECTION. **Sec. 3101.** By July 1, 1995, the secretary of the department of corrections shall abolish the twin rivers corrections center volunteer advisory committee.

PART 32
SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS

Sec. 3201. RCW 75.30.050 and 1994 sp.s. c 9 s 807 and 1994 c 260 s 18 are each reenacted and amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The commercial crab fishing industry in cases involving Dungeness crab—Puget Sound fishery licenses;

(b) The commercial herring fishery in cases involving herring fishery licenses;

(c) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses;

~~(d) ((The commercial sea cucumber fishery in cases involving sea cucumber dive fishery licenses;~~

~~(e))~~ (e)) The commercial ocean pink shrimp industry (*Pandalus jordani*) in cases involving ocean pink shrimp delivery licenses; and

~~((f))~~ (e) The commercial coastal crab fishery in cases involving Dungeness crab—coastal fishery licenses and Dungeness crab—coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab—coastal fishery license holder, and one citizen representative of a coastal community.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

PART 33
ADVISORY BOARD FOR THE PURCHASE OF
FISHING VESSELS AND LICENSES

Sec. 3301. RCW 75.44.140 and 1983 1st ex.s. c 46 s 159 are each amended to read as follows:

The director shall adopt rules for the administration of the program. To assist the department in the administration of the program, the director may contract with persons not employed by the state and may enlist the aid of other state agencies.

~~((The director shall appoint an advisory board composed of five individuals who are knowledgeable of the commercial fishing industry to advise the director concerning the values of licenses and permits. Advisory board members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.))~~

PART 34
RAIL DEVELOPMENT COMMISSION

NEW SECTION. **Sec. 3401.** The following acts or parts of acts are each repealed:

- (1) RCW 81.62.010 and 1987 c 429 s 1;
- (2) RCW 81.62.020 and 1987 c 429 s 2;
- (3) RCW 81.62.030 and 1987 c 429 s 3;
- (4) RCW 81.62.040 and 1987 c 429 s 4;
- (5) RCW 81.62.050 and 1987 c 429 s 5;
- (6) RCW 81.62.060 and 1987 c 429 s 6;
- (7) RCW 81.62.900 and 1987 c 429 s 7; and
- (8) RCW 81.62.901 and 1987 c 429 s 8.

PART 35

MARINE OVERSIGHT BOARD

NEW SECTION. **Sec. 3501.** RCW 90.56.450 and 1992 c 73 s 40 & 1991 c 200 s 501 are each repealed.

PART 36 INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND AMBIENT MONITORING PROGRAM

Sec. 3601. RCW 90.70.065 and 1994 c 264 s 98 are each amended to read as follows:

(1) In addition to other powers and duties specified in this chapter, the authority shall ensure implementation and coordination of the Puget Sound ambient monitoring program established in the plan under RCW 90.70.060(12). The program shall:

(a) Develop a baseline and examine differences among areas of Puget Sound, for environmental conditions, natural resources, and contaminants in seafood, against which future changes can be measured;

(b) Take measurements relating to specific program elements identified in the plan;

(c) Measure the progress of the ambient monitoring programs implemented under the plan;

(d) Provide a permanent record of significant natural and human-caused changes in key environmental indicators in Puget Sound; and

(e) Help support research on Puget Sound.

(2) ~~((To ensure proper coordination of the ambient monitoring program, the authority may establish an interagency coordinating committee consisting of representatives from the departments of ecology, fish and wildlife, natural resources, and health, and such federal, local, tribal, and other organizations as are necessary to implement the program.~~

(3)) Each state agency with responsibilities for implementing the Puget Sound ambient monitoring program, as specified in the plan, shall participate in the program.

PART 37 PUGET SOUND WATER QUALITY AUTHORITY

Sec. 3701. RCW 43.131.369 and 1990 c 115 s 11 are each amended to read as follows:

The Puget Sound water quality authority and its powers and duties shall be terminated on June 30, ~~((1995))~~ 2002, as provided in RCW 43.131.370.

Sec. 3702. RCW 43.131.370 and 1990 c 115 s 12 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1996))~~ 2003:

(1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;

(2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;

(3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115, Laws of 1990 and RCW 90.70.011;

(4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;

(5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;

(6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36, Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;

(7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115, Laws of 1990 and RCW 90.70.055;

(8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11, Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;

(9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115, Laws of 1990 and RCW 90.70.070;

(10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115, Laws of 1990 and RCW 90.70.080; and

(11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

PART 38

MISCELLANEOUS

Sec. 3801. RCW 9.94A.060 and 1993 c 11 s 1 are each amended to read as follows:

(1) The commission consists of sixteen voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor(~~(, subject to confirmation by the senate)~~).

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management or designee, as an ex officio member;

(c) Until June 30, 1998, the chair of the indeterminate sentence review board, as an ex officio member;

(d) The chair of the clemency and pardons board, as an ex officio member;

(e) Two prosecuting attorneys;

(f) Two attorneys with particular expertise in defense work;

(g) Four persons who are superior court judges;

(h) One person who is the chief law enforcement officer of a county or city;

(i) Three members of the public who are not and have never been prosecutors, attorneys, judges, or law enforcement officers.

In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the attorney members, of the association of superior court judges in respect to the members who are judges, and of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer.

(3) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed (~~(and confirmed)~~). However, the governor shall stagger the terms by appointing four of the initial members for terms of one year, four for terms of two years, and four for terms of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120(~~(, as now existing or hereafter amended)~~). Members shall be compensated in accordance with RCW 43.03.250.

Sec. 3802. RCW 9.94A.250 and 1981 c 137 s 25 are each amended to read as follows:

(1) The clemency and pardons board is established as a board within the office of the governor. The board consists of five members appointed by the governor(~~(, subject to confirmation by the senate)~~).

(2) Members of the board shall serve terms of four years and until their successors are appointed (~~(and confirmed)~~). However, the governor shall stagger the terms by appointing one of the initial members for a term of one year, one for a term of two years, one for a term of three years, and two for terms of four years.

(3) The board shall elect a chairman from among its members and shall adopt bylaws governing the operation of the board.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 (~~(as now existing or hereafter amended)~~).

(5) The attorney general shall provide a staff as needed for the operation of the board.

Sec. 3803. RCW 9.95.003 and 1986 c 224 s 3 are each amended to read as follows:

The board shall consist of a chairman and six other members, each of whom shall be appointed by the governor (~~(with the consent of the senate)~~). Each member shall hold office for a term of five years, and until his or her successor is appointed and qualified. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled by appointment by the governor (~~(with the consent of the senate)~~). In the event of the inability of any member to act, the

governor shall appoint some competent person to act in his or her stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman at the governor's pleasure.

The members of the board and its officers and employees shall not engage in any other business or profession or hold any other public office; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board shall each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a secretary and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment.

Sec. 3804. RCW 13.40.025 and 1986 c 288 s 8 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor(~~(, subject to confirmation by the senate)~~): (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall meet at least once every three months.

Sec. 3805. RCW 18.64.001 and 1984 c 153 s 1 are each amended to read as follows:

There shall be a state board of pharmacy consisting of seven members, to be appointed by the governor (~~(by and with the advice and consent of the senate)~~). Five of the members shall be designated as pharmacist members and two of the members shall be designated a public member.

Each pharmacist member shall be a citizen of the United States and a resident of this state, and at the time of his or her appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his or her appointment and shall at all times during his or her incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a citizen of the United States and a resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the board.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his or her appointment and until his or her successor is appointed and qualified.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

Sec. 3806. RCW 28B.07.030 and 1985 c 370 s 48 are each amended to read as follows:

(1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of seven members as follows: The governor, lieutenant governor, executive director of the higher education coordinating board, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor(~~(, subject to confirmation by the senate,)~~) on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, wilful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal, if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter.

Sec. 3807. RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read as follows:

(1) There is hereby created the work force training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the work force training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

(2)(a) The board shall consist of nine voting members appointed by the governor (~~with the consent of the senate,~~) as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor (~~with the consent of the senate~~), and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by a state-wide business organization representing a cross-section of industries. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(e) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(f) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(g) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(h) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(i) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(l) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(m) The director of the board shall be appointed by the governor from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. The lists compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the governor.

(3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

Sec. 3808. RCW 41.64.010 and 1981 c 311 s 1 are each amended to read as follows:

(1) There is hereby created a "personnel appeals board," hereinafter in this chapter referred to as the "board," which shall consist of three members to be appointed by the governor (~~(, subject to confirmation by the senate)~~). The first board shall be appointed within thirty days after May 19, 1981, for terms of two, four, and six years. Thereafter, appointments shall be made for six-year terms. A vacancy shall be filled by appointment by the governor for the unexpired term in which the vacancy exists. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Members may be reappointed to the board for successive terms. Persons appointed to the board shall be qualified by experience and training in the field of administrative procedures and merit principles. Such members:

(a) May not hold any other employment with the state;

(b) May not during the terms to which they are appointed be or become candidates for public office, hold any other public office or trust, engage in any occupation or business which interferes, or is inconsistent, with their duties as members of the board, serve on or under any committee of any political party, and may not have been officers of a political party for a period of one year immediately prior to their appointment; and

(c) May not for a period of one year after the termination of their membership on the board, act in a representative capacity before the board on any matter.

(2) Unless the context clearly indicates otherwise, the following definitions apply to this chapter:

(a) "Agency" means any agency as defined in RCW 41.06.020;

(b) For appeals filed on or after July 1, 1981, under RCW 41.64.090, "board" or "personnel appeals board" means the personnel appeals board created by subsection (1) of this section;

(c) For purposes of RCW 41.64.080 through 41.64.140 for appeals filed before July 1, 1981, under RCW 41.06.170, as it existed prior to or after May 19, 1981, "board" or "personnel appeals board" means the state personnel board created by RCW 41.06.110.

Sec. 3809. RCW 43.97.025 and 1987 c 499 s 2 are each amended to read as follows:

(1) The governor, the Columbia River Gorge commission, and all state agencies and counties are hereby directed and provided authority to carry out their respective functions and responsibilities in accordance with the compact executed pursuant to RCW 43.97.015, the Columbia River Gorge National Scenic Area Act, and the provisions of this chapter.

(2) The governor shall appoint three members of the Columbia River Gorge commission who reside in the state of Washington, at least one of whom shall be a resident of the scenic area as defined in the act.

(3)(a) The governing bodies of Clark, Klickitat, and Skamania counties shall each appoint one member of the Columbia River Gorge commission.

(b) In the event the governing body of a county fails to make the appointments prescribed in section 5(a)(c)(1) of that act and (a) of this subsection, the governor shall appoint any such member.

(4) Each member appointed by the governor (~~(shall be subject to confirmation by the Washington state senate and)~~) shall serve at the pleasure of the governor until their term shall expire or until a disqualifying change in residence.

(5) Of those members appointed to the Columbia River Gorge commission by the governing body of the counties of Clark, Klickitat, and Skamania, the governor shall designate one member to serve for a term of five years and one to serve for six years. Of those members appointed directly by

the governor pursuant to RCW 43.97.015, the governor shall designate one to serve a term of five years and one to serve a term of six years. All other members shall serve a period of four years.

Neither the governor nor governing body of any of the counties may appoint federal, state, or local elected or appointed officials as members to the Columbia River Gorge commission.

Vacancies shall be filled in accordance with the appointing procedure for the commission member occupying the seat before its vacancy.

Sec. 3810. RCW 43.99.110 and 1994 c 264 s 31 are each amended to read as follows:

There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, and the director of fish and wildlife, or their designees, and, by appointment of the governor (~~with the advice and consent of the senate~~), five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

Sec. 3811. RCW 43.180.040 and 1985 c 6 s 14 are each amended to read as follows:

(1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

- (a) The state treasurer, ex officio;
- (b) The director of community, trade, and economic development, ex officio;
- (c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor (~~with the consent of the senate~~);
- (d) A representative of housing consumer interests, appointed by the governor (~~with the consent of the senate~~);
- (e) A representative of labor interests, appointed by the governor, (~~with the consent of the senate~~) after consultation with representatives of organized labor;
- (f) A representative of low-income persons, appointed by the governor (~~with the consent of the senate~~);

(g) Five members of the public appointed by the governor (~~with the consent of the senate~~) on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the department of community, trade, and economic development is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. (~~If this official occupies an office or position for which senate confirmation is not required, then his appointment to the commission shall be subject to the consent of the senate.~~) The members of the commission shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and

43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.05 RCW.

Sec. 3812. RCW 43.210.030 and 1991 c 314 s 15 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of nineteen directors appointed by the governor (~~and confirmed by the senate~~). The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of business from the area east of the Cascade range and west of the Columbia river, one representative of business from the area east of the Columbia river, the director of the department of community, trade, and economic development, and the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; (c) one representative of a company employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

Sec. 3813. RCW 49.04.010 and 1984 c 287 s 97 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The governor shall appoint a public member to the apprenticeship council for a three-year term. (~~The appointment of the public member is subject to confirmation by the senate.~~) Each member shall hold office until his or her successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the commission for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of (~~said~~) the council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated in accordance with RCW 43.03.240. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

Sec. 3814. RCW 70.37.030 and 1989 1st ex.s. c 9 s 261 are each amended to read as follows:

There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington health care facilities authority. The authority shall constitute a political subdivision of the state established as an instrumentality exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010(~~as now or hereafter amended~~). The authority shall consist of the governor who shall serve as chairman, the lieutenant governor, the insurance commissioner, the secretary of health, and one member of the public who shall be appointed by the governor(~~, subject to confirmation by the senate,~~) on the basis of the member's interest or expertise in health care delivery, for a term expiring on the fourth anniversary of the date of appointment. In the event that any of the offices referred to shall be abolished the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof. The members of the authority shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority shall constitute a quorum.

The governor may designate an employee of the governor's office to act on behalf of the governor during the absence of the governor at one or more of the meetings of the authority. The vote of the designee shall have the same effect as if cast by the governor if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member to preside during the governor's absence.

Sec. 3815. RCW 72.23.025 and 1992 c 230 s 1 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. Over the next six years, their involvement in providing short-term, acute care, and less complicated long-term care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW. To this end, the legislature intends that funds appropriated for mental health programs, including funds for regional support networks and the state hospitals be used for persons with primary diagnosis of mental disorder. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor (~~with the consent of the senate~~). Each board shall include:

(i) The director of the institute for the study and treatment of mental disorders established at the hospital;

(ii) One family member of a current or recent hospital resident;

(iii) One consumer of services;

(iv) One community mental health service provider;

(v) Two citizens with no financial or professional interest in mental health services;

(vi) One representative of the regional support network in which the hospital is located;

(vii) One representative from the staff who is a physician;

(viii) One representative from the nursing staff;

(ix) One representative from the other professional staff;

(x) One representative from the nonprofessional staff; and

(xi) One representative of a minority community.

(b) At least one representative listed in (a) (viii), (ix), or (x) of this subsection shall be a union member.

(c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

(a) Monitor the operation and activities of the hospital;

(b) Review and advise on the hospital budget;

(c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;

(d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section;

(e) Report periodically to the governor and the legislature on the implementation of the legislative intent set forth in this section; and

(f) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit mentally ill persons receiving treatment in Washington state by performing the following activities:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when the secretary has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

Sec. 3816. RCW 75.40.040 and 1983 1st ex.s. c 46 s 152 are each amended to read as follows:

The director, ex officio, and two appointees of the governor representing the fishing industry shall act as the representatives of this state on the Pacific Marine Fisheries Commission. ~~((The appointees of the governor are subject to confirmation by the state senate.))~~

Sec. 3817. RCW 80.50.030 and 1994 c 264 s 75 and 1994 c 154 s 315 are each reenacted and amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chairman of the council shall be appointed by the governor ~~((with the advice and consent of the senate)),~~ shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chairman may designate a member of the council to serve as acting chairman in the event of the chairman's absence. The chairman is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending

meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.240.

(b) The chairman or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington state energy office shall provide all administrative and staff support for the council. The director of the energy office has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW.

(3) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (a) Department of ecology;
- (b) Department of fish and wildlife;
- (c) Parks and recreation commission;
- (d) Department of health;
- (e) State energy office;
- (f) Department of community, trade, and economic development;
- (g) Utilities and transportation commission;
- (h) Office of financial management;
- (i) Department of natural resources;
- (j) Department of agriculture;
- (k) Department of transportation.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site;

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 3818. RCW 88.16.010 and 1991 c 200 s 1001 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the assistant secretary of marine transportation of the department of transportation of the state of Washington, or the assistant secretary's designee who shall be an employee of the marine division, who shall be chairperson, the administrator of the office of marine safety, or the administrator's designee, and seven members appointed by the governor (~~and confirmed by the senate~~). Each of the appointed commissioners shall be appointed for a term of four years from the date of the member's commission. No person shall be eligible for appointment to the board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of the appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of appointment and while serving on the board. One pilot shall be from the Puget Sound pilotage district and one shall be from the Grays Harbor pilotage district. Two of the appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of appointment and while serving on the board~~(-), with one ((of said shipping commissioners shall be a representative of))~~ representing American and one ~~((of))~~ representing foreign shipping. One of the commissioners shall be a representative from a recognized environmental organization concerned with marine waters. The remaining commissioners shall be persons interested in and concerned with

pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Any vacancy in an appointed position on the board shall be filled by the governor for the remainder of the unfilled term(~~(, subject to confirmation by the senate)~~).

(3) Five members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be present at every meeting. All commissioners and the chairperson shall have a vote.

NEW SECTION. Sec. 3819. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 3820. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 3821. Section 301 of this act shall take effect June 30, 1997.

NEW SECTION. Sec. 3822. Sections 3701 and 3702 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 3823. Sections 101, 201, 302, 303, 401, 402, 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203, 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901 through 1904, 2001, 2002, 2101, 2201, 2202, 2301 through 2304, 2401, 2402, 2501, 2601, 2701 through 2708, 2801, 2901 through 2904, 3001 through 3009, 3101, 3201, 3301, 3401, 3501, and 3601 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 13.40.025, 9.94A.040, 18.16.050, 18.145.030, 18.145.050, 18.145.070, 18.145.080, 28B.10.804, 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937, 43.19A.020, 43.21B.005, 75.20.103, 75.20.160, 43.20A.750, 43.70.010, 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121, 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060, 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110, 75.44.140, 90.70.065, 43.131.369, 43.131.370, 9.94A.060, 9.94A.250, 9.95.003, 13.40.025, 18.64.001, 28B.07.030, 28C.18.020, 41.64.010, 43.97.025, 43.99.110, 43.180.040, 43.210.030, 49.04.010, 70.37.030, 72.23.025, 75.40.040, and 88.16.010; reenacting and amending RCW 38.52.030, 82.44.180, 75.30.050, and 80.50.030; adding a new section to chapter 9.94A RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035, 2.52.040, 2.52.050, 18.145.060, 27.34.300, 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 75.20.130, 75.20.140, 43.31.631, 43.52.373, 70.170.030, 70.170.040, 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300, 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050, 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040, 81.62.050, 81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s 6 (uncodified); providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1107 and pass the bill as amended by the Senate.

POINT OF ORDER

Representative Chandler: Thank you Mr. Speaker. I would request a ruling on the scope and object on the Senate amendments to Engrossed Substitute House Bill No. 1107.

SPEAKER'S RULING

Representative Chandler, the Speaker is prepared to Rule on your Point of Order which challenges the Senate Amendment to Engrossed Substitute House Bill No. 1107 as being beyond the Scope and Object of the bill.

The title of Engrossed Substitute House Bill No. 1107 is "AN ACT Relating to the elimination and consolidation of boards and commissions.

The title is narrow.

The title clearly limits the scope of the bill to the elimination and consolidation of various boards and commissions.

The Senate Amendment would:

(1) Direct the Department of Fish and Wildlife to establish an advisory committee to develop new provisions for hydraulic project permit conditions; and

(2) Continue the Puget Sound Water Quality Authority for seven more years; and

(3) Remove 128 gubernatorial appointments from existing senate confirmation requirements.

The Amendment creates rather than eliminates another board or commission, continues rather than eliminates an agency that will sunset under existing law on June 30, 1995, and removes current Senate oversight responsibility from various appointments made by the Governor. The Amendment clearly goes beyond the scope of the title to Engrossed Substitute House Bill No. 1107.

The Speaker finds that the Senate Amendment is beyond the scope and object of the bill.

Representative Chandler, Your Point of Order is well taken.

MOTION

Representative Reams moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1107 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1425 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 5.60.060 and 1989 c 271 s 301 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A or 71.05 RCW: PROVIDED, That the spouse of

a person sought to be detained under chapter 70.96A or 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity."

On page 1, line 1 of the title, after "communications;" strike the remainder of the title and insert "and amending RCW 5.60.060."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to House Bill No. 1425 and pass the bill as amended by the Senate.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1425 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1425, as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

House Bill No. 1425, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1429 with the following amendments:

On page 4, beginning on line 13, after "make" strike "or direct a third-party recreational vehicle inspection firm to make"

On page 4, beginning on line 34, after "make" strike "or have a third-party recreational vehicle inspection firm make"

On page 5, beginning on line 3, after "(5)" strike "The department may authorize use of a recognized third-party recreational vehicle inspection firm."

On page 5, line 7, after "to" strike "direct" and insert "perform"

On page 5, after line 7, insert the following:

"(6) The department shall conduct a performance audit of additional industry association quality control programs utilized by self-certified manufacturers at least once every two years."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House concur in the Senate amendments to Substitute House Bill No. 1429 and pass the bill as amended by the Senate.

Representative Lisk spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1429 as amended by the Senate.

Representative Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1429 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Substitute House Bill No. 1429, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.50.255 and 1993 sp.s. c 24 s 916 are each amended to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the public employees' retirement system, the teachers' retirement system, the Washington state patrol retirement system, the Washington judicial retirement system, the judges' retirement system, or the law enforcement officers' and fire fighters' retirement system lawful obligations of the appropriate system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the appropriate trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

~~((During the period from July 1, 1993, until June 30, 1995,))~~ The director may also pay from the interest earnings of the trust funds specified in this section costs incurred in investigating fraud and collecting overpayments, including expenses incurred to review and investigate cases of possible fraud against the trust funds and collection agency fees and other costs incurred in recovering overpayments. Recovered funds must be returned to the appropriate trust funds.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

In line 2 of the title, beginning with "amending" strike the remainder of the title and insert "amending RCW 41.50.255; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Silver moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1431 and pass the bill as amended by the Senate.

Representative Silver spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1431 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1431 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Engrossed Substitute House Bill No. 1431, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1430 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.40.010 and 1994 c 298 s 2, 1994 c 247 s 5, 1994 c 197 s 23, and 1994 c 177 s 8 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4)(a) "Employer" for plan I members, means every branch, department, agency, commission, board, and office of the state, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(b) "Employer" for plan II members, means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.023. RCW 41.26.045 does not prohibit a person otherwise eligible for membership in the retirement system from establishing such membership effective when he or she first entered an eligible position.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided the member has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all contributions that may have been withdrawn as provided by RCW 41.40.150 and who on the effective date of the individual's retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8)(a) "Compensation earnable" for plan I members, means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money, maintenance compensation shall be included upon the basis of the schedules established by the member's employer. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

(A) "Compensation earnable" for plan I members also includes the following actual or imputed payments, which are not paid for personal services:

(I) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned

during a payroll period shall be considered compensation earnable and the individual shall receive the equivalent service credit;

(II) If a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(III) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(IV) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(V) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(B) "Compensation earnable" does not include:

(I) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(II) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Compensation earnable" for plan II members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. Compensation that a member receives for being in standby status is also compensation earnable, subject to the conditions of this subsection. A member is in standby status when not being paid for time actually worked and only when both of the following conditions exist: (i) The member is required to be present at, or in the immediate vicinity of, a specified location; and (ii) the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise. Standby compensation is regular salary for the purposes of RCW 41.50.150(2).

"Compensation earnable" for plan II members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided above, and the individual shall receive the equivalent service credit;

(B) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(I) The compensation earnable the member would have received had such member not served in the legislature; or

(II) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(B)(II) of this subsection is greater than compensation earnable under (b)(ii)(B)(I) of this subsection shall be paid by the member for both member and employer contributions;

(C) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(D) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038; and

(E) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670.

(9)(a) "Service" for plan I members, except as provided in RCW 41.40.088, means periods of employment in an eligible position or positions for one or more employers rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Compensation earnable earned in full time work for seventy hours or more in any given calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service except as provided in RCW 41.40.088. Only service credit months and one-quarter service credit months shall be counted in the computation of any retirement

allowance or other benefit provided for in this chapter. Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits. Time spent in standby status, whether compensated or not, is not service.

(i) Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(ii) An individual shall receive no more than a total of twelve service credit months of service during any calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for seventy or more hours is rendered.

(iii) A school district employee may count up to forty-five days of sick leave as creditable service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan I "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than twenty-two days equals one-quarter service credit month;

(B) Twenty-two days equals one service credit month;

(C) More than twenty-two days but less than forty-five days equals one and one-quarter service credit month.

(b) "Service" for plan II members, means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month except as provided in RCW 41.40.088. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(i) Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system.

(ii) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(iii) Up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of plan II "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(10) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(11) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(12) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(13) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system(~~(: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the department) on the employee's portion prior to retirement of such person, by the employee or his or her employer, except as qualified by RCW 41.40.023: PROVIDED FURTHER, That employer contributions plus employee contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employees' savings fund and be treated as any other contribution made by the employee, with the exception that the contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option))~~ for which member and employer contributions, plus interest as required by RCW 41.50.125, have been paid under section 2 or 3 of this act;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member;

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member of five percent of such member's salary during said period of probationary service, except that the amount of the employer's contribution shall be calculated by the director based on the first month's compensation earnable as a member.

(14)(a) "Beneficiary" for plan I members, means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(b) "Beneficiary" for plan II members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(15) "Regular interest" means such rate as the director may determine.

(16) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(17)(a) "Average final compensation" for plan I members, means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service credit months for which service credit is allowed; or if the member has less than two years of service credit months then the annual average compensation earnable during the total years of service for which service credit is allowed.

(b) "Average final compensation" for plan II members, means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.40.710(2).

(18) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(19) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(20) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(21) "Retirement allowance" means the sum of the annuity and the pension.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.023.

(23) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(24) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(25) "Eligible position" means:

(a) Any position that, as defined by the employer, normally requires five or more months of service a year for which regular compensation for at least seventy hours is earned by the occupant thereof. For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(26) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (25) of this section.

(27) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(28) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

(29) "Retiree" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member. A person is in receipt of a retirement allowance as defined in subsection (21) of this section or other benefit as provided by this chapter when the department mails, causes to be mailed, or otherwise transmits the retirement allowance warrant.

(30) "Director" means the director of the department.

(31) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "Plan I" means the public employees' retirement system, plan I providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(34) "Plan II" means the public employees' retirement system, plan II providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(35) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(36) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(37) "Index B" means the index for the year prior to index A.

(38) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(39) "Adjustment ratio" means the value of index A divided by index B.

NEW SECTION. Sec. 2. A new section is added to chapter 41.40 RCW under the subchapter heading "PROVISIONS APPLICABLE TO PLAN I AND PLAN II" to read as follows:

Except as qualified by RCW 41.40.023, for employers that were admitted into the retirement system before the effective date of this act, membership service may be established for the employer's former employees who are active members of the system if the member or member's former employer pays an amount equal to the employer and member contributions which would have been paid to the retirement system on account of such service to the retirement system. Payment shall be made prior to the retirement of such member.

Payments submitted by the member under this section shall be placed in the member's individual account in the members' savings fund and be treated as any other contribution made by the member, with the exception that the contributions submitted by the member in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall be excluded from the calculation of the member's annuity in the event the member selects a benefit with an annuity option.

NEW SECTION. Sec. 3. A new section is added to chapter 41.40 RCW under the subchapter heading "PROVISIONS APPLICABLE TO PLAN I AND PLAN II" to read as follows:

(1) This section applies to the establishment of membership service with employers admitted to the retirement system after the effective date of this act.

(2) For current employees, membership service may be established for periods of employment with an employer prior to the employer's admission into the retirement system by making the payments required by this section.

The employer must select one of the options in this subsection and apply it uniformly, except as provided in subsection (3) of this section. The required payment shall include the total member and employer contributions that would have been required from the date of each current member's hire.

(a) Option A: The employer makes all the required payments within fifteen years from the date of the employer's admission.

(b) Option B: The employer makes a portion of the required payments and the member pays the balance. The employer shall not be required to make its payments until the member has made his or her payments. Each member shall have the option to purchase the membership service.

(c) Option C: The member makes all of the required payments. Each member shall have the option to purchase the membership service.

All payments under options B and C of this subsection must be completed within five years from the date of the employer's admission, or prior to the retirement of the member, whichever occurs sooner. A member may not receive membership service credit under option B or C of this subsection until all required payments have been made.

(3) An employer shall not be required to purchase membership service under option A or B for periods of employment for which the employer made contributions to a qualified retirement plan as defined by 26 U.S.C. Sec. 401(a), if the contributions plus interest accrued cannot be transferred to the retirement system. If the employer does not purchase the membership credit under this subsection, the member may purchase the membership service under subsection (2)(c) of this section.

(4) A former employee who is an active member of the system and is not covered by subsection (2) of this section may establish membership service by making the required payments under subsection (2)(c) of this section prior to the retirement of the member.

(5) All payments made by the member under this section shall be placed in the member's individual account in the members' savings fund.

Sec. 4. RCW 41.40.062 and 1991 c 35 s 93 are each amended to read as follows:

(1) The members and appointive and elective officials of any political subdivision or association of political subdivisions of the state may become members of the retirement system by the approval of the local legislative authority.

(2) On and after September 1, 1965, every school district of the state of Washington shall be an employer under this chapter. Every member of each school district who is eligible for membership under RCW 41.40.023 shall be a member of the retirement system and participate on the same basis as a person who first becomes a member through the admission of any employer into the retirement system on and after April 1, 1949.

~~((3) Each political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.50.250, 41.40.045, and 41.40.048 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. In addition to the foregoing requirement, where the political subdivision becoming an employer under this section has its own retirement plan, any of the employee members thereof who may elect to transfer to this retirement system may, if permitted by the plan, withdraw all or any part of their employees' contributions to the former plan and transfer the funds to the employees' savings fund at the time of their transfer of membership. Any portion of the employees' savings fund not withdrawn shall be transferred by the employer to the retirement system over a period not to exceed fifteen years. The length of the transfer period and the method of payment to be utilized during that period shall be established by agreement between the department and the political subdivision. Employers making deferred payments of employee funds under this section shall transfer an additional amount equal to the interest that would have been credited to each employee's savings fund had his or her contributions been transferred to the state retirement system's employee savings fund on the date the political subdivision became an employer under this section. Any funds remaining in the employer's former retirement plan after all obligations of the plan have been provided for, as evidenced by appropriate actuarial study, shall be disposed of by the governing body of the political subdivision in such manner as it deems appropriate. For the purpose of administering and interpreting this chapter the department may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever those terms appear in~~

~~this chapter. The department may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The department shall keep accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.~~

~~(4) Employees of a political subdivision, maintaining its own retirement system, who have been transferred to a health district formed pursuant to chapter 70.46 RCW, but who have been allowed to remain members of the political subdivision's retirement system may be transferred as a group to the Washington public employees' retirement system. This transfer may be made by the action of the legislative authority of the political subdivision maintaining its own retirement system. This transfer shall include employer's and member's funds in the transferring municipalities' retirement system.~~

~~(5) Employees of a political subdivision, maintaining its own retirement system, heretofore transferred to a joint airport operation of two municipalities pursuant to chapter 14.08 RCW, may be transferred as a group to the Washington public employees' retirement system. This transfer may be made by the action of the legislative authority of the political subdivision maintaining its own retirement system. This transfer shall include employer's and member's funds in the transferring municipalities' retirement system.-))~~

Sec. 5. RCW 41.40.160 and 1991 c 35 s 77 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.150, at retirement the total service credited to a member shall consist of all membership service and, if he or she is an original member, all of the certified prior service.

(2) Employees of a public utility or other private enterprise all or any portion of which has been heretofore or may be hereafter acquired by a public agency as a matter of public convenience and necessity, where it is in the public interest to retain the trained personnel of such enterprise, all service to that enterprise shall, upon the acquiring public agency becoming an employer as defined in RCW 41.40.010(4) be credited on the same basis as if rendered to the said employer: PROVIDED, That this shall apply only to those employees who were in the service of the enterprise at or prior to the time of acquisition by the public agency and who remain in the service of the acquiring agency until they attain membership in the state employees' retirement system; and to those employees who were in the service of the enterprise at the time of acquisition by the public agency and subsequently attain membership through employment with any participating agency: PROVIDED FURTHER, In the event that the acquiring agency is an employer at the time of the acquisition, employer's contributions in connection with members achieving service credit hereunder shall be made on the same basis as set forth in RCW 41.40.045 and 41.40.048 for an employer admitted after April 1, 1949, and before the effective date of this act, and on the same basis as set forth in section 3 of this act for an employer admitted after the effective date of this act.

NEW SECTION. **Sec. 6.** RCW 41.40.045 and 1989 c 273 s 22, 1986 c 268 s 4, 1973 1st ex.s. c 190 s 13, 1972 ex.s. c 151 s 14, 1971 ex.s. c 271 s 11, 1963 c 174 s 15, 1961 c 291 s 11, & 1957 c 231 s 4 are each repealed."

On page 1, line 2 of the title, after "contributions;" strike the remainder of the title and insert "amending RCW 41.40.062 and 41.40.160; reenacting and amending RCW 41.40.010; adding new sections to chapter 41.40 RCW; and repealing RCW 41.40.045."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Carlson moved that the House concur in the Senate amendments to Substitute House Bill No. 1430 and pass the bill as amended by the Senate.

Representative Carlson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1430 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1430 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Benton - 1.

Substitute House Bill No. 1430, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

RESOLUTION

HOUSE RESOLUTION NO. 95-4681, by Representatives Costa, Ballasiotes, Appelwick, Lambert, Cody, Ebersole, Veloria, Chappell, Kessler, Mason, Morris, Tokuda, Conway, Cole, Ogden, Sheldon, G. Fisher, Romero, Wolfe, Chopp, Ballard, Patterson, Basich, Rust, Hickel, K. Schmidt, Sommers, Robertson, R. Fisher, Sherstad, Mitchell, Hymes, Hankins, Delvin, Campbell, Smith, Skinner, Radcliff, Scott, Sheahan, Jacobsen, Dickerson, Regala, Hatfield and Kremen

WHEREAS, One violent crime is committed in America every sixteen seconds; and

WHEREAS, With thirty-five million Americans victimized in the United States each year, crime victims are rapidly becoming a majority; and

WHEREAS, Crime victims play an indispensable role in bringing offenders to justice, thus preventing further violence; and

WHEREAS, As a nation devoted to liberty and justice for all, America must plant the seeds of justice to restore and protect crime victims' rights; and

WHEREAS, Harvesting justice over the last two decades has been accomplished in part by the millions of survivors of crime, their families, and advocates whose commitment and spirit has persevered while confronting an increasingly violent nation; and

WHEREAS, The Washington Coalition of Crime Victim Advocates, Office of Crime Victims Advocacy, and the Crime Victims Compensation Program are joining forces with victim service providers, criminal justice officials, and concerned citizens throughout Washington and America to observe National Crime Victims' Rights Week;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives designate the week of April 23 to April 29, 1995, as Washington Crime Victims' Rights Week; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives reaffirm a commitment to address victims' rights and criminal justice issues during 1995 Washington Victims' Rights Week and throughout the year; and

BE IT FURTHER RESOLVED, That this official Resolution be presented to The Washington Coalition of Crime Victim Advocates on April 19, 1995.

Representative Costa moved adoption of the resolution.

Representatives Costa, Ballasiotes and Conway spoke in favor of adoption of the resolution.

House Resolution No. 4681 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 4, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1517 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to assist community and economic development by clarifying the authority of all cities, towns, counties, and public corporations to engage in federally guaranteed "conduit financings" and to specify procedures that may be used for such conduit financings. Generally, in such a conduit financing a municipality borrows funds from the federal government or from private sources with the help of federal guarantees, without pledging the credit or tax revenues of the municipality, and then lends the proceeds for private projects that both fulfill public purposes, such as community and economic development, and provide the revenues to retire the municipal borrowings. Such conduit financings include issuance by municipalities of federally guaranteed notes under section 108 of the housing and community development act of 1974, as amended, to finance projects eligible under federal community development block grant regulations.

Sec. 2. RCW 35.21.735 and 1985 c 332 s 3 are each amended to read as follows:

(1) The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for ~~((such))~~ a city, town, county, or public corporation. The provisions of RCW 35.21.730 through 35.21.755 and RCW 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of RCW 35.21.730 through 35.21.755.

(2) All cities, towns ~~((and))~~, counties, and public corporations shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government or its political subdivisions, and pursuant to such agreements may receive and expend, or cause to be received and expended by a custodian or trustee, federal or private funds for any lawful public purpose. Pursuant to any such agreement, a city, town, county, or public corporation may issue bonds, notes, or other evidences of indebtedness that are guaranteed or otherwise secured by funds or other instruments provided by or through the federal government or by the federal government or an agency or instrumentality thereof under section 108 of the housing and community development act of 1974 (42 U.S.C. Sec. 5308), as amended, or its successor, and may agree to repay and reimburse for any liability thereon any guarantor of any such bonds, notes, or other evidences of indebtedness issued by such jurisdiction or public corporation, or issued by any other public entity. For purposes of this subsection federal housing mortgage insurance shall not constitute a federal guarantee or security.

(3) A city, town, county, or public corporation may pledge, as security for any such bonds, notes, or other evidences of indebtedness or for its obligations to repay or reimburse any guarantor thereof, its right, title, and interest in and to any or all of the following: (a) Any federal grants or payments received or that may be received in the future; (b) any of the following that may be obtained directly or indirectly from the use of any federal or private funds received as authorized in this section: (i) Property and interests therein, and (ii) revenues; (c) any payments received or owing from any person resulting from the lending of any federal or private funds received as authorized in this

section; (d) any proceeds under (a), (b), or (c) of this subsection and any securities or investments in which (a), (b), or (c) of this subsection or proceeds thereof may be invested; (e) any interest or other earnings on (a), (b), (c), or (d) of this subsection.

(4) A city, town, county, or public corporation may establish one or more special funds relating to any or all of the sources listed in subsection (3)(a) through (e) of this section and pay or cause to be paid from such fund the principal, interest, premium if any, and other amounts payable on any bonds, notes, or other evidences of indebtedness authorized under this section, and pay or cause to be paid any amounts owing on any obligations for repayment or reimbursement of guarantors of any such bonds, notes, or other evidences of indebtedness. A city, town, county, or public corporation may contract with a financial institution either to act as trustee or custodian to receive, administer, and expend any federal or private funds, or to collect, administer, and make payments from any special fund as authorized under this section, or both, and to perform other duties and functions in connection with the transactions authorized under this section. If the bonds, notes, or other evidences of indebtedness and related agreements comply with subsection (6) of this section, then any such funds held by any such trustee or custodian, or by a public corporation, shall not constitute public moneys or funds of any city, town, or county and at all times shall be kept segregated and set apart from other funds.

(5) For purposes of this section, "lawful public purpose" includes, without limitation, any use of funds, including loans thereof to public or private parties, authorized by the agreements with the United States or any department or agency thereof under which federal or private funds are obtained, or authorized under the federal laws and regulations pertinent to such agreements.

(6) If any such federal or private funds are loaned or granted to any private party or used to guarantee any obligations of any private party, then any bonds, notes, other evidences of indebtedness issued or entered into for the purpose of receiving or causing the receipt of such federal or private funds, and any agreements to repay or reimburse guarantors, shall not be obligations of any city, town, or county and shall be payable only from a special fund as authorized in this section or from any of the security pledged pursuant to the authority of this section, or both. Any bonds, notes, or other evidences of indebtedness to which this subsection applies shall contain a recital to the effect that they are not obligations of the city, town, or county or the state of Washington and that neither the faith and credit nor the taxing power of the state or any municipal corporation or subdivision of the state or any agency of any of the foregoing, is pledged to the payment of principal, interest, or premium, if any, thereon. Any bonds, notes, other evidences of indebtedness, or other obligations to which this subsection applies shall not be included in any computation for purposes of limitations on indebtedness. To the extent expressly agreed in writing by a city, town, county, or public corporation, this subsection shall not apply to bonds, notes, or other evidences of indebtedness issued for, or obligations incurred for, the necessary support of the poor and infirm by that city, town, county, or public corporation.

(7) Any bonds, notes, or other evidences of indebtedness issued by, or reimbursement obligations incurred by, a city, town, county, or public corporation consistent with the provisions of this section but prior to the effective date of this section, and any loans or pledges made by a city, town, or county in connection therewith substantially consistent with the provisions of this section but prior to the effective date of this section, are deemed authorized and shall not be held void, voidable, or invalid due to any lack of authority under the laws of this state.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. The authority granted by this act is additional and supplemental to any other authority of any city, town, county, or public corporation. Nothing in this act may be construed to imply that any of the power or authority granted hereby was not available to any city, town, county, or public corporation under prior law. Any previous actions consistent with the provisions of this act are ratified and confirmed.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "amending RCW 35.21.735; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sehlin moved that the House concur in the Senate amendments to Substitute House Bill No. 1517 and pass the bill as amended by the Senate.

Representatives Sehlin and Ogden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1517 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1517 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Honeyford and Lisk - 2.

Excused: Representatives Benton and Fisher, G. - 2.

Substitute House Bill No. 1517, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1517.

JIM HONEYFORD, 15th District

I intended to vote NAY on Substitute House Bill No. 1517.

STEVE HARGROVE, 23rd District

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that if students are to succeed in an increasingly competitive economy, they will need to be taught by teachers who are aware of the technological innovations and changes that are occurring throughout business, industry, and government. Having teachers who are more aware of these changes will lead to improvements in curriculum and instruction, thereby making public schools more relevant to the future career and personal needs of our students.

Sec. 2. RCW 28A.415.020 and 1990 c 33 s 415 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the state board of education, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the state board of education in accordance with section 3 of this act, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the state board of education, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education, or both.

~~((4))~~ (5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.415 RCW to read as follows:

The state board of education shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship, the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year. An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits.

NEW SECTION. Sec. 4. The legislative office on performance audit and fiscal analysis shall conduct an evaluation, by December 15, 1997, of internship credits granted to teachers to advance on the salary schedule as provided in section 2 of this act. This evaluation shall compare the efficacy of internship, in-service, and academic credits as recognized in the state salary allocation schedule in the omnibus appropriations act, in improving teacher effectiveness and productivity."

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "amending RCW 28A.415.020; adding a new section to chapter 28A.415 RCW; and creating new sections."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brumsickle moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1518 and pass the bill as amended by the Senate.

Representatives Brumsickle and Cole spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1518 as amended by the Senate.

Representative Thompson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1518 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Fisher, G. - 2.

Engrossed Substitute House Bill No. 1518, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1557, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all insurance matters. The payment of kickbacks, bribes, or rebates for

referrals to service providers, as has been occurring with increasing regularity in this state, results in inflated or fraudulent insurance claims, results in greater insurance costs for all citizens, and is contrary to the public interest. In particular, the process whereby "cappers" buy and sell insurance claims without the controls of professional licensing and discipline creates a fertile ground for illegal activity and has, in this state, resulted in frauds committed against injured claimants, insurance companies, and the public. Operations that engage in this practice have some or all of the following characteristics: Cappers, acting under an agreement or understanding that they will receive a pecuniary benefit, refer claimants with real or imaginary claims, injuries, or property damage to service providers. This sets off a chain of events that corrupts both the provision of services and casualty or property insurance for all citizens. This chain of events includes false claims for services through the use of false estimates of repair; false prescriptions of care or rehabilitative therapy; services that either do not occur or are provided by persons unqualified to provide the services; submission of false claims; submission of and demands for fraudulent costs, lost wages, pain and suffering, and the like; and other devices meant to result in false claims under casualty or property insurance policies or contracts, whether insured or self-insured, and either directly or through subrogation.

The legislature finds that combatting these practices requires laws carefully fashioned to identify practices that mimic customary business practices. The legislature does not intend this law to be used against medical and other business referral practices that are otherwise legal, customary, and unrelated to the furtherance of some or all of the corrupt practices identified in this chapter.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Casualty or property insurance" includes both the insurance under which a claim is filed and insurance that receives a claim through subrogation, and means insurance as defined in RCW 48.11.040 and 48.11.070 and includes self-insurance arrangements.

(2) "Claimant" means a person who has or is believed by an actor to have an insurance claim.

(3) "Group-buying arrangement" means an arrangement made by a membership organization having one hundred or more members in which the organization asks for or receives valuable consideration in exchange for referring its members to a service provider; the consideration asked for or received will be or is used to benefit the entire organization, not just one or more individuals in positions of power or influence in the organization; and reasonable efforts are made to disclose to affected members of the organization the nature of the referral relationship, including the nature, extent, amount, and use of the consideration.

(4) "Health care services" means a service provided to a claimant for treatment of physical or mental illness or injury arising in whole or substantial part from trauma.

(5) "Insurance claim" means a claim for payment, benefits, or damages under a contract, plan, or policy of casualty or property insurance.

(6) "Legal provider" means an active member in good standing of the Washington state bar association, and any other person authorized by the Washington state supreme court to engage in full or limited practice of law.

(7) "Service provider" means a person who directly or indirectly provides, advertises, or otherwise claims to provide services.

(8) "Services" means health care services, motor vehicle body or other motor vehicle repair, and preparing, processing, presenting, or negotiating an insurance claim.

(9) "Trauma" means a physical injury or wound caused by external force or violence.

NEW SECTION. Sec. 3. (1) It is unlawful for a person:

(a) Knowing that the payment is for the referral of a claimant to a service provider, either to accept payment from a service provider or, being a service provider, to pay another; or

(b) To provide or claim or represent to have provided services to a claimant, knowing the claimant was referred in violation of (a) of this subsection.

(2) It is unlawful for a service provider to engage in a regular practice of waiving, rebating, giving, paying, or offering to waive, rebate, give, or pay all or any part of a claimant's casualty or property insurance deductible.

NEW SECTION. Sec. 4. In a proceeding under this chapter, it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense:

(1) The conduct alleged was authorized by the Rules of Professional Conduct or the Admission to Practice Rules for lawyers as adopted by the state supreme court, Washington business and professions licensing statutes, or rules adopted by the secretary of health or the director of licensing;

(2) The payment was an incidental nonmonetary gift or gratuity, or was purely social in nature;

(3) The conduct alleged was an exercise of a group-buying arrangement;

(4) The conduct alleged was a legal provider paying a service provider's bills from the proceeds of an insurance claim that included the bills;

(5) The conduct alleged was a legal provider paying for services of an expert witness, including reports, consultation, and testimony; or

(6) The conduct alleged was a service provider's purchase of advertising from an unrelated business that provides referrals from advertising for groups of ten or more service providers that are not related to the advertising business and not related to each other.

NEW SECTION. Sec. 5. A violation of section 3 of this act constitutes trafficking in insurance claims. A single violation is a gross misdemeanor. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony.

NEW SECTION. Sec. 6. Independent of authority granted to the attorney general, the prosecuting attorney may petition the superior court for an injunction against a person who has violated this chapter. Remedies in an injunctive action brought by a prosecuting attorney are limited to an order enjoining, restraining, or preventing the doing of any act or practice that constitutes a violation of this chapter and imposing a civil penalty of up to five thousand dollars for each violation. The prevailing party in the action may, in the discretion of the court, recover its reasonable investigative costs and the costs of the action including a reasonable attorney's fee. The degree of proof required in an action brought under this section is a preponderance of the evidence. An action under this section must be brought within three years after the violation of this chapter occurred.

NEW SECTION. Sec. 7. Whenever a service provider or a person licensed by the state in a business or profession is convicted, enjoined, or found liable for damages or a civil penalty or other equitable relief under section 6 of this act, the attorney general or the prosecuting attorney shall provide written notification of the judgment to the appropriate regulatory or disciplinary body or agency.

NEW SECTION. Sec. 8. A violation of this chapter is cause for discipline and constitutes unprofessional conduct that could result in any regulatory penalty provided by law, including refusal, revocation, or suspension of a business or professional license, or right or admission to practice. Conduct that constitutes a violation of this chapter is unprofessional conduct in violation of RCW 18.130.180.

NEW SECTION. Sec. 9. Each insurer licensed to write direct insurance in this state shall institute and maintain an insurance antifraud plan. An insurer licensed on the effective date of this act shall file its antifraud plan with the insurance commissioner no later than December 31, 1995. An insurer licensed after the effective date of this act shall file its antifraud plan within six months of licensure. An insurer shall file any change to the antifraud plan with the insurance commissioner within thirty days after the plan has been modified.

NEW SECTION. Sec. 10. An insurer's antifraud plan must establish specific procedures to:

(1) Prevent insurance fraud, including internal fraud involving employees or company representatives, fraud resulting from misrepresentation on applications for insurance coverage, and claims fraud;

(2) Review claims in order to detect evidence of possible insurance fraud and to investigate claims where fraud is suspected;

(3) Report fraud to appropriate law enforcement agencies and cooperate with those agencies in their prosecution of fraud cases;

(4) Undertake civil actions against persons who have engaged in fraudulent activities;

(5) Train company employees and agents in the detection and prevention of fraud.

NEW SECTION. Sec. 11. If after review of an insurer's antifraud plan, the commissioner finds that the plan does not comply with section 10 of this act, the commissioner may disapprove the antifraud plan. Notice of disapproval must include a statement of the specific reasons for disapproval. The insurer shall refile a plan disapproved by the commissioner within sixty days of the date of the notice of disapproval. The commissioner may audit insurers to ensure compliance with antifraud plans.

NEW SECTION. Sec. 12. Each insurer shall annually provide to the insurance commissioner a summary report on actions taken under its antifraud plan to prevent and combat insurance fraud. The report must also include, but not be limited to, measures taken to protect and ensure the integrity of electronic data-processing-generated data and manually compiled data, statistical data on the amount of resources committed to combating fraud, and the amount of fraud identified and recovered during the reporting period. The antifraud plans and summary of the insurer's antifraud activities are not public records and are exempt from chapter 42.17 RCW, are proprietary, are not subject to public examination, and are not discoverable or admissible in civil litigation.

NEW SECTION. Sec. 13. An insurer that fails to file a timely antifraud plan or who does not make a good faith attempt to file an antifraud plan that complies with section 10 of this act, is subject to the penalty provisions of RCW 48.01.080, but no penalty may be imposed for the first filing made by an insurer under this chapter. An insurer that fails to follow the antifraud plan is subject to a civil penalty not to exceed ten thousand dollars for each violation, at the discretion of the commissioner after consideration of all relevant factors, including the willfulness of the violation.

NEW SECTION. Sec. 14. It is the duty of all peace officers, law enforcement officers, and law enforcement agencies within this state to investigate, enforce, and prosecute all violations of this chapter.

NEW SECTION. Sec. 15. A new section is added to chapter 42.17 RCW to read as follows: Information provided under sections 9 through 12 of this act are exempt from disclosure under this chapter.

Sec. 16. RCW 48.01.030 and 1947 c 79 s .01.03 are each amended to read as follows:

The business of insurance is one affected by the public interest, requiring that all persons be actuated by good faith, abstain from deception, and practice honesty and equity in all insurance matters. Upon the insurer, the insured, their providers, and their representatives rests the duty of preserving inviolate the integrity of insurance.

Sec. 17. RCW 48.18.460 and 1949 c 190 s 26 are each amended to read as follows:

An insurer shall furnish, upon ~~((written))~~ request of any person claiming to have a loss under any insurance contract, forms of proof of loss for completion by such person. But such insurer shall not, by reason of the requirement so to furnish forms, have any responsibility for or with reference to the completion of such proof or the manner of any such completion or attempted completion. If a person makes a claim under a policy of insurance, the insurer may require that the person be examined under an oath administered by a person authorized by state or federal law to administer oaths.

Sec. 18. RCW 48.30.210 and 1990 1st ex.s. c 3 s 10 are each amended to read as follows:

~~((Any agent, solicitor, broker, examining physician or other))~~ A person who knowingly makes a false or ~~((fraudulent))~~ misleading statement or ~~((representation))~~ impersonation, or who willfully fails to reveal a material fact, in or relative to an application for insurance ~~((in))~~ to an insurer ~~((transacting insurance under the provisions of this code, shall be))~~, is guilty of a gross misdemeanor, and the license of any such ~~((agent, solicitor, or broker who makes such a statement or representation))~~ person may be revoked.

Sec. 19. RCW 48.30.220 and 1965 ex.s. c 70 s 25 are each amended to read as follows:

Any person, who, with intent to defraud or prejudice the insurer thereof, ~~((willfully))~~ burns or in any manner injures, destroys, secretes, abandons, or disposes of any property which is insured at the time against loss or damage by fire, theft, ~~((or))~~ embezzlement, or ~~((by))~~ any other casualty, whether

the same be the property of or in the possession of such person or any other person, under ~~((such))~~ circumstances not making the offense arson in the first degree, is guilty of a class C felony.

Sec. 20. RCW 48.50.010 and 1979 ex.s. c 80 s 1 are each amended to read as follows:

This chapter shall be known and may be cited as the ~~((Arson))~~ Insurance Fraud Reporting Immunity Act.

Sec. 21. RCW 48.50.020 and 1986 c 266 s 77 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Authorized agency" means a public agency or its official representative having legal authority to investigate criminal activity or the cause of a fire ~~((and))~~ or to initiate criminal proceedings ~~((or further investigations if the cause was not accidental))~~, including the following persons and agencies:

(a) The ~~((director))~~ department of community, trade, and economic development and the director of fire protection;

(b) The prosecuting attorney of the county where the ~~((fire))~~ criminal activity occurred;

(c) State, county, and local law enforcement agencies;

~~((d))~~ (d) The state attorney general ~~((when engaged in a prosecution which is or may be connected with the fire))~~;

~~((and~~ ((d)) (e) The Federal Bureau of Investigation, or any other federal law enforcement agency;

~~((and~~ (e)) (f) The United States attorney's office ~~((when authorized or charged with investigation or prosecution concerning the fire))~~; and

(g) The office of the insurance commissioner.

(2) "Insurer" means any insurer, as defined in RCW 48.01.050 ~~((which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan))~~ and any self-insurer.

(3) "Relevant information" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of criminal activity or the cause of any fire more probable or less probable than it would be without the information.

Sec. 22. RCW 48.50.030 and 1979 ex.s. c 80 s 3 are each amended to read as follows:

(1) Any authorized agency may request, in writing, that an insurer release to the agency any or all relevant information or evidence which the insurer may have in its possession relating to ~~((a particular fire loss))~~ criminal activity, if such information or evidence is deemed important by the agency in its discretion.

(2) An insurer who has reason to believe that a person participated or is participating in criminal activity relating to a contract of insurance may report relevant information to an authorized agency.

(3) The information ~~((requested))~~ provided to an authorized agency under this section may include, without limitation:

(a) Pertinent insurance policy information relating to a ~~((fire loss))~~ claim under investigation and any application for such a policy;

(b) Policy premium payment records which are available;

(c) History of previous claims ~~((made by the insured))~~ in which the person was involved; and

(d) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence found in the investigation.

~~((2- An))~~ (4) The insurer receiving a request under subsection (1) of this section shall furnish all relevant information requested to the agency within a reasonable time, orally or in writing ~~((all relevant information requested))~~.

Sec. 23. RCW 48.50.040 and 1986 c 266 s 91 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the ~~((director))~~ department of community, trade, and economic development, through the director of fire protection, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the ~~((director))~~ department of community, trade, and economic development, through the director of fire protection, under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency and does not bar an insurer from other reporting under RCW 48.50.030(2).

Sec. 24. RCW 48.50.075 and 1981 c 320 s 2 are each amended to read as follows:

In denying a claim ~~((resulting from a fire))~~, an insurer who relies upon a written opinion from an authorized agency specifically enumerated in ~~((a) through (e) of))~~ RCW 48.50.020(1) (a) through (g) that ((the fire was caused by arson)) criminal activity that is related to that claim is being investigated, or a crime has been charged, and that the ((insured was responsible for the fire, shall not be)) claimant is a target of the investigation or has been charged with a crime, is not liable for bad faith or other noncontractual theory of damages as a result of this reliance.

Immunity under this section shall exist only so long as the incident for which the ~~((insured))~~ claimant may be responsible is under active investigation or prosecution, or the authorized agency states its position that the claim includes or is a result of ((arson for)) criminal activity in which the ((insured)) claimant was ((responsible)) a participant.

Sec. 25. RCW 48.80.020 and 1986 c 243 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Claim" means any attempt to cause a health care payer to make a health care payment.

(2) "Deceptive" means presenting a claim to a health care payer that contains a statement of fact or fails to reveal a material fact, leading the health care payer to believe that the represented or suggested state of affairs is other than it actually is. For the purposes of this chapter, the determination of what constitutes a material fact is a question of law to be resolved by the court.

(3) "False" means wholly or partially untrue or deceptive.

(4) "Health care payment" means a payment for health care services or the right under a contract, certificate, or policy of insurance to have a payment made by a health care payer for a specified health care service.

(5) "Health care payer" means any insurance company authorized to provide health insurance in this state, any health care service contractor authorized under chapter 48.44 RCW, any health maintenance organization authorized under chapter 48.46 RCW, any legal entity which is self-insured and providing health care benefits to its employees, ~~((or))~~ and any insurer or other person responsible for paying for health care services.

(6) "Person" means an individual, corporation, partnership, association, or other legal entity.

(7) "Provider" means any person lawfully licensed or authorized to render any health service.

Sec. 26. RCW 2.48.180 and 1989 c 117 s 13 are each amended to read as follows:

~~((Any person who, not being an active member of the state bar, or who after he has been disbarred or while suspended from membership in the state bar, as by this chapter provided, shall))~~

(1) As used in this section:

(a) "Legal provider" means an active member in good standing of the state bar, and any other person authorized by the Washington state supreme court to engage in full or limited practice of law;

(b) "Nonlawyer" means a person to whom the Washington supreme court has granted a limited authorization to practice law but who practices law outside that authorization, and a person who is not an active member in good standing of the state bar, including persons who are disbarred or suspended from membership;

(c) "Ownership interest" means the right to control the affairs of a business, or the right to share in the profits of a business, and includes a loan to the business when the interest on the loan is based upon the income of the business or the loan carries more than a commercially reasonable rate of interest.

(2) The following constitutes unlawful practice of law:

(a) A nonlawyer practices law, or holds himself or herself out as entitled to practice law ~~((; shall, except as provided in RCW 19.154.100, be guilty of a misdemeanor: PROVIDED, HOWEVER, Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive relief or to punish as for contempt));~~

(b) A legal provider holds an investment or ownership interest in a business primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business;

(c) A nonlawyer knowingly holds an investment or ownership interest in a business primarily engaged in the practice of law;

(d) A legal provider works for a business that is primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business; or

(e) A nonlawyer shares legal fees with a legal provider.

(3) Unlawful practice of law is a crime. A single violation of this section is a gross misdemeanor. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony.

(4) Nothing contained in this section affects the power of the courts to grant injunctive or other equitable relief or to punish as for contempt.

(5) Whenever a legal provider or a person licensed by the state in a business or profession is convicted, enjoined, or found liable for damages or a civil penalty or other equitable relief under this section, the plaintiff's attorney shall provide written notification of the judgment to the appropriate regulatory or disciplinary body or agency.

(6) A violation of this section is cause for discipline and constitutes unprofessional conduct that could result in any regulatory penalty provided by law, including refusal, revocation, or suspension of a business or professional license, or right or admission to practice. Conduct that constitutes a violation of this section is unprofessional conduct in violation of RCW 18.130.180.

(7) In a proceeding under this section it is a defense if proven by the defendant by a preponderance of the evidence that, at the time of the offense, the conduct alleged was authorized by the Rules of Professional Conduct or the Admission to Practice Rules, or Washington business and professions licensing statutes or rules.

(8) Independent of authority granted to the attorney general, the prosecuting attorney may petition the superior court for an injunction against a person who has violated this chapter. Remedies in an injunctive action brought by a prosecuting attorney are limited to an order enjoining, restraining, or preventing the doing of any act or practice that constitutes a violation of this chapter and imposing a civil penalty of up to five thousand dollars for each violation. The prevailing party in the action may, in the discretion of the court, recover its reasonable investigative costs and the costs of the action including a reasonable attorney's fee. The degree of proof required in an action brought under this subsection is a preponderance of the evidence. An action under this subsection must be brought within three years after the violation of this chapter occurred.

Sec. 27. RCW 9.12.010 and 1915 c 165 s 1 are each amended to read as follows:

Every person who ~~((shall))~~ brings on his or her own behalf, or instigates, incites, or encourages another to bring, any false suit at law or in equity in any court of this state, with intent thereby to distress or harass a defendant ~~((therein; and every person, being an attorney or counselor at law, who shall personally, or through the agency of another, solicit employment as such attorney, in any suit pending or prospective, or, with intent to obtain such employment shall, directly or indirectly, loan any money or give or promise to give any money, property or other consideration to the person from whom such employment is sought; and every person who shall))~~ in the suit, or who serves or sends any paper or document purporting to be or resembling a judicial process, ~~that is~~ not in fact a judicial process ~~((shall be)),~~ is guilty of a misdemeanor; and in case the person offending is an attorney, he or she may, in addition thereto be disbarred from practicing law within this state.

Sec. 28. RCW 9.94A.320 and 1994 sp.s. c 7 s 510, 1994 c 275 s 20, and 1994 c 53 s 2 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV Aggravated Murder 1 (RCW 10.95.020)

XIV Murder 1 (RCW 9A.32.030)
Homicide by abuse (RCW 9A.32.055)

- XIII Murder 2 (RCW 9A.32.050)
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
- XI Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- X Kidnapping 1 (RCW 9A.40.020)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
 - Child Molestation 1 (RCW 9A.44.083)
 - Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
 - Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Robbery 1 (RCW 9A.56.200)
 - Manslaughter 1 (RCW 9A.32.060)
 - Explosive devices prohibited (RCW 70.74.180)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Endangering life and property by explosives with threat to human being (RCW 70.74.270)
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Sexual Exploitation (RCW 9.68A.040)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Child Molestation 2 (RCW 9A.44.086)
 - Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Involving a minor in drug dealing (RCW 69.50.401(f))

VI Bribery (RCW 9A.68.010)

Manslaughter 2 (RCW 9A.32.070)
Rape of a Child 3 (RCW 9A.44.079)
Intimidating a Juror/Witness (RCW 9A.72.110,
9A.72.130)
Damaging building, etc., by explosion with no threat to
human being (RCW 70.74.280(2))
Endangering life and property by explosives with no
threat to human being (RCW 70.74.270)
Incest 1 (RCW 9A.64.020(1))
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule I or II (except heroin or
cocaine) (RCW 69.50.401(a)(1)(i))
Intimidating a Judge (RCW 9A.72.160)
Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))

V Criminal Mistreatment 1 (RCW 9A.42.020)

Theft of a Firearm (RCW 9A.56.300)
Reckless Endangerment 1 (RCW 9A.36.045)
Rape 3 (RCW 9A.44.060)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Child Molestation 3 (RCW 9A.44.089)
Kidnapping 2 (RCW 9A.40.030)
Extortion 1 (RCW 9A.56.120)
Incest 2 (RCW 9A.64.020(2))
Perjury 1 (RCW 9A.72.020)
Extortionate Extension of Credit (RCW 9A.82.020)
Advancing money or property for extortionate
extension of credit (RCW 9A.82.030)
Extortionate Means to Collect Extensions of Credit
(RCW 9A.82.040)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Bail Jumping with class A Felony (RCW
9A.76.170(2)(b))
Sexually Violating Human Remains (RCW 9A.44.105)
Delivery of imitation controlled substance by person
eighteen or over to person under eighteen (RCW
69.52.030(2))

IV Residential Burglary (RCW 9A.52.025)

Theft of Livestock 1 (RCW 9A.56.080)
Robbery 2 (RCW 9A.56.210)
Assault 2 (RCW 9A.36.021)
Escape 1 (RCW 9A.76.110)
Arson 2 (RCW 9A.48.030)
Commercial Bribery (section 29 of this act)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Malicious Harassment (RCW 9A.36.080)
Threats to Bomb (RCW 9.61.160)
Willful Failure to Return from Furlough (RCW
72.66.060)
Hit and Run — Injury Accident (RCW 46.52.020(4))
Vehicular Assault (RCW 46.61.522)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

III Criminal Mistreatment 2 (RCW 9A.42.030)

Extortion 2 (RCW 9A.56.130)
Unlawful Imprisonment (RCW 9A.40.040)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Custodial Assault (RCW 9A.36.100)
Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
Harassment (RCW 9A.46.020)
Promoting Prostitution 2 (RCW 9A.88.080)
Willful Failure to Return from Work Release (RCW 72.65.070)
Burglary 2 (RCW 9A.52.030)
Introducing Contraband 2 (RCW 9A.76.150)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Escape 2 (RCW 9A.76.120)
Perjury 2 (RCW 9A.72.030)
Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
Intimidating a Public Servant (RCW 9A.76.180)
Tampering with a Witness (RCW 9A.72.120)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Theft of livestock 2 (RCW 9A.56.080)
Securities Act violation (RCW 21.20.400)

II Unlawful Practice of Law (RCW 2.48.180)

Malicious Mischief 1 (RCW 9A.48.070)
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Trafficking in Insurance Claims (section 3 of this act)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Health Care False Claims (RCW 48.80.030)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Computer Trespass 1 (RCW 9A.52.110)
Escape from Community Custody (RCW 72.09.310)

I Theft 2 (RCW 9A.56.040)

Possession of Stolen Property 2 (RCW 9A.56.160)
Forgery (RCW 9A.60.020)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Vehicle Prowl 1 (RCW 9A.52.095)
Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Malicious Mischief 2 (RCW 9A.48.080)
Reckless Burning 1 (RCW 9A.48.040)
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

NEW SECTION. Sec. 29. A new section is added to chapter 9A.68 RCW to read as follows:

(1) For purposes of this section:

(a) "Claimant" means a person who has or is believed by an actor to have an insurance claim.

(b) "Service provider" means a person who directly or indirectly provides, advertises, or otherwise claims to provide services.

(c) "Services" means health care services, motor vehicle body or other motor vehicle repair, and preparing, processing, presenting, or negotiating an insurance claim.

(d) "Trusted person" means:

(i) An agent, employee, or partner of another;

(ii) An administrator, executor, conservator, guardian, receiver, or trustee of a person or an estate, or any other person acting in a fiduciary capacity;

(iii) An accountant, appraiser, attorney, physician, or other professional adviser;

(iv) An officer or director of a corporation, or any other person who participates in the affairs of a corporation, partnership, or unincorporated association; or

(v) An arbitrator, mediator, or other purportedly disinterested adjudicator or referee.

(2) A person is guilty of commercial bribery if:

(a) He or she offers, confers, or agrees to confer a pecuniary benefit directly or indirectly upon a trusted person under a request, agreement, or understanding that the trusted person will violate a duty of fidelity or trust arising from his or her position as a trusted person;

(b) Being a trusted person, he or she requests, accepts, or agrees to accept a pecuniary benefit for himself, herself, or another under a request, agreement, or understanding that he or she will violate a duty of fidelity or trust arising from his or her position as a trusted person; or

(c) Being an employee or agent of an insurer, he or she requests, accepts, or agrees to accept a pecuniary benefit for himself or herself, or a person other than the insurer, under a request, agreement, or understanding that he or she will or a threat that he or she will not refer or induce claimants to have services performed by a service provider.

(3) It is not a defense to a prosecution under this section that the person sought to be influenced was not qualified to act in the desired way, whether because the person had not yet assumed his or her position, lacked authority, or for any other reason.

(4) Commercial bribery is a class B felony.

Sec. 30. RCW 9A.72.010 and 1981 c 187 s 1 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding; whether a false statement is material shall be determined by the court as a matter of law;

(2) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated; in this chapter, written statements shall be treated as if made under oath if:

(a) The statement was made on or pursuant to instructions on an official form bearing notice, authorized by law, to the effect that false statements made therein are punishable;

(b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time he or she made the statement, intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto; or

(c) It is a statement, declaration, verification, or certificate, made within or outside the state of Washington, which is certified or declared to be true under penalty of perjury as provided in RCW 9A.72.085.

(3) An oath is "required or authorized by law" when the use of the oath is specifically provided for by statute or regulatory provision or when the oath is administered by a person authorized by state or federal law to administer oaths;

(4) "Official proceeding" means a proceeding heard before any legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or depositions;

(5) "Juror" means any person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury; the term juror also includes any person who has been drawn or summoned to attend as a prospective juror;

(6) "Testimony" includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding.

Sec. 31. RCW 9A.72.030 and 1975 1st ex.s. c 260 s 9A.72.030 are each amended to read as follows:

(1) A person is guilty of perjury in the second degree if, in an examination under oath under the terms of a contract of insurance, or with intent to mislead a public servant in the performance of his or her duty, he or she makes a materially false statement, which he or she knows to be false under an oath required or authorized by law.

(2) Perjury in the second degree is a class C felony.

NEW SECTION. Sec. 32. A new section is added to chapter 9A.76 RCW to read as follows:

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

Sec. 33. RCW 9A.76.020 and 1994 c 196 s 1 are each amended to read as follows:

(1) A person is guilty of obstructing a law enforcement officer if the person((=

~~(a) Willfully makes a false or misleading statement to a law enforcement officer who has detained the person during the course of a lawful investigation or lawful arrest; or~~

~~(b)) willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.~~

(2) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

(3) Obstructing a law enforcement officer is a gross misdemeanor.

Sec. 34. RCW 9A.82.010 and 1994 c 218 s 17 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Child selling or child buying, as defined in RCW 9A.64.030;

(g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(h) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(i) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(j) Extortionate extension of credit, as defined in RCW 9A.82.020;

(k) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

- (l) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
- (m) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- (n) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
- (o) Trafficking in stolen property, as defined in RCW 9A.82.050;
- (p) Leading organized crime, as defined in RCW 9A.82.060;
- (q) Money laundering, as defined in RCW 9A.83.020;
- (r) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
- (s) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
- (t) Promoting pornography, as defined in RCW 9.68.140;
- (u) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
- (v) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
- (w) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- (x) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- (y) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
- (z) A pattern of equity skimming, as defined in RCW 61.34.020; ((~~o~~))
- (aa) Commercial telephone solicitation in violation of RCW 19.158.040(1);
- (bb) Trafficking in insurance claims, as defined in section 3 of this act;
- (cc) Unlawful practice of law, as defined in RCW 2.48.180;
- (dd) Commercial bribery, as defined in section 29 of this act;
- (ee) Health care false claims, as defined in RCW 48.80.030; or
- (ff) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7).

(15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(16) "Records" means any book, paper, writing, record, computer program, or other material.

(17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

- (a) In violation of any one of the following:
 - (i) Chapter 67.16 RCW relating to horse racing;
 - (ii) Chapter 9.46 RCW relating to gambling;
- (b) In a gambling activity in violation of federal law; or
- (c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

(19)(a) "Beneficial interest" means:

- (i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;
- (ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or
- (iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(21)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (21)(a) (i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

Sec. 35. RCW 18.130.190 and 1993 c 367 s 19 are each amended to read as follows:

(1) The secretary shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. In the investigation of the complaints, the secretary shall have the same authority as provided the secretary under RCW 18.130.050.

(2) The secretary may issue a notice of intention to issue a cease and desist order to any person whom the secretary has reason to believe is engaged in the unlicensed practice of a profession or business for which a license is required by the chapters specified in RCW 18.130.040. The person to whom such notice is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intention to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(3) If the secretary makes a final determination that a person has engaged or is engaging in unlicensed practice, the secretary may issue a cease and desist order. In addition, the secretary may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed practice of a business or profession for which a license is required by one or more of the chapters specified in RCW 18.130.040. The proceeds of such fines shall be deposited to the health professions account.

(4) If the secretary makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the secretary may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the secretary. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine.

(5) Neither the issuance of a cease and desist order nor payment of a civil fine shall relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(6) The attorney general, a county prosecuting attorney, the secretary, a board, or any person may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by the chapters specified in RCW 18.130.040 without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person

so practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(7) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW 18.130.040, unless otherwise exempted by law, constitutes a gross misdemeanor for a single violation. Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

NEW SECTION. Sec. 36. The Washington State Bar Association is requested to submit to the appropriate committees of the state senate and house of representatives by November 1995, a report on the recommendations of its task force on nonlawyer practice, including any recommendations for legislation or proposed court rules.

NEW SECTION. Sec. 37. The following acts or parts of acts are each repealed:

- (1) RCW 9.91.090 and 1992 c 7 s 17, 1981 c 203 s 4, & 1909 c 249 s 384;
- (2) RCW 9A.82.903 and 1985 c 455 s 22;
- (3) RCW 48.50.060 and 1979 ex.s. c 80 s 6;
- (4) RCW 48.50.080 and 1979 ex.s. c 80 s 8; and
- (5) RCW 49.44.070 and 1909 c 249 s 427.

NEW SECTION. Sec. 38. Sections 1 through 14 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 39. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

In line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 48.01.030, 48.18.460, 48.30.210, 48.30.220, 48.50.010, 48.50.020, 48.50.030, 48.50.040, 48.50.075, 48.80.020, 2.48.180, 9.12.010, 9A.72.010, 9A.72.030, 9A.76.020, 9A.82.010, and 18.130.190; reenacting and amending RCW 9.94A.320; adding a new section to chapter 42.17 RCW; adding a new section to chapter 9A.68 RCW; adding a new section to chapter 9A.76 RCW; adding a new chapter to Title 48 RCW; creating a new section; repealing RCW 9.91.090, 9A.82.903, 48.50.060, 48.50.080, and 49.44.070; prescribing penalties; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative L. Thomas moved that the House concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1557 and pass the bill as amended by the Senate.

Representatives L. Thomas and Campbell spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1557 as amended by the Senate..

Representative Wolfe spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representatives Tokuda and G. Fisher were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1557 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 2, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Dyer and Robertson - 2.

Excused: Representatives Benton, Fisher, G. and Tokuda - 3.

Engrossed Second Substitute House Bill No. 1557, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1583 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.41.030 and 1992 c 44 s 3 are each amended to read as follows:

(1) Every local government employee has the right to report to the appropriate person or persons information concerning an alleged improper governmental action.

(2) The governing body or chief administrative officer of each local government shall adopt a policy on the appropriate procedures to follow for reporting such information and shall provide information to their employees on the policy. Local governments are encouraged to consult with their employees on the policy.

(3) The policy shall describe the appropriate person or persons within the local government to whom to report information and a list of appropriate person or persons outside the local government to whom to report. The list shall include the county prosecuting attorney.

(4) Each local government shall permanently post a summary of the procedures for reporting information on an alleged improper governmental action and the procedures for protection against retaliatory actions described in RCW 42.41.040 in a place where all employees will have reasonable access to it. A copy of the summary shall be made available to any employee upon request.

(5) A local government may require as part of its policy that, except in the case of an emergency, before an employee provides information of an improper governmental action to a person or an entity who is not a public official or a person listed pursuant to subsection (3) of this section, the employee shall submit a written report to the local government. Where a local government has adopted such a policy under this section, an employee who fails to make a good faith attempt to follow the policy shall not receive the protections of this chapter. (6) If a local government has failed to adopt a policy as required by subsection (2) of this section, an employee may report alleged improper government action directly to the county prosecuting attorney or, if the prosecuting attorney or an employee of the prosecuting attorney participated in the alleged improper government action, to the

state auditor. The cost incurred by the state auditor in such investigations shall be paid by the local government through the municipal revolving account authorized in RCW 43.09.282.

(7) The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing."

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "and amending RCW 42.41.030."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative L. Thomas moved that the House concur in the Senate amendments to House Bill No. 1583 and pass the bill as amended by the Senate.

Representatives L. Thomas and Rust spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1583 as amended by the Senate.

MOTION

On motion of Representative Talcott, Representatives Mielke and Cooke were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1583 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

House Bill No. 1583, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1610 with the following amendments:

On page 2, line 22, after "standards." strike all material through "standards." on line 26.

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Delvin moved that the House concur in the Senate amendments to Substitute House Bill No. 1610 and pass the bill as amended by the Senate.

Representatives Delvin and Costa spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1610 and pass the bill as amended by the Senate..

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1610 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1610, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1611 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to health or social welfare organizations, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis, so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion. This section shall expire July 1, 1997.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of any item acquired by a health or social welfare organization, as defined in RCW 82.04.431, of items necessary for new construction of alternative housing for youth in crisis, so long as the facility will be a licensed agency under chapter 74.15 RCW, upon completion. This section shall expire July 1, 1997.

NEW SECTION. **Sec. 3.** For the purposes of sections 1 and 2 of this act, "youth in crisis" means any youth under eighteen years of age who is either: Homeless; a runaway from the home of a parent, guardian, or legal custodian; abused; neglected; abandoned by a parent, guardian, or legal custodian; or suffering from a substance abuse or mental disorder.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "crisis;" strike the remainder of the title and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Carrell moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1611 and pass the bill as amended by the Senate.

Representative Costa spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1611 as amended by the Senate.

Representative Costa spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1611 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Engrossed Substitute House Bill No. 1611, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1632 with the following amendments:

On page 1, beginning on line 13, after "areas" strike ", waterways, or other bedlands" and insert "or waterways"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Basich moved that the House concur in the Senate amendments to Substitute House Bill No. 1632 and pass the bill as amended by the Senate.

Representative Basich spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1632 as amended by the Senate.

Representative Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1632 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1632, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1527 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to remember the thousands of men and women from Washington state who served in World War II. This year, nineteen hundred and ninety-five, marks the fiftieth anniversary of the end of World War II and yet there is no monument on the state capitol campus to specifically recognize the dedication of the men and women of this state who served or were wounded, killed, or missing in action during World War II. These brave people should be recognized for their dedication to freedom and bravery that brought a victorious end to the war. The legislature pledges strong support for a war memorial on the state capitol campus to honor all those who served in the armed forces during World War II.

NEW SECTION. Sec. 2. (1) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1997, from the state general fund to the department of veterans affairs for the purpose of erecting a monument on the state capitol campus to honor and thank all who served during World War II.

(2) Prior to expending the appropriation the department of veterans affairs shall convene an advisory committee to make recommendations to the department on the type, size, and cost of the memorial and recommend a site on the capitol campus, subject to approval of the state capitol committee, for the memorial. The advisory committee shall consist of eleven members: Two from the house of representatives, one from each caucus; two from the senate, one from each caucus; one member appointed by the governor; and six public members representing veterans or veteran organizations. Members of the advisory committee shall not be compensated or reimbursed for any expenses incurred by attending advisory committee meetings."

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "creating a new section; and making an appropriation."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sehlin moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1527 and pass the bill as amended by the Senate.

Representative Sehlin spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1527 as amended by the Senate.

Representatives Sehlin, Conway, Huff and Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1527 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole,

Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Engrossed Substitute House Bill No. 1527, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1680 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 3.02.045 and 1994 c 301 s 1 are each amended to read as follows:

(1) Courts of limited jurisdiction may use collection agencies under chapter 19.16 RCW for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the courts. Courts of limited jurisdiction may enter into agreements with one or more attorneys or collection agencies for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services, and other charges deemed appropriate. Such agreements may authorize collection agencies to retain all or any portion of the interest collected on these accounts.

(2) Courts of limited jurisdiction may use credit cards or debit cards for purposes of billing and collecting unpaid penalties, fines, costs, assessments, and forfeitures so imposed. Courts of limited jurisdiction may enter into agreements with one or more financial institutions for the purpose of the collection of penalties, fines, costs, assessments, and forfeitures. The agreements may specify conditions, remuneration for services, and other charges deemed appropriate.

(3) Servicing of delinquencies by collection agencies or by collecting attorneys in which the court retains control of its delinquencies shall not constitute assignment of debt.

(4) For purposes of this section, the term debt shall include penalties, fines, costs, assessments, or forfeitures imposed by the courts.

(5) The court may assess as court costs the moneys paid for remuneration for services or charges paid to collecting attorneys, to collection agencies, or, in the case of credit cards, to financial institutions.

Sec. 2. RCW 3.46.120 and 1988 c 169 s 1 are each amended to read as follows:

(1) All money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid by the clerk to the city treasurer.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 3. RCW 3.50.100 and 1988 c 169 s 2 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 4. RCW 35.20.220 and 1988 c 169 s 6 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel.

Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 5. RCW 3.62.020 and 1988 c 169 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

Sec. 6. RCW 3.62.040 and 1988 c 169 s 4 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) The city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 7. RCW 10.82.090 and 1989 c 276 s 3 are each amended to read as follows:

Financial obligations imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the public safety and education account as provided in RCW 43.08.250, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

Sec. 8. RCW 36.18.190 and 1994 c 185 s 9 are each amended to read as follows:

Superior court clerks may contract with collection agencies or may use county collection services for the collection of unpaid court obligations. The costs for the agencies or county services shall be paid by the debtor. By agreement, clerks may authorize collection agencies to retain all or any portion of the interest collected on these accounts. Collection may not be initiated with respect to a criminal offender who is under the supervision of the department of corrections without the prior agreement of the department.

Any contract with a collection agency shall be awarded only after competitive bidding. Factors that a court clerk shall consider in awarding a collection contract include but are not limited to: (1) A collection agency's history and reputation in the community; and (2) the agency's access to a local data base that may increase the efficiency of its collections.

The servicing of an unpaid court obligation does not constitute assignment of a debt, and no contract with a collection agency may remove the court's control over unpaid obligations owed to the court."

On page 1, line of the title, after "fines;" strike the remainder of the title and insert "and amending RCW 3.02.045, 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, 10.82.090, and 36.18.190."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Hickel moved that the House concur in the Senate amendments to Substitute House Bill No. 1680 and pass the bill as amended by the Senate.

Representative Hickel spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1680 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1680 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1680, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1692 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 5.28.010 and 1987 c 202 s 124 are each amended to read as follows:

~~((That))~~ Every court, judge, clerk of a court, or notary public, is authorized to take testimony in any action, suit or proceeding, and such other persons in particular cases as authorized by law. Every such court or officer is authorized to collect fees established under RCW 36.18.020 and sections 12 through 15 of this act and to administer oaths and affirmations generally((r)) and to every such other person in such particular case as authorized.

Sec. 2. RCW 10.14.040 and 1987 c 280 s 4 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

Sec. 3. RCW 10.82.070 and 1988 c 169 s 5 are each amended to read as follows:

(1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, for contempt of court, or for breach of the penal laws shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have accrued.

(2) The county treasurer shall remit monthly thirty-two percent of the money received under this section except for certain costs to the state treasurer for deposit as provided under RCW 43.08.250 and shall deposit the remainder as provided by law. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Costs or assessments awarded to dedicated accounts, state or local, are not subject to this state allocation or to RCW 7.68.035.

(3) All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

Sec. 4. RCW 11.86.031 and 1989 c 34 s 3 are each amended to read as follows:

(1) The disclaimer shall:

- (a) Be in writing;
- (b) Be signed by the disclaimant;
- (c) Identify the interest to be disclaimed; and
- (d) State the disclaimer and the extent thereof.

(2) The disclaimer shall be delivered or mailed as provided in subsection (3) of this section at any time after the creation of the interest, but in all events by nine months after the latest of:

- (a) The date the beneficiary attains the age of twenty-one years;
- (b) The date of the transfer; or

(c) The date that the beneficiary is finally ascertained and the beneficiary's interest is indefeasibly vested.

(3) The disclaimer shall be mailed by first-class mail, or otherwise delivered, to the creator of the interest, the creator's legal representative, or the holder of the legal title to the property to which the interest relates or, if the creator is dead and there is no legal representative or holder of legal title, to the person having possession of the property.

(4) If the date of the transfer is the date of the death of the creator of the interest, a copy of the disclaimer may be filed with the clerk of the probate court in which the estate of the creator is, or has been, administered, or, if no probate administration has been commenced, then with the clerk of the court of any county provided by law as the place for probate administration of such person, where it shall be indexed under the name of the decedent in the probate index upon the payment of a fee (~~of two dollars~~) established under section 14 of this act.

(5) The disclaimer of an interest in real property may be recorded, but shall constitute notice to all persons only from and after the date of recording. If recorded, a copy of the disclaimer shall be recorded in the office of the auditor in the county or counties where the real property is situated.

Sec. 5. RCW 12.40.105 and 1983 c 254 s 2 are each amended to read as follows:

If the losing party fails to pay the judgment within twenty days or within the period otherwise ordered by the court, the judgment shall be increased by: (1) An amount sufficient to cover costs of certification of the judgment under RCW 12.40.110; and (2) the amount specified in (~~RCW 36.18.020(3))~~ section 12(2) of this act, without regard to the jurisdictional limits on the small claims department.

Sec. 6. RCW 12.40.110 and 1984 c 258 s 68 are each amended to read as follows:

(1) If the losing party fails to pay the judgment according to the terms and conditions thereof within twenty days or is in arrears on any payment plan, and the prevailing party so notifies the court, the judge before whom such hearing was had shall certify the judgment in substantially the following form:

In the District Court of County.

Washington.

Plaintiff,

vs.

Defendant.

In the Small Claims Department.

This is to certify that: (1) In a certain action before me, the undersigned, had on this the day of 19. . . . , wherein was plaintiff and defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, I then and there entered judgment against in the sum of Dollars; (2) the judgment has not been paid within twenty days or the period otherwise ordered by the court; and (3) pursuant to RCW 12.40.105, the amount of the judgment is hereby increased by any costs of certification under this section and the amount specified in ~~((RCW 36.18.020(3)))~~ section 12(2) of this act.

Witness my hand this day of, 19. . .

District Judge sitting in the
Small Claims Department.

(2) The judge shall forthwith enter the judgment transcript on the judgment docket of the district court; and thereafter garnishment, execution, and other process on execution provided by law may issue thereon, as in other judgments of district courts.

(3) Transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

Sec. 7. RCW 13.64.020 and 1993 c 294 s 2 are each amended to read as follows:

(1) A petition for emancipation shall be signed and verified by the petitioner, and shall include the following information: (a) The full name of the petitioner, the petitioner's birthdate, and the state and county of birth; (b) a certified copy of the petitioner's birth certificate; (c) the name and last known address of the petitioner's parent or parents, guardian, or custodian; (d) the petitioner's present address, and length of residence at that address; (e) a declaration by the petitioner indicating that he or she has the ability to manage his or her financial affairs, including any supporting information; and (f) a declaration by the petitioner indicating that he or she has the ability to manage his or her personal, social, educational, and nonfinancial affairs, including any supporting information.

(2) ~~((A reasonable filing fee not to exceed fifty dollars shall be set by the court.))~~ Fees for this section are set under section 13 of this act.

Sec. 8. RCW 26.50.030 and 1992 c 111 s 2 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060~~((3))~~ (4).

(3) Within ninety days of receipt of the master copy from the administrator for the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 26.50.035 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) ~~((A))~~ No filing fee ~~((of twenty dollars shall))~~ may be charged for proceedings under this section. ~~((No filing fee may be charged for: (a) A petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought; or (b) the transfer of a case from district or municipal court to superior court under RCW 26.50.020(2).))~~ Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

Sec. 9. RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section (~~and RCW 36.70A.300(3)~~), proceedings for review under this chapter shall be instituted by paying the fee required under RCW 36.18.020 and filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

Sec. 10. RCW 36.18.020 and 1993 c 435 s 1 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state public safety and education account under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070.

(2) Clerks of superior courts shall collect the following fees for their official services:

~~((4))~~ (a) The party filing the first or initial paper in any civil action, including, but not limited to an action for restitution, ~~((or))~~ adoption, or change of name, shall pay, at the time ~~((said))~~ the paper is filed, a fee of one hundred ten dollars except, in ~~((proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or))~~ an unlawful detainer action under chapter 59.18 or 59.20 RCW ~~((where))~~ for which the plaintiff shall pay a case initiating filing fee of thirty dollars. ~~((If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional eighty dollars which shall be considered part of the filing fee.))~~ The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

~~((2))~~ (b) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of one hundred ten dollars.

~~((3))~~ The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

~~(4)~~ For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

~~(5)~~ For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

~~(6)~~ The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of fifty dollars; if the demand is for a jury of twelve the fee shall be one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty dollar fee will be required of the party demanding the increased number of jurors.

~~(7)~~ For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect twenty dollars.

~~(8)~~ For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

~~(9)~~ For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

~~(10)~~ For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of twenty dollars shall be charged.

~~(11)~~ For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

~~(12))~~ (c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of one hundred ten dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of one hundred ten dollars.

(e) For filing of a petition for determination of water rights under RCW 90.03.180 a filing fee of twenty-five dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars(~~(: PROVIDED, HOWEVER, A fee of twenty dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170)~~).

~~((13))~~ (g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.

~~((14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.~~

~~(15) For the preparation of a passport application the clerk may collect an execution fee as authorized by the federal government.~~

~~(16) For clerks' special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.~~

~~(17) For duplicated recordings of court's proceedings there shall be a fee of ten dollars for each audio tape and twenty five dollars for each video tape.~~

~~(18))~~ (h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

~~((19))~~ (i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

~~((20))~~ (3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

Sec. 11. RCW 36.18.010 and 1991 c 26 s 2 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page, legal size (eight and one-half by fourteen inches or less), five dollars; for each additional legal size page, one dollar; the fee for recording multiple transactions contained in one instrument will be calculated individually for each transaction requiring separate indexing as required under RCW 65.04.050;

For preparing and certifying copies, for the first legal size page, three dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund, ~~((which five dollar fee shall expire June 30, 1995,))~~ plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records, not listed above, for first legal size page, five dollars; for each additional legal size page, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170.

NEW SECTION. Sec. 12. A new section is added to chapter 36.18 RCW to read as follows:

(1) Revenue collected under this section is subject to division with the state for deposit in the public safety and education account under RCW 36.18.025.

(2) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing a fee of fifteen dollars.

(3) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars must be paid.

(4) The clerk shall collect a fee of twenty dollars for: Filing a paper not related to or a part of a proceeding, civil or criminal, or a probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law; or filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(5) If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay before proceeding with the unlawful detainer action eighty dollars.

(6) For a restrictive covenant for filing a petition to strike discriminatory provisions in real estate under RCW 49.60.227 a fee of twenty dollars must be charged.

(7) A fee of twenty dollars must be charged for filing a will only, when no probate of the will is contemplated.

(8) A fee of two dollars must be charged for filing a petition, written agreement, or written memorandum in a nonjudicial probate dispute under RCW 11.96.170.

(9) For certification of delinquent taxes by a county treasurer under RCW 84.64.190, a fee of five dollars must be charged.

NEW SECTION. Sec. 13. A new section is added to chapter 36.18 RCW to read as follows:

(1) Revenue collected under this section is subject to division with the county law library under RCW 27.24.070.

(2) For filing a petition for emancipation for minors as required under RCW 13.64.020 a fee up to fifty dollars must be collected.

NEW SECTION. Sec. 14. A new section is added to chapter 36.18 RCW to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of twenty dollars must be paid.

(3) The party making a demand for jury of six in a civil action shall pay, at the time, a fee of fifty dollars; if the demand is for a jury of twelve, a fee of one hundred dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors. Upon conviction in criminal cases a jury demand charge may be imposed as costs under RCW 10.46.190.

(4) For preparing, transcribing, or certifying an instrument on file or of record in the clerk's office, with or without seal, for the first page or portion of the first page, a fee of two dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of one dollar for each additional seal affixed must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(8) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(9) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(10) For clerk's special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(11) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

(13) For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of five dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must be charged.

(16) A facilitator surcharge of ten dollars must be charged as authorized under RCW 26.12.240.

(17) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(19) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(20) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(21) Investment service charge and earnings under RCW 36.48.090 must be charged.

(22) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

NEW SECTION. Sec. 15. A new section is added to chapter 36.18 RCW to read as follows:

(1) State revenue collected by county clerks under subsection (2) of this section must be transmitted to the appropriate state court. The office of the state administrator for the courts shall retain fees collected under subsection (3) of this section.

(2) For appellate review under RAP 5.1(b), two hundred fifty dollars must be charged.

(3) For all copies and reports produced by the administrator for the courts as permitted under RCW 2.68.020 and supreme court policy, a variable fee must be charged.

Sec. 16. RCW 36.18.022 and 1992 c 54 s 5 are each amended to read as follows:

The court may waive the filing fees provided for under RCW 36.18.020 (~~((1) and~~) (2) (a) and (b) upon affidavit by a party that the party is unable to pay the fee due to financial hardship.

Sec. 17. RCW 40.14.027 and 1994 c 193 s 2 are each amended to read as follows:

State agencies shall collect a surcharge of twenty dollars from the judgment debtor upon the satisfaction of a warrant filed in superior court for unpaid taxes or liabilities. The surcharge is imposed on the judgment debtor in the form of a penalty in addition to the filing fee provided in (~~RCW 36.18.020(4))~~ section 12(3) of this act. The surcharge revenue shall be transmitted to the state treasurer for deposit in the archives and records management account, or procedures for the collection and transmittal of surcharge revenue to the archives and records management account shall be established cooperatively between the filing agencies and clerks of superior court.

Surcharge revenue deposited in the archives and records management account shall be expended by the secretary of state exclusively for the payment of costs and expenses incurred in the provision of public archives and records management services to local government agencies by the division of archives and records management. The secretary of state shall work with local government representatives to establish a committee to advise the state archivist on the local government archives and records management program. Surcharge revenue shall be allocated exclusively to:

(1) Appraise, process, store, preserve, and provide public research access to original records designated by the state archivist as archival which are no longer required to be kept by the agencies which originally made or filed them;

(2) Protect essential records, as provided by chapters 40.10 and 40.20 RCW. Permanent facsimiles of essential records shall be produced and placed in security storage with the state archivist;

(3) Coordinate records retention and disposition management and provide support for the following functions under RCW 40.14.070:

(a) Advise and assist individual agencies on public records management requirements and practices; and

(b) Compile, maintain, and regularly update general records retention schedules and destruction authorizations; and

(4) Develop and maintain standards for the application of recording media and records storage technologies.

Sec. 18. RCW 49.60.227 and 1993 c 69 s 10 are each amended to read as follows:

If a written instrument contains a provision that is void by reason of RCW 49.60.224, the owner, occupant, or tenant of the property which is subject to the provision may cause the provision to be stricken from the public records by bringing an action in the superior court in the county in which the property is located. The action shall be an in rem, declaratory judgment action whose title shall be the description of the property. The necessary party to the action shall be the owner, occupant, or tenant of the property or any portion thereof. The person bringing the action shall pay a fee set under section 12 of this act.

If the court finds that any provisions of the written instrument are void under RCW 49.60.224, it shall enter an order striking the void provisions from the public records and eliminating the void provisions from the title or lease of the property described in the complaint.

Sec. 19. RCW 65.12.780 and 1907 c 250 s 94 are each amended to read as follows:

On the filing of any application for registration, the applicant shall pay to the clerk of the court ~~((, in counties having more than forty thousand population, the sum of three dollars; and in all other counties, the sum of five dollars, which shall be in full of all clerk's fees and charges in such proceeding in behalf of the applicant. Any defendant, on entering his appearance, shall pay to the clerk of the court, the sum of three dollars, which shall be in full of all clerk's fees in behalf of such defendant))~~ filing fees as set in section 14 of this act. When any number of defendants enter their appearance at the same time, before default, but one fee shall be paid. Every publication in a newspaper required by this chapter shall be paid for by the party on whose application the order of publication is made, in addition to the fees above prescribed. The party at whose request any notice is issued, shall pay for the service of the same, except when sent by mail by the clerk of court, or the registrar of titles.

Sec. 20. RCW 70.02.070 and 1991 c 335 s 206 are each amended to read as follows:

Upon the request of the person requesting the record, the health care provider or facility shall certify the record furnished and may charge for such certification in accordance with ~~((RCW 36.18.020(9)))~~ section 14(5) of this act. No record need be certified until the fee is paid. The certification shall be affixed to the record and disclose:

- (1) The identity of the patient;
- (2) The kind of health care information involved;
- (3) The identity of the person to whom the information is being furnished;
- (4) The identity of the health care provider or facility furnishing the information;
- (5) The number of pages of the health care information;
- (6) The date on which the health care information is furnished; and
- (7) That the certification is to fulfill and meet the requirements of this section.

Sec. 21. RCW 90.03.180 and 1982 c 15 s 2 are each amended to read as follows:

At the time of filing the statement as provided in RCW 90.03.140, each defendant shall pay to the clerk of the superior court a fee ~~((of twenty five dollars))~~ as set under RCW 36.18.020.

NEW SECTION. **Sec. 22.** RCW 2.32.075 and 1961 c 304 s 5 are each repealed."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 5.28.010, 10.14.040, 10.82.070, 11.86.031, 12.40.105, 12.40.110, 13.64.020, 26.50.030,

34.05.514, 36.18.010, 36.18.020, 36.18.022, 40.14.027, 49.60.227, 65.12.780, 70.02.070, and 90.03.180; adding new sections to chapter 36.18 RCW; and repealing RCW 2.32.075."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1692 and pass the bill as amended by the Senate.

Representative Sheahan spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1692 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1692 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1692, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1756 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.110 and 1993 c 412 s 7 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the

guardian ad litem, and court-appointed special advocates, if any, are all in agreement. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care ((or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow)), the child's foster parent ((or relative care provider)), to attend ((dependency review)) all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

Sec. 2. RCW 13.34.130 and 1994 c 288 s 4 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family

because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court

orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "and amending RCW 13.34.110 and 13.34.130."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Veloria moved that the House concur in the Senate amendments to Substitute House Bill No. 1756 and pass the bill as amended by the Senate.

Representatives Thibaudeau and Veloria spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1756 as amended by the Senate.

Representative Stevens spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1756 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Substitute House Bill No. 1756, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.37 RCW to read as follows:

(1) "Safety chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system, as prescribed by rule of the Washington state patrol.

(2) The term "safety chains" includes chains, cables, or wire ropes, or an equivalent flexible member meeting the strength requirements prescribed by rule of the Washington state patrol.

(3) A tow truck towing a vehicle and a vehicle towing a trailer must use safety chains. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

NEW SECTION. Sec. 2. A new section is added to chapter 46.55 RCW to read as follows:

A vehicle engaging in the business of recovery of disabled vehicles for monetary compensation, from or on a public road or highway must either be operated by a registered tow truck operator, or someone who at a minimum has insurance in a like manner and amount as prescribed in RCW 46.55.030(3), and have had their tow trucks inspected in a like manner as prescribed by RCW 46.55.040(1). The department shall adopt rules to enforce this section. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

Sec. 3. RCW 46.55.063 and 1989 c 111 s 7 are each amended to read as follows:

(1) An operator shall file a fee schedule with the department. All filed fees must be adequate to cover the costs of service provided. No fees may exceed those filed with the department. At least ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(2) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize the impounds, and the present charge of a private impound for the classes of tow trucks to be used in the impound, and must be retained in the files of the registered tow truck operator for three years.

(3) A fee that is charged for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour.

(4) ~~((A)) Fees that ((is))~~ are charged for the storage of a vehicle, or for other items of personal property registered or titled with the department, must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area. However, items of personal property registered or titled with the department that are wholly contained within an impounded vehicle are not subject to additional storage fees; they are, however, subject to satisfying the underlying lien for towing and storage of the vehicle in which they are contained.

(5) All billing invoices that are provided to the redeemer of the vehicle, or other items of personal property registered or titled with the department, must be itemized so that the individual fees are clearly discernable.

Sec. 4. RCW 46.55.090 and 1989 c 178 s 25 are each amended to read as follows:

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings, with the exception of those items of personal property that are registered or titled with the department, not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

Sec. 5. RCW 46.55.100 and 1991 c 20 s 1 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned

vehicle and any other items of personal property registered or titled with the department to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

Sec. 6. RCW 46.55.110 and 1989 c 111 s 10 are each amended to read as follows:

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the ((vehicle)) owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

(3) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed.

Sec. 7. RCW 46.55.120 and 1993 c 121 s 3 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department.

(b) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this

section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:
YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the
. Court located at in the sum of \$., in an action entitled
., Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and
costs will be awarded against you under RCW . . . if the judgment is not paid within
15 days of the date of this notice.

DATED this day of, 19. . .

Signature

Typed name and address

of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

Sec. 8. RCW 46.55.140 and 1992 c 200 s 1 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle except for items of personal property registered or titled with the department. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of ~~((three))~~ five hundred dollars ~~((less))~~ after deduction of the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars ~~((less))~~ after deduction of the amount bid at auction, unless the impound is determined to be invalid. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 and has timely and properly filed the seller's report is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed seller's report shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

Sec. 9. RCW 46.20.435 and 1985 c 391 s 1 are each amended to read as follows:

(1) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021 or with a license that has been expired for ninety days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420, a law enforcement officer may immediately impound the vehicle that the person is operating.

(2) ~~((If the driver of the vehicle is the owner of the vehicle,))~~ The officer shall not release the vehicle impounded under subsection (1) of this section until the owner of the vehicle:

(a) Establishes that any penalties, fines, or forfeitures owed by the ~~((person driving))~~ registered owner of the vehicle ~~((when it))~~ that was impounded have been satisfied; and

(b) Pays the reasonable costs of such impoundment and storage.

(3) ~~((If the driver of the vehicle is not the owner of the vehicle, the driver shall be responsible for any penalties, fines, or forfeitures owed or due and for the costs of impoundment and storage. The vehicle shall be released to the owner immediately upon proof of such ownership.~~

~~((4))~~ Whenever a vehicle has been impounded by a law enforcement officer, the officer shall immediately serve upon the driver of the impounded vehicle a notice informing the recipient of his or her right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing or the amount of towing and storage charges. A request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date of the impound. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the driver is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

~~((5))~~ (4)(a) The district court, within five days after the request for a hearing, shall notify the driver in writing of the hearing date and time.

(b) At the hearing, the person requesting the hearing may produce any relevant evidence to show that the impoundment was not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the driver was responsible for any penalties, fines, or forfeitures owed or due at the time of the impoundment, and whether they have been satisfied.

(d) A certified transcript or abstract of the driving record of the driver, as maintained by the department, is admissible in evidence in any hearing and is prima facie evidence of the status of the driving privilege of the person named in it at the time of the impoundment and whether there were penalties, fines, or forfeitures due and owing by the person named in it at the time the impoundment occurred.

Sec. 10. RCW 46.61.625 and 1965 ex.s. c 155 s 73 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010(8)."

In line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.55.063, 46.55.090, 46.55.100, 46.55.110, 46.55.120, 46.55.140, 46.20.435, and 46.61.625; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.55 RCW; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1820 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1820 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1820 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 5, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Beeksmma, Goldsmith, Hargrove, Pennington and Sherstad - 5.

Excused: Representatives Benton, Cooke, Fisher, G., Mielke and Tokuda - 5.

Engrossed Substitute House Bill No. 1820, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1820.

STEVE HARGROVE, 23rd District

I intended to vote NAY on Engrossed Substitute House Bill No. 1820.

LOIS MCMAHAN, 26th District

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1858 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.280 RCW to read as follows:
The office of crime victims advocacy is established in the department of community, trade, and economic development. The office shall assist communities in planning and implementing services for crime victims, advocate on behalf of crime victims in obtaining needed services and resources, and advise local and state governments on practices, policies, and priorities that impact crime victims. In addition, the office shall administer grant programs for sexual assault treatment and prevention services, as authorized in this chapter."

On page 1, line 1 of the title, after "advocacy;" strike the remainder of the title and insert "and adding a new section to chapter 43.280 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ballasiotes moved that the House concur in the Senate amendments to House Bill No. 1858 and pass the bill as amended by the Senate.

Representatives Ballasiotes and Costa spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1858 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1858 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Benton, Cooke and Mielke - 3.

House Bill No. 1858, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1871 with the following amendments:

On page 4, line 6, after "municipality" insert "whose governing body implements a tax change" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1871 and pass the bill as amended by the Senate.

Representative Sheahan spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1871 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1871 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky,

Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Benton, Cooke and Mielke - 3.

Substitute House Bill No. 1871, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1879 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.220 and 1994 sp.s. c 7 s 529 are each amended to read as follows:

(1) Whenever legal custody of a child is vested in someone other than his or her parents, under this chapter, and not vested in the department of social and health services, after due notice to the parents or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum representing in whole or in part the costs of support, treatment, and confinement of the child after the decree is entered.

(2) If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against such person for contempt.

(3) Whenever legal custody of a child is vested in the department under this chapter, the parents or other persons legally obligated to care for and support the child shall be liable for the costs of support, treatment, and confinement of the child, in accordance with the department's reimbursement of cost schedule. The department shall adopt a reimbursement of cost schedule based on the costs of providing such services, and shall determine an obligation based on the responsible parents' or other legally obligated person's ability to pay. The department is authorized to adopt additional rules as appropriate to enforce this section.

(4) To enforce subsection (3) of this section, the department shall serve on the parents or other person legally obligated to care for and support the child a notice and finding of financial responsibility requiring the parents or other legally obligated person to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect and should not be ordered. This notice and finding shall relate to the costs of support, treatment, and confinement of the child in accordance with the department's reimbursement of cost schedule adopted under this section, including periodic payments to be made in the future. The hearing shall be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(5) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the parent or legally obligated person by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

(6) If the parents or other legally obligated person objects to the notice and finding of financial responsibility, then an application for an adjudicative hearing may be filed within twenty days of the date of service of the notice. If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the parents or other legally obligated person and shall also determine the amount of periodic payments to be made in the future. If the parents or other legally responsible person fails to file an application within twenty days, the notice and finding of financial responsibility shall become a final administrative order.

(7) Debts determined pursuant to this section are subject to collection action without further necessity of action by a presiding or reviewing officer. The department may collect the debt in accordance with RCW 43.20B.635, 43.20B.640, 74.20A.060, and 74.20A.070. The department shall

exempt from payment parents receiving adoption support under RCW 74.13.100 through 74.13.145, ~~((and))~~ parents eligible to receive adoption support under RCW 74.13.150, and a parent or other legally obligated person when the parent or other legally obligated person, or such person's child, spouse, or spouse's child, was the victim of the offense for which the child was committed.

(8) An administrative order entered pursuant to this section shall supersede any court order entered prior to June 13, 1994.

(9) The department shall be subrogated to the right of the child and his or her parents or other legally responsible person to receive support payments for the benefit of the child from any parent or legally obligated person pursuant to a support order established by a superior court or pursuant to RCW 74.20A.055. The department's right of subrogation under this section is limited to the liability established in accordance with its cost schedule for support, treatment, and confinement, except as addressed in subsection (10) of this section.

(10) Nothing in this section precludes the department from recouping such additional support payments from the child's parents or other legally obligated person as required to qualify for receipt of federal funds. The department may adopt such rules dealing with liability for recoupment of support, treatment, or confinement costs as may become necessary to entitle the state to participate in federal funds unless such rules would be expressly prohibited by law. If any law dealing with liability for recoupment of support, treatment, or confinement costs is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds, such conflicting law is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 13.40.220; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to House Bill No. 1879 and pass the bill as amended by the Senate.

Representative Radcliff spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1879 as amended by the Senate.

Representative Quall spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1879 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky,

Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representative Sherstad - 1.

Excused: Representatives Benton, Cooke and Mielke - 3.

House Bill No. 1879, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1906 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that the state of Washington has a compelling interest in protecting and promoting the health, welfare, and safety of children, including those who receive care away from their own homes. The legislature further declares that no person or agency has a right to be licensed under this chapter to provide care for children. The health, safety, and well-being of children must be the paramount concern in determining whether to issue a license to an applicant, whether to suspend or revoke a license, and whether to take other licensing action. The legislature intends, through the provisions of this act, to provide the department of social and health services with additional enforcement authority to carry out the purpose and provisions of this act. Furthermore, administrative law judges should receive specialized training so that they have the specialized expertise required to appropriately review licensing decisions of the department.

Children placed in foster care are particularly vulnerable and have a special need for placement in an environment that is stable, safe, and nurturing. For this reason, foster homes should be held to a high standard of care, and department decisions regarding denial, suspension, or revocation of foster care licenses should be upheld on review if there are reasonable grounds for such action.

Sec. 2. RCW 74.15.010 and 1983 c 3 s 192 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate child-care and maternity-care facilities, both public and private, through the cooperative efforts of public and voluntary agencies and related groups((-);

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

Sec. 3. RCW 74.15.020 and 1994 c 273 s 21 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;
(2) "Secretary" means the secretary of social and health services;
(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Child day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Family day-care provider" means a (~~licensed~~) child day-care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

(a) ~~Persons related (by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin)) to the child, expectant mother, or person with developmental disability in the following ways:~~

~~(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;~~

~~(ii) Stepfather, stepmother, stepbrother, and stepsister;~~

~~(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;~~

~~(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (4)(a), even after the marriage is terminated; or~~

~~(v) "Extended family members," as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);~~

~~(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;~~

~~(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where: (i) The person providing care for periods of less than twenty-four hours does not (~~engage in~~) conduct such activity on (~~a regular basis, or where~~) an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care; or (ii) the parent and person providing care on a twenty-four hour basis have agreed to the placement in writing and the state is not providing any payment for the care;~~

~~(d)~~ Parents on a mutually cooperative basis exchange care of one another's children ~~(~~or~~ persons who have the care of an exchange student in their own home)~~);

~~((d))~~ (e) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

~~((e))~~ (f) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

~~((f))~~ (g) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

~~((g))~~ (h) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

~~((h))~~ (i) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

~~((i))~~ (j) Licensed physicians or lawyers;

~~((j))~~ (k) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

~~((k))~~ (l) Facilities approved and certified under chapter 71A.22 RCW;

~~((l))~~ (m) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

~~((m))~~ (n) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

~~((n))~~ (o) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~((o))~~ (p) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(5) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

Sec. 4. RCW 74.15.030 and 1988 c 189 s 3 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have

unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.060 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the child care coordinating committee and other affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 5. RCW 74.15.130 and 1989 c 175 s 149 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205

governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed seventy-five dollars per violation for a family day-care home and two hundred fifty dollars per violation for group homes, child day-care centers, and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

NEW SECTION. Sec. 6. A new section is added to chapter 74.15 RCW to read as follows:

(1) The office of administrative hearings shall not assign nor allow an administrative law judge to preside over an adjudicative hearing regarding denial, modification, suspension, or revocation of any license to provide child care, including foster care, under this chapter, unless such judge has received training related to state and federal laws and department policies and procedures regarding:

- (a) Child abuse, neglect, and maltreatment;
- (b) Child protective services investigations and standards;
- (c) Licensing activities and standards;
- (d) Child development; and
- (e) Parenting skills.

(2) The office of administrative hearings shall develop and implement a training program that carries out the requirements of this section. The office of administrative hearings shall consult and coordinate with the department in developing the training program. The department may assist the office of administrative hearings in developing and providing training to administrative law judges.

NEW SECTION. Sec. 7. A new section is added to chapter 74.15 RCW to read as follows:

(1) The department may issue a probationary license to a licensee who has had a license but is temporarily unable to comply with a rule or has been the subject of multiple complaints or concerns about noncompliance if:

- (a) The noncompliance does not present an immediate threat to the health and well-being of the children but would be likely to do so if allowed to continue; and
- (b) The licensee has a plan approved by the department to correct the area of noncompliance within the probationary period.

(2) A probationary license may be issued for up to six months, and at the discretion of the department it may be extended for an additional six months. The department shall immediately terminate the probationary license, if at any time the noncompliance for which the probationary license was issued presents an immediate threat to the health or well-being of the children.

(3) The department may, at any time, issue a probationary license for due cause that states the conditions of probation.

(4) An existing license is invalidated when a probationary license is issued.

(5) At the expiration of the probationary license, the department shall reinstate the original license for the remainder of its term, issue a new license, or revoke the original license.

(6) A right to an adjudicative proceeding shall not accrue to the licensee whose license has been placed on probationary status unless the licensee does not agree with the placement on probationary status and the department then suspends, revokes, or modifies the license.

Sec. 8. RCW 74.15.100 and 1982 c 118 s 11 are each amended to read as follows:

Each agency shall make application for a license or renewal of license to the department of social and health services on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that ~~((a-provisional))~~ an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed foster-family and family day-care homes having an acceptable history of child care, the license may remain in effect for two weeks after a move, except that for the foster-family home this will apply only if the family remains intact.

Sec. 9. RCW 74.15.120 and 1979 c 141 s 361 are each amended to read as follows:

The secretary of social and health services may, at his or her discretion, issue ~~((a-provisional))~~ an initial license instead of a full license to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license ~~(, except that a provisional)~~. An initial license shall not be granted to any foster-family home except as provided in rules adopted by the department."

On page 1, line 1 of the title, after "licensing;" strike the remainder of the title and insert "amending RCW 74.15.010, 74.15.020, 74.15.030, 74.15.130, 74.15.100, and 74.15.120; adding new sections to chapter 74.15 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lambert moved that the House concur in the Senate amendments to Substitute House Bill No. 1906 and pass the bill as amended by the Senate.

Representatives Lambert and Thibaudeau spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1906 as amended by the Senate.

Representative Lambert spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1906 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 72, Nays - 23, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Mastin, McMahan, McMorris, Morris, Mulliken, Ogden, Pelesky, Pennington, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 72.

Voting nay: Representatives Ballasiotes, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Fisher, R., Jacobsen, Kessler, Lisk, Mason, Mitchell, Patterson, Poulsen, Quall, Regala, Rust, Scott, Tokuda, Veloria and Wolfe - 23.

Excused: Representatives Benton, Cooke and Mielke - 3.

Substitute House Bill No. 1906, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 81.84 RCW to read as follows:

As used in this chapter:

(1) "Excursion service" means the carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.

(2) "Charter service" means the hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.

NEW SECTION. Sec. 2. A new section is added to chapter 81.84 RCW to read as follows:

(1) Unless expressly exempted in section 3 of this act, no vessel may provide excursion service over the waters of this state without first having obtained a certificate of public convenience and necessity as provided in RCW 81.84.010.

(2) Vessels providing excursion service must comply with all provisions of this chapter and rules of the commission adopted under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 81.84 RCW to read as follows:

This chapter does not apply to the following vessels or operations:

(1) Charter services;

(2) Vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel;

(3) Vessels operated by not-for-profit or governmental entities that are replicas of historic vessels or that are recognized by the United States department of the interior as national historical landmarks;

(4) Excursion services that:

(a) Originate and primarily operate at least six months per year in San Juan county waters and use vessels less than sixty-five feet in length with a United States Coast Guard certificate that limits them to forty-nine passengers or less;

(b) Do not depart from the point of origin on a regular published schedule;

(c) Do not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen times during any twelve-month period;

(d) Use vessels that do not return to the point of origin on the day of departure; or

(e) Operate vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington.

NEW SECTION. **Sec. 4.** Effective January 1, 2001, the following acts or parts of acts are each repealed:

(1) Section 1 of this act;

(2) Section 2 of this act; and

(3) Section 3 of this act."

In line 1 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 81.84 RCW; and repealing sections 1, 2, and 3 of this act."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1922 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1922 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1922 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Benton, Cooke and Mielke - 3.

Engrossed Substitute House Bill No. 1922, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2067 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.060 and 1981 c 141 s 1 are each amended to read as follows:

The following property shall be exempt from taxation:

(1) All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit, together with all real and personal property of such associations used exclusively for the safekeeping, maintaining and exhibiting of such collections; and all the real and personal property owned by or leased to associations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works for the benefit of the general public and not for profit, which real and personal property is used exclusively for this production or performance(~~(: PROVIDED, That to qualify for)~~).

(a) To receive this exemption an organization must be organized and operated exclusively for artistic, scientific, historical, literary, musical, dance, dramatic, or educational purposes and receive a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States or any state or any political subdivision thereof or from direct or indirect contributions from the general public(¿).

(b) If the property is not currently being used for an exempt purpose but will be used for an exempt purpose within a reasonable period of time, the nonprofit organization, association, or corporation claiming the exemption must submit proof that a reasonably specific and active program is being carried out to construct, remodel, or otherwise enable the property to be used for an exempt purpose. The property does not qualify for an exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise. Proof of a specific and active program to build or remodel the property so it may be used for an exempt purpose may include, but is not limited to:

(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation toward an active program of construction or remodeling;

(ii) Itemized reasons for the proposed construction or remodeling;

(iii) Clearly established plans for financing the construction or remodeling; or

(iv) Building permits.

(c) Notwithstanding (b) of this subsection, a for-profit limited partnership created to provide facilities for the use of nonprofit art, scientific, or historical organizations qualifies for the exemption under (b) of this subsection through 1997 if the for-profit limited partnership otherwise qualifies under (b) of this subsection.

(2) All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein(¿).

(3) Property owned by humane societies in this state in actual use by such societies.

NEW SECTION. **Sec. 2.** The act is effective for taxes levied for collection in 1995 and thereafter.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 84.36.060; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 2067 and pass the bill as amended by the Senate.

Representative B. Thomas spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 2067 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2067 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Benton, Cooke and Mielke - 3.

Substitute House Bill No. 2067, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1110 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.30 RCW to read as follows:

The legislature hereby establishes its oversight authority regarding long-range commitments made by the department of natural resources in the department's management of state forest lands, with respect to commitments made with the federal government pursuant to the federal endangered species act. The legislature shall set overall policy for the management of the lands of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 43.30 RCW to read as follows:

The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. Sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

The department shall submit the following with each biennial budget request:

- (1) An analysis of the impacts of any agreement or contract on state lands;
- (2) Detailed funding requirements to implement the agreement or contract in the next biennium;

and

(3) An accounting of expenditures during the current biennium with respect to any agreement or contract.

The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 43.88 RCW to read as follows:

The biennial budget request of the department of natural resources must comply with section 2 of this act."

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "adding new sections to chapter 43.30 RCW; and adding a new section to chapter 43.88 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Fuhrman moved that the House concur in the Senate amendments to Substitute House Bill No. 1110 and pass the bill as amended by the Senate.

Representatives Fuhrman and Basich spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1110 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1110 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 13, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith,

Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven and Mr. Speaker - 82.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Dellwo, Mason, Ogden, Patterson, Romero, Rust, Thibaudeau, Voloria and Wolfe - 13.

Excused: Representatives Benton, Cooke and Mielke - 3.

Substitute House Bill No. 1110, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1129 with the following amendments:

On page strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.365 and 1979 ex.s. c 196 s 7 are each amended to read as follows:

(1) This chapter does not apply to amounts derived by a nonprofit organization as a result of conducting or participating in a bazaar or rummage sale if:

(a) The organization does not conduct or participate in more than two bazaars or rummage sales per year; and

(b) Each bazaar or rummage sale does not extend over a period of more than two days; and

(c) The gross income received by each organization from each bazaar or rummage sale does not exceed ~~((one))~~ ten thousand dollars.

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales made by a nonprofit organization if the gross income from the sales is exempt under RCW 82.04.365.

NEW SECTION. **Sec. 3.** A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to nonprofit organizations in respect to amounts derived from the provision of child care resource and referral services.

NEW SECTION. **Sec. 4.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "nonprofits;" strike the remainder of the title and insert "amending RCW 82.04.365; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House not concur in the Senate amendments to Substitute House Bill No. 1129 and ask the Senate for a conference thereon.

Representative B. Thomas spoke in favor of the motion and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Schoesler, Pennington and Quall as Conferees on Substitute House Bill No. 1129.

There being no objection, the House considered the following bills in the following order: Engrossed Substitute House Bill No. 1070 and Engrossed Substitute House Bill No. 2080.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;
"Cap Bldg Constr Acct" means Capitol Building Construction Account;
"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;
"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;
"Common School Constr Fund" means Common School Construction Fund;
"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;
"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;
"Data Proc Rev Acct" means Data Processing Revolving Account;
"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;
"For Dev Acct" means Forest Development Account;
"Res Mgmt Cost Acct" means Resource Management Cost Account;
"Game Spec Wildlife Acct" means Game Special Wildlife Account;
"H Ed Constr Acct" means Higher Education Construction Account 1979;
"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;
"LIRA" means State and Local Improvement Revolving Account;
"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;

"NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;

"ORA" means Outdoor Recreation Account;

"Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;

"Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;

"St Bldg Constr Acct" means State Building Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;

"Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;

"UW Bldg Acct" means University of Washington Building Account;

"WA Housing Trust Acct" means Washington Housing Trust Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

PART 1
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE

Northwest Washington Regional Archives: Construction (90-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 3,970

Prior Biennia (Expenditures) \$ 128,341

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,311

NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE

001) Central Washington Regional Archives--Central Washington University Campus (93-2-

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 434,000

Prior Biennia (Expenditures) \$ 3,500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,934,000

NEW SECTION. **Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE**

Essential Records Storage Site--Asbestos survey and abatement (94-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000 -----

NEW SECTION. **Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE**

Eastern Washington Branch Archives: Design (94-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 6,200

Prior Biennia (Expenditures) \$ 52,000

Future Biennia (Projected Costs) \$ 4,540,612

TOTAL \$ 4,598,812 -----

NEW SECTION. **Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE**

Puget Sound Branch Archives--Building design (94-2-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 670,000

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 6,030,125

TOTAL \$ 6,740,125 -----

NEW SECTION. **Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE**

Puget Sound Branch--Building "C" asbestos abatement and demolition (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 125,000 -----

NEW SECTION. **Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Community economic revitalization (86-1-001)

Reappropriation:

Public Works Assistance Acct--State \$ 3,321,298
Pub Fac Constr Loan Rev Acct--State \$ 3,862,729
St Bldg Constr Acct--State \$ 2,106,034

Subtotal Reappropriation \$ 9,290,061 -----

Appropriation:

Pub Fac Constr Loan Rev Acct--State \$ 1,500,000
Public Works Assistance Acct--State \$ 4,000,000

Subtotal Appropriation \$ 5,500,000 -----

Prior Biennia (Expenditures) \$ 7,026,937
Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ 45,816,998 -----

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Development loan fund (88-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 2,000,000
Wa St Dev Loan Acct--Federal \$ 186,654

Subtotal Reappropriation \$ 2,186,654 -----

Appropriation:

Wa St Dev Loan Acct--Federal \$ 3,500,000

Prior Biennia (Expenditures) \$ 5,932,935
Future Biennia (Projected Costs) \$ 20,000,000

TOTAL \$ 31,619,589 -----

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Grays Harbor dredging (88-3-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not

to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct--State \$ 5,788,144

Prior Biennia (Expenditures) \$ 4,211,856

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000 -----

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing assistance, weatherization, and affordable housing program (88-5-015)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

(2) \$3,000,000 of the appropriation from the state building and construction account is provided solely to assist nursing homes convert at least 200 existing beds to assisted living units to be operated under contract with the department of social and health services.

Reappropriation:

St Bldg Constr Acct--State \$ 33,214,000

CEP & RI Acct--State \$ 2,830,959

Subtotal Reappropriation \$ 36,044,959 -----

Appropriation:

St Bldg Constr Acct--State \$ 50,000,000

Prior Biennia (Expenditures) \$ 77,601,500

Future Biennia (Projected Costs) \$ 100,000,000

TOTAL \$ 263,646,459 -----

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

A Contemporary Theatre (ACT)--Seattle (90-1-006)

This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 914,696

Prior Biennia (Expenditures) \$ 85,031

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 999,727 -----

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Seattle Center redevelopment: For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing (92-1-019)

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Reappropriation:

St Bldg Constr Acct--State \$ 2,735,637

Prior Biennia (Expenditures) \$ 5,764,364

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,001 -----

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility (92-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 2,991,000

Prior Biennia (Expenditures) \$ 9,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

7th Street Theatre (90-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The appropriation shall be matched by at least \$400,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000 -----

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Minor works: Emergency Management Building (92-2-009)

Reappropriation:

St Bldg Constr Acct--State \$ 62,263

Prior Biennia (Expenditures) \$ 223,737

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000 -----

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Snohomish County drainage: To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct--State \$ 348,950

Prior Biennia (Expenditures) \$ 1,050

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000 -----

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Resource Center for the Handicapped: To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

Reappropriation:

St Bldg Constr Acct--State \$ 407,203

Prior Biennia (Expenditures) \$ 792,797

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000 -----

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Washington Technology Center laboratories (92-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,262,945

Prior Biennia (Expenditures) \$ 1,419,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,682,603 -----

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Columbia River dredging feasibility: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by December 1, 1995, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 598,200

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000 -----

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions **(92-5-100)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Phase 1 Estimated Total

Capital Cost

Seattle Children's Theatre \$ 8,000,000
Admiral Theatre (Bremerton) \$ 4,261,000
Pacific Northwest Ballet \$ 7,500,000
Seattle Symphony \$ 54,000,000
Seattle Repertory Theatre (Phase 1) \$ 4,000,000
Broadway Theatre District (Tacoma) \$ 11,800,000
Allied Arts of Yakima \$ 500,000
Spokane Art School \$ 454,000
Seattle Art Museum \$ 4,862,500

Total \$ 95,377,500

Phase 2 Estimated Total

Capital Cost

Bainbridge Performing Arts Center \$ 1,200,000
The Children's Museum \$ 2,850,000
Everett Community Theatre \$ 12,119,063
Kirkland Center for the Performing Arts \$ 2,500,000
Makah Cultural and Research Center \$ 1,600,000
Mount Baker Theatre Center \$ 1,581,000
Seattle Group Theatre \$ 334,751
Seattle Opera Association \$ 985,000
Seattle Repertory Theatre (Phase 2) \$ 4,000,000
Valley Museum of Northwest Art \$ 1,100,000
Village Theatre \$ 6,000,000
The Washington Center for the Performing Arts \$ 400,000
Whidbey Island Center for the Arts \$ 1,200,000

Total \$ 35,869,814

Phase 3 Estimated Total

Capital Cost

ACT Theatre \$ 28,100,000
Corbin Art Theater (Spokane) \$ 69,055
Cutter Theater \$ 725,511
Depot Arts Center (Anacortes) \$ 68,000
Little Theater (Walla Walla) \$ 100,000

Meadow for the Arts (Gig Harbor) \$ 2,550,000
 New City Theater \$ 281,000
 Northwest Puppet Theater \$ 413,300
 Paramount Theater \$ 14,705,262
 Rainier Valley Cultural Center \$ 600,000
 Seattle Children's Theater \$ 3,200,000
 Steilacoom Cultural Center \$ 65,000
 Meyendenbauer Theater \$ 2,400,000
 Tu-Ha-Buts Cultural Center \$ 777,405
 Vancouver Arts School \$ 8,549,313
 World Kite Museum \$ 900,000
 Clallam County Gallery \$ 174,314
 Columbia Theater \$ 500,000

Total \$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.

(5) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

Reappropriation:

St Bldg Constr Acct--State \$ 8,000,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 9,209,986

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,209,986

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Columbia Gorge Interpretive Center (92-5-101)

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,886

Prior Biennia (Expenditures) \$ 3,999,114
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Tri-Cities Trade Center (93-5-003)

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 2,527,385

Prior Biennia (Expenditures) \$ 272,615
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Martin Luther King Jr. Memorial (93-5-005)

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 95,450

Prior Biennia (Expenditures) \$ 4,550
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 322,908

Prior Biennia (Expenditures) \$ 477,092
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000 -----

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Fire Training Academy: Preservation (94-1-016)

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,221,018

Appropriation:

St Bldg Constr Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 128,982

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 4,050,000 -----

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Emergency Management Building: Preservation (94-1-018)

Reappropriation:

St Bldg Constr Acct--State \$ 71,759

Prior Biennia (Expenditures) \$ 13,325

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 85,084 -----

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Public works trust fund loans (94-2-001)

The appropriation in this section is subject to the following conditions and limitations:
Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans under House Bill No. 2063.

Reappropriation:

Public Works Assistance Acct--State \$ 105,699,689

Appropriation:

Public Works Assistance Acct--State \$ 148,900,000

Prior Biennia (Expenditures) \$ 151,561,725

Future Biennia (Projected Costs) \$ 695,900,000

TOTAL \$ 1,102,061,414 -----

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Washington Technology Center: Equipment (94-2-002)

The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

Reappropriation:

St Bldg Constr Acct--State \$ 947,785

Prior Biennia (Expenditures) \$ 32,215

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 980,000 -----

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Bigelow House: For restoration and renovation of this historic home to accommodate public visitors (94-2-004)

The reappropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

Reappropriation:

St Bldg Constr Acct--State \$ 298,923

Prior Biennia (Expenditures) \$ 9,077

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000 -----

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Olympic Peninsula Natural History Museum (94-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

Reappropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access (94-2-007)

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000 -----

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Camp North Bend Environmental Center: For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (94-2-008)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Boren Field repairs: To provide financial assistance to the Seattle school district for repairs to Boren Field (94-2-011)

The appropriation in this section shall be matched by at least \$50,000 from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 275,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,000 -----

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Camelot community flooding assistance: To provide financial assistance to King county to relieve flooding in the Camelot community (94-2-012)

The appropriation in this section is subject to the following conditions and limitations: Each dollar expended from the appropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 75,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000 -----

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Daybreak Star Center: Remodel (94-2-100)

Reappropriation:

St Bldg Constr Acct--State \$ 88,484

Prior Biennia (Expenditures) \$ 138,516

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000 -----

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Timber ports capital asset improvements: To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities (94-2-102)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port Amount

Port of Grays Harbor \$ 2564,000

Port of Port Angeles \$ 1,500,000

Port of Longview \$ 1,855,000

Reappropriation:

St Bldg Constr Acct--State \$ 3,281,019

Prior Biennia (Expenditures) \$ 618,981

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,900,000 -----

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Fire Training Academy Portable Building improvements (96-2-016)

Appropriation:

St Bldg Constr Acct--State \$ 99,410

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,410 -----

**NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Sand Point state use studies (96-2-002)

Appropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000 -----

**NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Community Action Agencies: For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;

(2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and

(3) The following projects are eligible for funding:

Estimated Total State
Capital Cost Grant

Benton Franklin Community			
Action Committee	\$1,200,000	\$ 300,000	
Central Area Motivation Project	\$1,000,000	\$ 250,000	
Community Action Center of Whitman County	\$ 390,000	\$ 90,000	

Community Action Council of Lewis, Mason, and Thurston Counties	\$ 700,000	\$ 175,000
El Centro de la Raza	\$1,250,000	\$ 300,000
Fremont Public Association	\$3,000,000	\$ 600,000
Kitsap Community Action Program	\$ 465,000	\$ 110,000
Kittitas Community Action Council	\$ 600,000	\$ 150,000
Lower Columbia Community Action Council	\$1,331,625	\$ 300,000
Metropolitan Development Council	\$ 880,000	\$ 220,000
Multi-Service Centers of North and East King County	\$1,600,000	\$ 350,000
Northeast Washington Rural Resources Development Association	\$1,200,000	\$ 350,000
Okanogan County Community Action Council	\$ 350,000	\$ 80,000
South King County Multi-Service Center	\$ 800,000	\$ 200,000
Spokane Neighborhood Action Programs	\$1,500,000	\$ 375,000
Yakima Valley Farmworker Clinic	\$ 605,000	\$ 150,000
<hr/>		
Total	\$16,871,625	\$4,000,000

Appropriation:

St Bldg Constr Acct--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Pacific Science Center (96-1-900)

The appropriation in this section is provided for capital facilities improvements.

Appropriation:

State Bldg Constr Acct--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT

**Collocated Cascadia Community College and University of Washington Branch Campus
(94-1-003)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;

(2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;

(3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and

(4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 14,500,000

Appropriation:

St Bldg Constr Acct--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 10,710,000

Future Biennia (Projected Costs) \$ 75,000,000

TOTAL \$ 105,210,000 -----

NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Underground storage tank: Pool (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above-ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

Reappropriation:

CEP & RI Acct--State \$ 105,000

St Bldg Constr Acct--State \$ 345,000

Subtotal Reappropriation \$ 450,000 -----

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 4,568,146

Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 15,018,146 -----

NEW SECTION. Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Asbestos abatement and associated minor demolition: Pool (96-1-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Reappropriation:

St Bldg Constr Acct--State \$ 2,500,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 6,358,088

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 27,858,088 -----

NEW SECTION. Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Americans with Disabilities Act: Pool (96-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,000

Appropriation:

St Bldg Constr Acct--State \$ 6,000,000

Prior Biennia (Expenditures) \$ 8,360,000

Future Biennia (Projected Costs) \$ 33,000,000

TOTAL \$ 48,360,000 -----

NEW SECTION. Sec. 145. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Seismic retrofit: Pool (96-1-004)

Appropriation:

General Fund--Federal \$ 2,250,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,250,000 -----

NEW SECTION. Sec. 146. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Capital budget system improvements (96-1-006)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,900,000 -----

NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-1-015)

Reappropriation:

St Bldg Constr Acct--State \$ 985,000

Prior Biennia (Expenditures) \$ 140,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000 -----

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus geotechnical and hydrologic survey (92-2-108)

Reappropriation:

St Bldg Constr Acct--State \$ 75,000

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

CFC/Halon fire control systems (94-1-009)

Reappropriation:

Cap Bldg Constr Acct--State \$ 325,000

Prior Biennia (Expenditures) \$ 139,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 464,000 -----

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus preservation (94-1-010)

Reappropriation:

Cap Bldg Constr Acct--State \$ 910,000

Prior Biennia (Expenditures) \$ 2,748,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,658,000 -----

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake dredging: To develop a dredging plan and to dredge Capitol Lake (92-1-019)

\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

Reappropriation:

St Bldg Constr Acct--State \$ 1,430,000

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000 -----

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building: Preservation: To make critical repairs to the Legislative Building (96-1-001)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000 -----

NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Plaza--Department of Transportation Garage renovation: Design and construction (96-1-002)

Appropriation:

Cap Bldg Constr Acct--State \$ 2,200,000

St Bldg Constr Acct--State \$ 5,312,000

Thurston County Cap Fac
Acct--State \$ 1,809,000

Subtotal Appropriation \$ 9,321,200 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 11,158,500

TOTAL \$ 20,479,700 -----

NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Building--Preservation: To make critical repairs to the electrical service of the General Administration Building (96-1-003)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,950,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,950,000 -----

NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol campus controls systems phase 4 (96-1-004)

Appropriation:

Cap Bldg Constr Acct--State \$ 868,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 868,000 -----

NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park--Phased development: To provide for a public access trail linking the campus to Capitol Lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,035,000

Prior Biennia (Expenditures) \$ 7,030,000
Future Biennia (Projected Costs) \$ 11,492,000

TOTAL \$ 19,557,000 -----

NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency and small repairs (96-1-007)

Appropriation:

Cap Bldg Constr Acct--State \$ 300,000
Thurston County Cap Fac Acct--State \$ 200,000
St Bldg Constr Acct--State \$ 200,000

Subtotal Appropriation \$ 700,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,900,000 -----

TOTAL \$ 5,600,000

NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Electrical improvements: To make critical electrical improvements to the 600 S. Franklin Building (96-1-009)

Appropriation:

Thurston County Cap Fac Acct--State \$ 12,000
St Bldg Constr Acct--State \$ 300,000

Subtotal Appropriation \$ 312,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,800,000 -----

TOTAL \$ 2,112,000

NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Roof repairs and replacement (96-1-010)

Appropriation:

Thurston County Cap Fac Acct--State \$ 775,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,200,000 -----

TOTAL \$ 3,975,000

NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

CFC/Halon fire control systems: Removal and replacement (96-1-011)

Appropriation:

St Bldg Constr Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,500,000 -----

NEW SECTION. **Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000 -----

NEW SECTION. **Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County buildings: Preservation: To make mechanical and heating, ventilation, and air conditioning improvements to the 600 S. Franklin Building, to replace and repair plumbing in the Capitol Park Building, to repair the Employment Security Building, the IBM Building, the Governor's Mansion, and the Institutions Building, and to improve the heating, ventilation, and air conditioning system at the Old Capitol Building **(96-1-013)**

Appropriation:

Cap Bldg Constr Acct--State \$ 378,000

St Bldg Constr Acct--State \$ 1,462,000

Subtotal Appropriation \$ 1,840,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,200,000

TOTAL \$ 6,040,000 -----

NEW SECTION. **Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County infrastructure: Preservation: To repair the Columbia Street Garage, to repair the General Administration Garage, and to repair the Deschutes Parkway **(96-1-015)**

Appropriation:

Cap Bldg Constr Acct--State \$ 230,000

St Bldg Constr Acct--State \$ 200,000

Subtotal Appropriation \$ 430,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,800,000

TOTAL \$ 6,230,000 -----

NEW SECTION. **Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Washington State Training and Conference Center--Preservation (96-1-016)

Appropriation:

St Bldg Constr Acct--State \$ 620,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 620,000

NEW SECTION. **Sec. 165. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Monumental buildings--Preservation: To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,800,000

TOTAL \$ 8,500,000

NEW SECTION. **Sec. 166. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

State Library: Preservation (96-1-018)

Appropriation:

Cap Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. **Sec. 167. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Buildings and infrastructure savings (96-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Appropriation:
St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 168. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration engineering and architectural services: Project management (96-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

Appropriation:
St Bldg Constr Acct--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 8,000,000
Future Biennia (Projected Costs) \$ 30,000,000

TOTAL \$ 45,500,000 -----

NEW SECTION. Sec. 169. FOR THE DEPARTMENT OF INFORMATION SERVICES

Campus transport system phase I: Design and construct (95-2-002)

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

Appropriation:
Data Proc Rev Acct--State \$ 3,450,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,650,000

TOTAL \$ 5,100,000 -----

NEW SECTION. Sec. 170. FOR THE DEPARTMENT OF INFORMATION SERVICES

Washington Information Network Kiosks (95-2-003)

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

Appropriation:

Data Proc Rev Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000 -----

NEW SECTION. Sec. 171. FOR THE WASHINGTON HORSE RACING COMMISSION

Horse Racing Commission (94-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;

(2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Reappropriation:

Thoroughbred Racing

Acct--State \$ 8,200,000

Appropriation:

Thoroughbred Racing

Acct--State \$ 168,065

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,368,065 -----

NEW SECTION. Sec. 172. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Security fence replacement (94-1-003)

Reappropriation:

Liquor Revolving Acct--State \$ 28,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800 -----

NEW SECTION. Sec. 173. FOR THE LIQUOR CONTROL BOARD

Distribution Center--Predesign: To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

Appropriation:

Liquor Revolving Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

NEW SECTION. **Sec. 174. FOR THE MILITARY DEPARTMENT**

001) Yakima Armory demolition: To reimburse the city of Yakima for demolition costs (94-2-001)

Appropriation:

General Fund--Federal \$ 155,000

Prior Biennia (Expenditures) \$ 52,000

Future Biennia (Projected Costs) \$ 6,143,069

TOTAL \$ 6,350,069 -----

NEW SECTION. **Sec. 175. FOR THE MILITARY DEPARTMENT**

State-wide: Preservation (93-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 850,000

Prior Biennia (Expenditures) \$ 2,518,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,368,400 -----

NEW SECTION. **Sec. 176. FOR THE MILITARY DEPARTMENT**

Camp Murray buildings: Preservation (96-1-002)

Appropriation:

General Fund--Federal \$ 1,050,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 658,000

TOTAL \$ 1,708,000 -----

NEW SECTION. **Sec. 177. FOR THE MILITARY DEPARTMENT**

Everett Armory: Preservation (96-1-003)

Appropriation:

General Fund--Federal \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT

Camp Murray infrastructure: Preservation (96-1-006)

Appropriation:

General Fund--Federal \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,500,000

NEW SECTION. Sec. 179. FOR THE MILITARY DEPARTMENT

Minor works: To provide support of federal construction projects (96-1-007)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

General Fund--Federal \$ 3,855,000
St Bldg Constr Acct--State \$ 448,000

Subtotal Appropriation \$ 4,303,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 19,553,700

TOTAL \$ 23,856,700

NEW SECTION. Sec. 180. FOR THE MILITARY DEPARTMENT

Buildings and infrastructure savings (96-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 181. FOR THE MILITARY DEPARTMENT

Emergency Coordination Center: For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and

(3) If Substitute House Bill No. 1017, or substantially similar legislation transferring emergency management responsibilities to the state military department, is not enacted by June 30, 1995, the appropriation in this section shall be transferred to the department of community, trade, and economic development, subject to the conditions and limitations in this section.

Appropriation:

General Fund--Federal \$ 9,066,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,066,000 -----

NEW SECTION. Sec. 182. FOR THE STATE CONVENTION AND TRADE CENTER

Minor works (93-2-001) (89-5-002) (89-5-003)

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

Reappropriation:

St Conv & Trade Ctr Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 333,926

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,926 -----

PART 2
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Sanitary sewer (88-1-400)

Reappropriation:

St Bldg Constr Acct--State \$ 179,908

Prior Biennia (Expenditures) \$ 10,092
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000 -----

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen--Perimeter fence (90-5-002)

Reappropriation:

St Bldg Constr Acct--State \$ 48,233

Prior Biennia (Expenditures) \$ 426,777
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 475,000 -----

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital--Ward renovation phase 3 (92-1-340)

Reappropriation:

St Bldg Constr Acct--State \$ 818,536

Prior Biennia (Expenditures) \$ 5,429,786
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,248,322 -----

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane--Level 2 security units (92-2-230)

Reappropriation:

St Bldg Constr Acct--State \$ 11,718

Prior Biennia (Expenditures) \$ 746,781
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 758,499 -----

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study--Education Center 1 (92-2-319)

Reappropriation:

St Bldg Constr Acct--State \$ 896,907

Prior Biennia (Expenditures) \$ 2,928,093
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,825,000 -----

NEW SECTION. **Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Energy conservation management and planning (94-1-006)

Reappropriation:

CEP & RI Acct \$ 127,559

Prior Biennia (Expenditures) \$ 102,917

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,476 -----

NEW SECTION. **Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Underground Storage Tanks (94-1-060)

Reappropriation:

St Bldg Constr Acct--State \$ 142,641

Prior Biennia (Expenditures) \$ 81,359

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,000 -----

NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital--Ward renovation Phase 5 (92-1-314)

Reappropriation:

St Bldg Constr Acct--State \$ 2,042,000

Prior Biennia (Expenditures) \$ 10,009,327

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,051,327 -----

NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Level 1 Security Units--Maple Lane School (92-2-225)

Reappropriation:

St Bldg Constr Acct--State \$ 3,895,110

Prior Biennia (Expenditures) \$ 3,017,906

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,913,016 -----

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child care facilities (92-4-050)

Reappropriation:

St Bldg Constr Acct--State \$ 829,715

Prior Biennia (Expenditures) \$ 170,285

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fire safety and sewer improvements--Maple Lane School (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 427,281

Prior Biennia (Expenditures) \$ 42,719

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 470,000 -----

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Administration Building renovation--Maple Lane School (94-1-127)

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

Reappropriation:

St Bldg Constr Acct--State \$ 3,768,842

Prior Biennia (Expenditures) \$ 154,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,923,500 -----

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate apartment--Fircrest School (94-1-142)

Reappropriation:

CEP & RI Acct--State \$ 2,119,168

Prior Biennia (Expenditures) \$ 13,944

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112 -----

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Wastewater Treatment Plant--Maple Lane School (94-1-201)

Reappropriation:

St Bldg Constr Acct--State \$ 764,277

Prior Biennia (Expenditures) \$ 8,223

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Water system improvements--Naselle Youth Camp (94-1-202)

Reappropriation:

St Bldg Constr Acct--State \$ 1,165,694

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694 -----

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Replace Eagle Lodge--Naselle Youth Camp (94-1-204)

Reappropriation:

St Bldg Constr Acct--State \$ 954,831

Prior Biennia (Expenditures) \$ 1,145,169

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000 -----

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Clinic--Echo Glen Children's Center (94-1-207)

Reappropriation:

St Bldg Constr Acct--State \$ 1,025,262

Prior Biennia (Expenditures) \$ 61,352

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614 -----

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eagle Lodge rehabilitation--Naselle Youth Camp (94-1-210)

Reappropriation:

St Bldg Constr Acct--State \$ 224,455

Prior Biennia (Expenditures) \$ 57,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000 -----

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center--Administration Building renovation (94-1-306)

Reappropriation:

CEP & RI Acct--State \$ 766,205

Prior Biennia (Expenditures) \$ 11,395

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600 -----

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Security improvements (94-1-310)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation phase 6 (94-1-316)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 11,905,826

Prior Biennia (Expenditures) \$ 245,174

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,151,000 -----

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Frances Haddon Morgan Center--Remodel (94-1-402)

Reappropriation:

St Bldg Constr Acct--State \$ 1,707,781

Prior Biennia (Expenditures) \$ 13,519

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,721,300 -----

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: Repairs (94-1-510)

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

Reappropriation:

St Bldg Constr Acct--State \$ 108,337

Prior Biennia (Expenditures) \$ 131,663

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000 -----

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the state's investment shall be promptly repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Asbestos abatement (96-1-002)

Reappropriation:

CEP & RI Acct--State \$ 349,260

Appropriation:

CEP & RI Acct--State \$ 755,000

Prior Biennia (Expenditures) \$ 367,764

Future Biennia (Projected Costs) \$ 3,253,650

TOTAL \$ 4,725,674

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor capital renewal (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

CEP & RI Acct--State \$ 1,739,331

St Bldg Constr Acct--State \$ 397,207

Subtotal Reappropriation \$ 2,136,538

Appropriation:

CEP & RI Acct--State \$ 5,650,000

St Bldg Constr Acct--State \$ 9,450,000

Subtotal Appropriation \$ 15,100,000

Prior Biennia (Expenditures) \$ 6,131,034

Future Biennia (Projected Costs) \$ 68,000,000

TOTAL \$ 91,367,572

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Agency capital project management (96-1-005)

Appropriation:

CEP & RI Acct--State \$ 1,237,496

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,800,000

TOTAL \$ 6,037,496

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Resource conservation: Fircrest heating study (96-1-006)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

Appropriation:

CEP & RI Acct--State \$ 132,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,000 -----

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency projects (96-1-007)

Reappropriation:

CEP & RI Acct--State \$ 107,460

Appropriation:

CEP & RI Acct--State \$ 250,000

Prior Biennia (Expenditures) \$ 321,454

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,678,914 -----

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Northern State Douglas Building: Mechanical, heating, ventilation, and air conditioning (96-1-070)

Appropriation:

St Bldg Constr Acct--State \$ 170,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 170,000 -----

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Chlorofluorocarbon abatement (96-1-008)

Reappropriation:

CEP & RI Acct--State \$ 100,000

Appropriation:

CEP & RI Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 150,000

TOTAL \$ 400,000

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School infrastructure: Predesign (96-1-009)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Reappropriation:

St Bldg Constr Acct--State \$ 192,078

Prior Biennia (Expenditures) \$ 157,923

Future Biennia (Projected Costs) \$ 30,300,000

TOTAL \$ 30,650,001 -----

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile facilities preservation and rehabilitation (96-1-020)

Reappropriation:

St Bldg Constr Acct--State \$ 1,595,275

Prior Biennia (Expenditures) \$ 374,325

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,969,600 -----

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects--Mental health (96-1-030)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1,412,297

Appropriation:

St Bldg Constr Acct--State \$ 1,950,000

Prior Biennia (Expenditures) \$ 433,004

Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 17,795,301 -----

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects--Division of Developmental Disabilities (96-1-040)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

CEP & RI Acct--State \$ 864,813

Appropriation:

St Bldg Constr Acct--State \$ 539,000

Prior Biennia (Expenditures) \$ 1,658,687

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 9,062,500 -----

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Underground storage tanks removal and replacement (96-1-060)

Reappropriation:

CEP & RI Acct--State \$ 159,286

Appropriation:

CEP & RI Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 832,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,191,286 -----

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maintenance management and planning (96-1-150)

Reappropriation:

CEP & RI Acct--State \$ 140,323

Appropriation:

CEP & RI Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 279,124

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,447 -----

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Medical Lake wastewater treatment facility: Design (96-1-301)

Reappropriation:

St Bldg Constr Acct--State \$ 699,903

Appropriation:

St Bldg Constr Acct--State \$ 1,264,000

Prior Biennia (Expenditures) \$ 2,014,097

Future Biennia (Projected Costs) \$ 750,000

TOTAL \$ 4,728,000 -----

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation Phase 7 (96-1-316)

Phase 7 will be split into a client support area and shell development of ward space for future needs. The project shall move forward on the client support area only. Funds for design and construction shall be released for this project by phase subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Appropriation:

St Bldg Constr Acct--State \$ 1,493,518

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 15,276,500

TOTAL \$ 17,470,018 -----

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital Legal Offenders Unit: Predesign (96-1-318)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 22,300,000

TOTAL \$ 23,000,000 -----

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Legal Offenders Unit: Predesign (96-1-901)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 28,624

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 178,624 -----

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Replace Boiler #1 (96-1-322)

Appropriation:

St Bldg Constr Acct--State \$ 1,440,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,440,000 -----

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen new beds and infrastructure (96-2-229)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 6,484,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,484,300 -----

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill redevelopment (96-2-230)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement. Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

(3) New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.

Appropriation:

St Bldg Constr Acct--State \$ 34,374,536

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 34,374,536 -----

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School support services renovation and infrastructure improvements (96-2-231)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 5,335,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,335,000 -----

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp sewer and infrastructure improvements (96-2-232)

Appropriation:

St Bldg Constr Acct--State \$ 2,125,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,125,500 -----

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mission Creek preservation projects (96-2-233)

Appropriation:

St Bldg Constr Acct--State \$ 414,800

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 414,800 -----

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Indian Ridge utility upgrade projects (96-2-234)

Appropriation:

St Bldg Constr Acct--State \$ 1,521,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,521,500 -----

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 344,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 344,400 -----

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Buildings and infrastructure savings (96-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Crisis Residential Centers (96-1-900)

The appropriation in this section is provided to the department of social and health services for crisis residential centers.

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH

Referendum 38--Water bonds (86-2-099)

Reappropriation:

LIRA, Water Sup Fac--State \$ 1,900,000

Prior Biennia (Expenditures) \$ 7,208,954

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954

NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH

Health Laboratory: Repairs and improvements (96-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 800,000

Appropriation:

St Bldg Constr Acct--State \$ 364,000

Prior Biennia (Expenditures) \$ 118,204

Future Biennia (Projected Costs) \$ 2,478,536

TOTAL \$ 3,760,740

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF HEALTH

Emergency power system (96-1-009)

Appropriation:

CEP & RI Acct--State \$ 596,790

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 596,790

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Underground storage tank: Replacement (94-1-019)

Reappropriation:

CEP & RI Acct--State \$ 52,000

Prior Biennia (Expenditures) \$ 103,902

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 155,902

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Main kitchen upgrade, Washington Soldiers' Home (95-1-001)

Appropriation:

CEP & RI Acct--State \$ 1,096,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,096,000

NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Roof repair and replacement, Washington Veterans' Home (95-1-002)

Reappropriation:

CEP & RI Acct--State \$ 50,000

Appropriation:

CEP & RI Acct--State \$ 402,000

Prior Biennia (Expenditures) \$ 327,895

Future Biennia (Projected Costs) \$ 775,000

TOTAL \$ 1,554,895

NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 600,000

Appropriation:

CEP & RI Acct--State \$ 360,000

Prior Biennia (Expenditures) \$ 1,346,611

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 3,906,611

NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Building connection and automatic doors, Washington Soldiers' Home (95-1-005)

Appropriation:

CEP & RI Acct--State \$ 511,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 511,000

NEW SECTION. **Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)

Reappropriation:

St Bldg Constr Acct--State \$ 250,000

Appropriation:

CEP & RI Acct--State \$ 235,000

Prior Biennia (Expenditures) \$ 587,057

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,672,057 -----

NEW SECTION. **Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Replace failing sewer line, Washington Soldiers' Home (95-1-011)

Appropriation:

CEP & RI Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 275,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 375,595 -----

NEW SECTION. **Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Roof maintenance and demolition, Washington Soldiers' Home (95-1-012)

Reappropriation:

CEP & RI Acct--State \$ 30,000

Appropriation:

CEP & RI Acct--State \$ 120,000

Prior Biennia (Expenditures) \$ 511,570

Future Biennia (Projected Costs) \$ 525,000

TOTAL \$ 1,186,570 -----

NEW SECTION. **Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Emergency projects (95-1-013)

Appropriation:

CEP & RI Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 1,900,000 -----

NEW SECTION. **Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Occupational Therapy and Physical Therapy Room addition in Building 10, Washington Veterans' Home (95-2-009)

Appropriation:

CEP & RI Acct--State \$ 110,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000 -----

NEW SECTION. **Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island master plan development (94-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,519,000

Prior Biennia (Expenditures) \$ 11,359,689

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,878,689 -----

NEW SECTION. **Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS**

Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)

Reappropriation:

St Bldg Constr Acct--State \$ 4,355,000

Prior Biennia (Expenditures) \$ 12,248,062

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,603,062 -----

NEW SECTION. **Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS**

State-wide preservation projects (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management;

(2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995; and

(3) Moneys from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm until a new dairy facility is built.

Reappropriation:

St Bldg Constr Acct--State \$ 17,000,000
Appropriation:
St Bldg Constr Acct--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 54,525,756
Future Biennia (Projected Costs) \$ 94,000,000

TOTAL \$ 175,525,756 -----

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS

Underground storage tank and above-ground storage tank program (96-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

Appropriation:
St Bldg Constr Acct--State \$ 794,729

Prior Biennia (Expenditures) \$ 940,348
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,735,077 -----

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS
Emergency projects (96-1-015)

Reappropriation:
CEP & RI Acct--State \$ 106,000

Appropriation:
CEP & RI Acct--State \$ 1,602,750
St Bldg Constr Acct--State \$ 200,000

Subtotal Appropriation \$ 1,802,750 -----

Prior Biennia (Expenditures) \$ 2,376,811
Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 10,179,561 -----

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary steam system replacement (96-1-016)

Appropriation:
St Bldg Constr Acct--State \$ 4,411,252

Prior Biennia (Expenditures) \$ 2,482,811
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,894,063 -----

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,611,187

Appropriation:

St Bldg Constr Acct--State \$ 8,317,839

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,929,026 -----

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

400-bed minimum facility for Washington State Reformatory (96-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 18,733,120

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,783,120 -----

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Correctional Center 512-bed expansion (96-2-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,055,776

Appropriation:

St Bldg Constr Acct--State \$ 17,155,382

Prior Biennia (Expenditures) \$ 4,439,774

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 23,650,932 -----

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS

Convert medium to close custody at the Washington State Reformatory (96-2-004)

Appropriation:

St Bldg Constr Acct--State \$ 3,236,266

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,236,266

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS

1936-bed multicustody facility design and acquisition (96-2-007)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 19,263,733

Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 166,190,016

TOTAL \$ 186,453,749

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS

Yakima Prerelease: Design and construction (96-2-008)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 7,527,900

Prior Biennia (Expenditures) \$ 240,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,767,900

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS

Larch and Cedar Creek expansion to 400-bed camps (96-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

Appropriation:

St Bldg Constr Acct--State \$ 22,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,000,000 -----

NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS

State-wide program projects (96-2-012)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 7,428,000

Appropriation:

St Bldg Constr Acct--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 45,659,492

Future Biennia (Projected Costs) \$ 70,000,000

TOTAL \$ 128,087,492 -----

PART 3
NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26 waste disposal facilities (74-2-004)

Reappropriation:

LIRA--State \$ 6,216,000

Prior Biennia (Expenditures) \$ 2,711,028

Future Biennia (Projected Costs) \$ 863,680

TOTAL \$ 9,790,708 -----

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 water supply facilities (74-2-006)

\$2,500,000 of the state and local improvements revolving account reappropriation is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir.

It is the intent of the legislature that \$17,500,000 of the state and local improvements revolving account bond authorization will be earmarked for use in funding the state's cost share to match future

federal and local contributions to implement provisions of United States Public Law 103-434, Title XII affecting water resources enhancement in the Yakima river basin.

Reappropriation:

LIRA, Water Sup Fac--State \$ 9,374,371

Appropriation:

LIRA, Water Sup Fac--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 5,738,929

Future Biennia (Projected Costs) \$ 20,712,800

TOTAL \$ 36,826,100

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

State emergency water projects revolving account (76-2-003)

Reappropriation:

St Emerg Water Proj Rev--State \$ 7,749,052

Prior Biennia (Expenditures) \$ 1,187,225

Future Biennia (Projected Costs) \$ 236,956

TOTAL \$ 9,173,233

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39 waste disposal facilities (82-2-005)

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Fac 1980--State \$ 20,652,360

Appropriation:

LIRA, Waste Fac 1980--State \$ 638,273

Prior Biennia (Expenditures) \$ 32,125,342

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 53,415,975

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

Centennial clean water fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the water quality account appropriation is provided solely for the extended grant payment to Metro/King county;

(2) \$10,000,000 of the water quality account appropriation is provided solely for a grant payment to Spokane for the Spokane-Rathdrum Prairie Aquifer;

(3) \$16,536,000 of the water quality account appropriation shall be awarded by the department of ecology for grants on a competitive basis.

(4) Eighty percent of grants awarded must be for implementation projects including facility design and parcel-specific planning and twenty percent grants awarded must be for planning projects.

Reappropriation:

Water Quality Acct--State \$ 72,995,194

Appropriation:

Water Quality Acct--State \$ 51,536,000

Prior Biennia (Expenditures) \$ 156,707,408

Future Biennia (Projected Costs) \$ 300,000,000

TOTAL \$ 587,238,602 -----

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

Local toxics control account (88-2-008)

Reappropriation:

**Local Toxics Control Acct--
State \$ 29,538,197**

Appropriation:

**Local Toxics Control Acct--
State \$ 42,467,860**

Prior Biennia (Expenditures) \$ 81,326,814

Future Biennia (Projected Costs) \$ 201,245,135

TOTAL \$ 354,578,006 -----

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY

Water pollution control revolving account (90-2-002)

Reappropriation:

**Water Pollution Cont Rev
Fund--State \$ 12,000,000**

**Water Pollution Cont Rev
Fund--Federal \$ 77,857,990**

Subtotal Reappropriation \$ 89,857,990 -----

Appropriation:

**Water Pollution Cont Rev Fund--
State \$ 13,000,000**

**Water Pollution Cont Rev Fund--
Federal \$ 62,000,000**

Water Pollution Cont Rev Fund--

Private/Local \$ 4,265,272

Subtotal Appropriation \$ 79,265,272 -----

Prior Biennia (Expenditures) \$ 111,343,108

Future Biennia (Projected Costs) \$ 175,000,000 -----

TOTAL \$ 455,466,370

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY

Methow Basin water conservation (92-2-009)

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Reappropriation:

St Bldg Constr Acct--State \$ 171,000

Prior Biennia (Expenditures) \$ 229,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 400,000

NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail (89-5-112)

Reappropriation:

General Fund--Federal \$ 432,618

Prior Biennia (Expenditures) \$ 7,000,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 7,432,618

NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION

Doug's Beach development (90-1-171)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 12,206

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 62,206

NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION

Deception Pass State Park: Sewer development (91-2-006)

Reappropriation:

St Bldg Constr Acct--State \$ 925,000

Prior Biennia (Expenditures) \$ 37,433

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 962,433 -----

NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION

Triton Cove State Park: Phase 1 (91-2-008)

Reappropriation:

ORA--State \$ 400,000

Prior Biennia (Expenditures) \$ 228,140

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 628,140 -----

NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION

Omnibus boating facilities (91-2-009)

Reappropriation:

ORA--State \$ 200,000

Prior Biennia (Expenditures) \$ 54,780

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 254,780 -----

NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION

St. Edwards State Park--Gym renovation and parking expansion (92-2-501)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 152,137

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 552,137 -----

NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION

Sewer facility improvements (93-2-001)

Reappropriation:

LIRA, Waste Fac 1980--State \$ 650,000

Prior Biennia (Expenditures) \$ 935,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,585,820 -----

**NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION
COMMISSION**

Boating facility preservation (94-1-057)

Reappropriation:

ORA--State \$ 2,400,000

General Fund--Federal \$ 150,000

Subtotal Reappropriation \$ 2,550,000 -----

Appropriation:

General Fund--Federal \$ 700,000

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,820,000 -----

**NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION
COMMISSION**

Asbestos abatement projects: State-wide (95-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 650,000

Prior Biennia (Expenditures) \$ 350,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

**NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION
COMMISSION**

Iron Horse Trail State Park: Acquisition (95-2-000)

Reappropriation:

St Bldg Constr Acct--State \$ 70,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000 -----

NEW SECTION. **Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION**

Emergency projects (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 850,000

Future Biennia (Projected Costs) \$ 2,450,000

TOTAL \$ 3,800,000 -----

NEW SECTION. **Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION**

Underground storage tanks: Phase 3 (96-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 2,600,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,300,000 -----

NEW SECTION. **Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION**

Park preservation projects: General (96-1-003)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 932,200

Appropriation:

St Bldg Constr Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 291,300

Future Biennia (Projected Costs) \$ 21,000,000

TOTAL \$ 22,723,500 -----

NEW SECTION. **Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION**

Park preservation projects: Buildings (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,801,500

Appropriation:

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 598,500

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 16,400,000 -----

NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: Utilities (96-1-005)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,995,000

Appropriation:

St Bldg Constr Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 1,505,000

Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 19,000,000 -----

NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION

State park program projects (96-2-007)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1,730,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 11,730,400 -----

NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating facilities (I-215) (96-2-001)

Reappropriation:
ORA--State \$ 7,398,959
Appropriation:
Recreation Resources Acct--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 5,108,690
Future Biennia (Projected Costs) \$ 35,584,384

TOTAL \$ 55,592,033 -----

NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)

Reappropriation:
ORA--State \$ 7,651,387
Appropriation:
NOVA--State \$ 5,120,000

Prior Biennia (Expenditures) \$ 6,346,803
Future Biennia (Projected Costs) \$ 20,912,228

TOTAL \$ 40,030,418 -----

NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington wildlife and recreation program (96-2-003)

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

(1) The reappropriations and new appropriations in this section are provided solely for the approved list of projects included in the legislatively approved Washington wildlife and recreation program project list as developed on April 9, 1995.

(2) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.

Reappropriation:
ORA--State \$ 13,699,052
Habitat Conservation Acct--State \$ 9,134,101
Aquatic Lands Acct--State \$ 33,335
St Bldg Constr Acct--State \$ 48,691,974

Subtotal Reappropriation \$ 71,558,462 -----

Appropriation:
St Bldg Constr Acct--State \$ 40,000,000

Prior Biennia (Expenditures) \$ 118,234,493

Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 429,792,955

NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms range program (96-2-004)

Reappropriation:

Firearms Range Acct--State \$ 487,382

Appropriations:

Firearms Range Acct--State \$ 900,000

Prior Biennia (Expenditures) \$ 554,621

Future Biennia (Projected Costs) \$ 2,249,798

TOTAL \$ 4,191,801

NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and water conservation fund (96-2-005)

Reappropriation:

ORA--Federal \$ 2,180,812

Appropriation:

Recreation Resources Acct--Federal \$ 1,050,000

Prior Biennia (Expenditures) \$ 1,341,684

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 8,572,496

NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Act (96-2-006)

Reappropriation:

ORA--Federal \$ 125,000

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Recreational facility acquisition and development projects (96-2-007)

Reappropriation:

St Bldg Constr Acct--State \$ 195,090

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 195,090 -----

NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION

Water quality account projects (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:
\$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

Reappropriation:

Water Quality Acct--State \$ 3,360,475

Appropriation:

Water Quality Acct--State \$ 2,250,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 15,610,475 -----

NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Devils creek acclimation pond (87-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 370,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,000 -----

NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Luhrs Landing Access Interpretive Building (92-5-017)

Reappropriation:

St Bldg Constr Acct--State \$ 345,000

Prior Biennia (Expenditures) \$ 105,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000 -----

NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Grandy Creek Hatchery (92-5-024)

Reappropriation:

St Bldg Constr Acct--State \$ 4,006,000

Prior Biennia (Expenditures) \$ 494,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Towhead Island public access renovation (86-3-028)

Reappropriation:

ORA--State \$ 190,000

Prior Biennia (Expenditures) \$ 21,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 211,000

NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Warm water fish facility: To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-025)

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department of wildlife has made a determination that:

- (1) The water rights to the property being transferred to the department of wildlife, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

Reappropriation:

St Bldg Constr Acct--State \$ 1,134,622

Prior Biennia (Expenditures) \$ 127,378
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,262,000

NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tideland acquisitions (94-2-003)

Reappropriation:

General Fund--Federal \$ 1,664,600

Prior Biennia (Expenditures) \$ 3,335,400
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Sprague Lake Access Area development (94-2-008)

Reappropriation:

Wildlife Acct--Federal \$ 48,000
ORA--State \$ 101,000

Subtotal Reappropriation \$ 149,000 -----

Prior Biennia (Expenditures) \$ 24,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 173,000 -----

NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor works: Preservation (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 624,000

Appropriation:

St Bldg Constr Acct--State \$ 2,000,000

General Fund--Federal \$ 300,000

Subtotal Appropriation \$ 2,300,000 -----

Prior Biennia (Expenditures) \$ 4,934,887
Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 14,858,887 -----

NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Underground storage tank (UST) removal and replacement (96-1-002)

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 142 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 1,299,000
Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 1,799,000 -----

NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Emergency repair (96-1-003)

Appropriation:

St Bldg Constr Acct--State \$ 650,000

Prior Biennia (Expenditures) \$ 1,200,000

Future Biennia (Projected Costs) \$ 2,750,000

TOTAL \$ 4,600,000

NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facilities renovation (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) No funds will be provided to increase residential capacity at any state hatchery facility.

(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 130,000

Appropriation:

St Bldg Constr Acct--State \$ 800,000

Wildlife Acct--State \$ 200,000

Subtotal Appropriation \$ 1,000,000

Prior Biennia (Expenditures) \$ 3,056,300

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 8,886,300

NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery renovation (96-1-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) No funds will be provided to increase residential capacity at any state hatchery facility.

(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,880,000

Wildlife Acct--Federal \$ 120,000

Subtotal Reappropriation \$ 3,000,000

Appropriation:

Wildlife Acct--State \$ 300,000

St Bldg Constr Acct--State \$ 2,900,000

Subtotal Appropriation \$ 3,200,000

Prior Biennia (Expenditures) \$ 4,626,155

Future Biennia (Projected Costs) \$ 15,000,000

TOTAL \$ 25,826,155

NEW SECTION. **Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational access redevelopment (96-1-007)

Reappropriation:

Wildlife Acct--Federal \$ 75,000

ORA--State \$ 172,903

Subtotal Reappropriation \$ 247,903 -----

Appropriation:

General Fund--Federal \$ 500,000

St Bldg Constr Acct--State \$ 250,000

Subtotal Appropriation \$ 750,000 -----

Prior Biennia (Expenditures) \$ 2,741,629

Future Biennia (Projected Costs) \$ 3,250,000 -----

TOTAL \$ 6,989,532 -----

NEW SECTION. **Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Shellfish laboratory and hatchery upgrades (96-1-009)

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 300,000 -----

NEW SECTION. **Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wildlife area renovation (96-1-010)

Reappropriation:

St Bldg Constr Acct--State \$ 275,000

Appropriation:

General Fund--Federal \$ 400,000

Wildlife Acct--State \$ 625,000

Subtotal Appropriation \$ 1,300,000 -----

Prior Biennia (Expenditures) \$ 764,000

Future Biennia (Projected Costs) \$ 2,950,000 -----

TOTAL \$ 5,014,000 -----

NEW SECTION. **Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Issaquah Hatchery utilization study and improvements: To prepare a facilities master plan for the hatchery and for improvements to the hatchery, water supply system, and in-stream fish passage facilities (96-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$300,000 may be spent to expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Have the minimal impact on future operating expenses of the hatchery; (b) facilitate passage for utilization of upstream habitat; and (c) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species, and game fish.

(2) \$150,000 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan shall incorporate participation and recommendations from the Issaquah fishery management task force.

(3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 650,000
General Fund--Private Local \$ 500,000

Subtotal Appropriation \$ 1,150,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,150,000 -----

NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)

Reappropriation:

St Bldg Constr Acct--State \$ 1,100,000

Appropriation:

General Fund--Federal \$ 800,000
St Bldg Constr Acct--State \$ 3,645,000
General Fund--Private/Local \$ 800,000

Subtotal Appropriation \$ 5,245,000 -----

Prior Biennia (Expenditures) \$ 6,770,000
Future Biennia (Projected Costs) \$ 15,500,000

TOTAL \$ 28,615,000 -----

NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Appropriation:

St Bldg Constr Acct--State \$ 1,000,000
General Fund--Federal \$ 500,000

Subtotal Appropriation \$ 1,500,000 -----

Prior Biennia (Expenditures) \$ 3,280,000
Future Biennia (Projected Costs) \$ 4,000,000 -----

TOTAL \$ 9,180,000

NEW SECTION. Sec. 351. DEPARTMENT OF FISH AND WILDLIFE

Nemah Hatchery Building and incubation system replacement (96-1-006)

Appropriation:

General Fund--Federal \$ 1,700,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,700,000

NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish protection facilities (96-2-014)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Appropriation:

General Fund--Federal \$ 2,075,000
General Fund--Private/Local \$ 200,000

Subtotal Appropriation \$ 2,275,000 -----

Prior Biennia (Expenditures) \$ 2,656,000
Future Biennia (Projected Costs) \$ 10,830,000 -----

TOTAL \$ 15,811,000

NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Game farm renovation (96-2-015)

Appropriation:

Wildlife Acct--State \$ 700,000

Prior Biennia (Expenditures) \$ 1,125,000
Future Biennia (Projected Costs) \$ 600,000 -----

TOTAL \$ 2,425,000

NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minter Creek Hatchery phase 2 (96-2-019)

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

Reappropriation:

St Bldg Constr Acct--State \$ 10,000

Appropriation:

St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 4,329,000

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 5,339,000 -----

NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE

State-wide fencing renovation and construction (96-2-020)

Appropriation:

General Fund--Federal \$ 750,000

Prior Biennia (Expenditures) \$ 1,875,000

Future Biennia (Projected Costs) \$ 2,650,000

TOTAL \$ 5,300,000 -----

NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Clam and oyster beach enhancement (96-2-021)

Appropriation:

Aquatic Lands Acct--State \$ 500,000

General Fund--Federal \$ 400,000

Subtotal Appropriation \$ 900,000 -----

Prior Biennia (Expenditures) \$ 2,716,201

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 5,616,201 -----

NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation projects (96-2-025)

Reappropriation:

Special Wildlife Acct--Private/Local \$ 871,000

Appropriation:

Special Wildlife Acct--State \$ 50,000

General Fund--Federal \$ 6,000,000

General Fund--Private/Local \$ 5,000,000

Subtotal Appropriation \$ 11,050,000 -----

Prior Biennia (Expenditures) \$ 54,000

Future Biennia (Projected Costs) \$ 64,250,000

TOTAL \$ 76,225,000 -----

NEW SECTION. **Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Water access and development (96-2-027)

Reappropriation:

ORA--State \$ 1,170,000

Prior Biennia (Expenditures) \$ 694,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,864,600 -----

NEW SECTION. **Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational fish enhancement (96-2-028)

Reappropriation:

Rec Fisheries Enh Acct--State \$ 150,000

Appropriation:

Rec Fisheries Enh Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 9,300,000 -----

NEW SECTION. **Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Migratory waterfowl habitat and acquisition and development (96-2-024)

Appropriation:

Wildlife Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 1,299,335

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 3,799,335 -----

NEW SECTION. **Sec. 361. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Habitat restoration (96-2-023)

The appropriation in this section is provided solely for habitat restoration accomplished by the jobs and the environment program and shall not be used to acquire additional lands.

Appropriation:

Wildlife Acct--State \$ 1,350,000

Prior Biennia (Expenditures) \$ 1,503,804

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,853,804 -----

NEW SECTION. **Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Emergency repairs--Recreation sites (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 120,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 480,000

TOTAL \$ 700,000 -----

NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation health and safety improvements (96-1-003)

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,800,000 -----

NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural area preserve and natural resource conservation area Management (96-1-004)

Appropriation:

St Bldg Constr Acct--State \$ 350,000

Prior Biennia (Expenditures) \$ 350,000

Future Biennia (Projected Costs) \$ 1,400,000

TOTAL \$ 2,100,000 -----

NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES

Emergency repairs (96-1-006)

Appropriation:

For Dev Acct--State \$ 53,000

Res Mgmt Cost Acct--State \$ 195,100

St Bldg Constr Acct--State \$ 30,000

Subtotal Appropriation \$ 278,100 -----

Prior Biennia (Expenditures) \$ 147,700

Future Biennia (Projected Costs) \$ 1,112,400

TOTAL \$ 1,538,200 -----

NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works: Preservation (96-1-112)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

For Dev Acct--State \$ 165,200
Res Mgmt Cost Acct--State \$ 611,100
St Bldg Constr Acct--State \$ 250,000

Subtotal Appropriation \$ 1,026,300 -----

Prior Biennia (Expenditures) \$ 494,800
Future Biennia (Projected Costs) \$ 4,105,200 -----

TOTAL \$ 5,626,300

NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES

Small repairs and improvement (96-1-113)

Appropriation:

For Dev Acct--State \$ 14,500
Res Mgmt Cost Acct--State \$ 54,500

Subtotal Appropriation \$ 69,000 -----

Prior Biennia (Expenditures) \$ 69,000
Future Biennia (Projected Costs) \$ 276,000 -----

TOTAL \$ 414,000

NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES

Hazardous waste cleanup (96-1-114)

Appropriation:

For Dev Acct--State \$ 100,000
Res Mgmt Cost Acct--State \$ 200,000

Subtotal Appropriation \$ 300,000 -----

Prior Biennia (Expenditures) \$ 450,000
Future Biennia (Projected Costs) \$ 1,200,000 -----

TOTAL \$ 1,950,000

NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation repairs and replacements (96-1-115)

Appropriation:

Res Mgmt Cost Acct--State \$ 235,000

Prior Biennia (Expenditures) \$ 730,000

Future Biennia (Projected Costs) \$ 2,375,000

TOTAL \$ 3,340,000

NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES

Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)

Appropriation:

Res Mgmt Cost Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 862,000

Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 4,162,000

NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES

Communication site repair (96-1-119)

Appropriation:

For Dev Acct--State \$ 25,000

Res Mgmt Cost Acct--State \$ 25,000

Subtotal Appropriation \$ 50,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 1,050,000

NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road and bridge construction (96-2-001)

Appropriation:

For Dev Acct--State \$ 241,750

Res Mgmt Cost Acct--State \$ 678,450

Subtotal Appropriation \$ 920,200

Prior Biennia (Expenditures) \$ 1,655,500

Future Biennia (Projected Costs) \$ 3,835,000

TOTAL \$ 6,410,700

NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES

Region administrative facilities expansion (96-2-002)

Appropriation:

For Dev Acct--State \$ 294,488

Res Mgmt Cost Acct--State \$ 390,584

General Fund--Federal \$ 400,000

Subtotal Appropriation \$ 1,085,072 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,890,400

TOTAL \$ 6,975,472 -----

NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works: Program (96-2-004)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

For Dev Acct--State \$ 152,900
Res Mgmt Cost Acct--State \$ 574,800

Subtotal Appropriation \$ 727,700 -----

Prior Biennia (Expenditures) \$ 99,500
Future Biennia (Projected Costs) \$ 4,110,800

TOTAL \$ 4,938,000 -----

NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land bank program to enhance trust land holdings (96-2-005)

Appropriation:

Res Mgmt Cost Acct--State \$ 15,000,000

Prior Biennia (Expenditures) \$ 19,698,000
Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ 94,698,000 -----

NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right of way acquisition (96-2-006)

Appropriation:

For Dev Acct--State \$ 500,000
Res Mgmt Cost Acct--State \$ 500,000

Subtotal Appropriation \$ 1,000,000 -----

Prior Biennia (Expenditures) \$ 1,498,000
Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,898,000 -----

NEW SECTION. **Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Irrigation development (96-2-007)

Appropriation:

Res Mgmt Cost Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 336,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 4,736,000 -----

NEW SECTION. **Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Communication site construction--Various (96-2-008)

Appropriation:

For Dev Acct--State \$ 460,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,310,000

TOTAL \$ 1,770,000 -----

NEW SECTION. **Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Mineral resource testing (96-2-009)

Reappropriation:

For Dev Acct--State \$ 10,000

Res Mgmt Cost Acct--State \$ 10,000

Subtotal Reappropriation \$ 20,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 80,000

TOTAL \$ 100,000 -----

NEW SECTION. **Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Commercial development: Local improvement districts (96-2-010)

Appropriation:

Res Mgmt Cost Acct--State \$ 470,000

Prior Biennia (Expenditures) \$ 860,000

Future Biennia (Projected Costs) \$ 2,420,000

TOTAL \$ 3,750,000 -----

NEW SECTION. **Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Aquatic lands enhancement grants (96-2-012)

Reappropriation:

Aquatic Lands Acct--State \$ 2,500,000

Appropriation:

Aquatic Lands Acct--State \$ 3,575,000

Prior Biennia (Expenditures) \$ 276,000

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 18,351,000 -----

NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural resources real property replacement account (96-2-013)

Appropriation:

Nat Res Prop Repl Acct--State \$ 25,000,000

Prior Biennia (Expenditures) \$ 30,826,750

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 55,826,750 -----

NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF NATURAL RESOURCES

Seattle waterfront phase 2 development (96-2-014)

Reappropriation:

ORA--State \$ 1,562,835

Prior Biennia (Expenditures) \$ 84,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,647,600 -----

PART 4
TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL

To construct a new crime laboratory in Tacoma (92-2-003)

Reappropriation:

St Bldg Constr Acct--State \$ 172,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 172,000 -----

PART 5
EDUCATION

NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION

Public school building construction (85-2-001)

Reappropriation:

Common School Constr Fund--State \$ 335,780

Prior Biennia (Expenditures) \$ 656,119

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 991,899 -----

NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION

Public school building construction (87-2-001)

Reappropriation:

Common School Constr Fund--State \$ 1,473,203

Prior Biennia (Expenditures) \$ 2,193,257

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,666,460 -----

NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-001)

Reappropriation:

Common School Constr Fund--State \$ 1,573,705

Prior Biennia (Expenditures) \$ 24,362,530

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 25,936,235 -----

NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-002)

Reappropriation:

Common School Constr Fund--State \$ 1,730,000

Prior Biennia (Expenditures) \$ 17,521,803

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 19,251,803 -----

NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-003)

Reappropriation:

Common School Constr Fund--State \$ 4,211,005

Prior Biennia (Expenditures) \$ 41,637,585

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 45,848,590 -----

NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION

Public school building construction (91-2-001)

Reappropriation:

Common School Reimb Constr Acct--

State \$ 5,443,735

Common School Constr Fund--State \$ 6,115,606

Subtotal Reappropriation \$ 11,559,341 -----

Prior Biennia (Expenditures) \$ 78,816,301

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,375,642 -----

NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION

Public school building construction (94-2-001)

Reappropriation:

Common School Constr Fund--State \$ 82,250,900

St Bldg Constr Acct--State \$ 11,770,000

Subtotal Reappropriation \$ 94,020,900 -----

Prior Biennia (Expenditures) \$ 60,102,660

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 154,123,560 -----

NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION

Clover Park School District transportation facilities (96-1-101)

The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,200,000

TOTAL \$ 7,500,000 -----

NEW SECTION. Sec. 509. FOR THE STATE BOARD OF EDUCATION

Public school building construction (96-2-001)

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$155,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.

(2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(3) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.

Appropriation:

Common School Constr Fund--State \$ 175,600,000

St Bldg Constr Acct--State \$ 162,000,000

Subtotal Appropriation \$ 337,000,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 337,600,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School facilities staff: To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations: Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

Appropriation:

Common School Constr Fund--State \$ 1,361,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,444,000 -----

TOTAL \$ 6,805,000

NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND

Old Main: Seismic stabilization (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 850,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND

Minor works: Preservation (96-1-002)

Appropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,340,000

TOTAL \$ 2,740,000

NEW SECTION. Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF

Minor works: Preservation (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 570,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,925,000

TOTAL \$ 3,495,000

NEW SECTION. Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF

MacDonald and Deer Halls: Elevators (96-2-002)

Appropriation:

St Bldg Constr Acct--State \$ 550,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000

NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler (88-2-022)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 6,400,000

Prior Biennia (Expenditures) \$ 9,805,653
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,205,653

NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF WASHINGTON

Power generation, chiller, data communications, electrical distribution (90-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,175,700

Prior Biennia (Expenditures) \$ 3,703,053

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,878,753 -----

NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON

Chemistry Building: Construction (90-2-011)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 38,952,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000 -----

NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON

Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 80,000,000

Prior Biennia (Expenditures) \$ 14,869,028

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,869,028 -----

NEW SECTION. Sec. 519. FOR THE UNIVERSITY OF WASHINGTON

Physics/Astronomy building construction (90-2-009)

Reappropriation:

H Ed Reimb Constr Acct \$ 2,200,000

Prior Biennia (Expenditures) \$ 71,364,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 73,564,000 -----

NEW SECTION. Sec. 520. FOR THE UNIVERSITY OF WASHINGTON

Old Physics Hall: Design and construction (92-2-008)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

UW Bldg Acct--State \$ 1,650,000
St Bldg Constr Acct--State \$ 32,544,400

Subtotal Reappropriation \$ 34,194,400 -----

Prior Biennia (Expenditures) \$ 912,600
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000 -----

NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF WASHINGTON

Ocean and Fishery Sciences II: Predesign (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,065,300

Prior Biennia (Expenditures) \$ 784,700
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,850,000 -----

NEW SECTION. Sec. 522. FOR THE UNIVERSITY OF WASHINGTON

Harborview Medical Center research (94-2-013)

Appropriation:

Health Services Acct--State \$ 23,400,000

Prior Biennia (Expenditures) \$ 520,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 23,920,000 -----

NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF WASHINGTON

Parrington Hall: Exterior and seismic repair (92-3-018)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

UW Bldg Acct--State \$ 5,008,499

Prior Biennia (Expenditures) \$ 264,001

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,272,500 -----

NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON

Henry Gallery: Addition (93-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 7,504,300

Prior Biennia (Expenditures) \$ 811,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,316,000 -----

NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON

Burke Museum: To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 2,031,000

Prior Biennia (Expenditures) \$ 369,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,400,000 -----

NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON

Business Administration: Expansion (93-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 6,600,000

Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000

NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs: Preservation (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 8,400,000
UW Bldg Acct--State \$ 276,400

Subtotal Reappropriation \$ 8,676,400

Prior Biennia (Expenditures) \$ 6,960,076
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,636,476

NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-1-004)

Reappropriation:

UW Bldg Acct--State \$ 6,850,000

Prior Biennia (Expenditures) \$ 5,757,630
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,607,630

NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON

Americans with Disabilities Act (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 1,325,150
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,525,150

NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON

Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 1,396,009
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,196,009

NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure projects: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON

Suzzallo Library renovation--Phase I design: To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 717,600

St Bldg Constr Acct--State \$ 2,142,275

Subtotal Appropriation \$ 2,859,875 -----

Prior Biennia (Expenditures) \$ 517,750

Future Biennia (Projected Costs) \$ 29,076,925 -----

TOTAL \$ 32,454,550

NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-2-005)

Reappropriation:

UW Bldg Acct--State \$ 5,200,000

Prior Biennia (Expenditures) \$ 1,871,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 7,071,000

NEW SECTION. **Sec. 534. FOR THE UNIVERSITY OF WASHINGTON**

Tacoma Branch Campus--Phase II: Predesign (94-2-500)

The appropriation in this section is subject to the following conditions and limitations:
No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

Reappropriation:

St Bldg Constr Acct--State \$ 33,098,120

Appropriation:

St Bldg Constr Acct--State \$ 5,700,000

Prior Biennia (Expenditures) \$ 17,738,913

Future Biennia (Projected Costs) \$ 35,520,000

TOTAL \$ 92,057,033 -----

NEW SECTION. **Sec. 535. FOR THE UNIVERSITY OF WASHINGTON**

Minor safety repairs: Preservation (96-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 20,000,000 -----

NEW SECTION. **Sec. 536. FOR THE UNIVERSITY OF WASHINGTON**

Minor works: Building renewal (96-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

UW Bldg Acct--State \$ 6,375,000

St Bldg Constr Acct--State \$ 5,000,000

Subtotal Appropriation \$ 11,375,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 53,000,000

TOTAL \$ 64,375,000 -----

NEW SECTION. **Sec. 537. FOR THE UNIVERSITY OF WASHINGTON**

Minor works: Utility infrastructure (96-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 6,300,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 26,000,000

TOTAL \$ 32,300,000 -----

NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center BB Tower Elevators--Design and construction: To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 210,700
St Bldg Constr Acct--State \$ 4,981,900

Subtotal Appropriation \$ 5,192,600
Prior Biennia (Expenditures) \$ 117,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,309,600 -----

NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center D-Wing Dent Student Lab: Design and construction (96-1-016)

Appropriation:

UW Bldg Acct--State \$ 112,100
St Bldg Constr Acct--State \$ 2,905,000

Subtotal Appropriation \$ 3,017,100
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,017,100 -----

NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON

Hogness/Health Sciences Center Lobby: Americans with Disabilities Act improvements (96-1-022)

Appropriation:

St Bldg Constr Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000

NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON

Ocean and Fisheries Science Buildings II & III: Design and site preparation: To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction (96-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.

(2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 1,548,150
St Bldg Constr Acct--State \$ 5,932,025

Subtotal Appropriation \$ 7,480,175

Prior Biennia (Expenditures) \$ 558,400
Future Biennia (Projected Costs) \$ 65,758,625

TOTAL \$ 73,797,200

NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON

West Electrical Power Station: To design and construct the installation of three new transformers, switch gear facilities, and primary distribution feeders at the west receiving station (96-2-011)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 204,000
St Bldg Constr Acct--State \$ 6,600,000

Subtotal Appropriation \$ 6,804,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,804,000

NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON

Power Plant Boiler #7--Design and construction: To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 (96-2-020)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 288,703

St Bldg Constr Acct--State \$ 9,623,297

Subtotal Appropriation \$ 9,912,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,912,000

NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON

Southwest Campus utilities phase I--Design and construction: To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 285,600
St Bldg Constr Acct--State \$ 9,023,900

Subtotal Appropriation \$ 9,309,500
Prior Biennia (Expenditures) \$ 152,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,461,500

NEW SECTION. Sec. 545. FOR THE UNIVERSITY OF WASHINGTON

Law School Building--Design and development: To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 1,140,000
Prior Biennia (Expenditures) \$ 128,000
Future Biennia (Projected Costs) \$ 33,860,000

TOTAL \$ 35,128,000

NEW SECTION. Sec. 546. FOR THE UNIVERSITY OF WASHINGTON

Social Work third floor addition--Design and construction: To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

Appropriation:

UW Bldg Acct--State \$ 126,400
St Bldg Constr Acct--State \$ 2,789,200

Subtotal Appropriation \$ 2,915,600 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 2,915,600

NEW SECTION. Sec. 547. It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY

Branch campus acquisition (90-5-002)

Reappropriation:

St Bldg Constr Acct--State \$ 42,000

Prior Biennia (Expenditures) \$ 735,424
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 777,424

NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY

Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

Reappropriation:

St Bldg Constr Acct--State \$ 991,640

Prior Biennia (Expenditures) \$ 197,714
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,189,354

NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY

Todd Hall renovation: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurnishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 3,478,000
St Bldg Constr Acct--State \$ 2,626,444

Subtotal Reappropriation \$ 6,104,444 -----

Prior Biennia (Expenditures) \$ 8,577,065
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,681,509

NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY

Veterinary Teaching Hospital--Construction: To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

H Ed Reimb Constr Acct--State \$ 10,214,399
St Bldg Constr Acct--State \$ 2,200,000

Subtotal Reappropriation \$ 12,414,399

Prior Biennia (Expenditures) \$ 19,643,672
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,058,071

NEW SECTION. Sec. 552. FOR WASHINGTON STATE UNIVERSITY

Fulmer Hall--Fulmer Annex renovation: To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 12,212,322

Prior Biennia (Expenditures) \$ 908,367
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,120,689

NEW SECTION. Sec. 553. FOR WASHINGTON STATE UNIVERSITY

Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 10,173,300

Prior Biennia (Expenditures) \$ 4,826,700
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,000,000 -----

NEW SECTION. Sec. 554. FOR WASHINGTON STATE UNIVERSITY

Records and maintenance materials: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Reappropriation:

WSU Bldg Acct--State \$ 1,250,000

Prior Biennia (Expenditures) \$ 395,826

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,645,826 -----

NEW SECTION. Sec. 555. FOR WASHINGTON STATE UNIVERSITY

Minor capital renewal (94-1-004)

Reappropriation:

St Bldg Constr Acct--State \$ 2,784,260

Prior Biennia (Expenditures) \$ 3,215,740

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000 -----

NEW SECTION. Sec. 556. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym renovation--Design: To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 391,500

St Bldg Constr Acct--State \$ 1,496,600

Subtotal Appropriation \$ 1,888,100 -----

Prior Biennia (Expenditures) \$ 49,000

Future Biennia (Projected Costs) \$ 14,462,500

TOTAL \$ 16,399,600 -----

NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY

Prosser: Septic system (94-1-500)

Reappropriation:

WSU Bldg Acct--State \$ 757,192

Prior Biennia (Expenditures) \$ 492,808
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000

NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSITY

Infrastructure savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 559. FOR WASHINGTON STATE UNIVERSITY

Minor works (94-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,192,401

Prior Biennia (Expenditures) \$ 1,807,599
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 560. FOR WASHINGTON STATE UNIVERSITY

Minor capital improvements (94-2-002)

Reappropriation:

WSU Bldg Acct--State \$ 2,430,690

Prior Biennia (Expenditures) \$ 3,569,310
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000

NEW SECTION. Sec. 561. FOR WASHINGTON STATE UNIVERSITY

Hazardous waste facilities (94-2-006)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 211,000

Future Biennia (Projected Costs) \$ 12,037,774

TOTAL \$ 13,748,774 -----

NEW SECTION. Sec. 562. FOR WASHINGTON STATE UNIVERSITY

Pathological and biomedical incinerator: Design and construction (94-2-012)

Reappropriation:

St Bldg Constr Acct--State \$ 3,443,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,443,000 -----

NEW SECTION. Sec. 563. FOR WASHINGTON STATE UNIVERSITY

Communication infrastructure renewal (94-2-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Constr Acct--State \$ 5,000,000

St Bldg Constr Acct--State \$ 4,203,432

Subtotal Reappropriation \$ 9,203,432 -----

Appropriation:

WSU Bldg Acct--State \$ 4,159,625

Prior Biennia (Expenditures) \$ 12,796,568

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,159,625 -----

NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY

Engineering Teaching and Research Laboratory Building: Construction (94-2-014)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 226,379

Appropriation:

General Fund--Federal \$ 8,000,000
St Bldg Constr Acct--State \$ 17,140,300

Subtotal Appropriation \$ 25,140,300 -----

Prior Biennia (Expenditures) \$ 1,143,621
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,510,300 -----

NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY

Chemical waste collection facilities: Design and construction (94-2-016)

Reappropriation:

WSU Bldg Acct--State \$ 2,084,274

Appropriation:

WSU Bldg Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 252,726
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,337,000 -----

NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym Addition--Design and construction: To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 477,000

Appropriation:

WSU Bldg Acct--State \$ 399,800

St Bldg Constr Acct--State \$ 8,960,400

Subtotal Appropriation \$ 9,360,200 -----

Prior Biennia (Expenditures) \$ 517,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,354,200 -----

NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY

Animal Science Laboratory Building--Design and Construction: To construct a 20,200 gross square foot animal science lab (94-4-018)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 143,532
Appropriation:
St Bldg Constr Acct--State \$ 6,587,300

Prior Biennia (Expenditures) \$ 451,468
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,182,300 -----

NEW SECTION. Sec. 568. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education: To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

Reappropriation:
St Bldg Constr Acct--State \$ 2,525,202

Prior Biennia (Expenditures) \$ 974,798
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000 -----

NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY

Washington State University--Vancouver: New campus construction (94-2-902)

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:
St Bldg Constr Acct--State \$ 23,580,000

Appropriation:
St Bldg Constr Acct--State \$ 9,066,000

Prior Biennia (Expenditures) \$ 10,994,362
Future Biennia (Projected Costs) \$ 35,000,000

TOTAL \$ 78,640,362 -----

NEW SECTION. Sec. 570. FOR WASHINGTON STATE UNIVERSITY

Puyallup: Greenhouse replacements (94-2-027)

Reappropriation:
St Bldg Constr Acct--State \$ 2,126,945

Prior Biennia (Expenditures) \$ 114,055
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,241,000 -----

NEW SECTION. Sec. 571. FOR WASHINGTON STATE UNIVERSITY

Washington State University Tri-Cities: Consolidated Information Center (94-2-905)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 730,500

Appropriation:

St Bldg Constr Acct--State \$ 9,709,000

General Fund--Federal \$ 7,500,000

Subtotal Appropriation \$ 17,209,000 -----

Prior Biennia (Expenditures) \$ 679,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,619,000 -----

NEW SECTION. Sec. 572. FOR WASHINGTON STATE UNIVERSITY

Minor works: Preservation (96-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 5,250,000

WSU Bldg Acct--State \$ 750,000

Subtotal Appropriation \$ 6,000,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 33,942,000

TOTAL \$ 39,942,000 -----

NEW SECTION. Sec. 573. FOR WASHINGTON STATE UNIVERSITY

Minor works: Safety and environmental (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 17,500,000

TOTAL \$ 20,500,000

NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY

Minor works: Program (96-2-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WSU Bldg Acct--State \$ 6,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 41,016,000

TOTAL \$ 47,016,000

NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY

Plant growth--Wheat Research Center: Construction (96-2-047)

The appropriations in this section are subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal matching money. If federal funding is not secured by June 30, 1996, the appropriations in this section are null and void.

Appropriation:

General Fund--Private \$ 1,000,000

General Fund--Federal \$ 3,000,000

St Bldg Constr Acct--State \$ 3,745,400

WSU Bldg Acct--State \$ 254,600

Subtotal Appropriation \$ 8,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,000,000

NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education--Spokane, Yakima, and Wenatchee Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)

Appropriation:

WSU Bldg Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000

NEW SECTION. **Sec. 577. FOR EASTERN WASHINGTON UNIVERSITY**

Sutton Hall remodel: To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 4,730,092

Prior Biennia (Expenditures) \$ 526,494

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,256,586 -----

NEW SECTION. **Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY**

Science Building addition and remodel: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,100,480

Prior Biennia (Expenditures) \$ 18,934,987

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,467 -----

NEW SECTION. **Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY**

Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)

Reappropriation:

EWU Cap Proj Acct--State \$ 4,300,000

St Bldg Constr Acct--State \$ 1,700,000

Subtotal Reappropriation \$ 6,000,000 -----

Prior Biennia (Expenditures) \$ 7,685,782

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,685,782 -----

NEW SECTION. **Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY**

Telecommunications network and cable replacement (90-2-004)

Appropriation:

EWU Cap Proj Acct--State \$ 1,593,800

Prior Biennia (Expenditures) \$ 4,080,000
Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 7,673,800 -----

NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY

JFK Library addition and remodel--Construction: To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,678,756

Appropriation:

EWU Cap Proj Acct--State \$ 300,000

St Bldg Constr Acct--State \$ 19,544,304

Subtotal Appropriation \$ 19,844,304 -----

Prior Biennia (Expenditures) \$ 536,244

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,059,304 -----

NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY

Removal of underground storage tanks (92-1-003)

Reappropriation:

EWU Cap Proj Acct--State \$ 193,438

Prior Biennia (Expenditures) \$ 56,110

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 249,548 -----

NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY

Spokane Center remodel and fire egress (92-5-008)

Reappropriation:

EWU Cap Proj Acct--State \$ 43,686

Prior Biennia (Expenditures) \$ 1,756,314

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,800,000 -----

NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY

Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 2,318,877
Appropriation:
St Bldg Constr Acct--State \$ 3,787,000
EWU Cap Proj Acct--State \$ 213,000

Subtotal Appropriation \$ 4,000,000

Prior Biennia (Expenditures) \$ 91,123
 Future Biennia (Projected Costs) \$ 3,275,000

TOTAL \$ 9,685,000

NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure project: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

Reappropriation:
St Bldg Constr Acct--State \$ 1

 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY

Showalter Hall Auditorium: Preservation (96-1-001)

Appropriation:
EWU Cap Proj Acct--State \$ 977,800

 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 977,800

NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY

Campus classrooms--Renewal: To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:
EWU Cap Proj Acct--State \$ 3,988,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 14,925,000

TOTAL \$ 18,913,400

NEW SECTION. **Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY**

Americans with Disabilities Act projects (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 193,089

Prior Biennia (Expenditures) \$ 132,711
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 325,800

NEW SECTION. **Sec. 589. FOR CENTRAL WASHINGTON UNIVERSITY**

Life and safety improvements (92-1-030)

Reappropriation:

CWU Cap Proj Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 208,267
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 333,267

NEW SECTION. **Sec. 590. FOR CENTRAL WASHINGTON UNIVERSITY**

Barge Hall renovation (92-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 263,000

Prior Biennia (Expenditures) \$ 11,318,970
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,581,970

NEW SECTION. **Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY**

Shaw/Smyser Hall renovation (90-2-005)

Reappropriation:

H Ed Reimb Constr Acct \$ 302,000

Prior Biennia (Expenditures) \$ 12,983,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000

NEW SECTION. **Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY**

Minor capital projects (92-2-050)

Reappropriation:

CWU Cap Proj Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 1,623,120

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,223,120 -----

NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY

Boullion asbestos: Construction (94-1-001)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,160,000

Prior Biennia (Expenditures) \$ 1,163,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,323,000 -----

NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Preservation (94-1-005)

Reappropriation:

CWU Cap Proj Acct--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 1,562,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,562,000 -----

NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY

Underground tank replacement (94-1-007)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 176,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000 -----

NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY

Electrical cable replacement (94-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 1,700,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,750,000 -----

NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY

Streamline replacement (94-1-009)

Reappropriation:

St Bldg Constr Acct--State \$ 790,000

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000 -----

NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY

Science Facility design and construction (94-2-002)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

CWU Cap Proj Acct--State \$ 4,000,000

St Bldg Constr Acct--State \$ 53,590,000

Subtotal Reappropriation \$ 57,590,000 -----

Prior Biennia (Expenditures) \$ 610,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 58,200,000

NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Program (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 815,000

Prior Biennia (Expenditures) \$ 1,692,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,507,000 -----

NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY

Black Hall--Design and construction: To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 15,000

Appropriation:

CWU Cap Proj Acct--State \$ 799,100

St Bldg Constr Acct--State \$ 26,445,300

Subtotal Appropriation \$ 27,244,400 -----

Prior Biennia (Expenditures) \$ 144,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,403,400 -----

NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Infrastructure preservation (96-1-040)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

Appropriation:

St Bldg Constr Acct--State \$ 1,898,000

CWU Cap Proj Acct--State \$ 602,000

Subtotal Appropriation \$ 2,500,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 8,500,000 -----

NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Preservation (96-1-120)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

Appropriation:

CWU Cap Proj Acct--State \$ 3,712,900

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,850,000

TOTAL \$ 19,950,000 -----

NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY

Hertz Hall addition (96-2-050)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,350,000

TOTAL \$ 13,475,000 -----

NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Program (96-2-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

Appropriation:

CWU Cap Proj Acct--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,110,000

TOTAL \$ 13,610,000 -----

NEW SECTION. Sec. 606. FOR THE EVERGREEN STATE COLLEGE

Campus: Air quality improvement (96-1-001)

Appropriation:

TESC Cap Proj Acct--State \$ 492,425
St Bldg Constr Acct--State \$ 528,896

Subtotal Appropriation \$ 1,021,321 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,021,321

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

Minor works: Preservation (96-1-002)

Appropriation:

TESC Cap Proj Acct--State \$ 970,245
St Bldg Constr Acct--State \$ 2,154,876

Subtotal Appropriations \$ 3,125,121 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 20,488,124 -----

TOTAL \$ 23,613,245

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

Campus: Preservation (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 1,599,000
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,749,000

NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE

Classroom Facility: Longhouse design and construction (94-2-008)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 1,800,000
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 2,200,000

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

Emergency repairs (96-1-003)

Appropriation:

TESC Cap Proj Acct--State \$ 238,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,076,000

TOTAL \$ 1,314,000 -----

NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE

Computer Network phase III (96-2-006)

Appropriation:

St Bldg Constr Acct--State \$ 162,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,000 -----

NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE

Communications Building: Retrofit (96-2-007)

Appropriation:

St Bldg Constr Acct--State \$ 1,726,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,726,300 -----

NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE

Library Building renovation (96-2-009)

Appropriation:

St Bldg Constr Acct--State \$ 772,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

NEW SECTION. Sec. 614. FOR THE JOINT CENTER FOR HIGHER EDUCATION

Riverpoint Campus: Design and construction (94-2-001)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 9,000,000

Prior Biennia (Expenditures) \$ 8,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,000,000 -----

NEW SECTION. Sec. 615. FOR THE JOINT CENTER FOR HIGHER EDUCATION

Riverpoint Campus phase II: Predesign (96-2-001)

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements by July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 3,310,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,000,000

TOTAL \$ 28,310,000 -----

NEW SECTION. Sec. 616. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase II: Construction (92-1-007)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,400,000

Prior Biennia (Expenditures) \$ 17,650,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,050,553 -----

NEW SECTION. Sec. 617. FOR WESTERN WASHINGTON UNIVERSITY

Fire detection systems (94-1-030)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 643,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 743,000 -----

NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY

Underground storage tank removal (94-1-032)

Reappropriation:

St Bldg Constr Acct--State \$ 58,200

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,000 -----

NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY

Pool chlorine gas system (94-1-033)

Reappropriation:

WWU Cap Proj Acct--State \$ 10,300

Prior Biennia (Expenditures) \$ 24,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,000 -----

NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY

Exterior and roofing renewal (94-1-034)

Reappropriation:

St Bldg Constr Acct--State \$ 309,000

Prior Biennia (Expenditures) \$ 292,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 601,000 -----

NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY

Boiler system (94-1-035)

Reappropriation:

WWU Cap Proj Acct--State \$ 859,884

Prior Biennia (Expenditures) \$ 40,116

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000 -----

NEW SECTION. Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY

Utility upgrade (94-1-037)

Reappropriation:

St Bldg Constr Acct--State \$ 103,000

Prior Biennia (Expenditures) \$ 302,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 405,000

NEW SECTION. Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY

Interior renewal (94-1-038)

Reappropriation:

WWU Cap Proj Acct--State \$ 74,000

Prior Biennia (Expenditures) \$ 24,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 98,000

NEW SECTION. Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY

Interior painting (94-1-041)

Reappropriation:

WWU Cap Proj Acct--State \$ 272,000

Prior Biennia (Expenditures) \$ 129,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 401,000

NEW SECTION. Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure projects: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase III: Construction (94-2-014)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 11,473,119

Prior Biennia (Expenditures) \$ 96,988

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,570,107

NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY

Haggard Hall renovation and abatement: Construction (94-2-015)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 950,000

Appropriation:

WWU Cap Proj Acct--State \$ 635,420

St Bldg Constr Acct--State \$ 20,452,985

Subtotal Appropriation \$ 21,088,405

Prior Biennia (Expenditures) \$ 166,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,204,405

NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Program (94-2-028)

Reappropriation:

WWU Cap Proj Acct--State \$ 3,200,000

Prior Biennia (Expenditures) \$ 2,900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,100,000

NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Preservation (96-1-030)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1,350,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,200,000

TOTAL \$ 10,550,000

NEW SECTION. **Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY**

Minor works: Infrastructure preservation (96-1-061)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1,650,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,050,000 -----

NEW SECTION. **Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY**

Campus Services Facility (96-2-025)

Appropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,883,400

TOTAL \$ 7,983,400 -----

NEW SECTION. **Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY**

Minor works: Program (96-2-028)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WWU Cap Proj Acct--State \$ 6,385,810

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 31,885,810 -----

NEW SECTION. **Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY**

Integrated signal distribution--Design: To design a campus network system (96-2-056)

Appropriation:

WWU Cap Proj Acct--State \$ 229,650

St Bldg Constr Acct--State \$ 985,750

Subtotal Appropriation \$ 1,215,400 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,339,400

TOTAL \$ 10,554,800 -----

NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY

Wilson Library renovation (96-2-057)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 105,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,331,900

TOTAL \$ 8,436,900 -----

NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY

Recreation and physical education fields phase I (96-2-051)

Appropriation:

St Bldg Constr Acct--State \$ 2,535,200

WWU Cap Proj Acct--State \$ 131,000

Subtotal Appropriation \$ 2,666,200 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,666,200 -----

NEW SECTION. Sec. 636. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Complete construction of Washington state History Museum (94-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) \$50,000 of the \$250,000 new appropriation in this section is provided solely as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

Reappropriation:

St Bldg Constr Acct--State \$ 6,859,978

Appropriation:

St Bldg Constr Acct--State \$ 250,000

Prior Biennia (Expenditures) \$ 35,592,643

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 42,702,621 -----

NEW SECTION. **Sec. 637. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Stadium Way facility: Preservation (96-1-102)

Reappropriation:

St Bldg Constr Acct--State \$ 60,000

Appropriation:

St Bldg Constr Acct--State \$ 487,500

Prior Biennia (Expenditures) \$ 1,254,500

Future Biennia (Projected Costs) \$ 335,469

TOTAL \$ 2,137,469 -----

NEW SECTION. **Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

State Capital Museum: Preservation (96-1-105)

Appropriation:

St Bldg Constr Acct--State \$ 122,592

Prior Biennia (Expenditures) \$ 107,500

Future Biennia (Projected Costs) \$ 199,628

TOTAL \$ 429,720 -----

NEW SECTION. **Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Stadium Way facility: Collection storage and access (96-2-204)

Appropriation:

St Bldg Constr Acct--State \$ 230,600

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,420,000

TOTAL \$ 1,650,600 -----

NEW SECTION. **Sec. 640. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Campbell House restoration (86-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 30,000

Prior Biennia (Expenditures) \$ 100,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,500 -----

NEW SECTION. **Sec. 641. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)

Appropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

NEW SECTION. Sec. 642. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Museum: Preservation (96-1-004)

Appropriation:

St Bldg Constr Acct--State \$ 175,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 875,000 -----

NEW SECTION. Sec. 643. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Learning Resource Center--Skagit Valley College Whidbey Campus (88-5-020)

Reappropriation:

St Bldg Constr Acct--State \$ 5,408

Prior Biennia (Expenditures) \$ 2,117,591

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999 -----

NEW SECTION. Sec. 644. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Science, Fine Art, and Physical Education Building--South Puget Sound Community College (88-5-021)

Reappropriation:

St Bldg Constr Acct--State \$ 21,933

Prior Biennia (Expenditures) \$ 5,976,066

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999 -----

NEW SECTION. Sec. 645. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Library addition and remodel--Columbia Basin College (88-5-023)

Reappropriation:

St Bldg Constr Acct--State \$ 21,573

Prior Biennia (Expenditures) \$ 1,961,132

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705 -----

NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Vocational Shop Building--Centralia College (88-5-024)

Reappropriation:

St Bldg Constr Acct--State \$ 36,519

Prior Biennia (Expenditures) \$ 2,035,306

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825 -----

NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Art Commission carryover (88-5-026)

Reappropriation:

St Bldg Constr Acct--State \$ 9,378

Prior Biennia (Expenditures) \$ 2,984,655

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033 -----

NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Business Education Building--Spokane Community College (88-5-027)

Reappropriation:

St Bldg Constr Acct--State \$ 20,846

Prior Biennia (Expenditures) \$ 6,291,122

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968 -----

NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Student Activity Center and Physical Education Building--Seattle Central (88-5-028)

Reappropriation:

St Bldg Constr Acct--State \$ 1,681,465

Prior Biennia (Expenditures) \$ 9,519,434

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899 -----

NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Fire and security system repairs (90-1-004)

Reappropriation:

St Bldg Constr Acct--State \$ 134,433

Prior Biennia (Expenditures) \$ 236,508

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941 -----

NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor asbestos removal (90-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 323,914

Prior Biennia (Expenditures) \$ 992,167

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,316,081 -----

NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof and structural repairs (90-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 8,779

Prior Biennia (Expenditures) \$ 706,514

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293 -----

NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)

Reappropriation:

St Bldg Constr Acct--State \$ 50,944

Prior Biennia (Expenditures) \$ 947,439
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383 -----

NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Facility repairs (90-3-007)

Reappropriation:

St Bldg Constr Acct--State \$ 24,471

Prior Biennia (Expenditures) \$ 503,545
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016 -----

NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (90-5-009)

Reappropriation:

St Bldg Constr Acct--State \$ 120,737

Prior Biennia (Expenditures) \$ 2,904,787
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524 -----

NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Physical Education Facility--North Seattle Community College (90-5-011))

Reappropriation:

St Bldg Constr Acct--State \$ 6,883,057

Prior Biennia (Expenditures) \$ 1,671,143
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,200 -----

NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Applied Arts Facility--Spokane Falls Community College (90-5-012)

Reappropriation:

St Bldg Constr Acct--State \$ 2,848,249

Prior Biennia (Expenditures) \$ 2,643,840
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,492,089 -----

NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Industrial Tech Building--Spokane Community College (90-5-013)

Reappropriation:

St Bldg Constr Acct--State \$ 3,016,150

Prior Biennia (Expenditures) \$ 3,915,945

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,095 -----

NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Vocational Art Facility--Shoreline Community College (90-5-014)

Reappropriation:

St Bldg Constr Acct--State \$ 2,885,749

Prior Biennia (Expenditures) \$ 179,656

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405 -----

NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Business Education Building--Clark College (90-5-015)

Reappropriation:

St Bldg Constr Acct--State \$ 2,439,646

Prior Biennia (Expenditures) \$ 3,851,620

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266 -----

NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Student Center Building--South Seattle Community College (90-5-016)

Reappropriation:

St Bldg Constr Acct--State \$ 4,188,316

Prior Biennia (Expenditures) \$ 1,193,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093 -----

NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Library addition--Skagit Valley College (90-5-017)

Reappropriation:

St Bldg Constr Acct--State \$ 602,270

Prior Biennia (Expenditures) \$ 1,403,729

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999 -----

NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Business Complex renovation--Clover Park Technical College (91-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 26,062

Prior Biennia (Expenditures) \$ 2,473,938

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000 -----

NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Administration Office renovation--Bellingham Technical College (91-3-002)

Reappropriation:

St Bldg Constr Acct--State \$ 155,844

Prior Biennia (Expenditures) \$ 1,456,156

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000 -----

NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Acquisition: Auto Shop--Olympic College (92-1-604)

Reappropriation:

St Bldg Constr Acct--State \$ 575,155

Prior Biennia (Expenditures) \$ 124,845

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000 -----

NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal (92-2-102)

Reappropriation:

St Bldg Constr Acct--State \$ 96,033

Prior Biennia (Expenditures) \$ 1,300,819

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,396,852 -----

NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Legal and code requirement--Repairs (92-2-103)

Reappropriation:

St Bldg Constr Acct--State \$ 340,786

Prior Biennia (Expenditures) \$ 831,214

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,172,000 -----

NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof repairs (92-2-104)

Reappropriation:

St Bldg Constr Acct--State \$ 373,515

Prior Biennia (Expenditures) \$ 7,083,485

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,457,000 -----

NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Exterior and structure repairs (92-2-105)

Reappropriation:

St Bldg Constr Acct--State \$ 138,431

Prior Biennia (Expenditures) \$ 678,569

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 817,000 -----

NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Heating, ventilation, and air conditioning repairs (92-2-106)

Reappropriation:

St Bldg Constr Acct--State \$ 1,913,684
Prior Biennia (Expenditures) \$ 1,160,315
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,073,999 -----

NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Electrical repair (92-2-107)

Reappropriation:

St Bldg Constr Acct--State \$ 174,538

Prior Biennia (Expenditures) \$ 2,132,462
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000 -----

NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Mechanical repairs (92-2-108)

Reappropriation:

St Bldg Constr Acct--State \$ 824,457

Prior Biennia (Expenditures) \$ 1,683,543
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000 -----

NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Fire and security repairs (92-2-109)

Reappropriation:

St Bldg Constr Acct--State \$ 418,730

Prior Biennia (Expenditures) \$ 273,269
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999 -----

NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Interior repairs (92-2-110)

Reappropriation:

St Bldg Constr Acct--State \$ 427,638

Prior Biennia (Expenditures) \$ 1,012,361
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999 -----

NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Site repairs (92-2-111)

Reappropriation:

St Bldg Constr Acct--State \$ 98,377

Prior Biennia (Expenditures) \$ 1,230,622
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,328,999 -----

NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Pool repairs (92-2-112)

Reappropriation:

St Bldg Constr Acct--State \$ 5,133

Prior Biennia (Expenditures) \$ 594,867
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000 -----

NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Administration addition--Lake Washington Technical College (92-5-003)

Reappropriation:

St Bldg Constr Acct--State \$ 2,498,016

Prior Biennia (Expenditures) \$ 6,644,183
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,142,199 -----

NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvements (92-5-200)

Reappropriation:

St Bldg Constr Acct--State \$ 1,979,165

Prior Biennia (Expenditures) \$ 14,950,834
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,929,999 -----

NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof repair--Clover Park Technical College (93-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 5,130

Prior Biennia (Expenditures) \$ 183,869

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 188,999 -----

NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repairs and minor improvements (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 28,290,145

Prior Biennia (Expenditures) \$ 8,709,855

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 37,000,000 -----

NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Asbestos abatement (94-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 112,447

Prior Biennia (Expenditures) \$ 441,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 554,233 -----

NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal and remediation (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 158,727

Prior Biennia (Expenditures) \$ 765,990

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 924,717 -----

NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal (94-1-370)

Reappropriation:

St Bldg Constr Acct--State \$ 197,830

Prior Biennia (Expenditures) \$ 4,170

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000 -----

NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Asbestos abatement (94-1-390)

Reappropriation:

St Bldg Constr Acct--State \$ 326,887

Prior Biennia (Expenditures) \$ 124,440

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 451,327 -----

NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Renovate Seattle Vocational Institute facility: Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute (94-1-733)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 7,523,494

Prior Biennia (Expenditures) \$ 59,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,583,000 -----

NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (94-2-400)

Reappropriation:

St Bldg Constr Acct--State \$ 7,640,466

Prior Biennia (Expenditures) \$ 3,837,534

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,478,000

NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (94-2-500)

Reappropriation:

St Bldg Constr Acct--State \$ 590,517

Prior Biennia (Expenditures) \$ 38,483

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 629,000 -----

NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Pierce College--Puyallup phase II (94-2-601)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 862,234

Appropriation:

St Bldg Constr Acct--State \$ 12,852,618

Prior Biennia (Expenditures) \$ 164,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,879,538 -----

NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Skagit Valley College Vocational Building (94-2-602)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 152,981

Appropriation:

St Bldg Constr Acct--State \$ 2,320,000

Prior Biennia (Expenditures) \$ 16,063

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,489,044 -----

NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 342,967

Appropriation:

St Bldg Constr Acct--State \$ 7,930,000

Prior Biennia (Expenditures) \$ 262,669

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,535,636 -----

NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 728,058

Appropriation:

St Bldg Constr Acct--State \$ 12,343,480

Prior Biennia (Expenditures) \$ 138,578

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,210,116 -----

NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct South Puget Sound Community College Technical Education Building (94-2-605)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 512,534

Appropriation:

St Bldg Constr Acct--State \$ 6,430,000

Prior Biennia (Expenditures) \$ 135,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,078,067 -----

NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Green River Community College Center for Information Technology (94-2-606)

Reappropriation:

St Bldg Constr Acct--State \$ 1,069,426

Prior Biennia (Expenditures) \$ 324,303

Future Biennia (Projected Costs) \$ 16,800,000

TOTAL \$ 18,193,729 -----

NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Predesign (94-2-650)

Reappropriation:

St Bldg Constr Acct--State \$ 43,379

Prior Biennia (Expenditures) \$ 206,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000 -----

NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Acquisitions (94-2-700)

Reappropriation:

St Bldg Constr Acct--State \$ 28,591

Prior Biennia (Expenditures) \$ 480,409

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 509,000 -----

NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Americans with Disabilities Act projects (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 3,190,091

Prior Biennia (Expenditures) \$ 231,807

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,421,898 -----

NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair and minor improvement (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 40,000,000

TOTAL \$ 50,000,000 -----

NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair roofs (96-1-010)

Appropriation:

St Bldg Constr Acct--State \$ 5,406,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 21,406,000 -----

NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair heating, ventilation, and air conditioning (96-1-030)

Appropriation:

St Bldg Constr Acct--State \$ 7,588,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$ 39,588,000 -----

NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair mechanical (96-1-060)

Appropriation:

St Bldg Constr Acct--State \$ 1,262,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,262,000 -----

NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair electrical (96-1-080)

Appropriation:

St Bldg Constr Acct--State \$ 2,192,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,192,000 -----

NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair exterior (96-1-100)

Appropriation:

St Bldg Constr Acct--State \$ 2,419,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,419,000 -----

NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair interiors (96-1-120)

Appropriation:

St Bldg Constr Acct--State \$ 1,254,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,254,000 -----

NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Site improvements (96-1-140)

Appropriation:

St Bldg Constr Acct--State \$ 2,465,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,465,000 -----

NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Infrastructure project savings (96-1-500)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the

following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor program remodel and improvements (96-2-199)

Appropriation:

St Bldg Constr Acct--State \$ 10,119,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 56,000,000

TOTAL \$ 70,002,000 -----

NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Project artwork consolidation account (96-2-400)

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

North Seattle Community College: To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 895,712

Prior Biennia (Expenditures) \$ 43,512

Future Biennia (Projected Costs) \$ 12,047,538

TOTAL \$ 12,986,762 -----

NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Everett Community College: To procure land for a new access to the college and for a new Instruction Technology Center (96-2-652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 3,558,440

Prior Biennia (Expenditures) \$ 25,140

Future Biennia (Projected Costs) \$ 12,251,270

TOTAL \$ 15,834,850 -----

NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

South Seattle Community College: To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 592,266

Prior Biennia (Expenditures) \$ 21,466

Future Biennia (Projected Costs) \$ 7,064,600

TOTAL \$ 7,678,332 -----

NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Olympic College Satellite--Poulsbo: Design (96-2-654)

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 755,000

Prior Biennia (Expenditures) \$ 26,359

Future Biennia (Projected Costs) \$ 10,248,000

TOTAL \$ 11,029,359 -----

NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Clover Park Technical College: Aviation trades complex, site acquisition, and related costs

Appropriation:

St Bldg Constr Acct--State \$ 2,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000 -----

**PART 6
MISCELLANEOUS**

NEW SECTION. Sec. 801. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,992,000 during the 1995-97 fiscal period; \$88,459,000 during the 1997-99 fiscal period; \$125,937,000 during the 1999-2001 fiscal period; \$125,876,000 during the 2001-03 fiscal period; and \$125,800,000 during the 2003-05 fiscal period.

NEW SECTION. Sec. 802. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Lease-develop with an option to purchase or lease-purchase an approximately 125,000 square foot office building. This facility is the first phase of an office complex in Spokane at the metropolitan summit office center project. This facility will collocate several state agencies. Alternatively, the project may be financed by entering into a financing contract on behalf of the department of general administration in the amount of \$17,000,000 and reserves pursuant to chapter 39.94 RCW. A financial plan identifying facility occupants, all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be

provided to the senate ways and means committee and the house of representatives capital budget committee; and

(b) Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000;

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000; and

(c) Enter into a financing agreement on behalf of the department of corrections in the amount of \$10,000,000 and reserves pursuant to chapter 39.94 RCW, to construct a new correctional industries dairy and creamery. It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project costs savings may be realized. The department shall reevaluate costs using inmate labor and submit new estimates to the office of financial management before entering into any agreements. Milk and other products of the dairy shall be sold exclusively to correctional facilities and jails.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus;

(b) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(c) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(d) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(e) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(f) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(g) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

(h) Lease-purchase or enter into a financing contract on behalf of Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(i) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops;

(j) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(k) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(l) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

(m) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

(n) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

(o) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

(p) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

(q) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

(r) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management;

(s) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(t) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

(u) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

(v) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds;

(w) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget; and

(x) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$7,700,000 for off-campus aircraft training programs.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

(6) Washington State University:

Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract.

(7) Western Washington State University:

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

(8) Washington state fruit commission:

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

NEW SECTION. Sec. 803. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

NEW SECTION. Sec. 804. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 805. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 806. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

NEW SECTION. Sec. 807. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 808. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 809. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 810. Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 811. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 812. The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project

and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 813. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

NEW SECTION. Sec. 814. Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

NEW SECTION. Sec. 815. Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

NEW SECTION. Sec. 816. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education

coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. **Sec. 817.** The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

NEW SECTION. **Sec. 818.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 819.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Sehlin moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1070 and ask the Senate for a Conference thereon.

Representative Ogden spoke in favor of the motion and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sehlin, Honeyford and Ogden as Conferees on Engrossed Substitute House Bill No. 1070.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080 with the following amendments:

Strike everything after the enacting clause and insert the following:

"TRANSPORTATION APPROPRIATIONS

NEW SECTION. **Sec. 1.** The legislature finds and declares that it is essential to maintain an efficient and effective transportation system. The legislature finds that certain agency practices need to be reexamined and specific policies put in place in order to ensure cost-effective program delivery. All planning, training, engineering, and related activities should be aimed at achieving delivery of projects

and services. Staffing levels and equipment purchases should be commensurate with the workload assumed in this budget.

NEW SECTION. **Sec. 2.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1997.

(2) Legislation with fiscal impacts enacted in the 1995 legislative session not referenced in this act are not funded in the 1995-97 transportation budget.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

PART I
GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Fund--State Appropriation \$ 300,000
TOTAL APPROPRIATION \$ 300,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 1, 1996, and January 1, 1997, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

NEW SECTION. **Sec. 102. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

Motor Vehicle Fund--State Appropriation \$ 40,000
TOTAL APPROPRIATION \$ 40,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The joint legislative systems committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1995.

NEW SECTION. **Sec. 103. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund--State Appropriation \$ 205,000
TOTAL APPROPRIATION \$ 205,000

The appropriation in this section is for fiscal year 1996 and is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by June 30, 1995.

NEW SECTION. **Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Motor Vehicle Fund--State Appropriation \$ 110,000
TOTAL APPROPRIATION \$ 110,000

NEW SECTION. Sec. 105. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

Motor Vehicle Fund--State Appropriation \$ 2,808,000
Marine Operating Fund--State Appropriation \$ 1,157,000
TOTAL APPROPRIATION \$ 3,965,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfer from the motor vehicle fund and the marine operating fund is to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation contained in this section is to retire tort obligations that occurred before July 1, 1990.

NEW SECTION. Sec. 106. FOR THE STATE PARKS AND RECREATION COMMISSION--OPERATING

Motor Vehicle Fund--State Appropriation \$ 927,000
TOTAL APPROPRIATION \$ 927,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The commission shall not expend any state funds for maintenance, repair, or snow and ice removal on county or private roads.

NEW SECTION. Sec. 107. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Fund--State
Appropriation \$ 222,000
TOTAL APPROPRIATION \$ 222,000

NEW SECTION. Sec. 108. FOR THE OFFICE OF THE STATE TREASURER

State Treasurer's Service Fund--State
Appropriation \$ 44,000
TOTAL APPROPRIATION \$ 44,000

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Motor Vehicle Fund--State
Appropriation \$ 585,000
TOTAL APPROPRIATION \$ 585,000

PART II
TRANSPORTATION AGENCIES

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation \$ 428,000
Highway Safety Fund--Federal Appropriation \$ 5,160,000

Transportation Fund--State Appropriation \$ 1,100,000
TOTAL APPROPRIATION \$ 6,688,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation fund--state appropriation shall be used solely to fund community DUI task forces. Funding from the transportation fund for any community DUI task force may not exceed fifty percent of total expenditures in support of that task force. The DUI community task forces shall identify and implement methods to reduce the incidence of drug and alcohol-related accidents involving persons 16 through 35 years of age.

NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation \$ 260,000
TOTAL APPROPRIATION \$ 260,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The appropriation of \$260,000 from the pilotage account--state shall be reduced by \$104,000 if chapter . . . (House Bill No. 1311 or Senate Bill No. 5356), Laws of 1995 is not enacted by the 1995 legislature.

NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--Rural Arterial Trust
Account--State Appropriation \$ 37,553,000
Motor Vehicle Fund--State Appropriation \$ 1,340,000
Motor Vehicle Fund--Private/Local Appropriation \$ 508,000
Motor Vehicle Fund--County Arterial Preservation
Account --State Appropriation \$ 26,023,000
TOTAL APPROPRIATION \$ 65,424,000

NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Urban Arterial Trust
Account--State Appropriation \$ 38,997,000
Motor Vehicle Fund--Transportation Improvement
Account--State Appropriation \$ 143,061,000
Motor Vehicle Fund--City Hardship Assistance
Account--State Appropriation \$ 1,904,000
Motor Vehicle Fund--Small City Account--
State Appropriation \$ 5,702,000
TOTAL APPROPRIATION \$ 189,664,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,528,000
TOTAL APPROPRIATION \$ 2,528,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the final legislative appropriation. The performance measures are to be established and will be tracked within the transportation executive information system.

(2) The legislative transportation committee shall convene one or more groups to address activities that result in the loss of transportation tax revenue. The groups shall present their findings to the legislative transportation committee and the office of financial management.

(3) The legislative transportation committee shall retain an independent, professional management consultant for the purpose of conducting an organizational and management review of the department of transportation.

(4) The legislative transportation committee shall undertake an examination of the state's role in the intercity and freight rail programs funded by the department of transportation with regard to the long term costs and benefits of such programs and the constitutionality of the use of state funds for such activities.

NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 345,000
TOTAL APPROPRIATION \$ 345,000

NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 721,000
TOTAL APPROPRIATION \$ 721,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Transportation commissioners may not be paid for more than ninety-six days per year on commission business, except the chair of the commission, who may not be compensated for more than one hundred twenty days per year working on commission business.

(2) None of the appropriation may be used to conduct studies or hire consultants without specific authorization from the legislative transportation committee prior to commencing any studies or hiring any consultants.

(3) In no event shall the commission hold meetings outside of the state of Washington. The commission is directed to seek methods of reducing travel and meeting costs.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ 140,134,000
Motor Vehicle Fund--State Patrol Highway
Account--Federal Appropriation \$ 3,196,000
Motor Vehicle Fund--State Appropriation \$ 747,000
Marine Operating Fund--State Appropriation \$ 927,000
TOTAL APPROPRIATION \$ 145,004,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall have a staffing level of no less than 730 commissioned officers at the end of the 1995-97 biennium. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of 30 cadets shall begin on July 1, 1995 and a class of 30 cadets shall begin on January 1, 1996.

(2) The additional three percent salary increase for commissioned officers provided for in section 404 of this act shall occur only if the decommissioning of the vehicle inspection program occurs by June 30, 1995.

(3) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(4) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

(5) The state patrol may not sell or purchase any aircraft until the legislative transportation committee has completed a review of the type of air services provided by the various state agencies, and the feasibility of consolidating the state's air fleet.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--
INVESTIGATIVE SERVICES BUREAU**

Motor Vehicle Fund--State Appropriation \$ 4,509,000
Transportation Fund--State Appropriation \$ 1,982,000
TOTAL APPROPRIATION \$ 6,491,000

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT
SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ 53,229,000
Motor Vehicle Fund--State Appropriation \$ 1,491,000
Transportation Fund--State Appropriation \$ 3,286,000
TOTAL APPROPRIATION \$ 58,006,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--
MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--
State Appropriation \$ 78,000
State Wildlife Account--State Appropriation \$ 68,000
Highway Safety Fund--State Appropriation \$ 5,058,000
Motor Vehicle Fund--State Appropriation \$ 4,306,000
Transportation Fund--State Appropriation \$ 791,000

TOTAL APPROPRIATION \$ 10,301,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--
INFORMATION SYSTEMS**

General Fund--Wildlife Account--State
Appropriation \$ 118,000
Highway Safety Fund--State Appropriation \$ 7,820,000
Motor Vehicle Fund--State Appropriation \$ 12,871,000
Transportation Fund--State Appropriation \$ 1,302,000
TOTAL APPROPRIATION \$ 22,111,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$15,223,000 for the licensing application migration project (LAMP), of which \$9,134,000 is motor vehicle account--state, \$6,089,000 is highway safety fund--state.

Of the \$15,223,000 LAMP appropriation \$761,150 is provided solely as a contingency amount.

(2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.

(3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.

(4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

(5) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE
SERVICES**

General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 26,000
General Fund--Wildlife Account--State
Appropriation \$ 534,000
Motor Vehicle Fund--State Appropriation \$ 46,263,000
Department of Licensing Services Account--
State Appropriation \$ 2,944,000
TOTAL APPROPRIATION \$ 49,767,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER
SERVICES**

Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 1,150,000
Highway Safety Fund--State Appropriation \$ 55,606,000
Transportation Fund--State Appropriation \$ 4,214,000
TOTAL APPROPRIATION \$ 60,970,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Fund--State Appropriation \$ 24,194,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 21,974,000
TOTAL APPROPRIATION \$ 46,568,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

General Fund--Aeronautics Account--State
Appropriation \$ 3,780,000
General Fund--Aeronautics Account--Federal
Appropriation \$ 500,000
Aircraft Search and Rescue, Safety, and Education
Account--State Appropriation \$ 132,000
TOTAL APPROPRIATION \$ 4,412,000

The general fund--aeronautics account appropriations contained in this section will become transportation fund--aeronautics account appropriations if either House Bill No. 1190 or Senate Bill No. 5233 are enacted into law.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Fund--Economic Development Account--
State Appropriation \$ 1,000,000
Motor Vehicle Fund--State Appropriation \$ 227,807,000
Motor Vehicle Fund--Federal Appropriation \$ 296,700,000
Motor Vehicle Fund--Private/Local
Appropriation \$ 47,750,000
High Capacity Transportation Account--State
Appropriation \$ 8,572,000
Special Category C Account--State Appropriation \$ 177,600,000
Special Category C Account--Local
Appropriation \$ 50,000
Transportation Fund--State Appropriation \$ 60,000,000
Central Puget Sound Public Transportation Account--
State Appropriation \$ 2,500,000
Puyallup Tribal Settlement Account--State
Appropriation \$ 21,000,000
Puyallup Tribal Settlement Account--Federal
Appropriation \$ 1,000,000
Puyallup Tribal Settlement Account--Private/Local
Appropriation \$ 2,300,000
TOTAL APPROPRIATION \$ 846,279,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$32,204,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$7,525,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account--state appropriation of \$177,600,000 includes \$160,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 for the 1st avenue south bridge in Seattle, North-South Corridor/Division street improvements in Spokane, and selected sections of state route 18. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle fund--state appropriation includes \$8,710,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;
- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) \$44,685,000 appropriated in this section, which includes: \$3,212,000 of the motor vehicle fund--state appropriation; \$39,886,000 of the transportation fund--state appropriation; \$1,328,000 of the motor vehicle fund--local appropriation; and \$259,000 of the economic development account--state appropriation, is to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;
- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;
- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) \$69,111,000 appropriated in this section, which includes: \$35,060,000 of the motor vehicle fund--state appropriation; \$18,948,000 of the transportation fund--state appropriation; and \$15,103,000 of the motor vehicle fund--federal appropriation, is to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;

- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SR 82 to Selah;
- (h) O'Brien to Lewis Rd;
- (i) NE 147th to 80th NE - HOV Lanes;
- (j) Old Cascade Hwy - to Deception CR - Stage 1;
- (k) Prophets point to Old Cascade Hwy - Stage 2; and
- (l) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) The central Puget Sound public transportation account--state appropriation, the high capacity transportation account--state appropriation, and \$36,000,000 of the motor vehicle fund--state appropriation, which includes \$12,000,000 transferred from the gasohol exemption holding account and up to \$24,000,000 from the sale of bonds authorized by Senate Bill No. 5393, are provided solely for the following high occupancy lane projects:

- (a) 15th St SW to 84th Ave. SO - Stage 2; and
- (b) Pierce C.L. to Tukwila I/C - Stage 1.

If additional revenue from the repeal of the gasohol exemption and credit becomes available, the proceeds shall be used to reduce the sale of bonds for the purposes identified in this subsection.

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) The motor vehicle fund appropriation in this section includes \$10,000,000 for new preconstruction activities.

(9) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(10) If chapter . . . (Substitute House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

(11) The legislature needs to determine all possible causes for changes in a project's cost from the time the cost is identified in the transportation commission's budget recommendation provided to the governor and legislature in support of the proposed highway construction budget, through completion of project construction.

The department shall provide a historical data report showing changes throughout the life of selected projects. The historical data report shall quantify the reasons for project increases or decreases and include department of transportation actions taken to minimize such changes. The department is directed to assess whether construction cost efficiencies can be achieved by ensuring continuity between design efforts and construction administrative activities.

(12) The motor vehicle fund--state appropriation in this section includes \$2,700,000 solely for state match for the Blaine border crossing project to be used only if federal demonstration project funding is authorized for this project.

(13) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(14) The motor vehicle fund--state appropriation in this section includes \$4,000,000 solely for infrastructure associated with the development of a horse racetrack in western Washington.

(15) The motor vehicle fund--state appropriation in this section includes \$2,500,000 solely for the department of transportation match for transportation improvement board projects ready for construction in fiscal year 1996.

(16) The motor vehicle fund--state appropriation in this section includes \$6,783,000 solely for additional all-weather highway projects.

(17) The motor vehicle fund--state appropriation in this section includes \$16,000,000, including up to \$11,000,000 from the sales of bonds authorized in Senate Bill No. 5393, for high occupancy vehicle lane projects

(18) The motor vehicle fund--state appropriation in this section includes \$4,870,000 to be expended on the following project: SR 82, SR 823 UC to SR 12 UC. This project will complete the Selah project identified in subsection (5) of this section.

(19) The motor vehicle fund--state appropriation in this section includes \$93,000 solely for the Aurora bicycle/pedestrian overpass at Galer Street.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ 222,274,000
Motor Vehicle Fund--Federal Appropriation \$ 461,000
Motor Vehicle Fund--Private/Local Appropriation \$ 3,305,000
TOTAL APPROPRIATION \$ 226,040,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters such as fire, flooding, and major slides, supplemental appropriations will be requested to restore funding for ongoing maintenance activities.

(2) If projected snow and ice expenditures exceed the plan of \$40,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.

(3) The department shall provide recommendations to the legislative transportation committee by December 15, 1995, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.

(4) The motor vehicle fund--state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program. This appropriation is to be used only if Engrossed Substitute House Bill No. 1512 is enacted.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Motor Vehicle Fund--State Appropriation \$ 115,944,000
Motor Vehicle Fund--Federal Appropriation \$ 74,600,000
Motor Vehicle Fund--Private/Local Appropriation \$ 8,100,000
Transportation Fund--State Appropriation \$ 98,600,000
Transportation Fund--Federal Appropriation \$ 143,400,000
Transportation Fund--Private/Local Appropriation \$ 3,000,000
TOTAL APPROPRIATION \$ 443,644,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 for emergency purposes. However, the transportation

commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section include \$10,034,000 for seismic retrofit activities.

(3) The department shall not reduce its commitment to sexual harassment training and diversity training, notwithstanding the reduction in this section for training.

(4) The motor vehicle fund--state appropriation in this section includes \$36,000,000 for additional pavement preservation projects.

(5) The appropriations in this section include \$6,879,000 for Washington state's share to replace the deck on the Lewis and Clark bridge. If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the bridge into Oregon's public/private partnership program, up to \$1,000,000 of this amount shall be used for Washington's share of emergency deck repairs to extend the service life of the bridge. The remaining funds may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by January 15, 1996.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION SYSTEMS MANAGEMENT--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ 21,736,000
TOTAL APPROPRIATION \$ 21,736,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: By December 31, 1995, the department shall increase from ten dollars to twenty-five dollars the fee charged to businesses participating in the motorist information sign program. The department shall provide recommendations to the legislative transportation committee by December 1, 1995, regarding a plan to make this program and the billboard program self-supporting within five years. For purposes of this proviso, the erection, maintenance, and replacement of backpanels shall not be considered part of the program cost.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--
SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ 368,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Private/Local Appropriation \$ 2,232,000
TOTAL APPROPRIATION \$ 3,000,000

(1) By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:

(a) Recovery of full costs for reimbursable services; and

(b) Consistency of charging for reimbursable services across the department's regions.

(2) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The program is established to allow the department the ability to provide services on nonappropriated, outside requests through the unanticipated receipt process including both dollar and full-time equivalent staff increases.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital Construction
 Account--State Appropriation \$ 1,109,000
 Motor Vehicle Fund--State Appropriation \$ 52,597,000
 Motor Vehicle Fund--Puget Sound Ferry Operations
 Account--State Appropriation \$ 1,105,000
 Transportation Fund--State Appropriation \$ 10,372,000
 TOTAL APPROPRIATION \$ 65,183,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The transportation fund--state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions to public-private transportation initiatives projects. \$2,160,000 of the bond proceeds are to be transferred to the improvement program to pay back the loan recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

(4) It is the intent of the legislature to reduce the amount of money spent by the department on nonessential training programs for its employees.

(5) One of the two full-time employees funded in this section for enhanced public involvement shall be responsible for improving communications between the department and the public. His or her responsibilities shall include: (a) Developing a more efficient and effective system for replying to inquiries from the public and (b) supporting new and existing programs related to public involvement.

(6) By December 1, 1995, the department of transportation shall implement: (a) Modifications to the construction administration system that promote prudent project management and standards that ensure state-wide consistency of approach among all departmental regions; (b) modifications to the maintenance administration system to ensure consistency of approach among all departmental regions; and (c) modifications to the preconstruction system that streamline processes, reduce the number of internal reviews, and eliminate duplicative documentation.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T

Essential Rail Assistance Account--State
 Appropriation \$ 1,036,000
 Motor Vehicle Fund--State Appropriation \$ 13,410,000
 Motor Vehicle Fund--Federal Appropriation \$ 16,198,000
 High Capacity Transportation Account--
 State Appropriation \$ 5,077,000
 Essential Rail Banking Account--State
 Appropriation \$ 52,000
 Transportation Fund--State Appropriation \$ 37,770,000
 Transportation Fund--Federal Appropriation \$ 11,643,000

Transportation Fund--Private/Local
 Appropriation \$ 105,000
 Central Puget Sound Public Transportation
 Account--State Appropriation \$ 11,009,000
 Public Transportation Systems Account--State
 Appropriation \$ 3,082,000
 Air Pollution Control Account--State
 Appropriation \$ 6,342,000
TOTAL APPROPRIATION \$ 105,724,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$33,845,000 of the transportation fund--state and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$10,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the assembly and/or manufacturing plant for these types of trains that are to be used within the United States be located in Washington state.

(2) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties reduced on a pro rata basis from allocations provided in the 1993-1995 biennium, except that consideration for additional funds may be given for those counties not having metropolitan planning organizations within their boundaries. Funds provided to these organizations shall be predicated on an eighty percent state funds/twenty percent local funds match.

(3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning or design of facilities. Also, priority for grants to the rural mobility program funded from the public transportation systems account shall be given to programs that do not have ongoing costs.

(4) If the 1995 legislature does not enact Engrossed Second Substitute House Bill No. 2009 or transfer responsibility to the department of transportation for the commute trip reduction program, then the appropriation from the air pollution control account in this section shall lapse.

(5) Up to \$700,000 of the high capacity transportation account is reappropriated from the 1993-95 biennium ending fund balance for regional transit authority grants.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT
 Motor Vehicle Fund--State Appropriation \$ 4,646,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR
 Motor Vehicle Fund--State Appropriation \$ 832,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES
 Motor Vehicle Fund--State Appropriation \$ 3,374,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL
 Motor Vehicle Fund--State Appropriation \$ 2,240,000
 (5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND
 ADMINISTRATION
 Motor Vehicle Fund--State Appropriation \$ 5,049,000
 (6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND
 ADMINISTRATION
 Motor Vehicle Fund--Puget Sound Ferry Operations
 Account--State Appropriation \$ 2,000,000
 (7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S
 BUSINESS ENTERPRISES
 Motor Vehicle Fund--State Appropriation \$ 508,000
 (8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL
 ADMINISTRATION STATE PARKING SERVICES
 Motor Vehicle Fund--State Appropriation \$ 95,000
 (9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION
 CAPITAL PROJECTS SURCHARGE
 Motor Vehicle Fund--State Appropriation \$ 361,000
 (10) FOR ARCHIVES AND RECORDS MANAGEMENT
 Motor Vehicle Fund--State Appropriation \$ 230,000

**NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--
 MARINE CONSTRUCTION--PROGRAM W**

Motor Vehicle Fund--Puget Sound Capital Construction
 Account--State Appropriation \$ 244,659,000
 Motor Vehicle Fund--Puget Sound Capital Construction
 Account--Federal Appropriation \$ 23,422,000
 Motor Vehicle Fund--Puget Sound Capital Construction
 Account--Private/Local Appropriation \$ 765,000
 TOTAL APPROPRIATION \$ 268,846,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$155,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle colman dock ferry terminal.

(4) The Washington state ferries shall acquire an appropriate passenger-only vessel if federal funding is available for this project. If no federal funds are available, it is the intent of the legislature that the construction and assembly of any passenger -only vessels occur within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation \$ 247,229,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$33,340,000 for vessel operating fuel in the 1995-97 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1995-97 biennium may not exceed \$159,990,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1995-97 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995, and thereafter, as established in the 1995-97 general fund operating budget.

(3) The appropriation in this section includes \$614,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 10,567,000
Motor Vehicle Fund--Federal Appropriation \$ 168,253,000
Motor Vehicle Fund--Private/Local Appropriation \$ 5,087,000
Transfer Relief Account--State Appropriation \$ 307,000
TOTAL APPROPRIATION \$ 184,214,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of

current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle fund--federal appropriation of transportation enhancements moneys shall be used in the following manner: Priority shall be given for up to fifty percent for the preservation and improvement of freight rail corridors; a maximum of fifty percent for bicycle and pedestrian projects; and the remainder for other purposes.

(3) The motor vehicle fund--state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

(4) \$1,000,000 of the motor vehicle fund--state appropriation is provided solely for city or county barriers to fish passage and may be spent only on actual removal of barriers, not on planning or research.

(5) Up to \$430,000 of the motor vehicle fund--state appropriation contained in this section shall be used for evaluations that mutually benefit cities, counties, and the state department of transportation. The evaluations shall address fuel tax evasion, license fraud, access management, and miscellaneous cost/benefit measures.

PART III CAPITAL

NEW SECTION. **Sec. 301.** The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) JOINT PROJECTS

(a) FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SERVICE CENTER-- PARKLAND

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 486,000
Motor Vehicle Fund--State Appropriation \$ 71,000
Highway Safety Fund--State Appropriation \$ 71,000
TOTAL APPROPRIATION \$ 628,000

(b) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING-- UNION GAP

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 789,000
TOTAL APPROPRIATION \$ 789,000

(c) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION--NORTH SPOKANE

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 215,000
TOTAL APPROPRIATION \$ 215,000

(d) FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL--BELLINGHAM

Motor Vehicle Fund--Transportation Capital
 Facilities Account--State Appropriation \$ 6,480,000
 Motor Vehicle Fund--State Patrol Highway Account--
 State Appropriation \$ 1,800,000
TOTAL APPROPRIATION \$ 8,280,000

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation.

(3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

- (a) A new customer service center in Vancouver for \$2,629,700;
- (b) A new customer service center in West Spokane for \$3,083,600;
- (c) A new customer service center in Lacey for \$3,152,500;
- (d) A new customer service center in Union Gap for \$3,026,500; and
- (e) A new customer service center in Wenatchee for \$2,078,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS

The appropriations in this section are provided for the following projects:

(1) ACADEMY DRIVE COURSE--SHELTON

Motor Vehicle Fund--State Patrol Highway Account--
 State Appropriation \$ 500,000
TOTAL APPROPRIATION \$ 500,000

(2) MINOR WORKS: PRESERVATION

Motor Vehicle Fund--State Patrol Highway Account--
 State Appropriation \$ 890,000
TOTAL APPROPRIATION \$ 890,000

(3) MINOR WORKS: PROGRAM

Motor Vehicle Fund--State Patrol Highway Account--
 State Appropriation \$ 506,000
TOTAL APPROPRIATION \$ 506,000

(4) SOUTH SEATTLE DETACHMENT

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 151,000
TOTAL APPROPRIATION \$ 151,000

(5) WASHINGTON STATE PATROL OFFICE--SILVER LAKE REST AREA

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 197,000
TOTAL APPROPRIATION \$ 197,000

(6) BELLEVUE COMMUNICATIONS CENTER IMPROVEMENT

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 358,000
TOTAL APPROPRIATION \$ 358,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

All projects in section 303 of this act are funded from the motor vehicle fund--Transportation capital facilities account--state.

(1) OKANOGAN AREA MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 2,801,000
TOTAL APPROPRIATION \$ 2,801,000

(2) CHEHALIS AREA MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 4,865,000
TOTAL APPROPRIATION \$ 4,865,000

(3) WOODLAND SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,163,000
TOTAL APPROPRIATION \$ 1,163,000

(4) CONNELL SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 150,000
TOTAL APPROPRIATION \$ 150,000

(5) WILBUR SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,036,000
TOTAL APPROPRIATION \$ 1,036,000

(6) MINOR REGIONAL PROJECTS

Motor Vehicle Fund--Transportation Capital

Facilities Account--State Appropriation \$ 1,525,000
TOTAL APPROPRIATION \$ 1,525,000

(7) STATE-WIDE ADMINISTRATION AND SUPPORT

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,525,000
TOTAL APPROPRIATION \$ 1,525,000

(8) The department of transportation shall provide to the legislative transportation committee:
(a) Prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1995-97 biennium, and (b) bimonthly progress reports on all transportation capital facilities projects receiving appropriations in this act.

GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION--CAPITAL

Motor Vehicle Fund--State Appropriation \$ 400,000
TOTAL APPROPRIATION \$ 400,000

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION--CAPITAL

Motor Vehicle Fund--State Appropriation \$ 2,500,000
TOTAL APPROPRIATION \$ 2,500,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for the activity: The amount appropriated represents the total motor vehicle fund--state contribution for all phases of the plaza garage renovation project.

**PART IV
TRANSFERS AND DISTRIBUTIONS**

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Motor Vehicle Fund--Puget Sound Capital Construction Account
Appropriation \$ 4,250,000
Motor Vehicle Fund Appropriation \$ 695,000
Transportation Improvement Account
Appropriation \$ 1,250,000
Transportation Fund Appropriation \$ 208,000
Special Category C Account Appropriation \$ 4,000,000
Highway Bond Retirement Account Appropriation \$ 195,814,000
Ferry Bond Retirement Account Appropriation \$ 36,788,000
TOTAL APPROPRIATION \$ 243,005,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Fund--Puget Sound Capital Construction
 Account Appropriation \$ 850,000
 Motor Vehicle Fund Appropriation \$ 139,000
 Motor Vehicle Fund--Urban Arterial Trust Account
 Appropriation \$ 5,000
 Motor Vehicle Fund--Transportation Improvement
 Account Appropriation \$ 250,000
 Special Category C Account Appropriation \$ 800,000
 Transportation Fund Appropriation \$ 42,000
 Transportation Capital Facilities Account
 Appropriation \$ 1,000
 TOTAL APPROPRIATION \$ 2,087,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Fund Appropriation for motor
 vehicle fuel tax and overload penalties
 distribution \$ 452,180,000
 Transportation Fund Appropriation \$ 2,352,000
 TOTAL APPROPRIATION \$ 454,532,000

NEW SECTION. Sec. 404. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT

Motor Vehicle Fund--State Patrol Highway Account
 Appropriation \$ 1,625,000

The appropriation in this section is provided to ensure all state patrol commissioned officers receive a salary increase of three percent, on July 1, 1996. The increase provided for in this section is in addition to any salary increases provided for in Engrossed Substitute House Bill No. 1410 or any other omnibus appropriations act for the 1995-97 biennium enacted by the 1995 legislature.

This section shall be null and void if the state patrol does not comply with the requirements of section 208 of this act.

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

Motor Vehicle Fund--State Patrol Highway Account:
 For transfer to the department of retirement
 systems expense fund \$ 130,000
 TOTAL APPROPRIATION \$ 130,000

NEW SECTION. Sec. 406. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 407. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal

appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 408. TRANSFERS

- (1) R V Account--State Appropriation:
For transfer to the Motor Vehicle Fund--
State \$ 454,000
- (2) Transfer Relief Account--State Appropriation:
For transfer to the Motor Vehicle Fund--
State \$ 1,329,000
- (3) Motor Vehicle Fund--State Appropriation:
For transfer to the Transportation Capital
Facilities Account--State \$ 41,519,000
- (4) Small City Account--State Appropriation:
For transfer to the Urban Arterial Trust
Account--State \$ 2,544,000
- (5) Small City Account--State Appropriation:
For transfer to the Transportation Improvement
Account--State \$ 7,500,000

NEW SECTION. Sec. 409. The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

NEW SECTION. Sec. 410. The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 411. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 412. The additional distribution of transit equalization moneys provided for in chapter . . . (Substitute House Bill No. 1871), Laws of 1995 are contingent upon the enactment of this act.

NEW SECTION. Sec. 413. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

NEW SECTION. Sec. 501. COORDINATION OF TRANSPORTATION INFORMATION TECHNOLOGY. To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, inter-governmental services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 502. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committee. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committee for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written

reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and legislative transportation committee.

NEW SECTION. **Sec. 503.** By December 1, 1995, the department of transportation, in consultation with the department of personnel, shall provide recommendations to the legislative transportation committee regarding the feasibility of consolidating the department of transportation's personnel office with the department of personnel.

NEW SECTION. **Sec. 504.** By December 1, 1995, the department of transportation, in consultation with the transportation improvement board and the county road administration board, shall provide recommendations to the legislative transportation committee regarding the feasibility of consolidating the financial functions of the three agencies.

NEW SECTION. **Sec. 505.** Notwithstanding the provisions of RCW 43.19.1919, the department of licensing, the Washington state patrol, and the department of transportation may transfer obsolete equipment or supplies surplus to their needs to local programs provided under RCW 43.63A.066.

NEW SECTION. **Sec. 506.** The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 507. RCW 70.94.531 and 1991 c 202 s 13 are each amended to read as follows:

(1) Not more than six months after the adoption of the commute trip reduction plan by a jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) an annual review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

- (i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;
 - (ii) Instituting or increasing parking charges for single-occupant vehicles;
 - (iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;
 - (iv) Provision of subsidies for transit fares;
 - (v) Provision of vans for van pools;
 - (vi) Provision of subsidies for car pooling or van pooling;
 - (vii) Permitting the use of the employer's vehicles for car pooling or van pooling;
 - (viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;
 - (ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;
 - (x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;
 - (xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
 - (xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;
 - (xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;
 - (xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; ~~((and))~~
 - (xv) Establishment of proximate commuting programs by employers with multiple worksites;
- and
- (xvi) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.
- (3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.
- (4) Section 507, chapter . . ., Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 508. RCW 36.79.010 and 1988 c 26 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Rural arterial program" means improvement projects on those two systems of county roads in rural areas classified as major collectors and minor collectors in accordance with the federal functional classification system, pedestrian and bicycle facilities that supplement rural major and minor collectors, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas. Pedestrian and bicycle facilities may be sited away from county roads.

(2) "Rural area" means every area of the state outside of areas designated as urban areas by the state transportation commission with the approval of the secretary of the United States department of transportation in accordance with federal law.

(3) "Board" means the county road administration board created by RCW 36.78.030.

(4) Section 508, chapter . . ., Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 509. RCW 36.79.020 and 1988 c 26 s 2 are each amended to read as follows:

(1) There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the rural arterial trust account shall be expended for ~~((1))~~ (a) the construction and improvement of county major and minor collectors in rural areas, ~~((2))~~ (b) pedestrian and bicycle facilities in rural areas, (c) the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas, and ~~((3))~~ (d) for those expenses of the board associated with the administration of the rural arterial program.

(2) Section 509, chapter . . ., Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 510. RCW 36.79.050 and 1988 c 26 s 3 are each amended to read as follows:

(1) At the beginning of each fiscal biennium, the board shall establish apportionment percentages for the five regions defined in RCW 36.79.030 in the manner prescribed in RCW 36.79.040 for that biennium. The apportionment percentages shall be used once each calendar quarter by the board to apportion funds credited to the rural arterial trust account that are available for expenditure for rural major and minor collector projects, pedestrian and bicycle facilities in rural areas, and for construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules of the board. Within each region, funds shall be allocated by the board to counties for the construction of specific rural arterial projects on major and minor collectors, pedestrian and bicycle facilities, and construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas in accordance with the procedures set forth in this chapter.

(2) Section 510, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 511. RCW 36.79.060 and 1988 c 26 s 4 are each amended to read as follows:

The board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the rural arterial trust account to counties;

(2) Adopt reasonably uniform design standards for county major and minor collectors that meet the requirements for trucks transporting commodities;

(3) Adopt criteria and procedures for awarding funds for pedestrian or bicycle facilities;

(4) Report biennially on the first day of November of the even-numbered years to the legislative transportation committee and the house and senate transportation committees regarding the progress of counties in developing plans for their rural major and minor collector construction programs, pedestrian and bicycle facilities, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas and the allocation of rural arterial trust funds to the counties.

(5) Section 511, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 512. RCW 36.79.080 and 1983 1st ex.s. c 49 s 8 are each amended to read as follows:

In preparing their respective six-year programs relating to rural arterial improvements, counties shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

(1) Its structural ability to carry loads imposed upon it;

(2) Its capacity to move traffic at reasonable speeds;

(3) Its adequacy of alignment and related geometrics;

(4) Its accident experience; (~~and~~)

(5) Its fatal accident experience;

(6) Public support for the project; and

(7) A finding that no reasonable alternative to construction, such as access management or transportation system management, is possible.

The six-year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121.

Section 512, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 513. RCW 36.79.090 and 1988 c 26 s 5 are each amended to read as follows:

(1) Upon receipt of a county's revised six-year program, the board as soon as practicable shall review and may revise the construction program as it relates to rural arterials, rural pedestrian facilities, rural bicycle facilities, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas for which rural arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in RCW 36.79.080, in relation to proposed projects in all other rural arterial construction

programs submitted by the counties and within each region; and (2) the amount of rural arterial trust account funds that the board estimates will be apportioned to the region.

(2) Section 513, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 514. RCW 36.79.120 and 1988 c 26 s 6 are each amended to read as follows:

(1) Counties receiving funds from the rural arterial trust account for construction of arterials, rural pedestrian facilities, rural bicycle facilities, and the construction of replacement bridges funded by the federal bridge replacement program on access roads in rural areas shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the state transportation commission. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

(2) Section 514, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 515. RCW 47.26.080 and 1994 c 179 s 8 are each amended to read as follows:

There is hereby created in the motor vehicle fund the urban arterial trust account. The intent of the urban arterial trust account program is to improve the urban arterial street system and related bicycle and pedestrian facilities of the state by improving mobility and safety while supporting an environment essential to the quality of life of the citizens of the state of Washington. To be eligible to receive these funds, a project must be consistent with the Growth Management Act, the Clean Air Act including conformity, and the Commute Trip Reduction Law. ~~((The project shall consider))~~ Before the board approves funding for a project, the board must be assured that alternatives to construction have been considered including, but not limited to, access management, transportation system management, and demand management. The board shall also determine that the community has had adequate opportunity to review and comment on the proposed project and alternatives to the project. Criteria for project selection must also include safety, mobility, and physical characteristics of the roadway; and ~~((must be partially funded))~~ funding contributions by local government. Bicycle and pedestrian facilities may be funded in conjunction with an urban arterial project or separately. Bicycle and pedestrian facilities may be sited away from arterials or highways.

All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for bicycle facilities within urban areas, for pedestrian walkways within urban areas, for expenses of the transportation improvement board in accordance with RCW 47.26.140, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.260, to any county, city, or town identified by the governor under RCW 36.70A.340.

Section 515, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 516. RCW 47.26.086 and 1994 c 179 s 11 are each amended to read as follows:

Transportation improvement account projects selected for funding programs after fiscal year 1995 are governed by the requirements of this section.

The board shall allocate funds from the account by June 30th of each year for the ensuing fiscal year to urban counties, cities with a population of five thousand and over, and to transportation benefit districts. Projects may include, but are not limited to, multi-agency projects ~~((and))~~ arterial improvement projects in fast-growing areas, pedestrian facilities, and bicycle facilities. Pedestrian or bicycle facilities may be sited away from arterials and highways. The board shall endeavor to provide geographical diversity in selecting improvement projects to be funded from the account.

The intent of the program is to improve mobility of people and goods in Washington state by supporting economic development and environmentally responsive solutions to our state-wide transportation system needs.

To be eligible to receive these funds, a project must be consistent with the Growth Management Act, the Clean Air Act including conformity, and the Commute Trip Reduction Law and consideration must have been given to the project's relationship, both actual and potential, with the state-wide rail passenger program and rapid mass transit. Projects must be consistent with any adopted high capacity transportation plan, must consider existing or reasonably foreseeable congestion levels attributable to economic development or growth and all modes of transportation and safety, and must be partially funded by local government or private contributions, or a combination of such contributions. Before the board approves funding for a project, the board must be assured that alternatives to construction have been considered including but not limited to access management, transportation demand management, and transportation systems management. The board shall also determine that the community has had adequate opportunity to review and comment on the proposed project and alternatives to the project. Priority consideration shall be given to those projects with the greatest percentage of local or private contribution, or both.

Within one year after board approval of an application for funding, the lead agency shall provide written certification to the board of the pledged local and private funding for the phase of the project approved. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

Section 516, chapter . . ., Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 517. RCW 47.26.270 and 1994 c 179 s 20 are each amended to read as follows:

(1) Counties, cities, towns, and transportation benefit districts receiving funds from the board shall provide such matching funds as established by rules adopted by the transportation improvement board. When determining matching requirements, the board shall consider (1) financial resources available to counties and cities to meet arterial, pedestrian, and bicycle needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes.

(2) Section 517, chapter . . ., Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 518. RCW 47.26.305 and 1994 c 179 s 21 are each amended to read as follows:

(1) Bicycle routes (~~(shall, when established in accordance with RCW 47.06.100 be)~~ are) are eligible for establishment, improvement, and upgrading with board funds. The board shall adopt rules and procedures that will encourage the development of a system of bicycle routes within counties, cities, and towns.

(2) Section 518, chapter . . ., Laws of 1995 (this act) shall expire on June 30, 1997.

NEW SECTION. **Sec. 519.** RCW 47.26.084 and 1994 c 179 s 10 & 1988 c 167 s 2 are each repealed.

Sec. 520. RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the

multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(4) Section 520, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 521. RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

(1) There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for high occupancy vehicle lane construction or for local high capacity transportation purposes including rail freight.

(2) Section 521, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

Sec. 522. 1994 c 303 s 20 (uncodified) is amended to read as follows:

(1) There is hereby appropriated cumulatively from the motor vehicle fund--state, the transportation fund--state, and the general fund--state, up to \$35,500,000 for preliminary engineering, right of way acquisition, and construction of the following regular category C projects:

- ~~((1))~~ (a) SPRING ST TO JOHNSON RD (627000D);
- ~~((2))~~ (b) W. LK SAMM. PKWY. TO SR 202 (152038A, 152039D);
- ~~((3))~~ (c) DIAMOND LAKE CHANNELIZATION (600232E);
- ~~((4))~~ (d) 15TH SW TO SR 161 U-XING (351214A);
- ~~((5))~~ (e) ANDRESEN ROAD TO SR 503 (450093B);
- ~~((6))~~ (f) NE 144TH ST TO BATTLEGROUND (450387B);
- ~~((7))~~ (g) STEAMBOAT ISLAND RD I/C (310199A);
- ~~((8))~~ (h) GRAHAM HILL VICINITY (316111A);
- ~~((9))~~ (i) NORTH OF WINSLOW - STAGE 1 (330505A);
- ~~((10))~~ (j) SR 5 TO BLANDFORD DRIVE (401487A);
- ~~((11))~~ (k) 32ND STREET INTERCHANGE (316711A); and
- ~~((12))~~ (l) SUNNYSLOPE I/C - STAGE 2 (228531A).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$35,500,000. The general fund--state expenditure under this section and sections 18, 21, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

(2) The purpose of this amendment is to clarify the intent of the legislature that the appropriation for project No. (b) included moneys for construction of Stage 1, including a diamond interchange at SR 520/SR 202. Such moneys are reappropriated for the project, W. Lake Sammamish Parkway to SR 202, including the construction of the diamond interchange at SR 520/SR 202. Such reappropriation shall be considered to be effective as of the date of section 20, chapter 303, Laws of 1994. All expenditures made by the department from that date are hereby ratified.

(3) If House Bill No. 2074 is enacted by June 30, 1995, this section is null and void.

(4) Section 522, chapter . . . , Laws of 1995 (this act) shall expire on June 30, 1997.

NEW SECTION. Sec. 523. The state shall not provide refunds for any taxes collected as a result of the repeal of RCW 82.36.2251 by section 1, chapter 225, Laws of 1994.

NEW SECTION. Sec. 524. It is the intent of the legislature that the department of transportation may implement a retirement incentive program that is cost neutral provided that such program is approved by the director of financial management.

Sec. 525. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

(a) Acceptability;

(b) Ease of administration;

(c) Equity;

(d) Implementation feasibility;

(e) Revenue reliability; and

(f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

(a) Employer tax as provided in RCW 81.104.150;

(b) Special motor vehicle excise tax as provided in RCW 81.104.160; and

(c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection ~~((4))~~ (9) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.~~

~~(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.~~

~~(9))~~ (8) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

~~((40))~~ (9) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

(10) Section 525, chapter . . . , Laws of 1995 (this act) shall expire June 30, 1997.

Sec. 526. RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1)(a) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections. Revenues deposited in the fund are considered taxes levied for transportation purposes, and may not be used for general government purposes.

(b) Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(c) All bonds obligating principal and interest payments from transportation fund revenues shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in Article VIII, section 1 of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971.

(d) No transportation bonds, notes, or other evidences of indebtedness for borrowed money shall be issued that will cause the aggregate debt contract by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of transportation fund revenues for the three immediately preceding fiscal years as certified by the treasurer.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation and allocated by the multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:

(a) Planning;

(b) Development of capital projects;

(c) Development of high capacity transportation systems as defined in RCW 81.104.015;

(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the

department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

NEW SECTION. Sec. 527. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 528. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 529. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 70.94.531, 36.79.010, 36.79.020, 36.79.050, 36.79.060, 36.79.080, 36.79.090, 36.79.120, 47.26.080, 47.26.086, 47.26.270, 47.26.305, 47.78.010, and 81.104.140; reenacting and amending RCW 82.44.180 and 82.44.180; creating new sections; repealing RCW 47.26.084; making appropriations; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 2080 and ask the Senate for a Conference thereon.

MOTION

Representative R. Fisher moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 2080 and pass the bill as amended by the Senate.

Representative R. Fisher spoke in favor of the motion to concur and Representative K. Schmidt spoke against the motion. The motion to concur failed.

The motion to not concur was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives K. Schmidt, Mitchell and R. Fisher as Conferees on Engrossed Substitute House Bill No. 2080.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1117 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94.010 and 1955 c 241 s 1 are each amended to read as follows:

Whenever two or more inmates of a ~~((state penal))~~ correctional institution assemble for any purpose, and act in such a manner as to disturb the good order of ~~((such))~~ the institution and contrary to the commands of the officers of ~~((such))~~ the institution, by the use of force or violence, or the threat thereof, and whether acting in concert or not, they shall be guilty of prison riot.

Sec. 2. RCW 9.94.020 and 1992 c 7 s 19 are each amended to read as follows:

Every inmate of a ~~((state))~~ correctional ~~((facility))~~ institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding or abetting the same, shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years, which shall be in addition to the sentence being served.

Sec. 3. RCW 9.94.030 and 1992 c 7 s 20 are each amended to read as follows:

Whenever any inmate of a ~~((state))~~ correctional ~~((facility))~~ institution shall hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his or her duties, by force or violence, or the threat thereof, he or she shall be guilty of a felony and upon conviction shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years.

Sec. 4. RCW 9.94.040 and 1979 c 121 s 1 are each amended to read as follows:

(1) Every person serving a sentence in any ~~((penal))~~ state correctional institution ~~((of this state))~~ who, without legal authorization ~~((pursuant to law))~~, while in ~~((such penal))~~ the institution ~~((or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place))~~, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a class B felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control a deadly weapon, as defined in RCW 9A.04.110, is guilty of a class B felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

Sec. 5. RCW 9.94.041 and 1979 c 121 s 2 are each amended to read as follows:

(1) Every person serving a sentence in any ~~((penal))~~ state correctional institution ~~((of this state))~~ who, without legal authorization, while in ~~((such penal))~~ the institution or while being conveyed to or from ~~((such penal))~~ the institution, ~~((or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place,))~~ or while under the custody or

supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any narcotic drug or controlled substance as defined in chapter 69.50 RCW is guilty of a class C felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, is guilty of a class C felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

Sec. 6. RCW 9.94.049 and 1992 c 7 s 21 are each amended to read as follows:

(1) For the purposes of this chapter, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons."

On page 1, line 1 of the title, after "institutions;" strike the remainder of the title and insert "and amending RCW 9.94.010, 9.94.020, 9.94.030, 9.94.040, 9.94.041, and 9.94.049."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House not concur in the Senate amendments to House Bill No. 1117 and ask the Senate to recede therefrom.

Representative Sheahan spoke in favor of the motion.

There being no objection, the House deferred further consideration of House Bill No. 1117.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: Substitute House Bill No. 1110, House Bill No. 1117, Substitute House Bill No. 1140, Engrossed Substitute House Bill No. 1165, Engrossed House Bill No. 1173, Engrossed Substitute House Bill No. 1317, Substitute House Bill No. 1350, Substitute House Bill No. 1660, Engrossed House Bill No. 1679, Engrossed Second Substitute House Bill No. 1941, Substitute House Bill No. 2058 and Engrossed Second Substitute Senate Bill No. 5439.

MOTION FOR RECONSIDERATION

Representative Jacobsen: Having voted on the prevailing side moved that the House reconsider the vote on Substitute House Bill No. 1110.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1110 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1110 on reconsideration, and the bill passed the House by the following vote: Yeas - 68, Nays - 26, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle and Veloria - 26.

Excused: Representatives Benton, Cooke, Mielke and Wolfe - 4.

Substitute House Bill No. 1110, on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, the House resumed consideration of House Bill No. 1117.

The Speaker stated the question before the House to be the motion to not concur in the Senate amendments to House Bill No. 1117.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

There being no objection, the House resumed consideration of Substitute House Bill No. 1140.

SPEAKER'S RULING

Representative Sheahan, the Speaker is prepared to Rule on your Point of Order which challenges the Senate Amendment to Substitute House Bill No. 1140 as being beyond the Scope and Object of the bill.

The title of Substitute House Bill No. 1140 is "AN ACT Relating to the use of criminal history in sentencing of offenders.

The title is narrow. The bill amends RCW 9.94A.390, reenacts and amends RCW 9.94A.360, and prescribes penalties.

The title clearly limits the scope of the bill to the use of past criminal history when making certain determinations pertaining to the sentencing of criminal offenders.

Senate Amendments 328 and 332 would allow judges to impose exceptional sentences longer than the standard range for certain current offenders without regard to the prior criminal history of the defendant.

The Amendment clearly goes beyond the scope of the title to Substitute House Bill No. 1140.

The Speaker finds that the Senate Amendments is beyond the scope and object of the bill.

Representative Sheahan, Your Point of Order is well taken.

The motion to not concur in the Senate amendments to Substitute House Bill No. 1140 was carried.

There being no objection, the House deferred consideration of Engrossed Substitute House Bill No. 1165.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1173 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.13.118 and 1985 c 7 s 138 are each amended to read as follows:

At least ~~((annually))~~ once every five years, the secretary shall review the need of any adoptive parent or parents receiving continuing support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145, or the need of any parent who is to receive more than one lump sum payment where such payments are to be spaced more than one year apart. ~~((Such review shall be made not later than the anniversary date of the adoption support agreement.))~~

At the time of such ~~((annual))~~ review and at other times ~~((during the year))~~ when changed conditions, including variations in medical opinions, prognosis and costs, are deemed by the secretary to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child, in the adoptive parents' income, resources, and expenses for the care of such child or other members of the family, including medical and/or hospitalization expense not otherwise covered by or subject to reimbursement from insurance or other sources of financial assistance.

Any parent who is a party to such an agreement may at any time in writing request, for reasons set forth in such request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of such request. Any adjustment may be made retroactive to the date such request was received by the secretary. If such request is not acted on within thirty days after it has been received by the secretary, such parent may invoke his rights under the hearing provisions set forth in RCW 74.13.127.

Sec. 2. RCW 74.13.121 and 1985 c 7 s 139 are each amended to read as follows:

So long as any adoptive parent is receiving support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 he or she shall, ~~((not later than two weeks after it is filed with the United States government))~~ upon request, file with the secretary a copy of his or her federal income tax return. Such return and any information thereon shall be marked by the secretary "confidential", shall be used by the secretary solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution or agency, public or private, including agencies of the United States government, other than a superior court, judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

In carrying on the review process authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may require the adoptive parent or parents to disclose such additional financial information, not privileged, as may enable him or her to make determinations and adjustments in support to the end that the purposes and policies of this state expressed in RCW 74.13.100 may be carried out, provided that no adoptive parent or parents shall be obliged, by virtue of this section, to sign any agreement or other writing waiving any constitutional right or privilege nor to admit to his or her home any agent, employee, or official of any department of this state, or of the United States government.

Such information shall be marked "confidential" by the secretary, shall be used by him or her solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution, or agency, public or private, including agencies of the United States

government other than a superior court judge or commission before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

NEW SECTION. Sec. 3. The legislature recognizes that some prospective adoptive parents may not have finalized the adoption of a foster child in their care because the adoption support program as it is presently structured may offer special children with complex needs fewer necessary services than the foster care program provides them through exceptional cost plans. Enhancement of the adoption support program could increase the likelihood that such special needs children could be adopted.

The department of social and health services is directed to conduct a study to determine the costs, program impact, and appropriateness of extending exceptional cost rate foster care plans for special needs children to the adoption support program. The department of social and health services shall complete the study and report its findings to the legislature no later than September 1, 1995."

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 74.13.118 and 74.13.121; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cooke moved that the House not concur in the Senate amendments to Engrossed House Bill No. 1173 and ask the Senate for a Conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooke, Stevens and Patterson as Conferees on Engrossed House Bill No. 1173.

There being no objection, the House deferred consideration of Engrossed Substitute House Bill No. 1317.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1350 with the following amendments:

On page 2, beginning on line 14, strike all of subsection (2) and insert the following:

"(2) This section does not apply to any employer who has not had an increase of at least six rate classes from the previous tax rate year.

NEW SECTION. Sec. 2. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall

meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "adding a new section to chapter 50.29 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House concur in the Senate amendments to Substitute House Bill No. 1350 and pass the bill as amended by the Senate.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1350 as amended by the Senate.

Representative Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1350 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Mielke - 2.

Substitute House Bill No. 1350, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1660 with the following amendments:

On page 1, beginning on line 5, strike all of section 1

On page 1, line 2 of the title, after "approvals;" insert "and" and after "43.22.480" strike all material through "RCW" on line 3

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House concur in the Senate amendments to Substitute House Bill No. 1660 and pass the bill as amended by the Senate.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

MOTIONS

On motion of Representative Cairnes, Representatives Buck, Silver and Foreman were excused.

On motion of Representative Brown, Representatives Dellwo and G. Fisher were excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1660 as amended by the Senate.

Representative Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1660 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Dellwo, Fisher, G., Foreman, Huff, Mielke and Silver - 7.

Substitute House Bill No. 1660, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 6, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679 with the following amendments:

On page 26, line 14, after "(21)" insert "Assisting a client to locate, trace, or contact a person when the investigator knows that the client is prohibited by any court order from harassing or contacting the person whom the investigator is being asked to locate, trace, or contact, as it pertains to domestic violence, stalking, or minor children;

(22)"

Renumber the remaining subsection consecutively.

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1679 and pass the bill as amended by the Senate.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1679 as amended by the Senate.

Representative Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1679 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Dellwo, Fisher, G., Foreman, Huff, Mielke and Silver - 7.

Engrossed Substitute House Bill No. 1679, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the ability to read with comprehension and skill is essential for success in school, and for success in future life. It is the intent of the legislature to improve student learning by focusing on reading literacy in our public schools. The legislature encourages the school districts that are ready to use the reading assessment system developed by the commission on student learning under RCW 28A.630.885 to use the system and the information provided from the assessments as tools to evaluate instructional practices and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements in reading.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.630 RCW to read as follows:

(1) The elementary grades assessment developed by the commission on student learning under RCW 28A.630.885 shall be designed to assess students for reading literacy skills no later than the spring of third grade and at other appropriate grade levels.

(2) Elementary schools that are ready to begin implementing the third grade reading assessment system are encouraged to begin implementation in the 1996-97 school year.

(3) The information provided by the third grade reading assessment shall be used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements for reading.

(4) Districts that implement the third grade reading assessment shall report the results of their participation to the commission on student learning. The commission on student learning shall include the results of the report in its annual report to the joint select committee on education restructuring and to the legislature.

(5) This section shall expire June 30, 2000."

On page 1, line 1 of the title, after "literacy;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; and a creating new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brumsickle moved that the House not concur in the Senate amendments to Engrossed Second Substitute House Bill No. 1941 and ask the Senate for a Conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Brumsickle, Johnson and Cole as Conferees on Engrossed Second Substitute House Bill No. 1941.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2058 with the following amendments:

On page 2, after line 3, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 42.04 RCW to read as follows:

First class and business class commercial air carrier accommodations may not be used by any state or local government officer, whether elected or appointed, and any state or local government employee who travels by commercial airlines in the discharge of the duties of his or her position or employment at public expense unless otherwise required as a reasonable accommodation for persons with disabilities or where an emergency would warrant such travel."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF ORDER

Representative Sheldon: I would request a ruling on the scope and object of the Senate amendments.

There being no objection, the House deferred further consideration of Substitute House Bill No. 2058 and the bill held its place on the calendar.

MESSAGE FROM THE SENATE

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooke, Carrell and Wolfe as Conferees on Engrossed Second Substitute Senate Bill No. 5439.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165 with the following amendments:

On page 4, after line 8, strike all of section 6 and insert the following:

"Sec. 6. RCW 9.41.135 and 1994 sp.s. c 7 s 418 are each amended to read as follows:

(1) At least once every twelve months, the department of licensing shall obtain a list of dealers licensed under 18 U.S.C. Sec. 923(a) with business premises in the state of Washington from the United States bureau of alcohol, tobacco, and firearms. The department of licensing shall verify that all dealers on the list provided by the bureau of alcohol, tobacco, and firearms are licensed and registered as required by RCW 9.41.100.

(2) At least once every twelve months, the department of licensing shall obtain from the department of revenue and the department of revenue shall transmit to the department of licensing a list of dealers registered with the department of revenue (~~((whose gross proceeds of sales are below the reporting threshold provided in RCW 82.04.300))~~), and a list of dealers whose names and addresses were forwarded to the department of revenue by the department of licensing under RCW 9.41.110, who failed to register with the department of revenue as required by RCW 9.41.100.

(3) At least once every twelve months, the department of licensing shall notify the bureau of alcohol, tobacco, and firearms of all dealers licensed under 18 U.S.C. Sec. 923(a) with business premises in the state of Washington who have not complied with the licensing or registration requirements of RCW 9.41.100(~~(, or whose gross proceeds of sales are below the reporting threshold provided in RCW 82.04.300))~~). In notifying the bureau of alcohol, tobacco, and firearms, the department of licensing shall not specify whether a particular dealer has failed to comply with licensing requirements(~~(, or has failed to comply with registration requirements((, or has gross proceeds of sales below the reporting threshold))~~))."

On page 5, after line 8, insert the following:

"Sec. 8. RCW 84.34.230 and 1994 c 301 s 33 are each amended to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county(~~(, which levy shall be in addition to that authorized by RCW 84.52.043))~~). The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

Sec. 9. RCW 84.52.069 and 1994 c 79 s 2 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, urban emergency medical service district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the registered voters thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than fifty cents per thousand dollars of the assessed value of property, then any other taxing district

may levy a tax under this section equal to the difference between the rate of the levy by the county and fifty cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the amount of the taxing district levy within the county shall be reduced, when the combined levies exceed fifty cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The ~~((tax levy authorized in this section is in addition to the tax levy authorized))~~ limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

Sec. 10. RCW 84.52.105 and 1993 c 337 s 2 are each amended to read as follows:

(1) A county, city, or town may impose additional regular property tax levies of up to fifty cents per thousand dollars of assessed value of property in each year for up to ten consecutive years to finance affordable housing for very low-income households when specifically authorized to do so by a majority of the voters of the taxing district voting on a ballot proposition authorizing the levies. If both a county, and a city or town within the county, impose levies authorized under this section, the levies of the last jurisdiction to receive voter approval for the levies shall be reduced or eliminated so that the combined rates of these levies may not exceed fifty cents per thousand dollars of assessed valuation in any area within the county. A ballot proposition authorizing a levy under this section must conform with RCW 84.52.054.

(2) The additional property tax levies may not be imposed until:

(a) The governing body of the county, city, or town declares the existence of an emergency with respect to the availability of housing that is affordable to very low-income households in the taxing district; and

(b) The governing body of the county, city, or town adopts an affordable housing financing plan to serve as the plan for expenditure of funds raised by a levy authorized under this section, and the governing body determines that the affordable housing financing plan is consistent with either the locally adopted or state-adopted comprehensive housing affordability strategy, required under the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701, et seq.), as amended.

(3) For purposes of this section, the term "very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, as determined by the United States department of housing and urban development, with adjustments for household size, for the county where the taxing district is located.

(4) The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "9.41.135," strike "and 82.32.320" and insert "82.32.320, 84.34.230, 84.52.069, and 84.52.105"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1165 and pass the bill as amended by the Senate.

Representative Sherstad spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1165 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1165 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Dellwo, Fisher, G., Foreman, Huff, Mielke and Silver - 7.

Engrossed Substitute House Bill No. 1165, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1995

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 4408 with the following amendments:

On page 1, lines 2 and 7, after "5386" insert ", SSB 5103"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Talcott moved that the House concur in the Senate amendments to House Concurrent Resolution No. 4408 and pass the resolution as amended by the Senate.

Representatives Talcott and Brown spoke in favor of the motion and it was carried.

FINAL ADOPTION OF HOUSE RESOLUTION AS SENATE AMENDED

The Speaker stated the question before the House to be final adoption of House Concurrent Resolution No. 4408 as amended by the Senate.

House Concurrent Resolution No. 4408 as amended by the Senate was adopted.

MESSAGES FROM THE SENATE

April 19, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
SUBSTITUTE HOUSE BILL NO. 1035,
SUBSTITUTE HOUSE BILL NO. 1053,
SECOND SUBSTITUTE HOUSE BILL NO. 1162,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206,
HOUSE BILL NO. 1224,
HOUSE BILL NO. 1249,
HOUSE BILL NO. 1282,
SUBSTITUTE HOUSE BILL NO. 1342,
SUBSTITUTE HOUSE BILL NO. 1348,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,

and the same are herewith transmitted.

Marty Brown, Secretary

April 19, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills, and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5089,
SENATE BILL NO. 5120,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5219,
SENATE BILL NO. 5292,
SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5333,
SECOND SUBSTITUTE SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5406,
SUBSTITUTE SENATE BILL NO. 5421,
SUBSTITUTE SENATE BILL NO. 5443,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5592,

ENGROSSED SENATE BILL NO. 5610,
ENGROSSED SENATE BILL NO. 5613,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5633,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5662,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5685,
SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5724,
SUBSTITUTE SENATE BILL NO. 5742,
SENATE BILL NO. 5748,
SUBSTITUTE SENATE BILL NO. 5751,
SENATE BILL NO. 5898,
SENATE BILL NO. 5931,
SENATE BILL NO. 5956,
ENGROSSED SENATE BILL NO. 5962,
SUBSTITUTE SENATE BILL NO. 5977,
ENGROSSED SENATE BILL NO. 5998,
ENGROSSED SENATE BILL NO. 6037,
ENGROSSED SENATE BILL NO. 6045,

SENATE JOINT MEMORIAL NO. 8014,
and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 19, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills, and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5799,
SUBSTITUTE SENATE BILL NO. 5905,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1010,
SUBSTITUTE HOUSE BILL NO. 1017,
SECOND SUBSTITUTE HOUSE BILL NO. 1027,
SUBSTITUTE HOUSE BILL NO. 1035,
SUBSTITUTE HOUSE BILL NO. 1047,
SUBSTITUTE HOUSE BILL NO. 1053,
HOUSE BILL NO. 1060,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,
HOUSE BILL NO. 1136,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1156,
SECOND SUBSTITUTE HOUSE BILL NO. 1162,

HOUSE BILL NO. 1176,
HOUSE BILL NO. 1186,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1206,
HOUSE BILL NO. 1224,
HOUSE BILL NO. 1249,
HOUSE BILL NO. 1282,
SUBSTITUTE HOUSE BILL NO. 1342,
SUBSTITUTE HOUSE BILL NO. 1348,
HOUSE BILL NO. 1425,
SUBSTITUTE HOUSE BILL NO. 1429,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2090,
SUBSTITUTE SENATE BILL NO. 5012,
SUBSTITUTE SENATE BILL NO. 5017,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5064,
SUBSTITUTE SENATE BILL NO. 5084,
SENATE BILL NO. 5287,
ENGROSSED SENATE BILL NO. 5397,
SENATE BILL NO. 5445,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5503,
SENATE BILL NO. 5523,
SUBSTITUTE SENATE BILL NO. 5537,

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Thursday, April 20, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

ONE HUNDRED-FIRST DAY, APRIL 19, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDRED-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 20, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jeremy Scribner and Kris Keeling. Prayer was offered by Dr. Joseph Fuiten, Senior Pastor, Cedar Park Assembly of God, Bothell.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4665, by Representatives Honeyford, Buck, Pelesky, L. Thomas, Kremen, Mulliken and D. Schmidt

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Washington Future Homemakers of America (FHA) was founded in 1945 to prepare youth to assume their responsibilities in society through home economics education and expanded in 1971 to include Home Economics Related Occupations (HERO) which has collectively become FHA/HERO; and

WHEREAS, FHA/HERO is one of the largest vocational student organizations in the United States, and in the great state of Washington is sponsored by the Office of Superintendent of Public Instruction, Instructional Programs Section; and

WHEREAS, FHA/HERO celebrates its 50th Anniversary in 1995, and its tradition of leadership in supporting the values of family, career, and communities through vocational home economics education is vital, strong, flourishing, and ever more essential today and in the future; and

WHEREAS, Participation in FHA/HERO successfully and steadfastly promotes civic and social responsibility, nurtures young adult maturity, cultivates leadership talent, fosters personal character development, and inspires intellectual, scholastic, vocational, and occupational accomplishments; and

WHEREAS, All activities and endeavors of FHA/HERO strengthen the paramount importance of the family to the individual and encourage responsible, participatory democracy in the community; and

WHEREAS, Illustrative of the laudable and valuable endeavors of FHA/HERO is the sponsorship of STAR (Students Taking Action with Recognition) Events, which are highly competitive awards honoring and recognizing student members for superior and distinctive personal, scholastic, and community accomplishments, including exceptional attainments in interpersonal communication talents, mastery of parliamentary procedure, outstanding employment interview skills, and successful entrepreneurship, vocational, occupational, and community benefit projects;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor FHA/HERO, and each present and former member of FHA/HERO, for excellence in service and contribution to the great state of Washington for all of the reasons stated in this Resolution, upon this distinctive occasion, the 50th Anniversary of the founding of FHA/HERO; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Julie Randall, State President, FHA/HERO, and to each chapter organized thereunder.

Representative Honeyford moved adoption of the resolution.

Representatives Honeyford and Buck spoke in favor of adoption of the resolution.

House Resolution No. 4665 was adopted.

HOUSE RESOLUTION NO. 95-4675, by Representatives Cole, Dickerson, G. Fisher, Poulsen, Jacobsen, Veloria, Quall, Chopp, Mason, Patterson, Radcliff, Rust, Ogden, Conway, Thibaudeau, Romero, Brown, Tokuda, Brumsickle, Grant, Cody, Huff, Talcott, Regala and D. Schmidt

WHEREAS, This great nation was built in large part through the hard work, dedication, and enterprise of immigrants who left their homelands to begin a new life in this country; and

WHEREAS, Washington has the nation's third fastest-growing immigrant population of any state, and the third largest refugee population of any state; and

WHEREAS, Nearly one in ten Washington residents speaks a language other than English at home, and the number of non-English-speaking homes has increased dramatically during the last decade; and

WHEREAS, Learning the English language has been, and continues to be, critical to new immigrants if they are to succeed and prosper in this country; and

WHEREAS, More than thirty-six thousand students in Washington State currently receive English instruction through the state's Transitional Bilingual program, and thousands of adults receive instruction through a variety of state-supported and volunteer programs; and

WHEREAS, These students are taught by a dedicated group of educators, many of whom volunteer their services; and

WHEREAS, If the State of Washington is to compete successfully in international markets, having citizens who are multilingual is essential;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the citizens of this state who are multilingual and the educators and other individuals who are working to help non-English-speaking immigrants learn English; and

BE IT FURTHER RESOLVED, That the House of Representatives join the Superintendent of Public Instruction in declaring the week of April 24-28 as a time to acknowledge the value and importance of bilingual and English-as-a-second language education to our nation and state.

Representative Cole moved adoption of the resolution.

Representatives Cole, Van Luven, Tokuda, Lisk, Chappell, Talcott, Skinner, Jacobsen and Smith spoke in favor of the resolution.

Representative K. Schmidt demanded the previous question and the demand was sustained.

House Resolution No. 4675 was adopted.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House considered the following bills in the following order: Substitute House Bill No. 1209, House Bill No. 1225, Engrossed Substitute House Bill No. 1724, House Bill No. 1725, Engrossed Substitute House Bill No. 1589, Engrossed Substitute Senate Bill No. 5169, Senate Bill No. 5434, Engrossed Second Substitute Senate Bill No. 5448 and Engrossed Substitute Senate Bill No. 5616.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209 with the following amendments:

On page 2, line 1, after "motor" strike "vehicles regulated" and insert "carriers subject to economic regulation"

On page 4, beginning with "(3)" on line 1, strike everything through "transferred." on line 4, and insert the following:

"(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service."

On page 5, line 10, after "Sec. 7." strike "This act takes" and insert "Section 2 of this act becomes effective with motor vehicle registration fees due or to become due January 1, 1996. Sections 1 and 3 through 6 of this act take"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1209 and ask the Senate to recede therefrom.

Representative K. Schmidt spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1225 with the following amendments:

On page 2, after line 25, insert the following:

"Sec. 2. RCW 46.68.010 and 1993 c 307 s 2 are each amended to read as follows:

Whenever any license fee, paid under the provisions of this title, has been erroneously paid, either wholly or in part, the payor is entitled to have refunded the amount so erroneously paid. ~~((A renewal license fee paid prior to the actual expiration date of the license being renewed shall be deemed to be erroneously paid if the vehicle for which the renewal license was purchased is destroyed or permanently removed from the state prior to the beginning date of the registration period for which the renewal fee was paid.))~~ A license fee is refundable in one or more of the following circumstances: (1) If the vehicle for which the renewal license was purchased was destroyed before the beginning date of the registration period for which the renewal fee was paid; (2) if the vehicle for which the renewal license was purchased was permanently removed from the state before the beginning date of the

registration period for which the renewal fee was paid; (3) if the vehicle license was purchased after the owner has sold the vehicle; or (4) if the vehicle is currently licensed in Washington and is subsequently licensed in another jurisdiction, any full months of Washington fees between the date of license application in the other jurisdiction and the expiration of the Washington license are refundable. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto. No claim for refund shall be allowed for such erroneous payments unless filed with the director within three years after such claimed erroneous payment was made.

If due to error a person has been required to pay a vehicle license fee under this title and an excise tax under Title 82 RCW that amounts to an overpayment of ten dollars or more, that person shall be entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agent has failed to collect the full amount of the license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and fees.

Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor."

On page 1, line 1 of the title, after "46.12.030," insert "46.68.010,"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to House Bill No. 1225.

POINT OF ORDER

Representative K. Schmidt: Thank you Mr. Speaker. I would request a ruling on the scope and object on the Senate amendments to House Bill No. 1225.

There being no objection, the House deferred further consideration of House Bill No. 1225 and the bill held it's place on the third reading calendar.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development.

PART I - GROWTH MANAGEMENT ACT

NEW SECTION. Sec. 101. The legislature finds that during project review, a county or city planning under RCW 36.70A.040 is likely to discover the need to make various improvements in comprehensive plans and development regulations. There is no current requirement or process for applicants, citizens, or agency staff to ensure that these improvements are considered in the plan review process. The legislature also finds that in the past environmental review and permitting of proposed projects have been used to reopen and make land use planning decisions that should have been made through the comprehensive planning process, in part because agency staff and hearing examiners have not been able to ensure consideration of all issues in the local planning process. The legislature further finds that, while plans and regulations should be improved and refined over time, it is unfair to penalize applicants that have submitted permit applications that meet current requirements. It is the intent of the legislature in enacting section 102 of this act to establish a means by which cities and counties will docket suggested plan or development regulation amendments and ensure their consideration during the planning process.

NEW SECTION. Sec. 102. A new section is added to chapter 36.70A RCW to read as follows:

(1) Project review, which shall be conducted pursuant to the provisions of chapter 36.-- RCW (the new chapter created in section 431 of this act), shall be used to make individual project decisions, not land use planning decisions. If, during project review, a county or city planning under RCW 36.70A.040 identifies deficiencies in plans or regulations:

- (a) The permitting process shall not be used as a comprehensive planning process;
- (b) Project review shall continue; and
- (c) The identified deficiencies shall be docketed for possible future plan or development regulation amendments.

(2) Each county and city planning under RCW 36.70A.040 shall include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130.

(3) For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable specific adverse environmental impacts which the permitting agency could mitigate in the normal project review process.

(4) For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in a manner that will ensure such suggested changes will be considered by the county or city and will be available for review by the public.

Sec. 103. RCW 36.70A.030 and 1994 c 307 s 2 and 1994 c 257 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) ~~((For purposes of RCW 36.70A.065 and 36.70A.440, "development permit application" means any application for a development proposal for a use that could be permitted under a plan adopted pursuant to this chapter and is consistent with the underlying land use and zoning, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses or other applications pertaining to land uses, but shall not include rezones, proposed amendments to comprehensive plans or the adoption or amendment of development regulations.~~

~~(8))~~ (8) "Development regulations" means ~~((any))~~ the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in section 402 of this act, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

~~((9))~~ (8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

~~((10))~~ (9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((11))~~ (10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((12))~~ (11) "Minerals" include gravel, sand, and valuable metallic substances.

~~((13))~~ (12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((14))~~ (13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((15))~~ (14) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((16))~~ (15) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((17))~~ (16) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

~~((18))~~ (17) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. ~~((However,))~~ Wetlands may include those artificial

wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands(,if permitted by the county or city)).

NEW SECTION. Sec. 104. A new section is added to chapter 36.70A RCW to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

NEW SECTION. Sec. 105. A new section is added to chapter 36.70A RCW to read as follows:

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, a growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

Sec. 106. RCW 36.70A.130 and 1990 1st ex.s. c 17 s 13 are each amended to read as follows:

(1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program identifying procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:

(i) The initial adoption of a subarea plan; and

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW.

(b) All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

Sec. 107. RCW 36.70A.140 and 1990 1st ex.s. c 17 s 14 are each amended to read as follows:

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW 36.70A.300 declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

Sec. 108. RCW 36.70A.280 and 1994 c 249 s 31 are each amended to read as follows:

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by the state, a county or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

Sec. 109. RCW 36.70A.290 and 1994 c 257 s 2 and 1994 c 249 s 26 are each reenacted and amended to read as follows:

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

Sec. 110. RCW 36.70A.300 and 1991 sp.s. c 32 s 11 are each amended to read as follows:

(1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments thereto, adopted under RCW 36.70A.040 or chapter 90.58 RCW. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) A finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand, unless the board's final order also:

(a) Includes a determination, supported by findings of fact and conclusions of law, that the continued validity of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(b) Specifies the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(3) A determination of invalidity shall:

(a) Be prospective in effect and shall not extinguish rights that vested under state or local law before the date of the board's order; and

(b) Subject any development application that would otherwise vest after the date of the board's order to the local ordinance or resolution that both is enacted in response to the order of remand and determined by the board pursuant to RCW 36.70A.330 to comply with the requirements of this chapter.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (2) of this section whether the prior policies or regulations are valid during the period of remand.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision to ((Thurston county)) superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board.

Sec. 111. RCW 36.70A.320 and 1991 sp.s. c 32 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In

any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter.

(2) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

Sec. 112. RCW 36.70A.330 and 1991 sp.s. c 32 s 14 are each amended to read as follows:

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(1)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board ~~((on its own motion or motion of the petitioner,))~~ shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, city, or county. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed.

(4) The board shall also reconsider its final order and decide:

(a) If a determination of invalidity has been made, whether such a determination should be rescinded or modified under the standards in RCW 36.70A.300(2); or

(b) If no determination of invalidity has been made, whether one now should be made under the standards in RCW 36.70A.300(2).

The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

Sec. 113. RCW 34.05.514 and 1994 c 257 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section ~~((and RCW 36.70A.300(3)))~~, proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (a) Thurston county, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located.

(2) For proceedings involving institutions of higher education, the petition shall be filed either in the county in which the principal office of the institution involved is located or in the county of a branch campus if the action involves such branch.

NEW SECTION. Sec. 114. (1) The legislature finds that:

(a) As of the effective date of this section, twenty-nine counties and two hundred eight cities are conducting comprehensive planning under the growth management act, chapter 36.70A RCW, which together comprise over ninety percent of the state's population;

(b) Comprehensive plans for many of the jurisdictions were due by July 1, 1994, and the remaining jurisdictions must complete plans under due dates ranging from October 1994 to September 1997;

(c) Concurrently with these comprehensive planning activities, local governments must conduct several other planning requirements under the growth management act, such as the adoption of capital facilities plans, urban growth areas, and development regulations;

(d) Local governments must also comply with the state environmental policy act, chapter 43.21C RCW, in the development of comprehensive plans and development regulations;

(e) The combined activities of comprehensive planning and the state environmental policy act present a serious fiscal burden upon local governments; and

(f) Detailed environmental analysis integrated with comprehensive plans, subarea plans, and development regulations will facilitate planning for and managing growth, allow greater protection of the environment, and benefit both the general public and private property owners.

(2) In order to provide financial assistance to cities and counties planning under chapter 36.70A RCW and to improve the usefulness of plans and integrated environmental analyses, the legislature has created the fund described in section 115 of this act.

NEW SECTION. **Sec. 115.** A new section is added to chapter 36.70A RCW to read as follows:

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants to local governments for the purposes set forth in section 202 of this act, RCW 43.21C.031, or section 116 of this act.

NEW SECTION. **Sec. 116.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department of community, trade, and economic development shall provide management services for the fund created by section 115 of this act. The department by rule shall establish procedures for fund management.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing a detailed environmental impact statement that is integrated with a comprehensive plan or subarea plan and development regulations.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW that is integrated with a comprehensive plan or subarea plan and development regulations;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by subsequent applicants for development permits within the geographic area analyzed in the plan;

(c) Include mechanisms in the plan to monitor the consequences of growth as it occurs in the plan area and provide ongoing data to update the plan and environmental analysis;

(d) Be making substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(e) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Comprehensive and subarea plan proposals that are designed to identify and monitor system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans;

(d) Programs for effective citizen and neighborhood involvement that contribute to greater certainty that planning decisions will be implemented; and

(e) Plans that identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

PART II - STATE ENVIRONMENTAL POLICY ACT

NEW SECTION. **Sec. 201.** (1) The legislature finds in adopting section 202 of this act that:

(a) Comprehensive plans and development regulations adopted by counties, cities, and towns under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal

government have addressed a wide range of environmental subjects and impacts. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation.

(b) Existing plans, regulations, rules, or laws provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under chapter 43.21C RCW.

(c) Proposed projects should continue to receive environmental review, which should be conducted in a manner that is integrated with and does not duplicate other requirements. Project-level environmental review should be used to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures.

(d) When a project permit application is filed, an agency should analyze the proposal's environmental impacts, as required by applicable regulations and the environmental review process required by this chapter, in one project review process. The project review process should include land use, environmental, public, and governmental review, as provided by the applicable regulations and the rules adopted under this chapter, so that documents prepared under different requirements can be reviewed together by the public and other agencies. This project review will provide an agency with the information necessary to make a decision on the proposed project.

(e) Through this project review process: (i) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts; (ii) if the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and (iii) if the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.

(2) The legislature intends that a primary role of environmental review under chapter 43.21C RCW is to focus on the gaps and overlaps that may exist in applicable laws and requirements related to a proposed action. The review of project actions conducted by counties, cities, and towns planning under RCW 36.70A.040 should integrate environmental review with project review. Chapter 43.21C RCW should not be used as a substitute for other land use planning and environmental requirements.

NEW SECTION. Sec. 202. A new section is added to chapter 43.21C RCW to read as follows:

(1) If the requirements of subsection (2) of this section are satisfied, a county, city, or town reviewing a project action may determine that the requirements for environmental analysis, protection, and mitigation measures in the county, city, or town's development regulations and comprehensive plans adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply.

(2) A county, city, or town may make the determination provided for in subsection (1) of this section if:

(a) In the course of project review, including any required environmental analysis, the local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws; and

(b) The local government bases or conditions its approval on compliance with these requirements or mitigation measures.

(3) If a county, city, or town's comprehensive plans, subarea plans, and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under subsections (1) and (2) of this section, the county, city, or town shall not impose additional mitigation under this chapter during project review. Project review shall be integrated with environmental analysis under this chapter.

(4) A comprehensive plan, subarea plan, or development regulation shall be considered to adequately address an impact if the county, city, or town, through the planning and environmental review process under chapter 36.70A RCW and this chapter, has identified the specific adverse environmental impacts and:

(a) The impacts have been avoided or otherwise mitigated; or

(b) The legislative body of the county, city, or town has designated as acceptable certain levels of service, land use designations, development standards, or other land use planning required or allowed by chapter 36.70A RCW.

(5) In deciding whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the county, city, or town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the county, city, or town shall base or condition its project approval on compliance with these other existing rules or laws.

(6) Nothing in this section limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by this chapter.

(7) This section shall apply only to a county, city, or town planning under RCW 36.70A.040.

Sec. 203. RCW 43.21C.031 and 1983 c 117 s 1 are each amended to read as follows:

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter. In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

(2)(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

Sec. 204. RCW 43.21C.075 and 1994 c 253 s 4 are each amended to read as follows:

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall not allow more than one agency appeal proceeding on a procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement) ~~(, consistent with any state statutory requirements for appeals to local legislative bodies)~~. The appeal proceeding on a determination of significance ~~(/nonsignificance)~~ may occur before the agency's final decision on a proposed action. The appeal proceeding on a determination of nonsignificance may occur before the agency's final decision on a proposed action only if the appeal is heard at a proceeding where the hearing body or officer will render a final recommendation or decision on the proposed underlying governmental action. Such ~~((an))~~ appeals shall also be allowed for a determination of significance/nonsignificance which may be issued by the agency after supplemental review;

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous ~~((appeal of an))~~ hearing before one hearing officer or body to consider the agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the ~~((threshold determination))~~ appeal, if any, of a determination of significance as provided in (a) of this subsection or an appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) ~~((RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter.))~~ Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This ((section)) subsection does not modify any such time periods. ((This section governs when a judicial appeal must be brought under this chapter where a "notice of action" is used, and/or where there is another time period which is required by statute or ordinance for challenging the underlying governmental action.)) In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within ~~((thirty days))~~ such time period. The agency shall give official notice stating the date and place for commencing an appeal. ~~((If there is an agency proceeding under subsection (3) of this section, the appellant shall, prior to commencing a judicial appeal, submit to the~~

responsible official a notice of intent to commence a judicial appeal. This notice of intent shall be given within the time period for commencing a judicial appeal on the underlying governmental action.)

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 (may be used. If a notice of action) is used, ((judicial)) appeals shall be commenced within the time period specified by RCW 43.21C.080((, unless there is a time period for appealing the underlying governmental action in which case (a) of this subsection shall apply.

(c) Notwithstanding RCW 43.21C.080(1), if there is a time period for appealing the underlying governmental action, a notice of action may be published within such time period).

(6)(a) Judicial review under subsection (5) of this section of an appeal decision made by an agency under ((RCW 43.21C.075(5))) subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and said certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2) ((and (3))))). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorney's fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

Sec. 205. RCW 43.21C.080 and 1977 ex. s. c 278 s 1 are each amended to read as follows:

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in ((subsection (3) of this section and in the following manner)) rules adopted under RCW 43.21C.110:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of ((last)) first newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

(2)(a) ~~Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within ((thirty)) twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred((:- PROVIDED, HOWEVER, That the time period within which an action shall be commenced shall be ninety days (i) for projects to be performed by a governmental agency or to be performed under government contract, or (ii) for thermal power plant projects: PROVIDED FURTHER, That))~~.

(b) Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts beyond the range of impacts previously analyzed, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.

~~((b) Any action to challenge a subsequent governmental action based upon any provisions of this chapter shall be commenced within thirty days from the date of last newspaper publication of the subsequent governmental action except (i) for projects to be performed by a governmental agency or to be performed under governmental contract, or (ii) for thermal power plant projects which shall be challenged within ninety days from the date of last newspaper publication of the subsequent governmental action, or be barred.~~

~~(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:~~

NOTICE OF ACTION BY
.....
(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:
The..... (Government agency or entity) did on..... (date), take the action described below.

~~Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within days or be barred.~~

The action taken by..... (Government agency or entity), notice of which is hereby given, was as follows:

(1)..... (Here insert description of action taken such as: Adoption Ordinance No.; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2)..... (Here insert brief description of the complete project or proposal.)

(3) Said action pertained to property commonly known as:

(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of:..... located at:

(Location, including room number)

~~(Name of government agency, proponent, or applicant giving notice)
Filed by
(Signature of individual and capacity in which such individual is signing))~~

Sec. 206. RCW 43.21C.110 and 1983 c 117 s 7 are each amended to read as follows:

It shall be the duty and function of the department of ecology(~~(, which may utilize proposed rules developed by the environmental policy commission))~~):

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter (~~((the state environmental policy act of 1974)))~~), subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (~~((the state environmental policy act of 1974)))~~):

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in section 202 of this act. The rules and procedures shall be jointly developed with the department of community, trade, and economic development and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include criteria to analyze the consistency of project actions, including planned actions under RCW 43.21C.031(2), with development regulations adopted under chapter 36.70A RCW, or in the absence of applicable development regulations, the appropriate elements of a comprehensive plan or subarea plan adopted under chapter 36.70A RCW. Ordinances or procedures adopted by a county, city, or town to implement the provisions of section 202 of this act prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW ((34.05.538 and 34.05.240)).

Sec. 207. RCW 43.21C.900 and 1971 ex.s. c 109 s 7 are each amended to read as follows:

This chapter shall be known and may be cited as the "State Environmental Policy Act ((of 1974))" or "SEPA".

PART III - SHORELINE MANAGEMENT ACT

Sec. 301. RCW 90.58.020 and 1992 c 105 s 1 are each amended to read as follows:

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefor, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for

shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or

necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and ~~((wetlands))~~ shorelands of the state shall be recognized by the department. Shorelines and ~~((wetlands))~~ shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and ~~((wetlands))~~ shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Sec. 302. RCW 90.58.030 and 1987 c 474 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) Administration:
 - (a) "Department" means the department of ecology;
 - (b) "Director" means the director of the department of ecology;
 - (c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;
 - (d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;
 - (e) "Hearing board" means the shoreline hearings board established by this chapter.
- (2) Geographical:
 - (a) "Extreme low tide" means the lowest line on the land reached by a receding tide;
 - (b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;
 - (c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated ~~((wetlands))~~ shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those ~~((wetlands))~~ shorelands associated with (i), (ii), (iv), and (v) of this subsection

(2)(e);

(f) "~~((Wetlands))~~ Shorelands" or "~~((wetland))~~ shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all ~~((marshes, bogs, swamps,))~~ wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology(~~(:-PROVIDED, That))~~). Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on ~~((wetlands)) shorelands~~, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels(~~(: PROVIDED, That)~~). A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the ~~((wetlands)) shorelands~~ by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on ~~((wetlands)) shorelands~~ by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed two thousand five hundred dollars;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system(~~(;~~

~~(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge).~~

Sec. 303. RCW 90.58.050 and 1971 ex.s. c 286 s 5 are each amended to read as follows:

This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating the planning required by this chapter and administering the regulatory program consistent with the policy and provisions of this chapter. The department shall act primarily in a supportive and review capacity with ~~((primary))~~ an emphasis on providing assistance to local government and on insuring compliance with the policy and provisions of this chapter.

Sec. 304. RCW 90.58.060 and 1971 ex.s. c 286 s 6 are each amended to read as follows:

(1) ~~((Within one hundred twenty days from June 1, 1971,))~~ The department shall ~~((submit to local governments proposed))~~ periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

(a) Development of master programs for regulation of the uses of shorelines; and
(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from ~~((receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.~~

~~((3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.~~

~~((4) Within sixty days thereafter public hearings shall be held by))~~ the date the proposal has been published in the register.

(b) The department ~~((in Olympia and Spokane, at which interested public and private parties shall have the opportunity))~~ shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of ~~((such))~~ the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

~~((5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines.))~~ (3) The department may propose amendments to the guidelines not more than once each year. At least once every five years the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.

Sec. 305. RCW 90.58.080 and 1974 ex.s. c 61 s 1 are each amended to read as follows:

Local governments ~~((are directed with regard to shorelines of the state within their various jurisdictions as follows:~~

(1) ~~To complete within eighteen months after June 1, 1971, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;~~

~~((2) To))~~ shall develop or amend, within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060, a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department.

Sec. 306. RCW 90.58.090 and 1971 ex.s. c 286 s 9 are each amended to read as follows:

~~(1) A master program ((s or segments thereof)), segment of a master program, or an amendment to a master program shall become effective when ((adopted or)) approved by the department ((as appropriate)). Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.~~

~~(2) Upon receipt of a proposed master program or amendment, the department shall:~~

~~(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have registered in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;~~

~~(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;~~

~~(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;~~

~~(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;~~

~~(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:~~

~~(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or~~

~~(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.~~

~~((1) As to those segments of the master program relating to shorelines, they shall be approved by))~~

~~(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines. ((If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.~~

~~(2) As to)) (4) The department shall approve those segments of the master program relating to shorelines of state-wide significance ((the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not)) only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the state-wide interest. ((If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum~~

implementation, it may develop and adopt an alternative as hereinbefore provided.) If the department does not approve a segment of a local government master program relating to a shoreline of state-wide significance, the department may develop and by rule adopt an alternative to the local governments proposal.

~~((3))~~ (5) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

(6) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

Sec. 307. RCW 90.58.100 and 1992 c 105 s 2 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted ~~((and))~~ or approved by the department ~~((, as appropriate,))~~ shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

Sec. 308. RCW 90.58.120 and 1989 c 175 s 182 are each amended to read as follows:

All rules, regulations, ~~((master programs,))~~ designations, and guidelines, issued by the department, and master programs and amendments adopted by the department pursuant to RCW 90.58.070(2) or 90.58.090(4) shall be adopted or approved in accordance with the provisions of RCW 34.05.310 through 34.05.395 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the ~~((approval or))~~ adoption by the department of a master program, or portion thereof pursuant to RCW 90.58.070(2) or 90.58.090(4), at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations, or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county ~~((auditor))~~ and city ~~((clerk))~~. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

Sec. 309. RCW 90.58.140 and 1992 c 105 s 3 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and ~~((the provisions of))~~ this chapter ~~((90.58 RCW))~~.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection ~~((13))~~ (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that(=

~~(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and~~

~~(b) Additional)) notice of ((such an)) the application is given by at least one of the following methods:~~

~~((i)) (a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;~~

~~((ii)) (b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or~~

~~((iii)) (c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.~~

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive ~~((a copy))~~ notification of the final ~~((order))~~ decision concerning an application as expeditiously as possible after the issuance of the ~~((order))~~ decision, may submit the comments or requests for ~~((orders))~~ decisions to the local government within thirty days of the last date the notice is to be published pursuant to ~~((subsection (a) of))~~ this subsection. The local government shall forward, in a timely manner following the issuance of ~~((an order))~~ a decision, a copy of the ~~((order))~~ decision to each person who submits a request for the ~~((order))~~ decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within ~~((thirty))~~ twenty-one days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) Construction may be commenced no sooner than thirty days after the date of the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within ~~((thirty))~~ twenty-one days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW~~((the permittee)).~~ The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction ~~((may begin))~~ pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would ~~((not))~~ involve a significant, irreversible damaging of the environment, the court ~~((may allow))~~ shall prohibit the permittee ~~((to begin))~~ from commencing the construction pursuant to the approved or revised permit ~~((as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts))~~ until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) ~~((If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the~~

provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;

~~(d))~~ If the permit is for a substantial development meeting the requirements of subsection ~~((13))~~ (11) of this section, construction pursuant to that permit may not begin or be authorized until ~~((thirty))~~ twenty-one days from the date the ~~((final order))~~ permit decision was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), or (c) ~~((, or (d)))~~ of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ~~((filing))~~ decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection ~~((12))~~ (10) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection ~~((12))~~ (10) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

~~(10) ((A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:~~

~~(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and~~

~~(b) The development is completed within two years after June 1, 1971.~~

~~(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.~~

~~(12))~~ Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

~~((13))~~ (11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may

obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following:
Natural gas, electricity, telephone, water, or sewer;

(ii) Will serve an existing use in compliance with this chapter; and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

Sec. 310. RCW 90.58.180 and 1994 c 253 s 3 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a ~~((request for the same))~~ petition for review within ~~((thirty))~~ twenty-one days of the date of filing as defined in RCW 90.58.140(6).

~~((Concurrently with))~~ Within seven days of the filing of any ~~((request))~~ petition for review with the board as provided in this section pertaining to a final ~~((order))~~ decision of a local government, the ~~((requester))~~ petitioner shall ~~((file a copy))~~ serve copies of ~~((his or her request with))~~ the petition on the department and the office of the attorney general. ~~((If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor. The failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor.))~~ The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the ~~((request))~~ petition for review filed pursuant to this section. The shorelines hearings board shall ~~((initially))~~ schedule review proceedings on ~~((such requests))~~ the petition for review without regard as to whether ~~((such requests have or have not been certified or as to whether))~~ the period for the department or the attorney general to intervene has or has not expired ~~((unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule))~~.

(2) The department or the attorney general may obtain review of any final ~~((order))~~ decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written ~~((request))~~ petition with the shorelines hearings board and the appropriate local government within ~~((thirty))~~ twenty-one days from the date the final ~~((order))~~ decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

~~((A local government may appeal to the shorelines hearings board))~~ Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

~~((If the board))~~ (5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or
(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
(c) Is arbitrary and capricious; or
(d) Was developed without fully considering and evaluating all material submitted to the department ~~((by the local government))~~ during public review and comment; or
(e) Was not adopted in accordance with required procedures~~(;)~~.

(6) If the board makes a determination under subsection (5) (a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision. ~~((Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect.~~

~~(5) Rules, regulations, and guidelines)~~ (7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to ~~((RCW 34.05.570(2). No review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is))~~ chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ~~((three months))~~ thirty days after the date of final decision by the shorelines hearings board.

Sec. 311. RCW 90.58.190 and 1989 c 175 s 184 are each amended to read as follows:

(1) ~~((The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.))~~ The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(4) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment for compliance with the requirements of this chapter and chapter 36.70A RCW, the policy of RCW 90.58.020 and the applicable guidelines, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of state-wide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

~~((Any local government aggrieved by))~~ (3)(a) The department's decision to approve, reject, or modify a proposed master program or master program ~~((adjustment may appeal the department's decision))~~ amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program ~~((adjustment))~~ amendment and, after full consideration of the

presentations of the local government and the department, shall determine the validity of the local government's ~~((adjustment))~~ master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of state-wide significance, the shorelines hearings board shall uphold the decision by the department unless ~~((a local government shall))~~ the board determines, by clear and convincing evidence ~~((and argument, persuade the board))~~ that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program ~~((adjustment))~~ amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to ~~((the))~~ superior court ~~((of Thurston county))~~ as provided in chapter 34.05 RCW.

~~((3))~~ (4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program ~~((adjustment))~~ amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program ~~((adjustment))~~ amendment.

Sec. 312. RCW 34.05.461 and 1989 c 175 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section:

(a) If the presiding officer is the agency head or one or more members of the agency head, the presiding officer may enter an initial order if further review is available within the agency, or a final order if further review is not available;

(b) If the presiding officer is a person designated by the agency to make the final decision and enter the final order, the presiding officer shall enter a final order; and

(c) If the presiding officer is one or more administrative law judges, the presiding officer shall enter an initial order.

(2) With respect to agencies exempt from chapter 34.12 RCW or an institution of higher education, the presiding officer shall transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(3) Initial and final orders shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(4) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. However, the presiding officer shall not base a finding exclusively on such inadmissible evidence unless the presiding officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the order.

(5) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(6) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the order, a substitute presiding officer shall be appointed as provided in RCW 34.05.425. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(7) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(8)(a) Except as otherwise provided in (b) of this subsection, initial or final orders shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (7) of this section unless this period is waived or extended for good cause shown.

(b) This subsection does not apply to the final order of the shorelines hearings board on appeal under RCW 90.58.180(3).

(9) The presiding officer shall cause copies of the order to be served on each party and the agency.

NEW SECTION. Sec. 313. RCW 90.58.145 and 1979 ex.s. c 84 s 4 are each repealed.

PART IV - LOCAL PERMIT PROCESS

NEW SECTION. Sec. 401. The legislature finds and declares the following:

(1) As the number of environmental laws and development regulations has increased for land uses and development, so has the number of required local land use permits, each with its own separate approval process.

(2) The increasing number of local and state land use permits and separate environmental review processes required by agencies has generated continuing potential for conflict, overlap, and duplication between the various permit and review processes.

(3) This regulatory burden has significantly added to the cost and time needed to obtain local and state land use permits and has made it difficult for the public to know how and when to provide timely comments on land use proposals that require multiple permits and have separate environmental review processes.

NEW SECTION. Sec. 402. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

NEW SECTION. Sec. 403. In enacting sections 404 and 405 of this act, the legislature intends to establish a mechanism for implementing the provisions of chapter 36.70A RCW regarding compliance, conformity, and consistency of proposed projects with adopted comprehensive plans and development regulations. In order to achieve this purpose the legislature finds that:

(1) Given the extensive investment that public agencies and a broad spectrum of the public are making and will continue to make in comprehensive plans and development regulations for their communities, it is essential that project review start from the fundamental land use planning choices made in these plans and regulations. If the applicable regulations or plans identify the type of land use, specify residential density in urban growth areas, and identify and provide for funding of public facilities needed to serve the proposed development and site, these decisions at a minimum provide the foundation for further project review unless there is a question of code interpretation. The project review process, including the environmental review process under chapter 43.21C RCW and the consideration of consistency, should start from this point and should not reanalyze these land use planning decisions in making a permit decision.

(2) Comprehensive plans and development regulations adopted by local governments under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These provisions typically require environmental studies and contain specific standards to address various impacts associated with a proposed development, such as building size and location, drainage, transportation requirements, and protection of critical areas. When a permitting agency applies these existing requirements to a proposed project, some or all of a project's potential environmental impacts will be avoided or otherwise mitigated. Through the integrated project review process described in subsection (1) of this section, the local government will determine whether existing requirements, including the applicable regulations or plans, adequately analyze and address a project's environmental impacts. Section 202 of this act provides that project review should not require additional studies or mitigation under chapter 43.21C RCW where existing regulations have adequately addressed a proposed project's probable specific adverse environmental impacts.

(3) Given the hundreds of jurisdictions and agencies in the state and the numerous communities and applicants affected by development regulations and comprehensive plans adopted under chapter 36.70A RCW, it is essential to establish a uniform framework for considering the consistency of a proposed project with the applicable regulations or plan. Consistency should be determined in the project review process by considering four factors found in applicable regulations or plans: The type of land use allowed; the level of development allowed, such as units per acre or other measures of density; infrastructure, such as the adequacy of public facilities and services to serve the proposed project; and the character of the proposed development, such as compliance with specific development standards. This uniform approach corresponds to existing project review practices and will not place a burden on applicants or local government. The legislature intends that this approach should be largely a matter of checking compliance with existing requirements for most projects, which are simple or routine, while more complex projects may require more analysis. Sections 202 and 404 of this act establish this uniform framework and also direct state agencies to consult with local government and the public to develop a better format than the current environmental checklist to meet this objective.

(4) When an applicant applies for a project permit, consistency between the proposed project and applicable regulations or plan should be determined through a project review process that integrates land use and environmental impact analysis, so that governmental and public review of the proposed project as required by this chapter, by development regulations under chapter 36.70A RCW, and by the environmental process under chapter 43.21C RCW run concurrently and not separately.

(5) Sections 404 and 405 of this act address three related needs with respect to how the project review process should address consistency between a proposed project and the applicable regulations or plan:

- (a) A uniform framework for the meaning of consistency;
- (b) An emphasis on relying on existing requirements and adopted standards, with the use of supplemental authority as specified by chapter 43.21C RCW to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts; and
- (c) The identification of three basic land use planning choices made in applicable regulations or plans that, at a minimum, serve as a foundation for project review and that should not be reanalyzed during project permitting.

NEW SECTION. Sec. 404. (1) Fundamental land use planning choices made in adopted comprehensive plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted comprehensive plan, under section 405 of this act shall incorporate the determinations under this section.

(2) During project review, a local government or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations the adopted comprehensive plan. At a minimum, such applicable regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;

(b) Density of residential development in urban growth areas; and

(c) Availability and adequacy of public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW.

(3) During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the items identified in subsection (2) of this section, except for issues of code interpretation. As part of its project review process, a local government shall provide a procedure for obtaining a code interpretation as provided in section 415 of this act.

(4) Pursuant to section 202 of this act, a local government may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific adverse environmental impacts to which the requirements apply.

(5) Nothing in this section limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its policies adopted under RCW 43.21C.060. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, transportation demand management, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts, if applicable.

(6) Subsections (1) through (4) of this section apply only to local governments planning under RCW 36.70A.040.

NEW SECTION. Sec. 405. (1) A proposed project's consistency with a local government's development regulations adopted under chapter 36.70A RCW, or, in the absence of applicable development regulations, the appropriate elements of the comprehensive plan or subarea plan adopted under chapter 36.70A RCW shall be determined by consideration of:

(a) The type of land use;

(b) The level of development, such as units per acre or other measures of density;

(c) Infrastructure, including public facilities and services needed to serve the development; and

(d) The character of the development, such as development standards.

(2) In determining consistency, the determinations made pursuant to section 404(2) of this act shall be controlling.

(3) For purposes of this section, the term "consistency" shall include all terms used in this chapter and chapter 36.70A RCW to refer to performance in accordance with this chapter and chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.

(4) Nothing in this section requires documentation, dictates an agency's procedures for considering consistency, or limits a unit of government from asking more specific or related questions with respect to any of the four main categories listed in subsection (1) (a) through (d) of this section.

NEW SECTION. Sec. 406. Not later than March 31, 1996, each local government shall provide by ordinance or resolution for review of project permit applications to achieve the following objectives:

(1) Combine the environmental review process, both procedural and substantive, with the procedure for review of project permits; and

(2) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, provide for no more than one open record hearing and one closed record appeal.

NEW SECTION. Sec. 407. Not later than March 31, 1996, each local government planning under RCW 36.70A.040 shall establish by ordinance or resolution an integrated and consolidated project permit process that may be included in its development regulations. In addition to the elements required by section 406 of this act, the process shall include the following elements:

(1) A determination of completeness to the applicant as required by RCW 36.70A.440 (as recodified by this act);

(2) A notice of application to the public and agencies with jurisdiction as required by section 415 of this act;

(3) Except as provided in section 418 of this act, an optional consolidated project permit review process as provided in section 416 of this act. The review process shall provide for no more than one consolidated open record hearing and one closed record appeal. If an open record predecision hearing is provided prior to the decision on a project permit, the process shall not allow a subsequent open record appeal hearing;

(4) Provision allowing for any public meeting or required open record hearing to be combined with any public meeting or open record hearing that may be held on the project by another local, state, regional, federal, or other agency, in accordance with provisions of sections 413 and 415 of this act;

(5) A single report stating all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the local permit. If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination.

(6) Except for the appeal of a determination of significance as provided in RCW 43.21C.075, if a local government elects to provide an appeal of its threshold determinations or project permit decisions, the local government shall provide for no more than one consolidated open record hearing on such appeal. The local government need not provide for any further appeal and may provide an appeal for some but not all project permit decisions. If an appeal is provided after the open record hearing, it shall be a closed record appeal before a single decision-making body or officer;

(7) A notice of decision as required by section 417 of this act and issued within the time period provided in RCW 36.70A.065 (as recodified by this act) and section 413 of this act;

(8) Completion of project review by the local government, including environmental review and public review and any appeals to the local government, within any applicable time periods under section 413 of this act; and

(9) Any other provisions not inconsistent with the requirements of this chapter or chapter 43.21C RCW.

Sec. 408. RCW 36.70A.440 and 1994 c 257 s 4 are each amended to read as follows:

~~((Each city and county))~~ (1) Within twenty-eight days after receiving a project permit application, a local government planning pursuant to RCW 36.70A.040 shall ~~((, within twenty working days of receiving a development permit application as defined in RCW 36.70A.030(7),))~~ mail or provide in person a written ~~((notice))~~ determination to the applicant, stating either:

~~((a))~~ (a) That the application is complete; or

~~((b))~~ (b) That the application is incomplete and what is necessary to make the application complete.

To the extent known by the ~~((city or county))~~ local government, the ~~((notice))~~ local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

(2) A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the local government and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur.

(3) The determination of completeness may include the following as optional information:

~~((a))~~ (a) A preliminary determination of those development regulations that will be used for project mitigation;

~~((b))~~ (b) A preliminary determination of consistency, as provided under section 405 of this act; or

(c) Other information the local government chooses to include.

(4)(a) An application shall be deemed complete under this section if the local government does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1)(b) of this section.

(b) Within fourteen days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the application is complete or what additional information is necessary.

Sec. 409. RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods consistent with section 413 of this act for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to determine whether a completed ~~((development))~~ project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed ~~((development))~~ project permit application necessary for the application of such time periods and procedures.

Sec. 410. RCW 36.70A.065 and 1994 c 257 s 3 are each amended to read as follows:

Development regulations adopted pursuant to RCW 36.70A.040 shall establish time periods for local government actions on specific ~~((development))~~ project permit applications and provide timely and predictable procedures to determine whether a completed ~~((development))~~ project permit application meets the requirements of those development regulations. Such development regulations shall specify the contents of a completed ~~((development))~~ project permit application necessary for the application of such time periods and procedures.

NEW SECTION. Sec. 411. The amendments to RCW 36.70A.065 contained in section 409 of this act shall expire July 1, 1998.

NEW SECTION. Sec. 412. Section 410 of this act shall take effect July 1, 1998.

NEW SECTION. Sec. 413. (1) Except as otherwise provided in subsection (2) of this section, a local government planning under RCW 36.70A.040 shall issue its notice of final decision on a project permit application within one hundred twenty days after the local government notifies the applicant that the application is complete, as provided in RCW 36.70A.440 (as recodified by this act). In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete, the following periods shall be excluded:

(a)(i) Any period during which the applicant has been requested by the local government to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the local government notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the local government.

(ii) If the local government determines that the information submitted by the applicant under (a)(i) of this subsection is insufficient, it shall notify the applicant of the deficiencies and the procedures under (a)(i) of this subsection shall apply as if a new request for studies had been made;

(b) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW, if the local government by ordinance or resolution has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

(c) Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The local government by ordinance or resolution shall establish a time period to consider and decide such appeals. The time period shall not exceed: (i) Ninety days for an open record appeal hearing; and (ii) sixty days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and

(d) Any extension of time mutually agreed upon by the applicant and the local government.

(2) The time limits established by subsection (1) of this section do not apply if a project permit application:

(a) Requires an amendment to the comprehensive plan or a development regulation;

(b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200; or

(c) Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70A.440 (as recodified by this act).

(3) If the local government is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(4) This section shall apply to project permit applications filed on or after April 1, 1996.

NEW SECTION. Sec. 414. A local government may require the applicant for a project permit to designate a single person or entity to receive determinations and notices required by this chapter.

NEW SECTION. Sec. 415. (1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a determination of significance under chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.

(2) The notice of application shall be provided within fourteen days after the determination of completeness as provided in RCW 36.70A.440 (as recodified by this act) and include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70A.440 (as recodified by this act) or section 413 of this act;

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in section 405 of this act; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local

government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

- (a) Posting the property for site-specific proposals;
 - (b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;
 - (c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 - (d) Notifying the news media;
 - (e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;
 - (f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and
 - (g) Mailing to neighboring property owners.
- (5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless a public comment period or an open record predecision hearing is required.
- (6) A local government shall integrate the permit procedures in this section with environmental review under chapter 43.21C RCW as follows:
- (a) Except for a determination of significance, the local government may not issue its threshold determination, or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.
 - (b) If an open record predecision hearing is required and the local government's threshold determination requires public notice under chapter 43.21C RCW, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.
 - (c) Comments shall be as specific as possible.
- (7) A local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency provided that the hearing is held within the geographic boundary of the local government. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in section 413 of this act or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing, are hereby authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.
- (8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:
- (a) The agency is not expressly prohibited by statute from doing so;
 - (b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
 - (c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.
- (9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision, combined with any environmental determinations, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.
- (10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.
- (11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

NEW SECTION. Sec. 416. (1) Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all

or part of a project action and a designated permit coordinator. If an applicant elects the consolidated permit review process, the determination of completeness, notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.

(2) Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the local government shall provide for consolidated permit review with a single open record hearing and no more than one closed record appeal as provided in section 407 of this act. Each local government shall determine which project permits are subject to an open record hearing and a closed record appeal. Examples of categories of project permits include but are not limited to:

- (a) Proposals that are categorically exempt from chapter 43.21C RCW, such as construction permits, that do not require environmental review or public notice;
- (b) Permits that require environmental review, but no open record predecision hearing; and
- (c) Permits that require a threshold determination and an open record predecision hearing and may provide for a closed record appeal to a hearing body or officer or to the local government legislative body.

(3) A local government may provide by ordinance or resolution for the same or a different decision maker or hearing body or officer for different categories of project permits. In the case of consolidated project permit review, the local government shall specify which decision makers shall make the decision or recommendation, conduct the hearing, or decide the appeal to ensure that consolidated permit review occurs as provided in this section. The consolidated permit review may combine an open record predecision hearing on one or more permits with an open record appeal hearing on other permits. In such cases, the local government by ordinance or resolution shall specify which project permits, if any, shall be subject to a closed record appeal.

NEW SECTION. Sec. 417. A local government planning under RCW 36.70A.040 shall provide a notice of decision that also includes a statement of any threshold determination made under chapter 43.21C RCW and the procedures for administrative appeal, if any. The notice of decision may be a copy of the report or decision on the project permit application. The notice shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The local government shall provide for notice of its decision as provided in section 415(4) of this act.

NEW SECTION. Sec. 418. (1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process different from that provided in RCW 36.70A.440 (as recodified by this act), 36.70A.065 (as recodified by this act), and sections 407, 413, and 415 through 417 of this act.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of sections 407 and 415 through 417 of this act: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

NEW SECTION. Sec. 419. A local government not planning under RCW 36.70A.040 may incorporate some or all of the provisions of sections 407, 413, and 415 through 417 of this act and RCW 36.70A.065 and 36.70A.440 (as recodified by this act) into its procedures for review of project permits or other project actions.

NEW SECTION. Sec. 420. (1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated review and ensure accountability to applicants and the public, including expedited review for project permit applications for projects that are consistent with adopted development regulations and within the capacity of system-wide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution.

(3) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(4) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

NEW SECTION. Sec. 421. A new section is added to chapter 64.40 RCW to read as follows:

A local government is not liable for damages under this chapter due to the local government's failure to make a final decision within the time limits established in section 413 of this act.

Sec. 422. RCW 43.21C.033 and 1992 c 208 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the responsible official shall make a threshold determination on a completed application within ninety days after the application and supporting documentation are complete. The applicant may request an additional thirty days for the threshold determination. The governmental entity responsible for making the threshold determination shall by rule, resolution, or ordinance adopt standards, consistent with rules adopted by the department to implement this chapter, for determining when an application and supporting documentation are complete.

(2) This section shall not apply to a city, town, or county that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with the requirements of this chapter; or

(b) Is planning under RCW 36.70A.040 and is subject to the requirements of section 413 of this act.

Sec. 423. RCW 35.63.130 and 1994 c 257 s 8 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city or county may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use((s which the legislative body believes should be reviewed and decided by a hearing examiner));

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by the hearing examiner.

(2) Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body(~~(-~~

~~(2) The legislative body may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the

hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 424. RCW 35A.63.170 and 1994 c 257 s 7 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use ~~((s which the legislative body believes should be reviewed and decided by a hearing examiner));~~

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body ~~((-~~

~~(2) The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or));~~ or

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 425. RCW 36.70.970 and 1994 c 257 s 9 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses ~~((applications)),~~ variances ~~((applications)),~~ ~~((applications for))~~ shoreline permits, or any other class of applications for or pertaining to development of land or land use ~~((s));~~

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner. ~~((Except as provided~~

in subsection (2) of this section,)) Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority((-

~~(2) The legislative authority may specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or)); or~~

(c) Except in the case of a rezone, the decision may be given the effect of a final decision of the legislative authority.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

Sec. 426. RCW 58.17.090 and 1981 c 293 s 5 are each amended to read as follows:

(1) Upon receipt of an application for preliminary plat approval the administrative officer charged by ordinance with responsibility for administration of regulations pertaining to platting and subdivisions shall provide public notice and set a date for a public hearing. Except as provided in section 415 of this act, at a minimum, notice of the hearing shall be given in the following manner:

~~((4))~~ (a) Notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located; and

~~((2))~~ (b) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method local authorities deem necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection (1)(b) shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

(2) All hearings shall be public. All hearing notices shall include a description of the location of the proposed subdivision. The description may be in the form of either a vicinity location sketch or a written description other than a legal description.

Sec. 427. RCW 58.17.092 and 1988 c 168 s 12 are each amended to read as follows:

Any notice made under chapter 58.17 or 36.-- (the new chapter created in section 431 of this act) RCW that identifies affected property may identify this affected property without using a legal description of the property including, but not limited to, identification by an address, written description, vicinity sketch, or other reasonable means.

Sec. 428. RCW 58.17.100 and 1981 c 293 s 6 are each amended to read as follows:

If a city, town or county has established a planning commission or planning agency in accordance with state law or local charter, such commission or agency shall review all preliminary plats and make recommendations thereon to the city, town or county legislative body to assure conformance of the proposed subdivision to the general purposes of the comprehensive plan and to planning standards and specifications as adopted by the city, town or county. Reports of the planning commission or agency shall be advisory only: PROVIDED, That the legislative body of the city, town or county may, by ordinance, assign to such commission or agency, or any department official or group of officials, such administrative functions, powers and duties as may be appropriate, including the holding of hearings, and recommendations for approval or disapproval of preliminary plats of proposed subdivisions.

Such recommendation shall be submitted to the legislative body not later than fourteen days following action by the hearing body. Upon receipt of the recommendation on any preliminary plat the legislative body shall at its next public meeting set the date for the public meeting where it shall

consider the recommendations of the hearing body and may adopt or reject the recommendations of such hearing body based on the record established at the public hearing. If, after considering the matter at a public meeting, the legislative body deems a change in the planning commission's or planning agency's recommendation approving or disapproving any preliminary plat is necessary, ~~((the change of the recommendation shall not be made until))~~ the legislative body shall ~~((conduct a public hearing and thereupon))~~ adopt its own recommendations and approve or disapprove the preliminary plat. ~~((Such public hearing may be held before a committee constituting a majority of the legislative body. If the hearing is before a committee, the committee shall report its recommendations on the matter to the legislative body for final action.))~~

Every decision or recommendation made under this section shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.

A record of all public meetings and public hearings shall be kept by the appropriate city, town or county authority and shall be open to public inspection.

Sole authority to approve final plats, and to adopt or amend platting ordinances shall reside in the legislative bodies.

Sec. 429. RCW 58.17.330 and 1994 c 257 s 6 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner. ~~((Except as provided in subsection (2) of this section,))~~ The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) The decision may be given the effect of a final decision of the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

~~(2) ((The legislative body shall specify the legal effect of a hearing examiner's procedural determination under the state environmental policy act, as defined in RCW 43.21C.075(3)(a). It may have the effect under subsection (1) (a) or (b) of this section, or may be given the effect of a final decision of the legislative body.~~

~~(3))~~ Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. Sec. 430. The department of community, trade, and economic development shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.-- RCW (the new chapter created in section 431 of this act).

NEW SECTION. Sec. 431. Sections 401, 402, 404 through 407, 413 through 420, and 502 through 506 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 432. RCW 36.70A.065 and 36.70A.440 are recodified as sections within the new chapter created in section 431 of this act.

NEW SECTION. Sec. 433. Sections 413 and 421 of this act shall expire June 30, 1998. The provisions of sections 413 and 421 of this act shall apply to project permit applications determined to be complete pursuant to RCW 36.70A.440 (as recodified by this act) on or before June 30, 1998.

PART V - DEVELOPMENT AGREEMENTS

NEW SECTION. Sec. 501. The legislature finds that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public. Assurance to a development project applicant that upon government approval the project may proceed in accordance with existing policies

and regulations, and subject to conditions of approval, all as set forth in a development agreement, will strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development. Further, the lack of public facilities and services is a serious impediment to development of new housing and commercial uses. Project applicants and local governments may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities. It is the intent of the legislature by sections 502 through 506 of this act to allow local governments and owners and developers of real property to enter into development agreements.

NEW SECTION. Sec. 502. (1) A local government may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. A city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under chapter 36.70A RCW.

(2) Sections 501 through 504 of this act do not affect the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on the effective date of sections 501 through 504 of this act, or adopted under separate authority, that includes some or all of the development standards provided in subsection (3) of this section.

(3) For the purposes of this section, "development standards" includes, but is not limited to:

(a) Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

(b) The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

(c) Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;

(d) Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

(e) Affordable housing;

(f) Parks and open space preservation;

(g) Phasing;

(h) Review procedures and standards for implementing decisions;

(i) A build-out or vesting period for applicable standards; and

(j) Any other appropriate development requirement or procedure.

(4) The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

NEW SECTION. Sec. 503. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

NEW SECTION. Sec. 504. A development agreement shall be recorded with the real property records of the county in which the property is located. During the term of the development agreement, the agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

NEW SECTION. Sec. 505. A county or city shall only approve a development agreement by ordinance or resolution after a public hearing. The county or city legislative body or a planning commission, hearing examiner, or other body designated by the legislative body to conduct the public hearing may conduct the hearing. If the development agreement relates to a project permit application, the provisions of chapter 36.-- RCW (sections 701 through 715 of this act) shall apply to the appeal of the decision on the development agreement.

NEW SECTION. Sec. 506. Nothing in sections 501 through 505 of this act is intended to authorize local governments to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law.

PART VI - STATE PERMIT COORDINATION

NEW SECTION. Sec. 601. The legislature hereby finds and declares:

(1) Washington's environmental protection programs have established strict standards to reduce pollution and protect the public health and safety and the environment. The single-purpose programs instituted to achieve these standards have been successful in many respects, and have produced significant gains in protecting Washington's environment in the face of substantial population growth.

(2) Continued progress to achieve the environmental standards in the face of continued population growth will require greater coordination between the single-purpose environmental programs and more efficient operation of these programs overall. Pollution must be prevented and controlled and not simply transferred to another media or another place. This goal can only be achieved by maintaining the current environmental protection standards and by greater integration of the existing programs.

(3) As the number of environmental laws and regulations have grown in Washington, so have the number of permits required of business and government. This regulatory burden has significantly added to the cost and time needed to obtain essential permits in Washington. The increasing number of individual permits and permit authorities has generated the continuing potential for conflict, overlap, and duplication between the various state, local, and federal permits.

(4) The purpose of this chapter is to institute new, efficient procedures that will assist businesses and public agencies in complying with the environmental quality laws in an expedited fashion, without reducing protection of public health and safety and the environment.

(5) Those procedures need to provide a permit process that promotes effective dialogue and ensures ease in the transfer and clarification of technical information, while preventing duplication. It is necessary that the procedures establish a process for preliminary and ongoing meetings between the applicant, the coordinating permit agency, and the participating permit agencies, but do not preclude the applicant or participating permit agencies from individually coordinating with each other.

(6) It is necessary, to the maximum extent practicable, that the procedures established in this chapter ensure that the coordinated permit agency process and applicable permit requirements and criteria are integrated and run concurrently, rather than consecutively.

(7) It is necessary to provide a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that apply to any given proposal.

(8) It is the intent of this chapter to provide an optional process by which a project proponent may obtain active coordination of all applicable regulatory and land-use permitting procedures. This process is not to replace individual laws, or diminish the substantive decision-making role of individual jurisdictions. Rather it is to provide predictability, administrative consolidation, and, where possible, consolidation of appeal processes.

(9) It is also the intent of this chapter to provide consolidated, effective, and easier opportunities for members of the public to receive information and present their views about proposed projects.

NEW SECTION. Sec. 602. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the permit assistance center established in the commission by section 603 of this act.

(2) "Coordinating permit agency" means the permit agency that has the greatest overall jurisdiction over a project.

(3) "Department" means the department of ecology.

(4) "Participating permit agency" means a permit agency, other than the coordinating permit agency, that is responsible for the issuance of a permit for a project.

(5) "Permit" means any license, certificate, registration, permit, or other form of authorization required by a permit agency to engage in a particular activity.

(6) "Permit agency" means:

(a) The department of ecology, an air pollution control authority, the department of natural resources, the department of fish and wildlife, and the department of health; and

(b) Any other state or federal agency or county, city, or town that participates at the request of the permit applicant and upon the agency's agreement to be subject to this chapter.

(7) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.

NEW SECTION. Sec. 603. The permit assistance center is established within the department. The center shall:

(1) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. The center shall coordinate with the business assistance center in providing and maintaining this information to applicants and others. To the extent possible, the handbook shall include relevant federal and tribal laws. A state agency or local government shall provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and shall otherwise fully cooperate with the center. The center shall seek the cooperation of relevant federal agencies and tribal governments;

(2) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;

(3) Work closely and cooperatively with the business license center and the business assistance center in providing efficient and nonduplicative service to the public;

(4) Seek the assignment of employees from the permit agencies listed under section 602(6)(a) of this act to serve on a rotating basis in staffing the center; and

(5) Provide an annual report to the legislature on potential conflicts and perceived inconsistencies among existing statutes. The first report shall be submitted to the appropriate standing committees of the house of representatives and senate by December 1, 1996.

NEW SECTION. Sec. 604. (1) Not later than January 1, 1996, the center shall establish by rule an administrative process for the designation of a coordinating permit agency for a project.

(2) The administrative process shall consist of the establishment of guidelines for designating the coordinating permit agency for a project. If a permit agency is the lead agency for purposes of chapter 43.21C RCW, that permit agency shall be the coordinating permit agency. In other cases, the guidelines shall require that at least the following factors be considered in determining which permit agency has the greatest overall jurisdiction over the project:

(a) The types of facilities or activities that make up the project;

(b) The types of public health and safety and environmental concerns that should be considered in issuing permits for the project;

(c) The environmental medium that may be affected by the project, the extent of those potential effects, and the environmental protection measures that may be taken to prevent the occurrence of, or to mitigate, those potential effects;

(d) The regulatory activity that is of greatest importance in preventing or mitigating the effects that the project may have on public health and safety or the environment; and

(e) The statutory and regulatory requirements that apply to the project and the complexity of those requirements.

NEW SECTION. Sec. 605. Upon the request of a project applicant, the center shall appoint a project facilitator to assist the applicant in determining which regulatory requirements, processes, and permits may be required for development and operation of the proposed project. The project facilitator shall provide the information to the applicant and explain the options available to the applicant in

obtaining the required permits. If the applicant requests, the center shall designate a coordinating permit agency as provided in section 606 of this act.

NEW SECTION. Sec. 606. (1) A permit applicant who requests the designation of a coordinating permit agency shall provide the center with a description of the project, a preliminary list of the permits that the project may require, the identity of any public agency that has been designated the lead agency for the project pursuant to chapter 43.21C RCW, and the identity of the participating permit agencies. The center may request any information from the permit applicant that is necessary to make the designation under this section, and may convene a scoping meeting of the likely coordinating permit agency and participating permit agencies in order to make that designation.

(2) The coordinating permit agency shall serve as the main point of contact for the permit applicant with regard to the coordinated permit process for the project and shall manage the procedural aspects of that processing consistent with existing laws governing the coordinating permit agency and participating permit agencies, and with the procedures agreed to by those agencies in accordance with section 607 of this act. In carrying out these responsibilities, the coordinating permit agency shall ensure that the permit applicant has all the information needed to apply for all the component permits that are incorporated in the coordinated permit process for the project, coordinate the review of those permits by the respective participating permit agencies, ensure that timely permit decisions are made by the participating permit agencies, and assist in resolving any conflict or inconsistency among the permit requirements and conditions that are to be imposed by the participating permit agencies with regard to the project. The coordinating permit agency shall keep in contact with the applicant as well as other permit agencies in order to assure that the process is progressing as scheduled. The coordinating permit agency shall also make contact, at least once, with any local jurisdiction that is responsible for issuing a permit for the project if the local jurisdiction has not agreed to be a participating permit agency as provided in section 602(6) of this act.

(3) This chapter shall not be construed to limit or abridge the powers and duties granted to a participating permit agency under the law that authorizes or requires the agency to issue a permit for a project. Each participating permit agency shall retain its authority to make all decisions on all nonprocedural matters with regard to the respective component permit that is within its scope of its responsibility, including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial. The coordinating permit agency may not substitute its judgment for that of a participating permit agency on any such nonprocedural matters.

NEW SECTION. Sec. 607. (1) Within twenty-one days of the date that the coordinating permit agency is designated, it shall convene a meeting with the permit applicant for the project and the participating permit agencies. The meeting agenda shall include at least all of the following matters:

(a) A determination of the permits that are required for the project;

(b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permit process;

(c)(i) A determination of the timelines that will be used by the coordinating permit agency and each participating permit agency to make permit decisions, including the time periods required to determine if the permit applications are complete, to review the application or applications, and to process the component permits. In the development of this timeline, full attention shall be given to achieving the maximum efficiencies possible through concurrent studies, consolidated applications, hearings, and comment periods. Except as provided in (c)(ii) of this subsection, the timelines established under this subsection, with the assent of the coordinating permit agency and each participating permit agency, shall commit the coordinating permit agency and each participating permit agency to act on the component permit within time periods that are different than those required by other applicable provisions of law.

(ii) An accelerated time period for the consideration of a permit application may not be set if that accelerated time period would be inconsistent with, or in conflict with, any time period or series of time periods set by statute for that consideration, or with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires any of the following:

(A) Other agencies, interested persons, federally recognized Indian tribes, or the public to be given adequate notice of the application;

(B) Other agencies to be given a role in, or be allowed to participate in, the decision to approve or disapprove the application; or

(C) Interested persons or the public to be provided the opportunity to challenge, comment on, or otherwise voice their concerns regarding the application;

(d) The scheduling of any public hearings that are required to issue permits for the project and a determination of the feasibility of coordinating or consolidating any of those required public hearings; and

(e) A discussion of fee arrangements for the coordinated permit process, including an estimate of the costs allowed under section 610 of this act and the billing schedule.

(2) Each agency shall send at least one representative qualified to make decisions concerning the applicability and timelines associated with all permits administered by that jurisdiction. At the request of the applicant, the coordinating permit agency shall notify any relevant federal agency or federally recognized tribe of the date of the meeting and invite that agency's participation in the process.

(3) If a permit agency or the applicant foresees, at any time, that it will be unable to meet its obligations under the agreement, it shall notify the coordinating permit agency of the problem. The coordinating permit agency shall notify the participating permit agencies and the applicant and, upon agreement of all parties, adjust the schedule, or, if necessary, schedule another work plan meeting.

(4) The coordinating permit agency may request any information from the applicant that is necessary to comply with its obligations under this section, consistent with the timelines set pursuant to this section.

(5) A summary of the decisions made under this section shall be made available for public review upon the filing of the coordinated permit process application or permit applications.

NEW SECTION. Sec. 608. (1) The permit applicant may withdraw from the coordinated permit process by submitting to the coordinating permit agency a written request that the process be terminated. Upon receipt of the request, the coordinating permit agency shall notify the center and each participating permit agency that a coordinated permit process is no longer applicable to the project.

(2) The permit applicant may submit a written request to the coordinating permit agency that the permit applicant wishes a participating permit agency to withdraw from participation on the basis of a reasonable belief that the issuance of the coordinated permit process would be accelerated if the participating permit agency withdraws. In that event, the participating permit agency shall withdraw from participation if the coordinating permit agency approves the request.

NEW SECTION. Sec. 609. The coordinating permit agency shall ensure that the participating permit agencies make all the permit decisions that are necessary for the incorporation of the permits into the coordinated permit process and act on the component permits within the time periods established pursuant to section 607 of this act.

NEW SECTION. Sec. 610. (1) The coordinating permit agency may enter into a written agreement with the applicant to recover from the applicant the reasonable costs incurred by the coordinating permit agency in carrying out the requirements of this chapter.

(2) The coordinating permit agency may recover only the costs of performing those coordinated permit services and shall be negotiated with the permit applicant in the meeting required pursuant to section 607 of this act. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

NEW SECTION. Sec. 611. A petition by the permit applicant for review of an agency action in issuing, denying, or amending a permit, or any portion of a coordinating permit agency permit, shall be submitted by the permit applicant to the coordinating permit agency or the participating permit agency having jurisdiction over that permit and shall be processed in accordance with the procedures of that permit agency. Within thirty days of receiving the petition, the coordinating permit agency shall notify the other environmental agencies participating in the original coordinated permit process.

NEW SECTION. Sec. 612. If an applicant petitions for a significant amendment or modification to a coordinated permit process application or any of its component permit applications, the coordinating permit agency shall reconvene a meeting of the participating permit agencies, conducted in accordance with section 607 of this act.

NEW SECTION. Sec. 613. If an applicant fails to provide information required for the processing of the component permit applications for a coordinated permit process or for the designation of a coordinating permit agency, the time requirements of this chapter shall be held in abeyance until such time as the information is provided.

NEW SECTION. Sec. 614. (1) The center, by rule, shall establish an expedited appeals process by which a petitioner or applicant may appeal any failure by a permit agency to take timely action on the issuance or denial of a permit in accordance with the time limits established under this chapter.

(2) If the center finds that the time limits under appeal have been violated without good cause, it shall establish a date certain by which the permit agency shall act on the permit application with adequate provision for the requirements of section 607(1)(c)(ii) (A) through (C) of this act, and provide for the full reimbursement of any filing or permit processing fees paid by the applicant to the permit agency for the permit application under appeal.

NEW SECTION. Sec. 615. Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council as provided in chapter 80.50 RCW.

NEW SECTION. Sec. 616. By December 1, 1997, the center shall submit a report to the appropriate committees of both houses of the legislature detailing the following information:

(1) The number of instances in which a coordinating permit agency has been requested and used, and the disposition of those cases;

(2) The amount of time elapsed between an initial request by a permit applicant for a coordinated permit process and the ultimate approval or disapproval of the permits included in the process; and

(3) The number of instances in which the expedited appeals process was requested, and the disposition of those cases.

NEW SECTION. Sec. 617. A new section is added to chapter 43.131 RCW to read as follows:

The permit assistance center and its powers and duties shall be terminated June 30, 1999, as provided in section 618 of this act.

NEW SECTION. Sec. 618. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 90.--- and 1995 c -- s 601 (section 601 of this act);
- (2) RCW 90.--- and 1995 c -- s 602 (section 602 of this act);
- (3) RCW 90.--- and 1995 c -- s 603 (section 603 of this act);
- (4) RCW 90.--- and 1995 c -- s 604 (section 604 of this act);
- (5) RCW 90.--- and 1995 c -- s 605 (section 605 of this act);
- (6) RCW 90.--- and 1995 c -- s 606 (section 606 of this act);
- (7) RCW 90.--- and 1995 c -- s 607 (section 607 of this act);
- (8) RCW 90.--- and 1995 c -- s 608 (section 608 of this act);
- (9) RCW 90.--- and 1995 c -- s 609 (section 609 of this act);
- (10) RCW 90.--- and 1995 c -- s 610 (section 610 of this act);
- (11) RCW 90.--- and 1995 c -- s 611 (section 611 of this act);
- (12) RCW 90.--- and 1995 c -- s 612 (section 612 of this act);
- (13) RCW 90.--- and 1995 c -- s 613 (section 613 of this act);
- (14) RCW 90.--- and 1995 c -- s 614 (section 614 of this act);
- (15) RCW 90.--- and 1995 c -- s 615 (section 615 of this act); and
- (16) RCW 90.--- and 1995 c -- s 616 (section 616 of this act).

NEW SECTION. Sec. 619. The following acts or parts of acts are each repealed:

- (1) RCW 90.62.010 and 1982 c 179 s 1, 1977 c 54 s 1, & 1973 1st ex.s. c 185 s 1;

- (2) RCW 90.62.020 and 1994 c 264 s 96, 1988 c 36 s 71, 1977 c 54 s 2, & 1973 1st ex.s. c 185 s 2;
- (3) RCW 90.62.030 and 1973 1st ex.s. c 185 s 3;
- (4) RCW 90.62.040 and 1990 c 137 s 1, 1977 c 54 s 3, & 1973 1st ex.s. c 185 s 4;
- (5) RCW 90.62.050 and 1977 c 54 s 4 & 1973 1st ex.s. c 185 s 5;
- (6) RCW 90.62.060 and 1982 c 179 s 2, 1977 c 54 s 5, & 1973 1st ex.s. c 185 s 6;
- (7) RCW 90.62.070 and 1973 1st ex.s. c 185 s 7;
- (8) RCW 90.62.080 and 1987 c 109 s 156, 1977 c 54 s 6, & 1973 1st ex.s. c 185 s 8;
- (9) RCW 90.62.090 and 1977 c 54 s 7 & 1973 1st ex.s. c 185 s 9;
- (10) RCW 90.62.100 and 1977 c 54 s 8 & 1973 1st ex.s. c 185 s 10;
- (11) RCW 90.62.110 and 1973 1st ex.s. c 185 s 11;
- (12) RCW 90.62.120 and 1973 1st ex.s. c 185 s 12;
- (13) RCW 90.62.130 and 1977 c 54 s 9;
- (14) RCW 90.62.900 and 1973 1st ex.s. c 185 s 13;
- (15) RCW 90.62.901 and 1973 1st ex.s. c 185 s 14;
- (16) RCW 90.62.904 and 1973 1st ex.s. c 185 s 15;
- (17) RCW 90.62.905 and 1973 1st ex.s. c 185 s 16;
- (18) RCW 90.62.906 and 1973 1st ex.s. c 185 s 18;
- (19) RCW 90.62.907 and 1973 1st ex.s. c 185 s 19; and
- (20) RCW 90.62.908 and 1977 c 54 s 10.

NEW SECTION. **Sec. 620.** Sections 601 through 616 of this act shall constitute a new chapter in Title 90 RCW.

PART VII - APPEALS

NEW SECTION. **Sec. 701.** This chapter may be known and cited as the land use petition act.

NEW SECTION. **Sec. 702.** The purpose of this chapter is to reform the process for judicial review of land use decisions made by local jurisdictions, by establishing uniform, expedited appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely judicial review.

NEW SECTION. **Sec. 703.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding applications for legislative approvals such as area-wide rezones and annexations; and excluding applications for business licenses;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(c) The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

(2) "Local jurisdiction" means a county, city, or incorporated town.

(3) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental entity or agency.

NEW SECTION. **Sec. 704.** (1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

- (a) Judicial review of:
 - (i) Land use decisions made by bodies that are not part of a local jurisdiction;
 - (ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board or the growth management hearings board;
 - (b) Judicial review of applications for a writ of mandamus or prohibition; or
 - (c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.
- (2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

NEW SECTION. Sec. 705. (1) Proceedings for review under this chapter shall be commenced by filing a land use petition in superior court.

(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court and timely served on the following persons who shall be parties to the review of the land use petition:

(a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department;

(b) Each of the following persons if the person is not the petitioner:

(i) Each person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue; and

(ii) Each person identified by name and address in the local jurisdiction's written decision as an owner of the property at issue;

(c) If no person is identified in a written decision as provided in (b) of this subsection, each person identified by name and address as a taxpayer for the property at issue in the records of the county assessor, based upon the description of the property in the application; and

(d) Each person named in the written decision who filed an appeal to a local jurisdiction quasi-judicial decision maker regarding the land use decision at issue, unless the person has abandoned the appeal or the person's claims were dismissed before the quasi-judicial decision was rendered. Persons who later intervened or joined in the appeal are not required to be made parties under this subsection.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance of the land use decision.

(4) For the purposes of this section, the date on which a land use decision is issued is:

(a) Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;

(b) If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or

(c) If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition to the persons identified by or pursuant to RCW 4.28.080 to receive service of process. Service on other parties must be in accordance with the superior court civil rules or by first class mail to:

(a) The address stated in the written decision of the local jurisdiction for each person made a party under subsection (2)(b) of this section;

(b) The address stated in the records of the county assessor for each person made a party under subsection (2)(c) of this section; and

(c) The address stated in the appeal to the quasi-judicial decision maker for each person made a party under subsection (2)(d) of this section.

(6) Service by mail is effective on the date of mailing and proof of service shall be by affidavit or declaration under penalty of perjury.

NEW SECTION. Sec. 706. If the applicant for the land use approval is not the owner of the real property at issue, and if the owner is not accurately identified in the records referred to in section 705(2) (b) and (c) of this act, the applicant shall be responsible for promptly securing the joinder of the owners. In addition, within fourteen days after service each party initially named by the petitioner

shall disclose to the other parties the name and address of any person whom such party knows may be needed for just adjudication of the petition, and the petitioner shall promptly name and serve any such person whom the petitioner agrees may be needed for just adjudication. If such a person is named and served before the initial hearing, leave of court for the joinder is not required, and the petitioner shall provide the newly joined party with copies of the pleadings filed before the party's joinder. Failure by the petitioner to name or serve, within the time required by section 705(3) of this act, persons who are needed for just adjudication but who are not identified in the records referred to in section 705(2)(b) of this act, or in section 705(2)(c) of this act if applicable, shall not deprive the court of jurisdiction to hear the land use petition.

NEW SECTION. Sec. 707. Standing to bring a land use petition under this chapter is limited to the following persons:

- (1) The applicant and the owner of property to which the land use decision is directed;
- (2) Another person aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - (a) The land use decision has prejudiced or is likely to prejudice that person;
 - (b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
 - (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
 - (d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

NEW SECTION. Sec. 708. A land use petition must set forth:

- (1) The name and mailing address of the petitioner;
- (2) The name and mailing address of the petitioner's attorney, if any;
- (3) The name and mailing address of the local jurisdiction whose land use decision is at issue;
- (4) Identification of the decision-making body or officer, together with a duplicate copy of the decision, or, if not a written decision, a summary or brief description of it;
- (5) Identification of each person to be made a party under section 705(2) (b) through (d) of this act;
- (6) Facts demonstrating that the petitioner has standing to seek judicial review under section 707 of this act;
- (7) A separate and concise statement of each error alleged to have been committed;
- (8) A concise statement of facts upon which the petitioner relies to sustain the statement of error; and
- (9) A request for relief, specifying the type and extent of relief requested.

NEW SECTION. Sec. 709. (1) Within seven days after the petition is served on the parties identified in section 705(2) of this act, the petitioner shall note, according to the local rules of superior court, an initial hearing on jurisdictional and preliminary matters. This initial hearing shall be set no sooner than thirty-five days and no later than fifty days after the petition is served on the parties identified in section 705(2) of this act.

(2) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner. Where confirmation of motions is required, each party shall be responsible for confirming its own motions.

(3) The defenses of lack of standing, untimely filing or service of the petition, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the court allows discovery on such issues.

(4) The petitioner shall move the court for an order at the initial hearing that sets the date on which the record must be submitted, sets a briefing schedule, sets a discovery schedule if discovery is to be allowed, and sets a date for the hearing or trial on the merits.

(5) The parties may waive the initial hearing by scheduling with the court a date for the hearing or trial on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (3) and (4) of this section.

(6) A party need not file an answer to the petition.

NEW SECTION. Sec. 710. The court shall provide expedited review of petitions filed under this chapter. The matter must be set for hearing within sixty days of the date set for submitting the local jurisdiction's record, absent a showing of good cause for a different date or a stipulation of the parties.

NEW SECTION. Sec. 711. (1) A petitioner or other party may request the court to stay or suspend an action by the local jurisdiction or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) A court may grant a stay only if the court finds that:

- (a) The party requesting the stay is likely to prevail on the merits;
- (b) Without the stay the party requesting it will suffer irreparable harm;
- (c) The grant of a stay will not substantially harm other parties to the proceedings; and
- (d) The request for the stay is timely in light of the circumstances of the case.

(3) The court may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

NEW SECTION. Sec. 712. (1) Within forty-five days after entry of an order to submit the record, or within such a further time as the court allows or as the parties agree, the local jurisdiction shall submit to the court a certified copy of the record for judicial review of the land use decision, except that the petitioner shall prepare at the petitioner's expense and submit a verbatim transcript of any hearings held on the matter.

(2) If the parties agree, or upon order of the court, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the court.

(3) The petitioner shall pay the local jurisdiction the cost of preparing the record before the local jurisdiction submits the record to the court. Failure by the petitioner to timely pay the local jurisdiction relieves the local jurisdiction of responsibility to submit the record and is grounds for dismissal of the petition.

(4) If the relief sought by the petitioner is granted in whole or in part the court shall equitably assess the cost of preparing the record among the parties. In assessing costs the court shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under subsection (2) of this section.

NEW SECTION. Sec. 713. (1) When the land use decision being reviewed was made by a quasi-judicial body or officer who made factual determinations in support of the decision and the parties to the quasi-judicial proceeding had an opportunity consistent with due process to make a record on the factual issues, judicial review of factual issues and the conclusions drawn from the factual issues shall be confined to the record created by the quasi-judicial body or officer, except as provided in subsections (2) through (4) of this section.

(2) For decisions described in subsection (1) of this section, the record may be supplemented by additional evidence only if the additional evidence relates to:

- (a) Grounds for disqualification of a member of the body or of the officer that made the land use decision, when such grounds were unknown by the petitioner at the time the record was created;
- (b) Matters that were improperly excluded from the record after being offered by a party to the quasi-judicial proceeding; or
- (c) Matters that were outside the jurisdiction of the body or officer that made the land use decision.

(3) For land use decisions other than those described in subsection (1) of this section, the record for judicial review may be supplemented by evidence of material facts that were not made part of the local jurisdiction's record.

(4) The court may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

(5) The parties may not conduct pretrial discovery except with the prior permission of the court, which may be sought by motion at any time after service of the petition. The court shall not grant permission unless the party requesting it makes a prima facie showing of need. The court shall

strictly limit discovery to what is necessary for equitable and timely review of the issues that are raised under subsections (2) and (3) of this section. If the court allows the record to be supplemented, the court shall require the parties to disclose before the hearing or trial on the merits the specific evidence they intend to offer. If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties and the court shall take such request into account in fashioning an equitable discovery order under this section.

NEW SECTION. Sec. 714. (1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under section 713 of this act. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct. A grant of relief by itself may not be deemed to establish liability for monetary damages or compensation.

NEW SECTION. Sec. 715. The court may affirm or reverse the land use decision under review or remand it for modification or further proceedings. If the decision is remanded for modification or further proceedings, the court may make such an order as it finds necessary to preserve the interests of the parties and the public, pending further proceedings or action by the local jurisdiction.

Sec. 716. RCW 7.16.360 and 1989 c 175 s 38 are each amended to read as follows:

This chapter does not apply to state agency action reviewable under chapter 34.05 RCW or to land use decisions of local jurisdictions reviewable under chapter 36.-- RCW (sections 701 through 715 of this act).

Sec. 717. RCW 58.17.180 and 1983 c 121 s 5 are each amended to read as follows:

Any decision approving or disapproving any plat shall be reviewable ~~((for unlawful, arbitrary, capricious or corrupt action or nonaction by writ of review before the superior court of the county in which such matter is pending. Standing to bring the action is limited to the following parties:~~

~~(1) The applicant or owner of the property on which the subdivision is proposed;~~

~~(2) Any property owner entitled to special notice under RCW 58.17.090;~~

~~(3) Any property owner who deems himself aggrieved thereby and who will suffer direct and substantial impacts from the proposed subdivision.~~

~~Application for a writ of review shall be made to the court within thirty days from any decision so to be reviewed. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant)) under chapter 36.-- RCW (sections 701 through 715 of this act).~~

NEW SECTION. Sec. 718. A new section is added to chapter 4.84 RCW to read as follows:

(1) Notwithstanding any other provisions of this chapter, reasonable attorneys' fees and costs shall be awarded to the prevailing party or substantially prevailing party on appeal before the court of appeals or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit involving a site-specific rezone, zoning, plat, conditional use, variance, shoreline permit, building permit, site plan, or similar land use approval or decision. The court shall award and determine the amount of reasonable attorneys' fees and costs under this section if:

(a) The prevailing party on appeal was the prevailing or substantially prevailing party before the county, city, or town, or in a decision involving a substantial development permit under chapter 90.58 RCW, the prevailing party on appeal was the prevailing party or the substantially prevailing party before the shoreline hearings board; and

(b) The prevailing party on appeal was the prevailing party or substantially prevailing party in all prior judicial proceedings.

(2) In addition to the prevailing party under subsection (1) of this section, the county, city, or town whose decision is on appeal is considered a prevailing party if its decision is upheld at superior court and on appeal.

NEW SECTION. **Sec. 719.** Sections 701 through 715 of this act shall constitute a new chapter in Title 36 RCW.

PART VIII - STUDY

NEW SECTION. **Sec. 801.** The land use study commission is hereby established. The commission's goal shall be the integration and consolidation of the state's land use and environmental laws into a single, manageable statute. In fulfilling its responsibilities, the commission shall evaluate the effectiveness of the growth management act, the state environmental policy act, the shoreline management act, and other state land use, planning, environmental, and permitting statutes in achieving their stated goals.

NEW SECTION. **Sec. 802.** The commission shall consist of not more than fourteen members. Eleven members of the commission shall be appointed by the governor. Membership shall reflect the interests of business, agriculture, labor, the environment, neighborhood groups, other citizens, the legislature, cities, counties, and federally recognized Indian tribes. Members shall have substantial experience in matters relating to land use and environmental planning and regulation, and shall have the ability to work toward cooperative solutions among diverse interests. The director of the department of community, trade, and economic development, or the director's designee, shall be a member and shall serve as chair of the commission. The director of the department of ecology, or the director's designee, and the secretary of the department of transportation, or the secretary's designee, shall also be members of the commission. Staff for the commission shall be provided by the department of community, trade, and economic development, with additional staff to be provided by other state agencies and the legislature, as may be required. State agencies shall provide the commission with information and assistance as needed.

NEW SECTION. **Sec. 803.** The commission shall convene commencing June 1, 1995, and shall complete its work by June 30, 1998. The commission shall submit a report to the governor and the legislature stating its findings, conclusions, and recommendations not later than November 1 of each year. The commission shall submit its final report to the governor and the legislature not later than November 1, 1997.

NEW SECTION. **Sec. 804.** The commission shall:

(1) Consider the effectiveness of state and local government efforts to consolidate and integrate the growth management act, the state environmental policy act, the shoreline management act, and other land use, planning, environmental, and permitting laws.

(2) Identify the revisions and modifications needed in state land use, planning, and environmental law and practice to adequately plan for growth and achieve economically and environmentally sustainable development, to adequately assess environmental impacts of comprehensive plans, development regulations, and growth, and to reduce the time and cost of obtaining project permits.

(3) Draft a consolidated land use procedure, following these guidelines:

(a) Conduct land use planning through the comprehensive planning process under chapter 36.70A RCW rather than through review of individual projects;

(b) Involve diverse sectors of the public in the planning process. Early and informal environmental analysis should be incorporated into planning and decision making;

(c) Recognize that different questions need to be answered and different levels of detail applied at each planning phase, from the initial development of plan concepts or plan elements to implementation programs;

(d) Integrate and combine to the fullest extent possible the processes, analysis, and documents currently required under chapters 36.70A and 43.21C RCW, so that subsequent plan decisions and subsequent implementation will incorporate measures to promote the environmental, economic, and other goals and to mitigate undesirable or unintended adverse impacts on a community's quality of life;

(e) Focus environmental review and the level of detail needed for different stages of plan and project decisions on the environmental considerations most relevant to that stage of the process;

(f) Avoid duplicating review that has occurred for plan decisions when specific projects are proposed;

(g) Use environmental review on projects to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by agencies, tribes, and the public on compliance with applicable environmental laws and plans, including mitigation for site specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures;

(h) Maintain or improve the quality of environmental analysis both for plan and for project decisions, while integrating these analyses with improved state and local planning and permitting processes;

(i) Examine existing land use and environmental permits for necessity and utility. To the extent possible, existing permits should be combined into fewer permits, assuring that the values and principles intended to be protected by those permits remain protected; and

(j) Consolidate local government appeal processes to allow a single appeal of permits at local government levels, a single state level administrative appeal, and a final judicial appeal.

(4) Monitor instances state-wide of the vesting of project permit applications during the period that an appeal is pending before a growth management hearings board, as authorized under RCW 36.70A.300. The commission shall also review the extent to which such vesting results in the approval of projects that are inconsistent with a comprehensive plan or development regulation provision ultimately found to be in compliance with a board's order or remand. The commission shall analyze the impact of such approvals on ensuring the attainment of the goals and policies of chapter 36.70A RCW, and make recommendations to the governor and the legislature on statutory changes to address any adverse impacts from the provisions of RCW 36.70A.300. The commission shall provide an initial report on its findings and recommendations by November 1, 1995, and submit its further findings and recommendations subsequently in the reports required under section 803 of this act.

(5) Monitor local government consolidated permit procedures and the effectiveness of the timelines established by section 413 of this act. The commission shall include in its report submitted to the governor and the legislature on November 1, 1997, its recommendation about what timelines, if any, should be imposed on the local government consolidated permit process required by chapter 36.--RCW (the new chapter created in section 431 of this act).

(6) Evaluate funding mechanisms that will enable local governments to pay for and recover the costs of conducting integrated planning and environmental analysis. The commission shall include its conclusions in its first report to the legislature on November 1, 1995, and include any recommended statutory changes.

(7) Study, in cooperation with the state board for registration of professional engineers and the state building code council, ways in which state agencies and local governments could authorize professionals with appropriate qualifications to certify a project's compliance with certain state and local land use and environmental requirements. The commission shall report to the legislature on measures necessary to implement such a system of professional certification.

These guidelines are intended to guide the work of the commission, without limiting its charge to integrate and consolidate Washington's land use and environmental laws into a single, manageable statutory framework.

NEW SECTION. Sec. 805. Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 806. Sections 801 through 805 of this act shall expire June 30, 1998.

PART IX - MISCELLANEOUS

NEW SECTION. **Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 902.** Part headings and the table of contents as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 903.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. **Sec. 904.** Sections 801 through 806 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995."

On page 1, line 3 of the title, after "review;" strike the remainder of the title and insert "amending RCW 36.70A.130, 36.70A.140, 36.70A.280, 36.70A.300, 36.70A.320, 36.70A.330, 34.05.514, 43.21C.031, 43.21C.075, 43.21C.080, 43.21C.110, 43.21C.900, 90.58.020, 90.58.030, 90.58.050, 90.58.060, 90.58.080, 90.58.090, 90.58.100, 90.58.120, 90.58.140, 90.58.180, 90.58.190, 34.05.461, 36.70A.440, 36.70A.065, 36.70A.065, 43.21C.033, 35.63.130, 35A.63.170, 36.70.970, 58.17.090, 58.17.092, 58.17.100, 58.17.330, 7.16.360, and 58.17.180; reenacting and amending RCW 36.70A.030 and 36.70A.290; adding new sections to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 64.40 RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 4.84 RCW; adding new chapters to Title 36 RCW; adding a new chapter to Title 90 RCW; adding a new chapter to Title 82 RCW; creating new sections; recodifying RCW 36.70A.065 and 36.70A.440; repealing RCW 90.58.145, 90.62.010, 90.62.020, 90.62.030, 90.62.040, 90.62.050, 90.62.060, 90.62.070, 90.62.080, 90.62.090, 90.62.100, 90.62.110, 90.62.120, 90.62.130, 90.62.900, 90.62.901, 90.62.904, 90.62.905, 90.62.906, 90.62.907, and 90.62.908; providing effective dates; providing expiration dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Goldsmith moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 and ask the Senate for a conference thereon.

MOTION

Representative Rust moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 and pass the bill as amended by the Senate.

Representative Rust demanded an electronic roll call vote and the demand was sustained.

MOTION

On motion of Representative Brown, Representatives Sommers and Patterson were excused.

The Speaker (Representative Horn presiding) stated the question before the House to be the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1724.

Representatives Cairnes and L. Thomas spoke against the motion to concur in the Senate amendments.

Representative Rust spoke in favor of the motion to concur in the Senate amendments.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 and the motion failed the House by the following vote: Yeas - 30, Nays - 60, Absent - 1, Excused - 7.

Voting yea: Representatives Appelwick, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Jacobsen, Mason, Mastin, Morris, Ogden, Poulsen, Quall, Regala, Romero, Rust, Scott, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 30.

Voting nay: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Elliot, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luvan and Mr. Speaker - 60.

Absent: Representative Hatfield - 1.

Excused: Representatives Benton, Cooke, Foreman, Huff, Patterson, Silver and Sommers - 7.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1724.

BRIAN HATFIELD, 19th District

The motion to not concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Reams, Cairnes and Rust as Conferees on Engrossed Substitute House Bill No. 1724.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1725 with the following amendments:

On page 4, after line 5, insert the following:

"**Sec. 3.** RCW 69.50.435 and 1991 c 32 s 4 are each amended to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection or who violates RCW 69.50.410 by selling for profit any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana to a person:

(1) In a school ((e));

- (2) On a school bus ((~~or~~));
- (3) Within one thousand feet of a school bus route stop designated by the school district ((~~or~~));
- (4) Within one thousand feet of the perimeter of the school grounds((~~r~~));
- (5) In a public park ((~~or~~));
- (6) In a public housing project designated by a local governing authority as a drug-free zone;
- (7) On a public transit vehicle((~~r~~)); or
- (8) In a public transit stop shelter

may be punished by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment. The provisions of this section shall not operate to more than double the fine or imprisonment otherwise authorized by this chapter for an offense.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop, in a public park, on a public transit vehicle, ((~~or~~) in a public transit stop shelter, or in a public housing project designated by a local governing authority as a drug-free zone.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, the public park, or the public transit vehicle, or at the school bus route stop or the public transit vehicle stop shelter, or in a public housing project designated by a local governing authority as a drug-free zone at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any ((~~municipal~~)) municipality, school district, county, ((~~or~~)) transit authority engineer, or public housing authority for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school, school bus route stop, public park, ((~~or~~)) public transit vehicle stop shelter, or public housing project designated by a local governing authority as a drug-free zone, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, county, or transit authority has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school, school bus route stop, public park, ((~~or~~)) public transit vehicle stop shelter, or public housing project designated by a local governing authority as a drug-free zone. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, county, ((~~or~~)) transit authority, or public housing authority if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "School" has the meaning under RCW 28A.150.010 or 28A.150.020. The term "school" also includes a private school approved under RCW 28A.195.010;

(2) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system;

(3) "School bus route stop" means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction;

(4) "Public park" means land, including any facilities or improvements on the land, that is operated as a park by the state or a local government;

(5) "Public transit vehicle" means any motor vehicle, street car, train, trolley vehicle, or any other device, vessel, or vehicle which is owned or operated by a transit authority and which is used for the purpose of carrying passengers on a regular schedule;

(6) "Transit authority" means a city, county, or state transportation system, transportation authority, public transportation benefit area, public transit authority, or metropolitan municipal corporation within the state that operates public transit vehicles;

(7) "Stop shelter" means a passenger shelter designated by a transit authority;

(8) "Public housing project" means the same as defined in RCW 35.82.020(9)."

On page 1, line 2 of the title, strike "and 35.82 130" and insert ", 35.82.130, and 69.50.435" and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brumsickle moved that the House not concur in the Senate amendments to House Bill No. 1725.

POINT OF ORDER

Representative Brumsickle: Thank you Mr. Speaker. I would request a ruling on the scope and object on the Senate amendments to House Bill no. 1725.

There being no objection, the House deferred further consideration of House Bill No. 1725 and the bill held it's place on today's calendar.

There being no objection, the House deferred consideration of Engrossed Substitute House Bill No. 1589 and the bill held it's place on the third reading calendar.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5169 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brumsickle moved that the House insists on it position regarding the House amendments to Engrossed Substitute Senate Bill No. 5169 and ask the Senate for a conference thereon.

Representatives Brumsickle and Cole spoke in favor of the motion and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Brumsickle, Radcliff and Cole as Conferees on Engrossed Substitute Senate Bill No. 5169.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5434 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative L. Thomas moved that the House insists on its position regarding the House amendments to Senate Bill No. 5434 and ask the Senate for a conference thereon.

Representatives L. Thomas and Smith spoke in favor of the motion and it was carried.

MOTION

On motion of Representative Talcott, Representatives Mulliken and Reams were excused.

APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives L. Thomas, Smith and Wolfe as Conferees on Senate Bill No. 5434.

MESSAGES FROM THE SENATE

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1630. The President appoints the following members as Conferees:

Senators Pelz, Palmer and Sutherland

and the same is herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821. The President has appointed the following members as Conferees:

Senators Pelz, Newhouse and Kohl

and the same is herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080. The President has appointed the following members as Conferees:

Senators Owen, Prince and Heavey

and the same is herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439:

Senators Hargrove, Long and Kohl

and the same is herewith transmitted.

Marty Brown, Secretary

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Koster moved that the House insists on its position regarding the House amendments to Engrossed Second Substitute Senate Bill No. 5448 and again ask the Senate to concur thereon.

Representative Koster spoke in favor of the motion and it was carried.

MESSAGE FROM THE SENATE

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5616, and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Fuhrman moved that the House insists on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5616 and again asks the Senate to concur thereon.

Representatives Fuhrman and Basich spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1250 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32 RCW to read as follows:

(1)(a) If the worker or beneficiary in a state fund claim prevails in an appeal by any party to the board or the court, the department shall comply with the board or court's order with respect to the payment of compensation within the later of the following time periods:

(i) Sixty days after the compensation order is entered; or

(ii) If, after the order has been entered and the department has, within the period specified in (a)(i) of this subsection, requested the filing by the worker or beneficiary of documents necessary to make payment of compensation, sixty days after all requested documents are filed with the department.

The department may extend the sixty-day time period for an additional thirty days for good cause.

(b) If the department fails to comply with (a) of this subsection, any person entitled to compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for Thurston county.

(2) In a proceeding under this section, the court shall enforce obedience to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders and may award a penalty of up to five hundred dollars to the person entitled to compensation under the order and reasonable costs and attorneys' fees. The court may award an additional penalty of five hundred dollars for each month that payment is not received beyond the time period allowed in subsection (1) of this section.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

NEW SECTION. **Sec. 2.** This act applies to all appeals in state fund claims determined under Title 51 RCW on or after the effective date of this act, regardless of the date of filing of the claim."

On page 1, line 1 of the title, after "awards;" strike the remainder of the title and insert "adding a new section to chapter 51.32 RCW; creating a new section; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Substitute House Bill No. 1250 and ask the Senate to recede therefrom.

MOTION

Representative Romero moved that the House concur in the Senate amendments to Substitute House Bill No. 1250 and pass the bill as amended by the Senate.

The Speaker (Representative Horn presiding) stated the question before the House to be the motion to concur in the Senate amendments to Substitute House Bill No. 1250.

Representatives Romero and Conway spoke in favor of the motion to concur and Representative Lisk spoke against the motion.

The motion to concur in the Senate amendments to Substitute House Bill No. 1250 failed.

The motion to not concur in the Senate amendments to Substitute House Bill No. 1250 was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 5, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1770, with the following amendments:

On page 1, after line 3, insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 18.106 RCW to read as follows: It is the intent of the legislature that the department of labor and industries be authorized to enter into agreements with cities and counties to allow the cities and counties to perform compliance inspections in accordance with the provisions of this chapter. The legislature intends that enforcement responsibilities contained in the chapter remain with the department and not be assumed by the cities and counties."

On page 1, line 14, after "Washington." insert "Nothing in this section prevents the department from entering into similar agreements with other cities and counties regarding compliance inspections by the city or county to enforce this chapter."

On page 1, line 2 of the title, strike "and" and after "18.106.280" insert "; and adding a new section to chapter 18.106 RCW"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Engrossed House Bill No. 1770 and ask the Senate to recede therefrom.

Representative Romero spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010 with the following amendments:

Strike everything after the enacting clause and insert the following:

" **NEW SECTION. Sec. 1.** The legislature finds that the increasing number of inmates incarcerated in state correctional institutions, and the expenses associated with their incarceration, require expanded efforts to contain corrections costs. Cost containment requires improved planning and oversight, and increased accountability and responsibility on the part of both inmates and the department.

The legislature further finds that motivating inmates to participate in meaningful education and work programs in order to learn transferable skills and earn basic privileges is an effective and efficient way to meet the penological objectives of the corrections system.

The purpose of this act is to assist the department in fulfilling its mission, specifically to reduce offender recidivism, to mirror the values of the community by clearly linking inmate behavior to the receipt of privileges, and to prudently manage the resources it receives through the tax dollars of law-abiding citizens. This purpose is accomplished through the implementation of specific cost-control measures and the creation of a planning and oversight process that will improve the department's effectiveness and efficiency.

Sec. 2. RCW 72.09.010 and 1981 c 136 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The system should ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

~~((4))~~ (5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all citizens should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) ~~((Providing tangible rewards for accomplishment.))~~ Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

~~((5))~~ (6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department must be accountable to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since virtually all offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

~~((6))~~ (7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

~~((7))~~ (8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

~~((8))~~ (9) The system should meet those national standards which the state determines to be appropriate.

Sec. 3. RCW 72.09.015 and 1987 c 312 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

~~(1) ("Department" means the department of corrections.~~

~~(2) "Secretary" means the secretary of corrections.~~

~~(3) "County" refers to a county or combination of counties.~~

~~(4))~~ "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication that the secretary determines shall not be allowed to be (a) brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" refers to a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned early release as authorized by RCW 9.94A.150.

(6) "Extended family visit" means an authorized visit between an inmate and a member or members of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and standards.

(8) "Good performance" means successful completion of any program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which is directly linked to the good conduct or good performance of an inmate confined in an institution under the jurisdiction of the department. Privileges do not include any goods or services that the department is required to provide under the state or federal Constitution or under state or federal law.

(11) "Secretary" means the secretary of corrections.

(12) "Work programs" means all classes of correctional industries jobs authorized by RCW 72.09.100.

Sec. 4. RCW 72.09.020 and 1988 c 153 s 7 are each amended to read as follows:

For purposes of this chapter, "inmate" means any person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility ~~((and)),~~ persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

NEW SECTION. Sec. 5. A new section is added to chapter 72.09 RCW to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted from participation under subsection (2) of this section. Eligible inmates who refuse to participate in available education or work programs shall lose inmate privileges according to the system established under RCW 72.09.130. The legislature recognizes that more inmates may agree to participate in education and work programs than are currently available. Accordingly, the department must give priority to placing inmates in available education and work programs who will be most likely to achieve significant personal and public benefit from the programs, and the department must prioritize available resources to work toward the goal of full participation as soon as possible.

(2) The department shall establish, in rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines that an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section. When the department determines that an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical conditions of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(3) The department shall establish, in rule, the standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their educational history, basic skills and literacy level, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the corrections system, are returning to the corrections system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall periodically reassess the basic skills, literacy level, and vocational or work skills of inmates to ensure that they are participating in programming appropriate to their level of academic and technical competency.

(b) Placement. The department shall place inmates in appropriate education and work programs utilizing criteria to evaluate an inmate's likelihood of achieving significant benefit from the programming. The placement criteria shall include at least the following factors:

- (i) An inmate's release date and custody level;
- (ii) An inmate's educational history, basic skills, and literacy level;
- (iii) An inmate's work history, and vocational or work skills;
- (iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and
- (v) Where applicable, an inmate's prior performance in department-approved education or work programs.

(c) Performance and goals. The department shall establish inmate behavior standards and program goals for all education or work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals.

(d) Financial responsibility. The department shall establish a formula by which inmates will pay all or a portion of the costs of participating in community college associate of arts degree programs, baccalaureate degree programs, and postbaccalaureate degree programs, including tuition, books, and fees. The formula will consider the inmates' ability to pay and the department's efforts to maintain a cost-efficient level of enrollment in programs for which it contracts with community colleges. When an inmate voluntarily chooses to participate in a postsecondary education program into which he or she has not been placed by the department under (b) of this subsection, the inmate must pay the full tuition costs of the postsecondary education program charged by the community colleges under contract with the department.

(e) An inmate sentenced to life without the possibility of release may participate in education programs, including English as a second language, adult basic education, general equivalency degree, high school diploma, or any associate, baccalaureate, or post-baccalaureate degree, only if he or she

pays all tuition costs and fees of the program and only if space is available in the program after all other eligible inmates have been offered the opportunity to participate, except that inmates sentenced to life without the possibility of release who require vocational training to participate in a correctional industries job may participate in the vocational training under the same placement, performance, and financial responsibility standards as other inmates.

(4) The department shall coordinate educational and work programming opportunities among its several institutions, to the greatest extent possible, to facilitate continuity of programming for inmates who are transferred between institutions. Prior to transferring inmates enrolled in programs, the department shall consider the effect the transfer will have on an inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit any transfer that is necessary for legitimate safety or security reasons.

(5) Before the construction of any new correctional institution or the expansion of any existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for educational and training purposes in the institution. The plan shall specify how the use of television in the educational and training programs will improve inmates' preparedness for available correctional industries jobs and job opportunities for which inmates may qualify upon release.

Sec. 6. RCW 72.09.130 and 1981 c 136 s 17 are each amended to read as follows:

(1) The department shall adopt, in rule, a system ~~((providing incentives for good conduct and disincentives for poor conduct))~~ that clearly links an inmate's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. The system ~~((may))~~ shall include increases or decreases in the degree of liberty granted the inmate within the programs operated by the department, access to or withholding of privileges available within correctional institutions, and recommended increases or decreases in the number of earned early release days that an inmate can earn for good conduct and good performance.

(2) Earned early release days shall be recommended by the department as a form of tangible reward for accomplishment. The system shall be fair, measurable, and understandable to offenders, staff, and the public. At least once in each twelve-month period, the department shall inform the offender in writing as to his or her conduct and performance. This written evaluation shall include reasons for awarding or not awarding recommended earned early release days for good conduct and good performance. ~~((The term "good performance" as used in this section means successfully performing a work, work training, or educational task to levels of expectation as specified in writing by the department. The term "good conduct" as used in this section refers to compliance with department rules.~~

~~Within one year after July 1, 1981, the department shall adopt, and provide a written description of, the system.)~~ An inmate is not eligible to receive earned early release days during any time in which he or she refuses to participate in an available education or work program into which he or she has been placed by the department pursuant to section 5 of this act.

(3) The department shall provide a ~~((copy of this))~~ written description of the system to each offender in its custody.

NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW to read as follows:

To the greatest extent practical, all inmates shall contribute to the cost of inmate privileges provided by the department. The department shall establish standards by which inmates will pay a significant portion of the department's capital and operating costs of providing all inmate privileges, including but not limited to television cable access, extended family visitation, weight lifting and other recreational sports equipment and supplies, and associated staff supervision costs. Inmate contributions may be in the form of individual user fees assessed against an inmate's institution account, deductions from an inmate's gross wages or gratuities, or inmates' collective contributions to the institutional welfare/betterment fund. The contribution standards shall consider the assets available to inmates, the costs of administering compliance with the contribution requirements, and shall not be unduly destructive of the work ethic.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall adopt in rule a uniform policy that prohibits receipt or possession of anything that is determined to be contraband. The rule shall provide maximum protection of legitimate

penological interests, including prison security and order. The rule shall protect the legitimate interests of the public and inmates in the exchange of ideas. The secretary shall establish a method of reviewing all incoming and outgoing material, consistent with constitutional constraints, for the purpose of confiscating anything determined to be contraband.

NEW SECTION. Sec. 9. A new section is added to chapter 72.09 RCW to read as follows:

(1) The extended family visitation program is a privilege that the department may allow an inmate to participate in only after the superintendent determines an inmate is eligible. All extended family visits must be approved in advance by the superintendent or the superintendent's designee, who may cancel, interrupt, suspend, or terminate any visit for good cause.

(2) The department shall adopt, in rule, standards for participation in the extended family visitation program. The standards shall provide eligible inmates the opportunity, subject to the approval of the superintendent or the superintendent's designee, to maintain relationships with authorized family members, to maintain marriages and relationships that existed prior to incarceration, and to provide an incentive for inmates to maintain positive attitudes and behaviors while incarcerated. The standards shall address at least the following areas:

(a) Eligibility. The eligibility standards for inmates and their proposed visitors shall include at least the following factors for consideration:

(i) An inmate's release date and custody level. An inmate confined in maximum or close custody, in an intensive management unit, or in disciplinary or administrative segregation is not eligible to participate in an extended family visit;

(ii) An inmate's infraction history while incarcerated;

(iii) An inmate's prior criminal offense history;

(iv) The nature of the offense for which the inmate is incarcerated and whether the proposed visitor was a victim of the inmate's offense;

(v) When available, the opinion of a licensed medical practitioner or mental health professional as to the appropriateness of an extended family visit between an inmate and the proposed visitor or visitors;

(vi) The criminal history of the proposed visitor or visitors;

(vii) Where applicable, the conduct of the inmate and the proposed visitor or visitors during prior extended family visits.

(b) Conduct during visits. The department shall establish standards for the conduct of inmates and visitors participating in the extended family visitation program that protect the safety of visitors and preserve the orderly operation of the correctional institution.

Sec. 10. RCW 4.24.130 and 1992 c 30 s 1 are each amended to read as follows:

(1) Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.

(2) An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the department of corrections no less than five days prior to the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate penological goals, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.

(3) The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.

NEW SECTION. Sec. 11. A new section is added to chapter 72.09 RCW to read as follows:

The department may require an offender who obtains an order under RCW 4.24.130 changing his or her name to use the name under which he or she was committed to the department during all

official communications with department personnel and in all matters relating to the offender's incarceration or community supervision. Violation of this section is a misdemeanor.

NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW to read as follows:

(1) Milk and milk products produced by correctional industries shall be consumed or used, to the greatest extent possible, within the correctional system. Milk and milk products surplus to such consumption or use may be sold to local correctional facilities. Raw, bulk milk may be disposed of as prescribed in RCW 72.09.100.

(2) In order for correctional industries to dispose of milk or milk products in a manner other than provided for in subsection (1) of this section, correctional industries shall: (a) Market milk in accordance with the provisions applicable to producers under the federal milk marketing order of the United States department of agriculture, or its successor marketing arrangement; and, (b) dispose of milk and milk products processed by correctional industries as a fully regulated handler under the federal order, or its successor marketing arrangement.

Sec. 13. RCW 72.10.020 and 1989 c 157 s 3 are each amended to read as follows:

(1) The department may develop and implement a health services plan for the delivery of health care services to ~~((inmates))~~ offenders in the department's ~~((custody))~~ correctional facilities, at the discretion of the secretary, and in conformity with state and federal law.

(2) In order to discourage the unwarranted use of health care services caused by unnecessary visits to health care providers, offenders shall participate in the costs of their health care services by paying a nominal amount of no less than three dollars per visit, determined by the secretary. Pursuant to the authority granted in RCW 72.01.050(2), the secretary may authorize the superintendent to collect this amount for health care services directly from an offender's institution account. All copayments collected from offenders' institution accounts shall be deposited into the general fund.

(3) Offenders are required to make copayments for health care visits that are offender initiated. Offenders are not required to pay for emergency treatment or for visits initiated by health care staff or treatment of those conditions that constitute a serious health care need.

(4) No offender may be refused any health care service because of indigence.

(5) At no time shall the withdrawal of funds for the payment of a medical service copayment result in reducing an offender's institution account to an amount less than the defined level of indigency as determined by the department. When an offender's institution account contains less money than the defined level of indigency at the time a copayment is assessed, the assessment shall be recorded as an outstanding debt and may be collected from an offender's institution account at any time sufficient funds become available.

Sec. 14. RCW 72.10.010 and 1989 c 157 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Department" means the department of corrections.

(2) "Health care practitioner" means an individual or firm licensed or certified to actively engage in a regulated health profession.

(3) "Health profession" means ~~((and includes))~~ those licensed or regulated professions set forth in RCW 18.120.020(4).

(4) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, ~~federally approved~~ renal dialysis center or facility ~~((federally approved under 42 CFR 405.2100)), or federally licensed blood bank ((federally licensed under 21 CFR 607)).~~

(5) "Health care services" means ~~((and includes))~~ medical, dental, and mental health care services.

(6) "Secretary" means the secretary of the department of corrections.

(7) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections.

NEW SECTION. Sec. 15. A new section is added to chapter 72.10 RCW to read as follows:

No later than October 1, 1996, and every year thereafter, the department shall report to the legislature the following information for the preceding fiscal year: (1) The total number of health care

visits made by offenders; (2) the total number of copayments assessed; (3) the total dollar amount of copayments collected; (4) the total number of copayments that were not assessed or collected due to an offender's indigence; and (5) the total number of copayments that were not assessed due to the serious or emergent nature of the health care treatment, or because the health care visit was not offender initiated. The first report prepared by the department shall include, at a minimum, all available information collected during the second half of fiscal year 1996.

NEW SECTION. Sec. 16. A new section is added to chapter 72.10 RCW to read as follows: Upon entry into the adult correctional system, offenders shall receive an initial medical examination. The department shall prepare a health profile for each offender that includes at least the following information: (1) An identification of the offender's serious medical and dental needs; (2) an evaluation of the offender's capacity for work and recreation; and (3) a financial assessment of the offender's ability to pay for all or a portion of his or her health care services from personal resources or private insurance.

NEW SECTION. Sec. 17. The department shall adopt rules to implement sections 13 through 16 of this act.

Sec. 18. RCW 72.10.030 and 1989 c 157 s 4 are each amended to read as follows:

(1) Notwithstanding any other provisions of law, the secretary may enter into contracts with health care practitioners, health care facilities, and other entities or agents as may be necessary to provide basic medical care to inmates. The contracts shall not cause the termination of classified employees of the department rendering the services at the time the contract is executed.

(2) In contracting for services, the secretary is authorized to provide for indemnification of health care practitioners who cannot obtain professional liability insurance through reasonable effort, from liability on any action, claim, or proceeding instituted against them arising out of the good faith performance or failure of performance of services on behalf of the department. The contracts may provide that for the purposes of chapter 4.92 RCW only, those health care practitioners with whom the department has contracted shall be considered state employees. The Washington state health care authority shall contract with a private research company to conduct a review of corrections health services to determine if certain components of the health services system such as dental care, eye care, or laboratory work, could be provided more efficiently by contracting out for the services. The review shall be submitted to the legislature by December 1, 1996. The decision to implement any recommendations made in the report regarding contracting out any or all components of the health services system shall be made by the legislature and not by the secretary.

Sec. 19. RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:
~~((a))~~ (i) Is sentenced to a term of total confinement of not less than ~~((twenty-two))~~ sixteen months or more than thirty-six months;
~~((b))~~ (ii) Is ~~((between the ages of))~~ eighteen ~~((and twenty-eight))~~ years of age or older; and
~~((c))~~ (iii) Has no current or prior convictions for any sex offenses or for violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance.

(b) An offender is not eligible to participate in the work ethic camp if the offender is found, at any time, to be an illegal alien or the subject of a hard detainer or deportation order. Any offender who is found to be an illegal alien or becomes the subject of a hard detainer or deportation order after being sentenced to or beginning the work ethic camp shall be immediately removed from the work ethic camp program.

(c) The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. ~~((The court shall also provide that upon~~

~~completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.)~~ In sentencing an offender to the work ethic camp, the court shall specify: (i) That upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement; (ii) the applicable conditions of supervision on community custody status as authorized by RCW 9.94A.120(8)(b) and (c); and (iii) which conditions, if violated, may result in a return to total confinement for the balance of the offender's remaining time of confinement. The department may identify offenders who are eligible for the work ethic camp and, with concurrence from the sentencing judge, may refer the offender to the work ethic camp and adjust time served and community custody requirements as prescribed in this section.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless (a) the department determines that the offender has physical or mental impairments that would prevent participation and completion of the program, (b) the department determines that the offender's custody level prevents placement in the program, or (c) the offender refuses to agree to the terms and conditions of the program.

~~((4))~~ (5) An ~~((inmate))~~ offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

~~((5) The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.)~~

(6) During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

Sec. 20. RCW 9.94A.120 and 1994 c 1 s 2 (Initiative Measure No. 593) and 1993 c 31 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except in the case of an offender in need of emergency medical treatment or for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a

facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

- (A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and
- (B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community

corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (III) Report as directed to the court and a community corrections officer;
- (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
- (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) Except as provided in (a)(vii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(vii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (7) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (7) and the rules adopted by the department of health.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the

location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall

consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances;

(v) The offender shall pay supervision fees as determined by the department of corrections; and

(vi) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol; or

(v) The offender shall comply with any crime-related prohibitions.

(d) As a part of any sentence providing for conversion from total confinement to community custody pursuant to RCW 9.94A.137(2) after successful completion of a work ethic camp program, the court shall impose and enforce the conditions enumerated in (b) of this subsection and may order any of the special conditions enumerated in (c) of this subsection, including a prohibition against new felony convictions. The court shall specify which of the conditions, if violated, may result in a return to total confinement for the balance of the offender's remaining term of confinement.

(e) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees,

agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment. The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(13) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(14) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(15) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(16) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(17) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(18) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(19) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

NEW SECTION. Sec. 21. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall establish an illegal alien offender transition camp and be ready to assign inmates to the camp no later than July 1, 1996. The secretary shall locate the illegal alien offender transition camp within an already existing department compound or facility.

(2) The department shall develop all aspects of the illegal alien offender transition camp program including, but not limited to, residential arrangements, program standards, conduct standards, individual and team work goals, and measures to hold the offender accountable for his or her behavior. The secretary shall define successful completion of the program, based on successful attendance, participation, and performance. The illegal alien offender transition camp shall be designed and implemented so that offenders are engaged in work activities and unstructured time is

kept to a minimum. The standards for work performance, physical work activities, and offenders' rights and responsibilities shall be equivalent to those of the work ethic camp for general inmates.

NEW SECTION. Sec. 22. A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible to be sentenced to an illegal alien offender transition camp if the offender:

(a) Is an illegal alien who can be released to the United States immigration and naturalization service for deportation at the time of the offender's release from the camp;

(b) Is sentenced to a term of total confinement of not less than sixteen or more than thirty-six months;

(c) Is eighteen years of age or older;

(d) Has no current or prior convictions for any sex offenses or violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance; and

(e) Agrees in writing as required by subsection (5) of this section to the terms and conditions for participation.

(2) The length of the illegal alien offender transition camp program shall be at least one hundred twenty days and not more than one hundred eighty days.

(3) If the sentencing judge determines that an offender is potentially eligible for the illegal alien offender transition camp and is likely to meet the requirements of subsection (6) of this section, the judge shall impose a sentence of total standard confinement within the standard range and shall recommend that the offender serve the sentence at an illegal alien offender transition camp. The sentence shall provide that the offender shall serve one day in the transition camp for every three days of total standard confinement. In sentencing an offender to the illegal alien offender transition camp, the court shall specify that: (a) Upon completion of the illegal alien offender transition camp program, the offender shall be released within ten days to the custody of the immigration and naturalization service to be deported to his or her native country; and (b) in the event an offender cannot be released to the custody of the immigration and naturalization service within ten days, the department may detain the offender in the illegal alien offender transition camp for up to sixty days.

(4) The department may identify offenders under its jurisdiction who are or become eligible for the illegal alien offender transition camp and, with concurrence from the sentencing judge and the prosecuting attorney, may refer the offenders to the illegal alien offender transition camp and adjust time served as prescribed in subsection (2) of this section.

(5) The department shall notify the immigration and naturalization service of all suspected illegal alien offenders under its jurisdiction and request that the immigration and naturalization service begin deportation proceedings as expeditiously as possible. The department, in cooperation with the immigration and naturalization service, shall seek accelerated hearings for all suspected illegal aliens under its jurisdiction to facilitate their removal from the country upon their release by the department as soon as possible.

(6) An illegal alien offender who meets the eligibility requirements of subsection (1)(a) through (d) of this section shall be informed by the sentencing court or the department of his or her potential for participating in the illegal alien offender transition camp. The terms and conditions of the illegal alien offender transition camp shall be provided to the illegal alien offender, both verbally and in writing, in his or her native language. An illegal alien offender must agree in writing to the terms and conditions of the illegal alien offender transition camp at the time of sentencing or at the time of transfer to the camp.

NEW SECTION. Sec. 23. A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary shall establish, at each institution with an inmate population of more than one hundred, a corrections advisory team. The team shall consist of two representatives from management personnel, two representatives from personnel represented by an exclusive bargaining unit selected by those personnel, and not more than three persons from among the education or work programs operating within the institution. The secretary shall invite other groups to select a representative to serve on the team, including but not limited to the following:

(a) The superior court judges in the county in which the institution is located;

(b) The prosecuting attorney for the county in which the institution is located;

(c) An organization whose primary purpose is legal representation of persons accused or convicted of crimes;

- (d) A sheriff or police chief whose jurisdiction includes or is in close proximity of the institution; and
 - (e) An organization whose primary purpose is advocacy of the interests of crime victims.
- (2) The team shall have the following duties:
- (a) Review existing or proposed work and education programs for the purpose of commenting on the program's cost-effectiveness and impact on recidivism;
 - (b) Suggest revisions in existing, or addition of new, programs in the institution; and
 - (c) Identify cost-saving opportunities in institution operations.
- (3) The superintendent of each institution identified in this section shall annually prepare a report to the secretary on the work of the team in his or her institution. The report shall include the superintendent's response to recommendations made by the team. The secretary shall collect and forward the reports to the legislature not later than December 1 of each year, together with such recommendations as the secretary finds appropriate.
- (4) The secretary shall provide reasonably necessary support, within available funds, for the teams to carry out their duties under this section.
- (5) Members of a team shall be eligible for travel expenses and per diem under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 24. A new section is added to chapter 72.09 RCW to read as follows:

- (1) There is hereby created a joint committee on corrections cost-efficiencies oversight. The committee shall consist of: (a) Two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party; and (b) two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party.
- (2) The committee shall elect a chair and a vice-chair. The chair shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years.
- (3) The committee shall have the following powers and duties:
- (a) Review all reports required under section 29 of this act;
 - (b) Review all reports and recommendations submitted by the corrections advisory teams under section 23 of this act;
 - (c) Initiate or review studies relevant to the issues of corrections cost-efficiencies and programmatic improvements;
 - (d) Review all rules proposed by the department of corrections to ensure consistency with the purpose of chapter . . . , Laws of 1995 (this act);
 - (e) Periodically make recommendations to the legislature and the governor regarding corrections cost-efficiencies and programmatic improvements; and
 - (f) By December 1, 1996, report to the legislature on the amount of actual and projected cost savings within the department during the 1995-97 biennium and report its further recommendations to address expenditure growth in the department.
- (4) The joint committee on corrections oversight shall terminate on July 1, 1997.

NEW SECTION. Sec. 25. The legislature finds that the responsibility for criminal activity should fall squarely on the criminal. To the greatest extent possible society should not be expected to have to pay the price for crimes twice, once for the criminal activity and again by feeding, clothing, and housing the criminal. The corrections system should be the first place criminals are given the opportunity to be responsible for paying for their criminal act, not just through the loss of their personal freedom, but by making financial contributions to alleviate the pain and suffering of victims of crime.

NEW SECTION. Sec. 26. A new section is added to chapter 72.09 RCW to read as follows:
Each year the department shall transfer twenty-five percent of the total annual revenues and receipts received in each institutional betterment fund subaccount to the department of labor and industries for the purpose of providing direct benefits to crime victims through the crime victims' compensation program as outlined in chapter 7.68 RCW. This transfer takes priority over any expenditure of betterment funds and shall be reflected on the monthly financial statements of each institution's betterment fund subaccount.

Any funds so transferred to the department of labor and industries shall be in addition to the crime victims' compensation amount provided in an omnibus appropriation bill. It is the intent of the legislature that the funds forecasted or transferred pursuant to this section shall not reduce the funding levels provided by appropriation.

Sec. 27. RCW 7.68.090 and 1973 1st ex.s. c 122 s 9 are each amended to read as follows:

The director shall establish such fund or funds, separate from existing funds, necessary to administer this chapter, and payment to these funds shall be from legislative appropriation, statutory provision, reimbursement and subrogation as provided in this chapter, and from any contributions or grants specifically so directed.

Sec. 28. RCW 43.17.200 and 1983 c 204 s 4 are each amended to read as follows:

All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art created by Washington state artists. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses, or other buildings of a temporary nature.

NEW SECTION. **Sec. 29.** The department of corrections shall conduct the following reviews and prepare the following reports:

(1) The secretary shall review the feasibility and desirability of reducing the use of paid educational and vocational instructors by increasing the use of volunteer instructors and implementing technological efficiencies. Upon completion of the review, the secretary shall submit a report of the secretary's findings and recommendations to the legislature and the joint committee on corrections cost-efficiencies oversight by December 1, 1995.

(2) The secretary shall seek federal funding for the incarceration of undocumented felons. The secretary shall also pursue amendments to the federal transfer treaty program to facilitate deportation of undocumented alien offenders, specifically current treaties that require voluntary participation by the offender and loss of jurisdiction by the sending agency. The secretary shall seek enforcement of and pursue amendments to current federal sanctions for alien reentry, specifically amendments to the allowance of at least two prior felony convictions and at least two prior deportations before indictment for reentry is considered. The secretary shall submit a report on the secretary's progress to the legislature and the joint committee on corrections cost-efficiencies oversight by December 1, 1995.

(3) The secretary shall review current perimeter security technologies and designs that could minimize or eliminate the need for staffed perimeter guard towers at medium and maximum custody correctional institutions. Upon completion of the review, the secretary shall submit a report to the legislature and the joint committee on corrections cost-efficiencies oversight on the secretary's findings and recommendations by December 1, 1995.

(4) The secretary shall review the feasibility and desirability of implementing a "hot bunking" or "stacking" system that would allow prison beds to be used on a rotational basis. The review shall include at least the following: (a) A fiscal analysis of the capital and operating costs of implementing a twelve-hour scheduled rotation where each prison cell and bed could be used by multiple inmates; and (b) an analysis of how the department would address safety issues that might arise from a rotation system that increases the amount of time inmates would spend out of their cells. Upon completion of the review, the secretary shall submit a report to the legislature and the joint committee on corrections cost-efficiencies oversight on the secretary's findings and recommendations by December 1, 1995.

NEW SECTION. **Sec. 30.** The department shall cooperate in the preparation of the following reviews and reports:

(1) The legislative budget committee shall review staffing ratios within the department. The review shall identify the ratio of management to nonmanagement staff and the distribution of management and nonmanagement staff throughout each of the department's divisions, institutions, and programs. Upon completion of the review, the legislative budget committee shall submit a report of its findings and recommendations to the legislature and the advisory team by December 1, 1995. If specific funding for the purpose of this subsection is not provided by June 30, 1995, in the omnibus appropriations act, this section is null and void.

(2) The office of the state auditor shall review the department's budgeting process and operating budget request to the governor for the 1995-97 biennium. Upon completion of the review, the office of the state auditor shall submit a report of its findings and recommendations to the legislature and the advisory team by December 1, 1995. If specific funding for the purpose of this subsection is not provided by June 30, 1995, in the omnibus appropriations act, this section is null and void.

(3) The correctional industries board of directors and the secretary shall jointly review all current and proposed education and vocational training programs provided by the department. The review shall identify whether the curriculum corresponds to current and proposed correctional industries jobs and whether the curriculum teaches skills relevant to employment opportunities inmates may qualify for after they are released. Upon completion of the review, the board and the secretary shall submit a joint report of their findings and recommendations to the legislature and the secretary by December 1, 1995.

(4) The correctional industries board of directors shall review the feasibility and desirability of establishing a recreational, health, and fitness program that employs inmates to support department recreational, health, and fitness activities. Upon completion of the review, the board shall submit a report of its findings and recommendations to the legislature and the secretary by December 1, 1995.

(5) The department of transportation shall review the feasibility and desirability of privatizing the department of corrections marine transportation fleet, operation, or both. The review shall include a comparison of department employee salaries with equivalent private marine positions salaries. Upon completion of the review, the department of transportation shall submit a report of its findings and recommendations to the legislature and the advisory team by December 1, 1995.

(6) The office of financial management and the department of general administration shall jointly review the food planning model developed by the department of corrections for possible extrapolation to a uniform, state-wide planning, purchasing, and distribution of food and food products for state institutions, including but not limited to prisons, juvenile correctional institutions, and state hospitals. Upon completion of the review, the office of financial management and the department of general administration shall submit a joint report of their findings and recommendations to the legislature and the advisory team by December 1, 1995.

(7) The printing and duplicating management center in the department of general administration shall review the feasibility and desirability of establishing as a class II correctional industry within one or more correctional institutions, a print shop and printers apprenticeship program. Upon completion of the review, the center shall submit a report of its findings and recommendations to the legislature and the secretary by December 1, 1995.

NEW SECTION. Sec. 31. This act shall be known as the department of corrections cost-efficiency and inmate responsibility and accountability omnibus act.

NEW SECTION. Sec. 32. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 33. If specific funding for the purpose of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "corrections;" strike the remainder of the title and insert "amending RCW 72.09.010, 72.09.015, 72.09.020, 72.09.130, 4.24.130, 72.10.020, 72.10.010, 72.10.030, 9.94A.137, 7.68.090, and 43.17.200; reenacting and amending RCW 9.94A.120; adding

new sections to chapter 72.09 RCW; adding new sections to chapter 72.10 RCW; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Ballasiotes moved that the House not concur in the Senate amendments to Engrossed Second Substitute House Bill No. 2010 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Ballasiotes, Schoesler and Quall as Conferees on Engrossed Second Substitute House Bill No. 2010.

There being no objection, all bills passed today will be immediately transmitted to the Senate.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5162 and asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

On motion of Representative Carlson, the rules were suspended and Substitute Senate Bill No. 5162 was returned to second reading for the purpose of an amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5162, by Senate Committee on Higher Education (originally sponsored by Senators Bauer, Oke, Snyder, Hargrove, Haugen, Kohl, C. Anderson and Winsley)

Changing the Vietnam veterans' tuition exemption.

The bill was read the second time.

Representative Carlson moved adoption of the following amendment by Representative Carlson:

Strike everything after the enacting clause, set aside all previous amendments to the bill, and insert the following:

"**Sec. 1.** RCW 28B.15.620 and 1994 c 208 s 1 are each amended to read as follows:

(1) The legislature finds that military and naval veterans who have served their country in wars on foreign soil have risked their own lives to defend both the lives of all Americans and the freedoms that define and distinguish our nation. The legislature also finds that veterans of the Vietnam conflict suffered during and after the war as the country anguished over its involvement in the conflict. It is the intent of the legislature to honor Vietnam veterans for the public service they have provided to their country. It is the further intent of the legislature that, for eligible Vietnam veterans, colleges and universities waive tuition and fee increases that have occurred since October 1, 1977.

(2) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Vietnam conflict who have served in the southeast Asia theater of operations from the payment of all or a portion of any increase in tuition and fees that occur after October 1, 1977, if the veteran qualifies as a resident student under RCW 28B.15.012(~~(, was enrolled in state institutions of higher education on or before May 7, 1990, and meets the requirements of subsection (2) of this section)~~).

~~((2) Beginning with the fall academic term of 1994, veterans receiving the exemption under subsection (1) of this section must meet these additional requirements:~~

~~(a) Remain continuously enrolled for seven or more quarter credits per academic term or their equivalent, except summer term and not including community service courses;~~

~~(b) Have an adjusted gross family income as most recently reported to the internal revenue service that does not exceed Washington state's median family income as established by the federal bureau of the census; and~~

~~(c) Have exhausted all entitlement to federal vocational or educational benefits conferred by virtue of their military service.)~~

(3) For the purposes of this section, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or ~~((naval))~~ naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975.

(4) This section shall expire June 30, ~~((1997))~~ 1999."

On page 1, line 1 of the title, after "veterans;" strike the remainder of the title and insert "and amending RCW 28B.15.620."

Representatives Carlson and Jacobsen spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Representative Talcott, Representative Lambert was excused.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5162 as amended by the House.

Representative Carlson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5162 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Foreman, Lambert and Patterson - 4.

Substitute Senate Bill No. 5162, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5121 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House deferred further consideration of Engrossed Substitute Senate Bill No. 5121 and the bill held it's place on today's calendar.

MESSAGE FROM THE SENATE

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5157 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Fuhrman, the rules were suspended and Second Substitute Senate Bill No. 5157 was returned to second reading for the purpose of an amendment.

Representatives Fuhrman and Hatfield spoke in favor of the motion and it was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5157, by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Drew, Sutherland, Hargrove, Oke and Haugen)

Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon.

The bill was read the second time.

Representative Fuhrman moved adoption of the following amendment by Representative Fuhrman:

On page 1, after line 14, insert the following:
"The legislature further declares that the establishment of other incentives for commercial fishing and fish processing in Washington will complement the program of selective harvest in mixed stock fisheries anticipated by this legislation."

On page 2, after line 28, insert the following:

"**Sec. 4.** RCW 82.27.010 and 1985 c 413 s 1 are each amended to read as follows:
As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Enhanced food fish" includes all species of food fish, except all species of tuna, mackerel, and jack; shellfish⁽⁷⁾; and anadromous game fish, including byproducts and parts thereof, originating within the territorial and adjacent waters of Washington and salmon originating from within the territorial and adjacent waters of Oregon, Washington, and British Columbia, and all troll-caught Chinook salmon originating from within the territorial and adjacent waters of southeast Alaska. As used in this subsection, "adjacent" waters of Oregon, Washington, and Alaska are those comprising the United States fish conservation zone; "adjacent" waters of British Columbia are those comprising the Canadian two hundred mile exclusive economic zone; and "southeast Alaska" means that portion of Alaska south and east of Cape Suckling to the Canadian border. For purposes of this chapter, point of origination is established by a document which identifies the product and state or province in which it originates, including, but not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

(2) "Commercial" means related to or connected with buying, selling, bartering, or processing.

(3) "Possession" means the control of enhanced food fish by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the enhanced food fish.

(4) "Anadromous game fish" means steelhead trout and anadromous cutthroat trout and Dolly Varden char and includes byproducts and also parts of anadromous game fish, whether fresh, frozen, canned, or otherwise.

(5) "Landed" means the act of physically placing enhanced food fish (a) on a tender in the territorial waters of Washington; or (b) on any land within or without the state of Washington including wharves, piers, or any such extensions therefrom."

On page 1, line 2 of the title, after "salmon;" insert "amending RCW 82.27.010;"

Representative Fuhrman spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fuhrman and Basich spoke in favor of passage of the bill.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5157 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5157 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Foreman, Lambert and Patterson - 4.

Second Substitute Senate Bill No. 5157, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5011 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Buck moved that the House grant the request for a conference on Engrossed Senate Bill No. 5011.

Representatives Buck and Basich spoke in favor of the motion and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Buck, Beeksma and Sheldon as Conferees on Engrossed Senate Bill No. 5011.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

The Speaker called on Representative Horn to preside.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.70 RCW to read as follows:
QUALITY ASSURANCE--INTERAGENCY COOPERATION--ELIMINATION AND COORDINATION OF DUPLICATE STATE PROGRAMS. No later than July 1, 1995, the department of health together with the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities. By December 31, 1996, the group shall review all state agency programs governing health service quality assurance and shall recommend to the legislature, the consolidation, coordination, or elimination of rules and programs that would be made unnecessary pursuant to the development of a uniform quality assurance and improvement program.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:
No public or private health care payer subject to the jurisdiction of the state of Washington shall propose, issue, sign, or renew a provider agreement or enrollee service agreement that contains a clause whose effect, in any way, is to disclaim liability for the care delivered or not delivered to an enrollee because of a decision of the payer as to whether the care was a covered service, medically necessary, economically provided, medically appropriate, or similar consideration. Similarly, no clause shall attempt to shift liability for harm caused by such payer decision as to whether care should be delivered, as opposed to paid for, is between the provider and patient alone as if the fact of whether or not care is paid for played little or no role in a patient's decision to obtain care. Nothing in this section shall be inferred to result in liability to anyone for the payer's payment decisions that are consistent with the language of the applicable service agreement or consistent with the cost-effective delivery of health care. The intent of this section is only to prevent payers from shifting their liability for payment decisions to either providers, or enrollees, or both.

NEW SECTION. Sec. 3. MANAGED COMPETITION--FINDINGS AND INTENT. (1)
The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health care plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health carriers face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter that might otherwise be constrained by such laws and intends to displace competition in the health care market: To contain the aggregate cost of health care services; to promote the development

of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness; to assure universal access to a publicly determined, standard package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter 492, Laws of 1993, by any person or entity created or regulated by chapter 492, Laws of 1993, are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with section 4 of this act or under rules adopted pursuant to chapter 492, Laws of 1993, does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements:

(a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services;

(b) Among health carriers as to the price or level of reimbursement for health care services;

(c) Among health carriers to boycott a group or class of health care service providers;

(d) Among purchasers of health plans to boycott a particular carrier or class of carriers;

(e) Among health carriers to divide the market for health care coverage; or

(f) Among health carriers and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a health carrier based upon the perceived or actual risk of loss in including such resident or group of residents in a health carrier or subscriber purchasing group.

NEW SECTION. Sec. 4. MANAGED COMPETITION--COMPETITIVE OVERSIGHT--ATTORNEY GENERAL DUTIES--ANTI-TRUST IMMUNITY. (1) A health carrier, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or health plans may request, in writing, that the insurance commissioner obtain an informal opinion from the attorney general as to whether particular conduct is lawful under federal and state anti-trust and similar statutes. Trade secret or proprietary information contained in a request for informal opinion shall be identified as such and shall not be disclosed other than to an authorized employee of the insurance commissioner or attorney general without the consent of the party making the request, except that information in summary or aggregate form and market share data may be contained in the informal opinion issued by the attorney general. The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the attorney general for good cause shown. If the attorney general concludes that such conduct is not lawful, the person or organization making the request may petition the commissioner for review and approval of such conduct in accordance with subsection (3) of this section.

(2) After obtaining the written opinion of the attorney general and subject to the approval of the attorney general, the insurance commissioner:

(a) May authorize conduct by a health carrier, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of health care reform and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and health carriers including rules governing provider and facility contracts with health carriers, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that health carriers offering managed care health plans in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with the carrier including the ability of providers to meet and communicate for the purposes of these negotiations; and

(d) Shall adopt rules governing cooperative activities among health care facilities and providers.

(3) A health carrier, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health services or health plans may file a written petition with the insurance commissioner requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the insurance commissioner. Trade secret or proprietary information contained in a written petition shall be identified as such and shall not be disclosed other than to an authorized employee of the commissioner or the attorney general without the consent of the party filing the written petition, except that information in summary or aggregate form and market share data may be contained in the written decision issued by the commissioner.

Subject to the approval of the attorney general, the insurance commissioner shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the commissioner for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4)(a) In authorizing conduct and adopting rules of conduct under this section, the insurance commissioner with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

(i) Enhancement of the quality of health services to consumers;
(ii) Gains in cost-efficiency of health services;
(iii) Improvements in utilization of health services and equipment;
(iv) Avoidance of duplication of health services resources; or
(v) And as to (a) (ii) and (iii) of this subsection: (A) Facilitates the exchange of information relating to performance expectations; (B) simplifies the negotiation of delivery arrangements and relationships; and (C) reduces the transactions costs on the part of health carriers and providers in negotiating more cost-effective delivery arrangements.

(b) These benefits must outweigh disadvantages including and not limited to:
(i) Reduced competition among health carriers, health care providers, or health care facilities;
(ii) Adverse impact on quality, availability, or price of health care services to consumers; or
(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the insurance commissioner shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the insurance commissioner shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The commissioner shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the commissioner that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. Subject to the advice and approval of the attorney general, the commissioner may determine that the likely benefits of any conduct approved through rule, petition, or otherwise by the commissioner no longer outweigh the disadvantages attributable to potential reduction in competition and the commissioner shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the commissioner shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in this act is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW.

NEW SECTION. Sec. 5. RCW 70.170.080 and 1993 sp.s. c 24 s 925, 1991 sp.s. c 13 s 71, & 1989 1st ex.s. c 9 s 508 are each repealed.

NEW SECTION. Sec. 6. If specific funding through the health services account to continue the comprehensive hospital abstract reporting system is not provided by June 30, 1995, in the omnibus appropriations act, section 5 of this act is null and void.

NEW SECTION. Sec. 7. CAPTIONS. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 8. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. EMERGENCY CLAUSE--EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "assurance;" strike the remainder of the title and insert "adding a new section to chapter 43.70 RCW; adding a new section to chapter 48.43 RCW; creating new sections; repealing RCW 70.170.080; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Dyer moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1589 and ask the Senate to recede therefrom.

Representative Dyer spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1144 with the following amendments:

On page 3, line 14, after "implanting" insert "in their own animals"

On page 3, line 18, after "veterinarian" insert ";
(10) The implanting of any electronic device by a public fish and wildlife agency for the identification of fish or wildlife"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dyer moved that the House concur in the Senate amendments to Substitute House Bill No. 1144 and pass the bill as amended by the Senate.

Representative Dyer spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1144 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1144 as amended by the Senate, and the bill passed the House by the following vote: 1205 Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1144, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1205 with the following amendments:

On page 3, after line 13, insert the following:

" **Sec. 2.** RCW 18.64.011 and 1989 1st ex.s. c 9 s 412 are each amended to read as follows: Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) "Board" means the Washington state board of pharmacy.

(3) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(4) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

(5) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.

(6) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(7) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(8) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(9) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(11) "Practice of pharmacy" includes the practice of and responsibility for: Interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(12) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(15) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(16) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(17) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(18) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(19) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(20) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

(21) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(22) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(23) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(25) "Department" means the department of health.

(26) "Secretary" means the secretary of health or the secretary's designee.

(27) "Health care entity" means an organization that provides health care services in a setting that is not otherwise licensed by the state. Health care entity includes a free-standing outpatient

surgery center, a free-standing cardiac care center, or a kidney dialysis center. It does not include an individual practitioner's office or a multipractitioner clinic.

NEW SECTION. Sec. 3. A new section is added to chapter 18.64 RCW to read as follows:

(1) In order for a health care entity to purchase, administer, dispense, and deliver legend drugs, the health care entity must be licensed by the department.

(2) In order for a health care entity to purchase, administer, dispense, and deliver controlled substances, the health care entity must annually obtain a license from the department in accordance with the board's rules.

(3) The receipt, administration, dispensing, and delivery of legend drugs or controlled substances by a health care entity must be performed under the supervision or at the direction of a pharmacist.

(4) A health care entity may only administer, dispense, or deliver legend drugs and controlled substances to patients who receive care within the health care entity and in compliance with rules of the board. Nothing in this subsection shall prohibit a practitioner, in carrying out his or her licensed responsibilities within a health care entity, from dispensing or delivering to a patient of the health care entity drugs for that patient's personal use in an amount not to exceed seventy-two hours of usage.

NEW SECTION. Sec. 4. A new section is added to chapter 18.64 RCW to read as follows:

(1) The owner of a health care entity shall pay an original license fee to be determined by the secretary, and annually thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which he or she shall receive a license of location, which shall entitle the owner to purchase legend drugs or controlled substances at the location specified for the period ending on a date to be determined by the secretary. A declaration of ownership and location filed with the department under this section shall be deemed presumptive evidence of ownership of the health care entity.

(2) The owner shall immediately notify the department of any change of location or ownership in which case a new application and fee shall be submitted.

(3) It shall be the duty of the owner to keep the license of location or the renewal license properly exhibited in the health care entity.

(4) Failure to comply with this section is a misdemeanor and each day that the failure continues is a separate offense.

(5) In the event that a license fee remains unpaid after the date due, no renewal or new license may be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

Sec. 5. RCW 18.64.165 and 1989 1st ex.s. c 9 s 404 and 1989 c 352 s 4 are each reenacted and amended to read as follows:

The board shall have the power to refuse, suspend, or revoke the license of any manufacturer, wholesaler, pharmacy, shopkeeper, itinerant vendor, peddler, poison distributor, health care entity, or precursor chemical distributor upon proof that:

(1) The license was procured through fraud, misrepresentation, or deceit;

(2) The licensee has violated or has permitted any employee to violate any of the laws of this state or the United States relating to drugs, controlled substances, cosmetics, or nonprescription drugs, or has violated any of the rules and regulations of the board of pharmacy or has been convicted of a felony.

NEW SECTION. Sec. 6. A new section is added to chapter 18.64 RCW to read as follows:

Every proprietor or manager of a health care entity shall keep readily available a suitable record of drugs, which shall preserve for a period of not less than two years the record of every drug used at such health care entity. The record shall be maintained either separately from all other records of the health care entity or in such form that the information required is readily retrievable from ordinary business records of the health care entity. All record-keeping requirements for controlled substances must be complied with. Such record of drugs shall be for confidential use in the health care entity, only. The record of drugs shall be open for inspection by the board of pharmacy, who is authorized to enforce chapter 18.64, 69.41, or 69.50 RCW.

Sec. 7. RCW 18.64.255 and 1984 c 153 s 14 are each amended to read as follows:

Nothing in this chapter shall operate in any manner:

(1) To restrict the scope of authorized practice of any practitioner other than a pharmacist, duly licensed as such under the laws of this state. However, a health care entity shall comply with all state and federal laws and rules relating to the dispensing of drugs and the practice of pharmacy; or

(2) In the absence of the pharmacist from the hospital pharmacy, to prohibit a registered nurse designated by the hospital and the responsible pharmacist from obtaining from the hospital pharmacy such drugs as are needed in an emergency: PROVIDED, That proper record is kept of such emergency, including the date, time, name of prescriber, the name of the nurse obtaining the drugs, and a list of what drugs and quantities of same were obtained; or

(3) To prevent shopkeepers, itinerant vendors, peddlers, or salesmen from dealing in and selling nonprescription drugs, if such drugs are sold in the original packages of the manufacturer, or in packages put up by a licensed pharmacist in the manner provided by the state board of pharmacy, if such shopkeeper, itinerant vendor, salesman, or peddler shall have obtained a registration."

On page 1, line 1 of the title, strike "and"

On page 1, line 1 of the title, before the period insert ", 18.64.011 and 18.64.255; reenacting and amending RCW 18.64.165; and adding new sections to chapter 18.64 RCW"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dyer moved that the House concur in the Senate amendments to Substitute House Bill No. 1205 and pass the bill as amended by the Senate.

Representative Dyer spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1205 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1205 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1205, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1383 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 56.24.205 and 1987 c 449 s 8 are each amended to read as follows:

When there is unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to two ~~((sewer districts or contiguous to a sewer district and a water))~~ municipal corporations providing sewer service, one of which is either a sewer or water district, the ~~((board of commissioners of one))~~ legislative authority of either of the ~~((districts))~~ contiguous municipal corporations may resolve to annex such territory to that ~~((district))~~ municipal corporation, provided a majority of the ~~((board of commissioners))~~ legislative authority of the other ~~((sewer or water district))~~ contiguous municipal corporation concurs. The ~~((district))~~ municipal corporation resolving to annex such territory may proceed to effect the annexation by complying with RCW 56.24.180 through 56.24.200. For purposes of this section, "municipal corporation" means a water district, sewer district, city, or town.

Sec. 2. RCW 57.24.210 and 1987 c 449 s 17 are each amended to read as follows:

When there is unincorporated territory containing less than one hundred acres and having at least eighty percent of the boundaries of such area contiguous to two ~~((water districts or contiguous to a water district and a sewer))~~ municipal corporations providing water service, one of which is either a water or sewer district, the ~~((board of commissioners of one))~~ legislative authority of either of the ~~((districts))~~ contiguous municipal corporations may resolve to annex such territory to that ~~((district))~~ municipal corporation, provided a majority of the ~~((board of commissioners))~~ legislative authority of the other ~~((water or sewer district))~~ contiguous municipal corporation concurs. In such event, the ~~((district))~~ municipal corporation resolving to annex such territory may proceed to effect the annexation by complying with RCW 57.24.170 through 57.24.190. For purposes of this section, "municipal corporation" means a water district, sewer district, city, or town.

NEW SECTION. **Sec. 3.** A new section is added to chapter 35.13 RCW to read as follows:

Nothing in this chapter precludes or otherwise applies to an annexation by a city or town of unincorporated territory as authorized by RCW 56.24.180, 56.24.200, and 56.24.205, or RCW 57.24.170, 57.24.190, and 57.24.210.

NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.14 RCW to read as follows:

Nothing in this chapter precludes or otherwise applies to an annexation by a code city of unincorporated territory as authorized by RCW 56.24.180, 56.24.200, and 56.24.205, or RCW 57.24.170, 57.24.190, and 57.24.210."

On page 1, line 2 of the title, after "service;" strike the remainder of the title and insert "amending RCW 56.24.205 and 57.24.210; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House concur in the Senate amendments to Substitute House Bill No. 1383 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1383 as amended by the Senate.

Representative Reams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1383 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1383, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1387 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.108.040 and 1991 c 3 s 255 are each amended to read as follows:

It shall be unlawful to advertise the practice of massage using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the secretary as a massage practitioner or without printing in display advertisement the license number of the massage practitioner. Any person who holds a license to practice as a massage practitioner in this state may use the title "licensed massage practitioner" and the abbreviation "L.M.P.". No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

Sec. 2. RCW 18.108.085 and 1991 c 3 s 259 are each amended to read as follows:

- (1) In addition to any other authority provided by law, the secretary may:
 - (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to implement this chapter;
 - (b) Set all license, examination, and renewal fees in accordance with RCW 43.70.250;
 - (c) Establish forms and procedures necessary to administer this chapter;
 - (d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure; and
 - (e) Hire clerical, administrative, and investigative staff as necessary to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the disciplining of persons under this chapter. The secretary shall be the disciplining authority under this chapter.

(3) Any license issued under this chapter to a person who is or has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall automatically be revoked by the secretary upon receipt of a certified copy of the court documents reflecting such conviction. No further hearing or procedure is required, and the secretary has no discretion with regard to the revocation of the license. The revocation shall be effective even though such conviction may be under appeal, or the time period for such appeal has not elapsed. However, upon presentation of a final appellate decision overturning such conviction or upon completion of a prostitution prevention and intervention program under sections 7 through 15 of this act, the license shall be reinstated, unless grounds for disciplinary action have been found pursuant to chapter 18.130 RCW. Unless an applicant demonstrates that he or she has completed a prostitution prevention and intervention program under sections 7 through 15 of this act, no license may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within the eight years immediately preceding the date of application. For purposes of this subsection, "convicted" does not include a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence, but does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(4) The secretary shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure under this chapter, with the result of each application.

NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW to read as follows:
RCW 18.108.085 shall govern the issuance and revocation of licenses issued or applied for under chapter 18.108 RCW to or by persons convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances.

Sec. 4. RCW 35.21.692 and 1991 c 182 s 1 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a city or town license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The city or town may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city or town and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

Sec. 5. RCW 35A.82.025 and 1991 c 182 s 2 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a city license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The city may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same city and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

Sec. 6. RCW 36.32.122 and 1991 c 182 s 3 are each amended to read as follows:

(1) A state licensed massage practitioner seeking a county license to operate a massage business must provide verification of his or her state massage license as provided for in RCW 18.108.030.

(2) The county may charge a licensing or operating fee, but the fee charged a state licensed massage practitioner shall not exceed the licensing or operating fee imposed on ~~((similar health care providers, such as physical therapists or occupational therapists,))~~ other licensees operating within the same county and such fees shall be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure.

(3) A state licensed massage practitioner ~~((is not))~~ may be subject to additional licensing requirements ~~((not currently imposed on similar health care providers, such as physical therapists or occupational therapists))~~ under RCW 18.108.100.

NEW SECTION. Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

There is established in the department of community, trade, and economic development a grant program to enhance funding for prostitution prevention and intervention services. Activities that can be funded through this grant program shall provide effective prostitution prevention and intervention services, such as counseling, parenting, housing relief, education, and vocational training, that:

- (1) Comprehensively address the problems of persons who are prostitutes; and
- (2) Enhance the ability of persons to leave or avoid prostitution.

NEW SECTION. Sec. 8. A new section is added to chapter 43.63A RCW to read as follows:

(1) Applications for funding under this chapter must:

(a) Meet the criteria in section 7 of this act; and

(b) Contain evidence of active participation of the community and its commitment to providing effective prevention and intervention services for prostitutes through the participation of local governments, tribal governments, networks under chapter 70.190 RCW, human service and health organizations, and treatment entities and through meaningful involvement of others, including citizen groups.

(2) Local governments, networks under chapter 70.190 RCW, nonprofit community groups, and nonprofit treatment providers including organizations that provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants established under section 7 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 43.63A RCW to read as follows:

At a minimum, grant applications must include the following:

(1) The proposed geographic service area;

(2) A description of the extent and effect of the needs for prostitution prevention and intervention within the relevant geographic area;

(3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;

(4) An explanation of what organizations were involved in the development of the proposal; and

(5) The methods that will be employed to measure the success of the program.

NEW SECTION. Sec. 10. A new section is added to chapter 43.63A RCW to read as follows:

(1) Subject to funds appropriated by the legislature, including funds in the prostitution prevention and intervention account, the department of community, trade, and economic development shall make awards under the grant program established by section 7 of this act.

(2) Awards shall be made competitively based on the purposes of and criteria in sections 7 through 9 of this act.

(3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding of a program or activity under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

(4) The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the grant program established under section 7 of this act and expend the same or any income from these sources according to the terms of the gifts, grants, or endowments.

(5) The department of community, trade, and economic development may expend up to five percent of the funds appropriated for the grant program for administrative costs and grant supervision.

NEW SECTION. Sec. 11. A new section is added to chapter 43.63A RCW to read as follows:

The prostitution prevention and intervention account is created in the state treasury. All designated receipts from fees under sections 12 and 13 of this act shall be deposited into the account. Expenditures from the account may be used only for funding the grant program to enhance prostitution prevention and intervention services under section 7 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 9.68A RCW to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9.68A.100 or a comparable county or municipal ordinance shall be assessed a two hundred fifty dollar fee.

(b) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100 or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under section 11 of this act for the purpose of funding prostitution prevention and intervention activities.

NEW SECTION. Sec. 13. A new section is added to chapter 9A.88 RCW to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010, 9A.88.030, and 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a one hundred fifty dollar fee.

(c) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a three hundred dollar fee.

(2) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(3) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under section 11 of this act for the purpose of funding prostitution prevention and intervention activities.

NEW SECTION. Sec. 14. The amendments to RCW 35.21.692, 35A.82.025, and 36.32.122 contained in sections 4 through 6 of this act shall expire July 1, 1997."

On page 1, line 2 of the title, after "36.32.122;" strike "and"

On page 1, line 3 of the title, after " 18.130 RCW;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9A.88 RCW; prescribing penalties; and providing an expiration date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Delvin moved that the House concur in the Senate amendments to Substitute House Bill No. 1387 and pass the bill as amended by the Senate.

Representative Delvin spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1387 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1387 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 81, Nays - 15, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 81.

Voting nay: Representatives Backlund, Cairnes, Casada, Cooke, Goldsmith, Hargrove, Koster, Lambert, McMahan, Mulliken, Schmidt, D., Sherstad, Smith, Stevens and Thompson - 15.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1387, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1398 with the following amendments:

On page 5, beginning on line 11, after "practice" strike all material through "services" on line 14

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Hymes moved that the House concur in the Senate amendments to Substitute House Bill No. 1398 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1398 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1398 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1398, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1461 with the following amendments:

On page 2, beginning on line 16, strike "twenty-four hours" and insert "~~((twenty-four hours))~~ five days"

On page 3, beginning on line 21, strike "seven" and insert "one thousand"

On page 3, beginning on line 28, strike all material through "41.29.060." on line 31.

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed House Bill No. 1461 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The intent of this chapter is to provide consistent laws regarding the formation and legal administration of homeowners' associations.

NEW SECTION. **Sec. 2.** For purposes of this chapter:

(1) "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapter 64.32 or 64.34 RCW.

(2) "Governing documents" means the articles of incorporation, bylaws, plat, declaration of covenants, conditions, and restrictions, rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes.

NEW SECTION. **Sec. 3.** The membership of an association at all times shall consist exclusively of the owners of all real property over which the association has jurisdiction, both developed and undeveloped.

NEW SECTION. **Sec. 4.** Unless otherwise provided in the governing documents, an association may:

(1) Adopt and amend bylaws, rules, and regulations;

(2) Adopt and amend budgets for revenues, expenditures, and reserves, and impose and collect assessments for common expenses from owners;

(3) Hire and discharge or contract with managing agents and other employees, agents, and independent contractors;

(4) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more owners on matters affecting the homeowners' association, but not on behalf of owners involved in disputes that are not the responsibility of the association;

(5) Make contracts and incur liabilities;

(6) Regulate the use, maintenance, repair, replacement, and modification of common areas;

(7) Cause additional improvements to be made as a part of the common areas;

(8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property;

(9) Grant easements, leases, licenses, and concessions through or over the common areas and petition for or consent to the vacation of streets and alleys;

(10) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common areas;

(11) Impose and collect charges for late payments of assessments and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association;

(12) Exercise any other powers conferred by the bylaws;

(13) Exercise all other powers that may be exercised in this state by the same type of corporation as the association; and

(14) Exercise any other powers necessary and proper for the governance and operation of the association.

NEW SECTION. Sec. 5. (1) Except as provided in the association's governing documents or this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers and members of the board of directors shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter 24.03 RCW.

(2) The board of directors shall not act on behalf of the association to amend the articles of incorporation, to take any action that requires the vote or approval of the owners, to terminate the association, to elect members of the board of directors, or to determine the qualifications, powers, and duties, or terms of office of members of the board of directors; but the board of directors may fill vacancies in its membership of the unexpired portion of any term.

(3) Within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors.

(4) The owners by a majority vote of the voting power in the association present, in person or by proxy, and entitled to vote at any meeting of the owners at which a quorum is present, may remove any member of the board of directors with or without cause.

NEW SECTION. Sec. 6. Unless provided for in the governing documents, the bylaws of the association shall provide for:

(1) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(2) Election by the board of directors of the officers of the association as the bylaws specify;

(3) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(4) Which of its officers may prepare, execute, certify, and record amendments to the governing documents on behalf of the association;

(5) The method of amending the bylaws; and

(6) Subject to the provisions of the governing documents, any other matters the association deems necessary and appropriate.

NEW SECTION. Sec. 7. (1) A meeting of the association must be held at least once each year. Special meetings of the association may be called by the president, a majority of the board of directors, or by owners having ten percent of the votes in the association. Not less than fourteen nor more than sixty days in advance of any meeting, the secretary or other officers specified in the bylaws shall cause notice to be hand-delivered or sent prepaid by first class United States mail to the mailing address of each owner or to any other mailing address designated in writing by the owner. The notice of any meeting shall state the time and place of the meeting and the business to be placed on the agenda by the board of directors for a vote by the owners, including the general nature of any proposed amendment to the articles of incorporation, bylaws, any budget or changes in the previously approved budget that result in a change in assessment obligation, and any proposal to remove a director.

(2) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following the closed session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified. The requirements of this subsection shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure.

NEW SECTION. Sec. 8. Unless the governing documents specify a different percentage, a quorum is present throughout any meeting of the association if the owners to which thirty-four percent of the votes of the association are allocated are present in person or by proxy at the beginning of the meeting.

NEW SECTION. Sec. 9. (1) The association or its managing agent shall keep financial and other records sufficiently detailed to enable the association to fully declare to each owner the true statement of its financial status. All financial and other records of the association, including but not limited to checks, bank records, and invoices, in whatever form they are kept, are the property of the association. Each association managing agent shall turn over all original books and records to the association immediately upon termination of the management relationship with the association, or upon such other demand as is made by the board of directors. An association managing agent is entitled to keep copies of association records. All records which the managing agent has turned over to the association shall be made reasonably available for the examination and copying by the managing agent.

(2) All records of the association, including the names and addresses of owners and other occupants of the lots, shall be available for examination by all owners, holders of mortgages on the lots, and their respective authorized agents on reasonable advance notice during normal working hours at the offices of the association or its managing agent. The association shall not release the unlisted telephone number of any owner. The association may impose and collect a reasonable charge for copies and any reasonable costs incurred by the association in providing access to records.

(3) At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association. The financial statements of associations with annual assessments of fifty thousand dollars or more shall be audited at least annually by an independent certified public accountant, but the audit may be waived if sixty-seven percent of the votes cast by owners, in person or by proxy, at a meeting of the association at which a quorum is present, vote each year to waive the audit.

(4) The funds of the association shall be kept in accounts in the name of the association and shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds.

NEW SECTION. Sec. 10. (1) Except as otherwise provided under subsection (2) of this section, any violation of the provisions of this chapter entitles an aggrieved party to any remedy provided by law or in equity. The court, in an appropriate case, may award reasonable attorneys' fees to the prevailing party.

(2) Claims based on any violation of this chapter shall be brought within six months from the occurrence of the violation.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act constitute a new chapter in Title 64 RCW."

and the same are herewith transmitted.

MOTION

Representative Sheahan moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1471 and ask the Senate to recede therefrom.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1497 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 40.14.020 and 1991 c 237 s 4 and 1991 c 184 s 1 are each reenacted and amended to read as follows:

All public records shall be and remain the property of the state of Washington. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed or disposed of, and otherwise managed, only in accordance with the provisions of this chapter. In order to insure the proper management and safeguarding of public records, the division of archives and records management is established in the office of the secretary of state. The state archivist, who shall administer the division and have reasonable access to all public records, wherever kept, for purposes of information, surveying, or cataloguing, shall undertake the following functions, duties, and responsibilities:

- (1) To manage the archives of the state of Washington;
- (2) To centralize the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;
- (3) To inspect, inventory, catalog, and arrange retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) To insure the maintenance and security of all state public records and to establish safeguards against unauthorized removal or destruction;
- (5) To establish and operate such state record centers as may from time to time be authorized by appropriation, for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;
- (6) To adopt rules under chapter 34.05 RCW:
 - (a) Setting standards for the durability and permanence of public records maintained by state and local agencies;
 - (b) Governing procedures for the creation, maintenance, transmission, cataloging, indexing, storage, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services for the acquisition of information technology;
 - (c) Governing the accuracy and durability of, and facilitating access to, photographic, optical, electronic, or other images used as public records; or
 - (d) To carry out any other provision of this chapter;
 - (7) To gather and disseminate to interested agencies information on all phases of records management and current practices, methods, procedures, techniques, and devices for efficient and economical management and preservation of records;
 - (8) To operate a central microfilming bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; to approve microfilming projects

undertaken by state departments and all other agencies of state government; and to maintain proper standards for this work; ((and))

(9) To maintain necessary facilities for the review of records approved for destruction and for their economical disposition by sale or burning; directly to supervise such destruction of public records as shall be authorized by the terms of this chapter;

(10) To assist and train state and local agencies in the proper methods of creating, maintaining, cataloging, indexing, transmitting, storing, and reproducing photographic, optical, electronic, or other images used as public records.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void."

In line 2 of the title, beginning with "and" strike the remainder of the title and insert "reenacting and amending RCW 40.14.020; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 1497 and pass the bill as amended by the Senate.

Representative B. Thomas spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1497 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1497 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1497, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1700 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.33.120 and 1992 c 69 s 1 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	2 136	1 \$141 3 131 4 95
2	2 114	1 118 3 110 4 80
3	2 90	1 93 3 87 4 66
4	2 68	1 70 3 66 4 52
5	2 48	1 51 3 46 4 31
6	2 25	1 26 3 25 4 23
7	2 12	1 12 3 11 4 11
8	1	

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this

subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance~~((f,1))~~, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW ~~((82.45.120, as now or hereafter amended))~~ 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to ~~((subsections))~~ (c) or (d) ~~((above))~~ of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of ~~((subsection))~~ (a), (b), (d), or (e) ~~((above))~~ of this subsection shall apply only to the land affected, and upon occurrence of ~~((subsection))~~ (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsections (5)(e) and (9) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to~~((:-a))~~ the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by ~~((f))~~ a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

(10) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

Sec. 2. RCW 84.33.140 and 1992 c 69 s 2 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance(~~([+])~~), except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW (~~82.45.120, as now or hereafter amended~~) 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that: (i) Such land is no longer primarily devoted to and used for growing and harvesting timber(~~(-)~~). However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) ~~((such))~~ The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder(~~(-)~~); or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of ~~((subsections))~~ (a) through (c) ~~((above))~~ of this subsection shall apply only to the land affected, and upon occurrence of ~~((subsection))~~ (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same

application and approval for designation: PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to ~~((a))~~ the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by ~~((b))~~ a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 84.33.120 and 84.33.140; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 1700 and pass the bill as amended by the Senate.

Representative Sehlin spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1700 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1700 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 77, Nays - 19, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Lambert, Lisk, Mason, Mastin, Mielke, Mitchell, Morris, Ogden, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 77.

Voting nay: Representatives Campbell, Casada, Fuhrman, Goldsmith, Hargrove, Kessler, Koster, Kremen, McMahan, McMorris, Mulliken, Pelesky, Pennington, Robertson, Sheldon, Sherstad, Smith, Stevens and Thomas, L. - 19.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1700, as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1700 as amended by the Senate.

IAN ELLIOT, 1st District

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1722 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.12.020 and 1994 c 257 s 22 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the growth ((planning)) management hearings boards, the utilities and transportation commission, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the Washington personnel resources board, the public employment relations commission, the personnel appeals board, and the board of tax appeals.

Sec. 2. RCW 80.01.050 and 1961 c 14 s 80.01.050 are each amended to read as follows:

A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission, and may hold hearings at any time or place within or without the state. Any investigation, inquiry, or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner or any ((~~examiner~~)) employee designated and authorized by the commission as provided in RCW 80.01.060. All investigations, inquiries, and hearings of the commission, and all findings, orders, or decisions, made by a commissioner, when approved and confirmed by the commission and filed in its office, shall be and be deemed to be the orders or decisions of the commission.

Sec. 3. RCW 80.01.060 and 1991 c 48 s 1 are each amended to read as follows:

(1) The commission ((~~shall have the power to request the appointment of~~)) may designate employees of the commission as hearing examiners, administrative law judges ((under chapter 34.12 RCW)), and review judges when it deems such action necessary for its general administration. ((Such administrative law judges shall)) The designated employees have power to administer oaths, to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents, and testimony, to examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules as the commission may adopt. (2) In general rate increase filings by a natural gas, electric, or telecommunications company, the designated employee may preside, but may not enter an initial order unless expressly agreed to in writing by the company making the filing. In all other cases, the designated employee may enter an initial order including findings of fact and conclusions of law in accordance with RCW 34.05.461(1)(a) and (c) and (3) through (9) or 34.05.485. RCW 34.05.461 (1)(b) and (2) do not apply to entry of orders under this section. The designated employee may not enter final orders, except that the commission may designate persons by rule to preside and enter final orders in emergency adjudications under RCW 34.05.479.

(3) If the designated employee does not enter an initial order as provided in subsection (2) of this section, then a majority of the members of the commission who are to enter the final order must hear or review substantially all of the record submitted by any party.

NEW SECTION. **Sec. 4.** RCW 34.12.042 and 1982 c 189 s 13 are each repealed."

In line 2 of the title, after "commission;" strike the remainder of the title, and insert "amending RCW 34.12.020, 81.01.050, and 80.01.060; and repealing RCW 34.12.042."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1722 and pass the bill as amended by the Senate.

Representative Sheahan spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1722 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1722 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Mastin - 1.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1722, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 13, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1809 with the following amendments:

On page 2, after line 26, insert the following:

"NEW SECTION. **Sec. 3.** By July 31, 1996, the Washington state nursing care quality assurance commission shall develop rules for nursing practice under the direction of naturopathic physicians.

NEW SECTION. **Sec. 4.** This act shall take effect August 1, 1996."

On page 1, line 2 of the title, after "18.79 RCW;" strike "and"

On page 1, line 3 of the title, after "18.79.270" insert "; creating a new section; and providing an effective date"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Hymes moved that the House concur in the Senate amendments to Substitute House Bill No. 1809 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1809 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1809 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehnlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1809, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1872 with the following amendments:

On page 2, after line 5, strike all material on lines 6 through 8 and insert the following:
"(7) To adopt rules to define and specify the education and training requirements for physical therapist assistants and physical therapy aides."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Backlund moved that the House concur in the Senate amendments to House Bill No. 1872 and pass the bill as amended by the Senate.

Representatives Crouse and Valle spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1872 as amended by the Senate.

Representatives Crouse and Backlund spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1872 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehnin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

House Bill No. 1872, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1889 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.09.010 and 1965 c 8 s 43.09.010 are each amended to read as follows:

The state auditor shall reside and keep his or her office at the seat of government. Before entering upon his or her duties he or she shall execute and deliver to the secretary of state a bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful performance of all duties required ((of him)) by law. He or she shall take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with ((his)) the required bond, in the office of the secretary of state.

NEW SECTION. Sec. 2. The state auditor may appoint deputies and assistant directors as necessary to carry out the duties of the office of the state auditor. These individuals serve at the pleasure of the state auditor and are exempt from the provisions of chapter 41.06 RCW as stated in RCW 41.06.070(1)(y).

NEW SECTION. Sec. 3. The state auditor may appoint and employ other assistants and personnel necessary to carry out the work of the office of the state auditor.

NEW SECTION. Sec. 4. The state auditor may contract with public accountants certified in Washington to carry out those portions of the duties of auditing state agencies and local governments as the state auditor may determine.

NEW SECTION. Sec. 5. The state auditor, his or her employees and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses to do so, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such

person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him or her to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.

Sec. 6. RCW 43.09.170 and 1965 c 8 s 43.09.170 are each amended to read as follows:

The state auditor may administer all oaths required by law in matters pertaining to the duties of his or her office.

Sec. 7. RCW 43.09.180 and 1965 c 8 s 43.09.180 are each amended to read as follows:

The state auditor shall keep a seal of office for the identification of all papers, writings, and documents required by law to be certified by him or her, and copies authenticated and certified of all papers and documents lawfully deposited in his or her office shall be received in evidence with the same effect as the originals.

NEW SECTION. Sec. 8. State agencies and local governments shall immediately report to the state auditor's office known or suspected loss of public funds or assets or other illegal activity.

Sec. 9. RCW 43.09.200 and 1965 c 8 s 43.09.200 are each amended to read as follows:

The state auditor(~~(, through such division,)~~) shall formulate, prescribe, and install a system of accounting and reporting for all local governments, which shall be uniform for every public institution, and every public office, and every public account of the same class.

The system shall exhibit true accounts and detailed statements of funds collected, received, and expended for account of the public for any purpose whatever, and by all public officers, employees, or other persons.

The accounts shall show the receipt, use, and disposition of all public property, and the income, if any, derived therefrom; all sources of public income, and the amounts due and received from each source; all receipts, vouchers, and other documents kept, or required to be kept, necessary to isolate and prove the validity of every transaction; all statements and reports made or required to be made, for the internal administration of the office to which they pertain; and all reports published or required to be published, for the information of the people regarding any and all details of the financial administration of public affairs.

Sec. 10. RCW 43.09.205 and 1987 c 120 s 4 are each amended to read as follows:

The state auditor(~~(, through the division of municipal corporations,)~~) shall prescribe a standard form with which the accounts and records of costs of all local governments shall be maintained as required under RCW 39.04.070.

Sec. 11. RCW 43.09.220 and 1965 c 8 s 43.09.220 are each amended to read as follows:

Separate accounts shall be kept for every public service industry of every local government, which shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for service rendered to the public, and the amount and character of the service rendered therefor, and the amount collected annually from private users for service rendered to them, and the amount and character of the service rendered therefor.

Sec. 12. RCW 43.09.230 and 1993 c 18 s 2 are each amended to read as follows:

The state auditor shall require from every (~~(taxing district and other political subdivisions)~~) local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the (~~(division)~~) state auditor within one hundred fifty days after the close of each fiscal year.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service

industry owned and operated by a ~~((municipality))~~ local government; (2) a statement of the entire public debt of every ~~((taxing-district))~~ local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified statement of all receipts and expenditures by any public institution; and (4) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such ~~((certificate))~~ certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

Sec. 13. RCW 43.09.240 and 1991 c 245 s 13 are each amended to read as follows:

Every public officer and employee of a local government shall keep all accounts of his or her office in the form prescribed and make all reports required by the state auditor. Any public officer or employee who refuses or willfully neglects to perform such duties shall be subject to removal from office in an appropriate proceeding for that purpose brought by the attorney general or by any prosecuting attorney.

Every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him or her with the treasurer of the ~~((taxing-district))~~ local government once every twenty-four consecutive hours. The treasurer may in his or her discretion grant an exception where such daily transfers would not be administratively practical or feasible.

In case a public officer or employee collects or receives funds for the account of a ~~((taxing district))~~ local government of which he or she is an officer or employee, the treasurer shall, by Friday of each week, pay to the proper officer of the ~~((taxing-district))~~ local government for the account of which the collection was made or payment received, the full amount collected or received during the current week for the account of the district.

NEW SECTION. Sec. 14. The state auditor has the power to examine all the financial affairs of every local government and its officers and employees.

Sec. 15. RCW 43.09.260 and 1991 sp.s. c 30 s 26 are each amended to read as follows:

~~((The state auditor, the chief examiner, and every state examiner shall have power by himself or herself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.))~~

The examination of the financial affairs of all ~~((taxing-districts))~~ local governments shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all ~~((taxing-districts))~~ local governments shall be made at least once in every three years, and an examination of individual local government health and welfare benefit plans and local government self-insurance programs shall be made at least once every two years. The term ("~~taxing-districts~~") local governments for purposes of ~~((RCW 43.09.190 through 43.09.285))~~ this chapter includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of ~~((taxing-districts))~~ local governments which shall include: A designation of the various classifications of ~~((taxing-districts))~~ local governments; a designation of the frequency for auditing each type of ~~((taxing-district))~~ local government; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the ~~((taxing-district))~~ local government; whether the Constitution and laws of the state, the ordinances and orders of the ~~((taxing-district))~~ local government, and the requirements of the ~~((division of municipal corporations))~~ state auditor have been properly complied with; and into the methods and accuracy of the accounts and reports.

~~((The state auditor, his or her deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.))~~

~~When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.)~~

A report of such examination shall be made ~~((in triplicate, one copy to be))~~ and filed in the office of ~~((the))~~ state auditor, and one ~~((in))~~ copy shall be transmitted to the ~~((auditing department of the taxing district reported upon, and one in the office of the attorney general))~~ local government. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for ~~((the county commissioners or any board or officer))~~ any local government or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

Sec. 16. RCW 43.09.265 and 1979 ex.s. c 218 s 7 are each amended to read as follows:

The state auditor~~((, through the division of municipal corporations,))~~ shall review the tax levies of all ~~((municipal corporations))~~ local governments in the regular examinations under RCW 43.09.260.

Sec. 17. RCW 43.09.270 and 1993 c 315 s 1 are each amended to read as follows:

The expense of ~~((maintaining and operating the division of municipal corporations))~~ auditing local governments and those expenses directly related to ~~((the))~~ prescribing ~~((of))~~ accounting systems, training, maintenance of working capital including reserves for late and ~~((uncollectible))~~ uncollectible accounts and necessary adjustments to billings, and field audit supervision, shall be considered ~~((as))~~ expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

Sec. 18. RCW 43.09.280 and 1979 c 71 s 2 are each amended to read as follows:

The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the ~~((division of municipal corporations))~~ state auditor. If the expense as certified is not paid by any ~~((taxing district))~~ local government within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the ~~((taxing district))~~ local government is situated, who shall promptly issue his or her warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor or chief financial officer out of the money due ~~((said taxing district))~~ the local government at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund.

Sec. 19. RCW 43.09.2801 and 1992 c 44 s 11 are each amended to read as follows:

(1) From July 1, 1992, to June 30, 1995, the state auditor shall charge an entity subject to an audit an additional ten cents per hour billed under RCW 43.09.270 and 43.09.280, to be deposited in the local government administrative ~~((hearing[s]))~~ hearings account.

(2) After June 30, 1995, the state auditor shall base the amount to be collected and deposited into the local government administrative ~~((hearing[s]))~~ hearings account on the funds remaining in the account on June 30, 1995, and the anticipated caseload for the future.

(3) The state auditor may exempt a local government that ~~((complies))~~ certifies that it is in compliance with RCW 42.41.050 from a charge added under subsection (1) or (2) of this section.

Sec. 20. RCW 43.09.282 and 1982 c 206 s 2 are each amended to read as follows:

For the purposes of centralized funding, accounting, and distribution of the costs of the audits performed on ~~((taxing districts))~~ local governments by the state auditor, there is hereby created ~~((a fund))~~ an account entitled the municipal revolving ~~((fund))~~ account. The state treasurer shall be custodian of the ~~((fund))~~ account. All moneys received by the ~~((division of municipal corporations))~~ state auditor or by any officer or employee thereof shall be deposited with the state treasurer and credited to the municipal revolving ~~((fund))~~ account. ~~((Funds in the municipal revolving fund will be spent only after appropriation by the legislature. Such appropriated funds shall be administered by the division of municipal corporations.))~~ Only the state auditor or the auditor's designee may authorize expenditures from the account. No appropriation is required for expenditures. The ~~((division of municipal corporations))~~ state auditor shall keep such records as are necessary to detail the auditing costs attributable to the various types of ~~((taxing districts))~~ local governments.

Sec. 21. RCW 43.09.290 and 1981 c 336 s 6 are each amended to read as follows:

For the purposes of RCW 43.09.290 through 43.09.340 and 43.09.410 through 43.09.418, post-audit means an ~~((annual))~~ audit of the books, records, funds, accounts, and financial transactions of a state ~~((department))~~ agency for a complete fiscal period; pre-audit means all other audits and examinations; state ~~((department))~~ agency means elective officers and offices, and every other office, officer, department, board, council, committee, commission, or authority ~~((, or agency))~~ of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law, and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control.

Sec. 22. RCW 43.09.310 and 1981 c 217 s 1 are each amended to read as follows:

The state auditor ~~((, through the division of departmental audits,))~~ shall annually audit the state-wide combined financial statements prepared by the office of financial management and make post-audits of state agencies. Post-audits of state agencies shall be made at such periodic intervals as is determined by the state auditor. Audits of combined financial statements shall include determinations as to the validity and accuracy of accounting methods, procedures and standards utilized in their preparation, as well as the accuracy of the financial statements themselves. A report shall be made of each such audit and post-audit upon completion thereof, and one copy shall be transmitted to the governor, one to the director of financial management, ~~((one to the attorney general,))~~ one to the state ~~((department))~~ agency audited, one to the legislative budget committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor. ~~((For purposes of reporting the annual audit of state-wide combined financial statements, "state department audited" refers solely to the office of financial management.))~~ A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general.

Sec. 23. RCW 43.09.330 and 1965 c 8 s 43.09.330 are each amended to read as follows:

~~((The state auditor, the chief examiner, and every state examiner of the division of departmental audits, for the purpose of making post-audits, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff to compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.~~

If any person summoned neglects or refuses to appear, or neglects or refuses to answer any question that may be put to him touching any matter under audit, or to produce any books or papers required, the person making such audit shall apply to a superior court judge of the county where the hearing arose to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing refuses to testify or to produce

any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.)

If any audit of a state agency discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute and prosecute in the proper county, appropriate legal action to carry into effect the findings of such post-audit. It shall be unlawful for any state ((department)) agency or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action without the written approval and consent of the attorney general and the state auditor.

Sec. 24. RCW 43.09.340 and 1979 c 151 s 93 are each amended to read as follows:

The governor ((may, from time to time)) shall, at least every two years, provide for a post-audit of the books, accounts, and records of the state auditor, and the funds under his or her control, to be made either by independent qualified public accountants or the director of financial management, as he or she may determine. The expense of making such audit shall be paid from appropriations made therefor from the general fund.

Sec. 25. RCW 43.09.410 and 1981 c 336 s 1 are each amended to read as follows:

An auditing services revolving ((fund)) account is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state ((departments)) agencies by the state auditor.

Sec. 26. RCW 43.09.412 and 1987 c 165 s 1 are each amended to read as follows:

The amounts to be disbursed from the auditing services revolving ((fund)) account shall ((be transferred thereto by the state treasurer)) be paid from funds appropriated to any and all state ((departments)) agencies for auditing services or administrative expenses ((on a monthly basis)). State ((departments)) agencies operating in whole or in part from nonappropriated funds shall pay into the auditing services revolving ((fund)) account such funds as will fully reimburse funds appropriated to the state auditor ((for any auditing services provided activities financed by nonappropriated funds)) for auditing services provided.

The director of financial management shall allot all such funds to the state auditor for the operation of his or her office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other state ((departments)) agencies headed by elected officers under chapter 43.88 RCW.

Sec. 27. RCW 43.09.414 and 1981 c 336 s 3 are each amended to read as follows:

Disbursements from the auditing services revolving ((fund)) account shall be made pursuant to vouchers executed by the state auditor or his or her designee in accordance with RCW 43.09.412.

Sec. 28. RCW 43.09.416 and 1987 c 165 s 2 are each amended to read as follows:

The state auditor shall keep such records as are necessary to facilitate proper allocation of costs to funds and accounts and state ((departments)) agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and accounts and state ((departments)) agencies served. The billing rate shall be established based on costs incurred in the prior biennium and anticipated costs in the new biennium. Those expenses related to training, maintenance of working capital including reserves for late and uncollectible accounts, and necessary adjustments to billings, shall be considered as expenses of auditing public accounts. Working capital shall not exceed five percent of the auditing services revolving ((fund)) account appropriation. ((The director of the office of financial management shall establish a committee of at least three certified public accountants with private sector audit experience to prepare general guidelines governing procedures to be used in determining audit costs and standards for measuring auditor productivity. These proposed procedures and productivity standards shall be presented for review by the house and senate committees on ways and means prior to the 1982 regular session of the legislature.))

Sec. 29. RCW 43.09.418 and 1981 c 336 s 5 are each amended to read as follows:

In cases where there are unanticipated demands for auditing services or where there are insufficient funds on hand or available for payment through the auditing services revolving ~~((fund))~~ account or in other cases of necessity, the state auditor may request payment for auditing services directly from state ~~((departments))~~ agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of financial management the state ~~((department))~~ agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of financial management.

Sec. 30. RCW 3.30.070 and 1971 c 73 s 3 are each amended to read as follows:

The clerk of each district court shall keep uniform records of each case filed and the proceedings had therein including an accounting for all funds received and disbursed. Financial reporting shall be in such form as may be prescribed by the ~~((office-of-the))~~ state auditor ~~((,- division-of municipal-corporations))~~. The form of other records may be prescribed by the supreme court.

Sec. 31. RCW 3.62.020 and 1988 c 169 s 3 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the ~~((division-of-municipal-corporations))~~ state auditor, noting the information necessary for crediting of such funds as required by law.

(2) The county treasurer shall remit thirty-two percent of the money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited as provided in RCW 43.08.250.

(3) The balance of the money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

Sec. 32. RCW 14.08.090 and 1984 c 7 s 4 are each amended to read as follows:

Any bonds to be issued by any municipality pursuant to the provisions of this chapter shall be authorized and issued in the manner and within the limitation prescribed by the Constitution and laws of this state or the charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally, secured by the revenues of the airport, a mortgage on facilities, or a general tax levy as allowed by law, if the plan and system resolution are approved by the secretary of transportation or the ~~((division-of-municipal-corporations))~~ state auditor.

Sec. 33. RCW 35.02.132 and 1991 c 360 s 4 are each amended to read as follows:

The newly elected officials shall adopt an interim budget for the interim period or until January 1 of the following year, whichever occurs first. A second interim budget shall be adopted for any period between January 1 and the official date of incorporation. These interim budgets shall be adopted in consultation with the ~~((office-of-the))~~ state auditor ~~((,- division-of municipal-corporations))~~.

The governing body shall adopt a budget for the newly incorporated city or town for the period between the official date of incorporation and January 1 of the following year. The mayor or governing body, whichever is appropriate shall prepare or the governing body may direct the interim city manager to prepare a preliminary budget in detail to be made public at least sixty days before the official date of incorporation as a recommendation for the final budget. The mayor, governing body, or the interim city manager shall submit as a part of the preliminary budget a budget message that contains an explanation of the budget document, an outline of the recommended financial policies and programs of the city or town for the ensuing fiscal year, and a statement of the relation of the recommended appropriation to such policies and programs. Immediately following the release of the

preliminary budget, the governing body shall cause to be published a notice once each week for two consecutive weeks of a public hearing to be held at least twenty days before the official date of incorporation on the fixing of the final budget. Any taxpayer may appear and be heard for or against any part of the budget. The governing body may make such adjustments and changes as it deems necessary and may adopt the final budget at the conclusion of the public hearing or at any time before the official date of incorporation.

Sec. 34. RCW 35.07.230 and 1965 c 7 s 35.07.230 are each amended to read as follows:

If any town fails for two successive years to hold its regular municipal election, or if the officers elected at the regular election of any town fail for two successive years to qualify and the government of the town ceases to function by reason thereof, the state auditor (~~(through the division of municipal corporations)~~) may petition the superior court of the county for an order, dissolving the town. In addition to stating the facts which would justify the entry of such an order, the petition shall set forth a detailed statement of the assets and liabilities of the town insofar as they can be ascertained.

Sec. 35. RCW 35.21.270 and 1984 c 7 s 20 are each amended to read as follows:

The city engineer or the city clerk of each city or town shall maintain records of the receipt and expenditure of all moneys used for construction, repair, or maintenance of streets and arterial highways.

To assist in maintaining uniformity in such records, the (~~(division of municipal corporations)~~) state auditor, with the advice and assistance of the department of transportation, shall prescribe forms and types of records to be so maintained.

Sec. 36. RCW 35.23.121 and 1965 c 7 s 35.24.120 are each amended to read as follows:

The city clerk shall keep a full and true record of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by (~~(the division of municipal corporations in the office of)~~) the state auditor. The city clerk shall record all ordinances, annexing thereto his or her certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication and shall be admissible as such evidence in any court or proceeding.

The city clerk shall be custodian of the seal of the city and shall have authority to acknowledge the execution of all instruments by the city which require acknowledgment.

The city clerk may appoint a deputy for whose acts he or she and his or her bondsmen shall be responsible, and he or she and his or her deputy shall have authority to take all necessary affidavits to claims against the city and certify them without charge.

The city clerk shall perform such other duties as may be required by statute or ordinance.

Sec. 37. RCW 35.23.535 and 1965 c 7 s 35.24.430 are each amended to read as follows:

No taxes shall be imposed for maintenance and operating charges of city owned water, light, power, or heating works or systems.

Rates shall be fixed by ordinance for supplying water, light, power, or heat for commercial, domestic, or irrigation purposes sufficient to pay for all operating and maintenance charges. If the rates in force produce a greater amount than is necessary to meet operating and maintenance charges, the rates may be reduced or the excess income may be transferred to the city's current expense fund.

Complete separate accounts for municipal utilities must be kept under the system and on forms prescribed by the (~~(division of municipal corporations in the office of the)~~) state auditor.

The term "maintenance and operating charges," as used in this section includes all necessary repairs, replacement, interest on any debts incurred in acquiring, constructing, repairing and operating plants and departments and all depreciation charges. This term shall also include an annual charge equal to four percent on the cost of the plant or system, as determined by (~~(the division of municipal corporations in the office of)~~) the state auditor to be paid into the current expense fund, except that where utility bonds have been or may hereafter be issued and are unpaid no payment shall be required into the current expense fund until such bonds are paid.

Sec. 38. RCW 35.27.510 and 1965 c 7 s 35.27.510 are each amended to read as follows:

When any special fund of a public utility department of a town has retired all bond and warrant indebtedness and is on a cash basis, if a reserve or depreciation fund has been created in an amount satisfactory to ~~((the division of municipal corporations in the office of))~~ the state auditor and if the fixing of the rates of the utility is governed by contract with the supplier of water, electrical energy, or other commodity sold by the town to its inhabitants, and the rates are at the lowest possible figure, the town council may set aside such portion of the net earnings of the utility as it may deem advisable and transfer it to the town's current expense fund: PROVIDED, That no amount in excess of fifty percent of the net earnings shall be so set aside and transferred except with the unanimous approval of the council and mayor.

Sec. 39. RCW 35.33.031 and 1969 ex.s. c 95 s 3 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's or town's next fiscal year, or at such other time as the city or town may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city or town to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by his or her department for the ensuing fiscal year. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by ~~((the division of municipal corporations in the office of))~~ the state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of his or her office. The chief administrative officers of the city or town shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties herein required shall devolve upon the person next in charge of such department.

Sec. 40. RCW 35.33.041 and 1969 ex.s. c 95 s 4 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor ~~((through the division of municipal corporations))~~ after consultation with the Washington finance officers association, the association of Washington cities and the association of Washington city managers.

Sec. 41. RCW 35.33.075 and 1969 ex.s. c 95 s 10 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: PROVIDED, That the ordinance adopting such budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to ~~((the division of municipal corporations in the office of the state auditor, and to))~~ the association of Washington cities.

Sec. 42. RCW 35.33.111 and 1969 ex.s. c 95 s 16 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

Sec. 43. RCW 35.34.050 and 1985 c 175 s 8 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's or town's next fiscal biennium, or at such other time as the city or town may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city or town to file with the

clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by the department for the ensuing fiscal biennium. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by ~~((the division of municipal corporations in the office of))~~ the state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of the clerk's office. The chief administrative officers of the city or town shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties required by this section shall devolve upon the person next in charge of such department.

Sec. 44. RCW 35.34.060 and 1985 c 175 s 9 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing fiscal biennium shall be fully detailed in the biennial budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor ~~((through the division of municipal corporations))~~ after consultation with the Washington finance officers association, the association of Washington cities, and the association of Washington city managers.

Sec. 45. RCW 35.34.120 and 1985 c 175 s 15 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal biennium, the legislative body shall make such adjustments and changes as it deems necessary or proper and, after determining the allowance in each item, department, classification, and fund, shall by ordinance adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal biennium. Such ordinances may adopt the final budget by reference. However, the ordinance adopting the budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to ~~((the division of municipal corporations in the office of))~~ the state auditor and to the association of Washington cities.

Sec. 46. RCW 35.34.130 and 1985 c 175 s 16 are each amended to read as follows:

The legislative authority of a city or town having adopted the provisions of this chapter shall provide by ordinance for a mid-biennial review and modification of the biennial budget. The ordinance shall provide that such review and modification shall occur no sooner than eight months after the start nor later than conclusion of the first year of the fiscal biennium. The chief administrative officer shall prepare the proposed budget modification and shall provide for publication of notice of hearings consistent with publication of notices for adoption of other city or town ordinances. City or town ordinances providing for a mid-biennium review and modification shall establish procedures for distribution of the proposed modification to members of the city or town legislative authority, procedures for making copies available to the public, and shall provide for public hearings on the proposed budget modification. The budget modification shall be by ordinance approved in the same manner as are other ordinances of the city or town.

A complete copy of the budget modification as adopted shall be transmitted to ~~((the division of municipal corporations in the office of))~~ the state auditor and to the association of Washington cities.

Sec. 47. RCW 35.34.190 and 1985 c 175 s 22 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

Sec. 48. RCW 35.76.020 and 1965 c 7 s 35.76.020 are each amended to read as follows:

The state auditor ~~((, through the division of municipal corporations,))~~ shall formulate, prescribe, and install a system of cost accounting and reporting for each city having a population of more than

eight thousand, according to the last official census, which will correctly show all street expenditures by functional categories. The system shall also provide for reporting all revenues available for street purposes from whatever source including local improvement district assessments and state and federal aid.

Sec. 49. RCW 35.76.030 and 1965 c 7 s 35.76.030 are each amended to read as follows:

Consistent with the intent of this chapter as stated in RCW 35.76.010, the state auditor, from and after July 1, 1965, (~~through the division of municipal corporations,~~) is authorized and directed to prescribe accounting and reporting procedures for street expenditures for cities and towns having a population of eight thousand or less, according to the last official census.

Sec. 50. RCW 35.76.050 and 1984 c 7 s 22 are each amended to read as follows:

The (~~division of municipal corporations~~) state auditor shall annually make a cost-audit examination of street records for each city and town and make a written report thereon to the legislative body of each city and town. The expense of the examination shall be paid out of that portion of the motor vehicle fund allocated to the cities and towns and withheld for use by the state department of transportation under the terms of RCW 46.68.110(1).

Sec. 51. RCW 35A.33.030 and 1967 ex.s. c 119 s 35A.33.030 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's next fiscal year, or at such other time as the city may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a code city to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by his or her department for the ensuing fiscal year. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by the (~~division of municipal corporations in the office of the~~) state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of his or her office. The chief administrative officers of the city shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties herein required shall devolve upon the person next in charge of such department.

Sec. 52. RCW 35A.33.040 and 1967 ex.s. c 119 s 35A.33.040 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor (~~through the division of municipal corporations~~) after consultation with the Washington finance officers association, the association of Washington cities and the association of Washington city managers.

Sec. 53. RCW 35A.33.075 and 1969 ex.s. c 81 s 3 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal year, the legislative body shall make such adjustments and changes as it deems necessary or proper and after determining the allowance in each item, department, classification and fund, and shall by ordinance, adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal year. Such ordinances may adopt the final budget by reference: PROVIDED, That the ordinance adopting such budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to (~~the division of municipal corporations in the office of~~) the state auditor, and to the association of Washington cities.

Sec. 54. RCW 35A.33.110 and 1967 ex.s. c 119 s 35A.33.110 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

Sec. 55. RCW 35A.34.050 and 1985 c 175 s 37 are each amended to read as follows:

On or before the second Monday of the fourth month prior to the beginning of the city's next fiscal biennium, or at such other time as the city may provide by ordinance or charter, the clerk shall notify in writing the head of each department of a city to file with the clerk within fourteen days of the receipt of such notification, detailed estimates of the probable revenue from sources other than ad valorem taxation and of all expenditures required by the department for the ensuing fiscal biennium. The notice shall be accompanied by the proper forms provided by the clerk, prepared in accordance with the requirements and classification established by the ~~((division of municipal corporations in the office of the))~~ state auditor. The clerk shall prepare the estimates for interest and debt redemption requirements and all other estimates, the preparation of which falls properly within the duties of the clerk's office. The chief administrative officers of the city shall submit to the clerk detailed estimates of all expenditures proposed to be financed from the proceeds of bonds or warrants not yet authorized, together with a statement of the proposed method of financing them. In the absence or disability of the official or person regularly in charge of a department, the duties required by this section shall devolve upon the person next in charge of such department.

Sec. 56. RCW 35A.34.060 and 1985 c 175 s 38 are each amended to read as follows:

All estimates of receipts and expenditures for the ensuing fiscal biennium shall be fully detailed in the biennial budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor ~~((through the division of municipal corporations))~~ after consultation with the Washington finance officers association, the association of Washington cities, and the association of Washington city managers.

Sec. 57. RCW 35A.34.120 and 1985 c 175 s 44 are each amended to read as follows:

Following conclusion of the hearing, and prior to the beginning of the fiscal biennium, the legislative body shall make such adjustments and changes as it deems necessary or proper and, after determining the allowance in each item, department, classification, and fund, shall by ordinance adopt the budget in its final form and content. Appropriations shall be limited to the total estimated revenues contained therein including the amount to be raised by ad valorem taxes and the unencumbered fund balances estimated to be available at the close of the current fiscal biennium. Such ordinances may adopt the final budget by reference. However, the ordinance adopting the budget shall set forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

A complete copy of the final budget as adopted shall be transmitted to ~~((the division of municipal corporations in the office of))~~ the state auditor and to the association of Washington cities.

Sec. 58. RCW 35A.34.130 and 1985 c 175 s 45 are each amended to read as follows:

The legislative authority of a city having adopted the provisions of this chapter shall provide by ordinance for a mid-biennial review and modification of the biennial budget. The ordinance shall provide that such review and modification shall occur no sooner than eight months after the start nor later than conclusion of the first year of the fiscal biennium. The chief administrative officer shall prepare the proposed budget modification and shall provide for publication of notice of hearings consistent with publication of notices for adoption of other city ordinances. City ordinances providing for a mid-biennium review and modification shall establish procedures for distribution of the proposed modification to members of the city legislative authority, procedures for making copies available to the public, and shall provide for public hearings on the proposed budget modification. The budget modification shall be by ordinance approved in the same manner as are other ordinances of the city.

A complete copy of the budget modification as adopted shall be transmitted to ~~((the division of municipal corporations in the office of))~~ the state auditor and to the association of Washington cities.

Sec. 59. RCW 35A.34.190 and 1985 c 175 s 51 are each amended to read as follows:

The ~~((division of municipal corporations in the office of the))~~ state auditor is empowered to make and install the forms and classifications required by this chapter to define what expenditures are chargeable to each budget class and to establish the accounting and cost systems necessary to secure accurate budget information.

Sec. 60. RCW 35A.37.010 and 1983 c 3 s 62 are each amended to read as follows:

Code cities shall establish such funds for the segregation, budgeting, expenditure and accounting for moneys received for special purposes as are required by general law applicable to such cities' activities and the officers thereof shall pay into, expend from, and account for such moneys in the manner provided therefor including but not limited to the requirements of the following:

- (1) Accounting funds as required by RCW 35.37.010;
- (2) Annexation and consolidation fund as required by chapters 35.10 and 35.13 RCW;
- (3) Assessment fund as required by RCW 8.12.480;
- (4) Equipment rental fund as authorized by RCW 35.21.088;
- (5) Current expense fund as required by RCW 35.37.010, usually referred to as the general fund;
- (6) Local improvement guaranty fund as required by RCW 35.54.010;
- (7) An indebtedness and sinking fund, together with separate funds for utilities and institutions as required by RCW 35.37.020;
- (8) Local improvement district fund and revolving fund as required by RCW 35.45.130 and 35.48.010;
- (9) City street fund as required by chapter 35.76 RCW and RCW 47.24.040;
- (10) Firemen's relief and pension fund as required by chapters 41.16 and 41.18 RCW;
- (11) Policemen's relief and pension fund as required by RCW 41.20.130 and 63.32.030;
- (12) First class cities' employees retirement and pension system as authorized by chapter 41.28 RCW;
- (13) Applicable rules of the ~~((division of municipal corporations office of))~~ state auditor. ~~((RCW 43.09.190 through 43.09.282.))~~

Sec. 61. RCW 36.22.140 and 1963 c 4 s 36.22.140 are each amended to read as follows:

Each county auditor or chief financial officer shall be ex officio deputy ~~((supervisor))~~ of the ~~((division of municipal corporations))~~ state auditor for the purpose of accounting and reporting on municipal corporations and in such capacity shall be under the direction of the ~~((chief supervisor))~~ state auditor, but he or she shall receive no additional salary or compensation by virtue thereof and shall perform no duties as such, except in connection with county business.

Sec. 62. RCW 36.40.030 and 1963 c 4 s 36.40.030 are each amended to read as follows:

The estimates required in RCW 36.40.010 and 36.40.020 shall be submitted on forms provided by the county auditor or chief financial officer and classified according to the classification established by the ~~((division of municipal corporations))~~ state auditor. The county auditor or chief financial officer shall provide such forms. He or she shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which properly falls within the duties of his or her office.

Each such official shall file his or her estimates within the time and in the manner provided in the notice and form and the county auditor or chief financial officer shall deduct and withhold as a penalty from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars for each day of delay: PROVIDED, That the total penalty against any one official shall not exceed fifty dollars in any one year.

In the absence or disability of any official the duties required herein shall devolve upon the official or employee in charge of the office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause.

Sec. 63. RCW 36.40.040 and 1973 c 39 s 1 are each amended to read as follows:

Upon receipt of the estimates the county auditor or chief financial officer shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor (~~through the division of municipal corporations~~) after consultation with the Washington state association of counties and the Washington state association of (~~elected~~) county officials.

The county auditor or chief financial officer shall set forth separately in the annual budget to be submitted to the (~~board of~~) county (~~commissioners~~) legislative authority the total amount of emergency warrants issued during the preceding fiscal year, together with a statement showing the amount issued for each emergency, and the board shall include in the annual tax levy, a levy sufficient to raise an amount equal to the total of such warrants: PROVIDED, That the board may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

Sec. 64. RCW 36.40.080 and 1963 c 4 s 36.40.080 are each amended to read as follows:

Upon the conclusion of the budget hearing the (~~board of~~) county (~~commissioners~~) legislative authority shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the board, a copy of which budget shall be forwarded to the (~~division of municipal corporations~~) state auditor.

Sec. 65. RCW 36.40.220 and 1963 c 4 s 36.40.220 are each amended to read as follows:

The (~~division of municipal corporations~~) state auditor may make such rules, classifications, and forms as may be necessary to carry out the provisions in respect to county budgets, define what expenditures shall be chargeable to each budget account, and establish such accounting and cost systems as may be necessary to provide accurate budget information.

Sec. 66. RCW 36.47.060 and 1969 ex. s. c 5 s 5 are each amended to read as follows:

The financial records of the Washington state association of county officials shall be subject to audit by the (~~Washington~~) state (~~division of municipal corporations~~) auditor.

Sec. 67. RCW 36.68.530 and 1981 c 210 s 11 are each amended to read as follows:

The governing body of each park and recreation service area shall annually compile a budget for each service area in a form prescribed by the state (~~division of municipal corporations~~) auditor for the ensuing calendar year which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the service area. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities, or towns, county or any other governmental entity, gifts and donations, special tax levy, fees and charges, proceeds of bond issues, and cumulative reserve funds.

Sec. 68. RCW 36.69.160 and 1963 c 4 s 36.69.160 are each amended to read as follows:

The board of park and recreation commissioners of each park and recreation district shall annually compile a budget, in form prescribed by the state (~~division of municipal corporations~~) auditor, for the ensuing calendar year, and which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the district. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities or towns, county, or any other governmental unit; gifts and donations; special tax levy; assessments; fees and charges; proceeds of bond issues; cumulative reserve funds.

Sec. 69. RCW 36.80.080 and 1985 c 120 s 3 are each amended to read as follows:

The ~~((division of municipal corporations))~~ state auditor shall annually make a cost-audit examination of the books and records of the county road engineer and make a written report thereon to the county legislative authority. The expense of the examination shall be paid from the county road fund.

Sec. 70. RCW 36.82.200 and 1963 c 4 s 36.82.200 are each amended to read as follows:

The board shall hold such hearing at the time and place designated in the notice, and it may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of the hearing the board shall fix and determine the supplemental budget and by resolution adopt it as finally determined and enter it in detail in the official minutes of the board, ~~((excludes))~~ a copy of which supplemental budget shall be forwarded ~~((, one))~~ to the director ~~((and one to the division of municipal corporations))~~.

Sec. 71. RCW 40.14.070 and 1982 c 36 s 6 are each amended to read as follows:

County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist ~~((and the chief examiner of the division of municipal corporations of the office of))~~, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

- (1) The records are six or more years old;
- (2) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or
- (3) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

Sec. 72. RCW 42.24.080 and 1965 c 116 s 1 are each amended to read as follows:

All claims presented against any county, city, district or other municipal corporation or political subdivision by persons furnishing materials, rendering services or performing labor, or for any other contractual purpose, shall be audited, before payment, by an auditing officer elected or appointed pursuant to statute or, in the absence of statute, an appropriate charter provision, ordinance or

resolution of the municipal corporation or political subdivision. Such claims shall be prepared for audit and payment on a form and in the manner prescribed by the (~~division of municipal corporations in the~~) state auditor(~~'s office~~). The form shall provide for the authentication and certification by such auditing officer that the materials have been furnished, the services rendered or the labor performed as described, and that the claim is a just, due and unpaid obligation against the municipal corporation or political subdivision; and no claim shall be paid without such authentication and certification: PROVIDED, That the certificates as to claims of officers and employees of a county, city, district or other municipal corporation or political subdivision, for services rendered, shall be made by the person charged with the duty of preparing and submitting vouchers for the payment of services, and he or she shall certify that the claim is just, true and unpaid, which certificate shall be part of the voucher.

Sec. 73. RCW 42.24.090 and 1981 c 56 s 1 are each amended to read as follows:

No claim for reimbursement of any expenditures by officers or employees of any municipal corporation or political subdivision of the state for transportation, lodging, meals or any other purpose shall be allowed by any officer, employee or board charged with auditing accounts unless the same shall be presented in a detailed account: PROVIDED, That, unless otherwise authorized by law, the legislative body of any municipal corporation or political subdivision of the state may prescribe by ordinance or resolution the amounts to be paid officers or employees thereof as reimbursement for the use of their personal automobiles or other transportation equipment in connection with officially assigned duties and other travel for approved public purposes, or as reimbursement to such officers or employees in lieu of actual expenses incurred for lodging, meals or other purposes. The rates for such reimbursements may be computed on a mileage, hourly, per diem, monthly, or other basis as the respective legislative bodies shall determine to be proper in each instance: PROVIDED, That in lieu of such reimbursements, payments for the use of personal automobiles for official travel may be established if the legislative body determines that these payments would be less costly to the municipal corporation or political subdivision of the state than providing automobiles for official travel.

All claims authorized under this section shall be duly certified by the officer or employee submitting such claims on forms and in the manner prescribed by the (~~division of municipal corporations in the office of the~~) state auditor.

Sec. 74. RCW 53.06.060 and 1961 c 31 s 6 are each amended to read as follows:

The financial records of the Washington public ports association shall be subject to audit by the (~~Washington state division of municipal corporations of the~~) state auditor.

Sec. 75. RCW 56.08.110 and 1973 1st ex. s. c 195 s 62 are each amended to read as follows:

To improve the organization and operation of sewer districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of sewer systems in their respective districts. The commissioners of sewer districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Sewer district commissioners and their employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such association shall be subject to audit by the (~~Washington state division of municipal corporations of the~~) state auditor.

Sec. 76. RCW 57.08.110 and 1973 1st ex. s. c 195 s 68 are each amended to read as follows:

To improve the organization and operation of water districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply in their respective districts. The commissioners of water districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be

deemed convenient to carry out the purposes of the association. Water district commissioners and employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy of two and one-half cents per thousand dollars of assessed value against the taxable property of the district. The financial records of such association shall be subject to audit by the (~~Washington state division of municipal corporations of the~~) state auditor.

Sec. 77. RCW 70.12.070 and 1991 c 3 s 316 are each amended to read as follows:

The public health pool fund shall be subject to audit by the (~~division of departmental audits~~) state auditor and shall be subject to check by the state department of health.

Sec. 78. RCW 26.04.210 and 1985 c 82 s 5 are each amended to read as follows:

(1) The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in (~~his~~) the auditor's office upon blanks to be provided by the county for that purpose, an affidavit showing that (~~they are not~~) if an applicant is afflicted with any contagious (~~venereal~~) sexually transmitted disease, the condition is known to both applicants, and that the applicants are the age of eighteen years or over (~~(=~~ PROVIDED, FURTHER, That)). If the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

(2) The affidavit form shall be designed to require a statement that no contagious sexually transmitted disease is present or that the condition is known to both applicants, without requiring the applicants to state whether or not either or both of them are afflicted by such disease.

NEW SECTION. Sec. 79. The following acts or parts of acts are each repealed:

- (1) RCW 43.09.030 and 1965 c 8 s 43.09.030;
- (2) RCW 43.09.040 and 1965 c 8 s 43.09.040;
- (3) RCW 43.09.190 and 1965 c 8 s 43.09.190;
- (4) RCW 43.09.250 and 1988 c 52 s 1 & 1965 c 8 s 43.09.250; and
- (5) RCW 43.09.300 and 1988 c 53 s 1 & 1965 c 8 s 43.09.300.

NEW SECTION. Sec. 80. Sections 2 through 5, 8, and 14 of this act are each added to chapter 43.09 RCW."

On page 1, line 2 of the title, after "auditor;" strike the remainder of the title and insert "amending RCW 43.09.010, 43.09.170, 43.09.180, 43.09.200, 43.09.205, 43.09.220, 43.09.230, 43.09.240, 43.09.260, 43.09.265, 43.09.270, 43.09.280, 43.09.2801, 43.09.282, 43.09.290, 43.09.310, 43.09.330, 43.09.340, 43.09.410, 43.09.412, 43.09.414, 43.09.416, 43.09.418, 3.30.070, 3.62.020, 14.08.090, 35.02.132, 35.07.230, 35.21.270, 35.23.121, 35.23.535, 35.27.510, 35.33.031, 35.33.041, 35.33.075, 35.33.111, 35.34.050, 35.34.060, 35.34.120, 35.34.130, 35.34.190, 35.76.020, 35.76.030, 35.76.050, 35A.33.030, 35A.33.040, 35A.33.075, 35A.33.110, 35A.34.050, 35A.34.060, 35A.34.120, 35A.34.130, 35A.34.190, 35A.37.010, 36.22.140, 36.40.030, 36.40.040, 36.40.080, 36.40.220, 36.47.060, 36.68.530, 36.69.160, 36.80.080, 36.82.200, 40.14.070, 42.24.080, 42.24.090, 53.06.060, 56.08.110, 57.08.110, 70.12.070, and 26.04.210; adding new sections to chapter 43.09 RCW; and repealing RCW 43.09.030, 43.09.040, 43.09.190, 43.09.250, and 43.09.300."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House concur in the Senate amendments to Engrossed House Bill No. 1889 and pass the bill as amended by the Senate.

Representatives Reams and Rust spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1889 as amended by the Senate.

Representative Reams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1889 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Engrossed House Bill No. 1889, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 7, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2005 with the following amendments:

On page 1, line 10, strike "currently" and insert "obtains or"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dyer moved that the House concur in the Senate amendments to Engrossed House Bill No. 2005 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2005 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2005 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Engrossed House Bill No. 2005, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1152 with the following amendments:

Strike everything after the enacting clause and insert the following:

" **Sec. 1.** RCW 9.41.070 and 1994 sp.s. c 7 s 407 and 1994 c 190 s 2 are each reenacted and amended to read as follows:

(1) The ~~((judge of a court of record, the))~~ chief of police of a municipality~~((,))~~ or the sheriff of a county~~((,))~~ shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for ~~((four))~~ five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless ~~((he or she))~~:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

~~((e))~~ (d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.26.137, 26.50.060, or 26.50.070;

~~((d))~~ (e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense;

~~((e))~~ (f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor;

~~((f))~~ (g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)~~((d))~~ (e) within one year before filing an application to carry a pistol concealed on his or her person; or
~~((g))~~ (h)(i) He or she has been convicted of any crime against a child or other person listed in RCW 43.43.830(5).

(ii) Except as provided in ~~((g))~~ (h)(iii) of this subsection, any person who becomes ineligible for a concealed pistol license as a result of a conviction for a crime listed in ~~((g))~~ (h)(i) of this subsection and then successfully completes all terms of his or her sentence, as evidenced by a certificate of discharge issued under RCW 9.94A.220 in the case of a sentence under chapter 9.94A RCW, and has not again been convicted of any crime and is not under indictment for any crime, may, one year or longer after such successful sentence completion, petition a court of record for a declaration that the person is no longer ineligible for a concealed pistol license under ~~((g))~~ (h)(i) of this subsection.

(iii) No person convicted of a serious offense as defined in RCW 9.41.010 may have his or her right to possess firearms restored, unless the person has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a ~~((pistol))~~ firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall ~~((be in triplicate, in form to be prescribed by the department of licensing, and shall))~~ bear the full name, ~~((street))~~ residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license ~~((application))~~ shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen~~((, and whether he or she has been required to register with the state or federal government and has an identification or registration number))~~. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170 and produce proof of compliance with RCW 9.41.170 upon application. The license shall be in triplicate and in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original ((issuance of a four-year) five-year license shall be ((fifty)) thirty-six dollars plus additional charges imposed by the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) ~~((Ten))~~ Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) ~~((Fifteen))~~ Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) ~~((Ten))~~ Three dollars to the firearms range account in the general fund.

(6) The fee for the renewal of such license shall be ~~((fifty))~~ thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) ~~((Twenty))~~ Fifteen dollars shall be paid to the state general fund;

(b) ~~((Twenty))~~ Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) ~~((Ten))~~ Three dollars to the firearms range account in the general fund.

(7) The fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

~~((8))~~ (9) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ~~((twenty))~~ ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) ~~((Ten))~~ Three dollars shall be deposited in the state wildlife fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) ~~((Ten))~~ Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

~~((9))~~ (10) Notwithstanding the requirements of subsections (1) through ~~((8))~~ (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

~~((10))~~ (11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

~~((11))~~ (12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

~~((12))~~ (13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and reenacting and amending RCW 9.41.070."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Pennington moved that the House concur in the Senate amendments to Substitute House Bill No. 1152 and pass the bill as amended by the Senate.

Representatives Pennington and Costa spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1152 as amended by the Senate.

Representatives Pennington, Campbell, Ogden, Grant and Beeksma spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1152 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Brown, Cole, Dellwo, Mason, Romero, Rust, Thibaudeau and Tokuda - 8.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1152, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1237 with the following amendments:

On page 2, line 13, after "Counsel" strike "shall not" and insert "may"

On page 2, line 15, after "sentence" insert ", if the court determines that the collateral attack is not barred by RCW 10.73.090 or 10.73.140"

and the same are herewith transmitted.

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1237 and pass the bill as amended by the Senate.

Representatives Sheahan and Appelwick spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1237 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1237 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria and Mr. Speaker - 93.

Voting nay: Representatives Cole, Rust and Wolfe - 3.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1237, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1305 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.040 and 1993 sp.s. c 6 s 1 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and, until the effective date of this section, has had its population increase by more than ten percent in the previous ten years or, on or after the effective date of this section, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development

regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office

of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

Sec. 2. RCW 36.70A.110 and 1994 c 249 s 27 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the ~~((population))~~ growth management ~~((planning))~~ population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, ~~((and))~~ second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350. ~~((Further, it is))~~

(4) In general, cities are the units of local government most appropriate ~~((that))~~ to provide urban ~~((government))~~ governmental services ~~((be provided by cities, and))~~. In general, it is not appropriate that urban ~~((government))~~ governmental services ~~((should not))~~ be ~~((provided))~~ extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

~~((4))~~ (5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all

other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

~~((5))~~ (6) Each county shall include designations of urban growth areas in its comprehensive plan.

Sec. 3. RCW 36.70A.070 and 1990 1st ex.s. c 17 s 7 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit appropriate land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and uses and may also provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural uses not characterized by urban growth.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

- (iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;
- (iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;
- (v) Identification of system expansion needs and transportation system management needs to meet current and future demands;
- (c) Finance, including:
 - (i) An analysis of funding capability to judge needs against probable funding resources;
 - (ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;
 - (iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;
- (d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;
- (e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

NEW SECTION. Sec. 4. A comprehensive plan adopted or amended before the effective date of this act shall be considered to be in compliance with RCW 36.70A.070 or 36.70A.110, as in effect before their amendment by this act, if the comprehensive plan is in compliance with RCW 36.70A.070 and 36.70A.110 as amended by this act. This section shall not be construed to alter the relationship between a county-wide planning policy and comprehensive plans as specified under RCW 36.70A.210.

As to any appeal relating to compliance with RCW 36.70A.070 or 36.70A.110 pending before a growth management hearings board on the effective date of this act, the board may take up to an additional ninety days to resolve such appeal. By mutual agreement of all parties to the appeal, this additional ninety-day period may be extended.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:
Where the county has classified mineral lands pursuant to RCW 36.70A.050 and mineral resource lands of long-term commercial significance exist, a county, city, or town shall designate sufficient mineral resource lands in the comprehensive plans to meet the projected twenty-year, county-wide need. Once designated, mineral resource uses, including operations as defined in RCW 78.44.031, shall be established as an allowed use in local development regulations.

The county, city, or town shall designate mineral resource deposits, both active and inactive, in economically viable proximity to locations where the deposits are likely to be used.

Through its comprehensive plan and development regulations, as defined in RCW 36.70A.030, the county, city, or town shall discourage the siting of incompatible uses adjacent to mineral resource industries, deposits, and holdings.

The county-wide need and proximity provisions of this section do not apply to metals mining and milling operations as defined in RCW 78.56.020.

For the purposes of this section, "long-term commercial significance" includes the mineral composition of the land for long-term economically viable commercial production, in consideration

with the mineral resource land's proximity to population areas, product markets, and the possibility of more intense uses of the land.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 36.70A.040, 36.70A.110, and 36.70A.070; adding a new section to chapter 36.70A RCW; creating a new section; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House concur in the Senate amendments to Engrossed House Bill No. 1305 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1305 as amended by the Senate.

Representative Reams spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1305 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 85, Nays - 10, Absent - 1, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Wolfe and Mr. Speaker - 85.

Voting nay: Representatives Cody, Cole, Fisher, R., Mason, Regala, Romero, Rust, Thibaudeau, Tokuda and Veloria - 10.

Absent: Representative Dellwo - 1.

Excused: Representatives Benton and Patterson - 2.

Engrossed House Bill No. 1305, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1359 with the following amendments:

On page 13, line 17, before "The" insert "(1)"

On page 13, after line 18, insert the following:

"(2)(a) The department shall convene the cigarette tax and revenue loss advisory committee. The advisory committee shall consist of the following members:

- (i) Two members recommended by the Washington state association of neighborhood stores, appointed by the speaker of the house of representatives and the majority leader of the senate;
- (ii) One member recommended by the Korean-American grocers association, appointed by the speaker of the house of representatives and the majority leader of the senate;
- (iii) One wholesaler of tobacco products, appointed by the speaker of the house of representatives and the majority leader of the senate;
- (iv) One distributor of tobacco products, appointed by the speaker of the house of representatives and the majority leader of the senate;
- (v) The director of the department of revenue or the director's designee;
- (vi) A representative of the Washington state liquor control board;
- (vii) Four representatives of the senate committee on ways and means;
- (viii) Four representatives of the house of representatives committee on finance; and
- (ix) The governor or the governor's designee.

(b) Nonlegislative members may receive reimbursement from the governor's office for travel under RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed under RCW 41.04.300.

(c)(i) The advisory committee shall review, analyze, and report all cigarette tax losses determined from the best evidence and analytical techniques available to have been experienced by the state of Washington due to cross border sales, Indian sales, casual and organized bootlegging or smuggling, and sales on military reservations. This report must cover the period from January 1, 1992, through December 1, 1995. This report must be made to the appropriate committees of the legislature by January 15, 1996.

(ii) The report must quantify cigarette tax losses attributable to each of the categories enumerated in (c)(i) of this subsection by year and the total loss of revenue experienced by the state in each year. In a year during which the cigarette tax was increased, the losses must be broken down to reveal revenue losses during the year before the increase and revenue losses during the year after the increase.

(iii) The report must state the sources of information used to make estimates of revenue loss in each year and the methodology used to convert such information into estimates of revenue lost. If assumptions are required to be made in developing these estimates, the assumptions must be clearly stated and justified in the report. If a determination is made not to utilize certain available information that might be probative of revenue losses, the omission must be noted and the rationale for its omission clearly stated.

(iv) In addition to establishing from the best information available the amount of cigarette revenue lost in each year, the report must include an enumeration and analysis of the underlying reasons for such losses, and a narrative summary accurately and objectively setting forth the findings embodied in the report.

(d) The advisory committee may utilize the staff of the department, the Washington state liquor control board, the senate committee on ways and means, and the house of representatives committee on finance for the purpose of carrying out this subsection."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House not concur in the Senate amendments to House Bill No. 1359 and ask the Senate to recede therefrom.

Representative B. Thomas spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1436 with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of any city with a population of less than two thousand that is located in a county with a population of at least one million is authorized to levy and collect a special excise tax not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no tax shall be levied on a premises having fewer than forty lodging units. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) The tax authorized in subsection (1) of this section is in addition to any other tax authorized by law.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to the tax imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the city. Such taxes shall only be used to mitigate the impacts of tourism or flooding."

On page 1, line 1 of the title, after "lodging;" strike the remainder of the title and insert "and adding a new section to chapter 67.28 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House not concur in the Senate amendments to House Bill No. 1436 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1524 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.94.010 and 1992 c 237 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter.

(a) "City" means a first class city with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the uniform seal or certificate issued by the director or city sealer which indicates that a weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.195.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.195.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means ~~((any object))~~ the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

Sec. 2. RCW 19.94.160 and 1992 c 237 s 5 are each amended to read as follows:

Weights and measures standards that are in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state weights and measures standards, shall, when the same shall have been certified as such by the national institute of standards and technology or any successor organization, be the ~~((state))~~ primary standards of weight and measure. The state weights and measures standards shall be kept in a place designated by the director and shall ~~((not be removed from such designated place except for repairs or for certification. These state weights and measures standards shall be submitted at least once every ten years to the national institute of standards and technology or any successor organization for certification))~~ be maintained in such calibration as prescribed by the national institute of standards and technology or any successor organization.

Sec. 3. RCW 19.94.165 and 1992 c 237 s 6 are each amended to read as follows:

(1) ~~Unless otherwise provided by ((the department, all weighing or measuring instruments or devices used for commercial purposes within this state shall be inspected and tested for accuracy by the director or city sealer at least once every two years))~~ law, the director or city sealer, shall have the power to inspect and test all weighing or measuring instruments or devices to ascertain if they are correct. It shall be the duty of the director or city sealer, as often as they deem necessary, to inspect and test for accuracy all weighing or measuring instruments or devices used for commercial purposes within this state and, if found to be correct, the director or city sealer shall issue an official seal of approval for each such instrument or device.

(2) ~~((Beginning fiscal year 1993, the schedule of inspection and testing shall be staggered so as one half of the weighing or measuring instruments or devices under the jurisdiction of the inspecting and testing authority are approved in odd fiscal years and the remaining one half are inspected and tested in even fiscal years.~~

~~(3))~~ The department may provide, as needed, uniform, official seals of approval to city sealers for the purposes expressed in this section.

NEW SECTION. Sec. 4. A new section is added to chapter 19.94 RCW to read as follows:

(1) No person shall operate a weighing or measuring instrument or device for commercial purposes within this state without annually registering the instrument or device with the department unless the instrument or device is within a city that has a city sealer and a program for testing and inspecting weighing and measuring instruments and devices. If the commercial use is within a city having a city sealer and a program for testing and inspecting weighing or measuring instruments and devices, the instrument or device may be registered with the city.

(2) A city with such a sealer and program may establish an annual fee for registering the commercial use of such an instrument or device with the city. The annual fee shall not exceed the fee established in RCW 19.94.175 for registering the use of a similar instrument or device with the department.

(3) Any person applying with the department for registration of an instrument or device used commercially shall make such application through the master licensing system. The application shall be accompanied by the fees established in RCW 19.94.175. A separate application must be submitted for each business location. Application for weighing or measuring device registration shall be made upon a form prescribed by the department and shall contain such information as the department may require. The fees required by RCW 19.94.175 are in addition to any other fee or license required by law.

(4) The registration fee that must accompany an application for a new license or annual renewal shall be based upon the number and type of weighing or measuring devices at each business location.

(5) Device registrations shall expire on the master license expiration date unless the registration is revoked or suspended prior to that date. The master license shall be displayed in a conspicuous place in the location for which it was issued.

(6) The department may, during normal business hours, compare the number of devices listed on the master license with the number of devices at the business location to determine that appropriate registration fees have been paid.

Sec. 5. RCW 19.94.175 and 1992 c 237 s 7 are each amended to read as follows:

~~((1))~~ The department shall establish reasonable, biennial inspection and testing fees for each type or class of weighing or measuring instrument or device required to be inspected and tested under this chapter. These inspection and testing fees shall be equitably prorated within each such type or class and shall be limited to those amounts necessary for the department to cover, to the extent possible, the direct costs associated with the inspection and testing of each type or class of weighing or measuring instrument or device.

~~(2)~~ Prior to the establishment and each amendment of the fees authorized under this chapter, a weights and measures fee task force shall be convened under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair and one representative from each of the following: City sealers, service agents, service stations, grocery stores, retailers, food processors/dealers, oil heat dealers, the agricultural community, and liquid propane dealers. The task force shall recommend the appropriate level of fees to be assessed by the department pursuant to subsection (1) of this section, based upon the level necessary to cover the direct costs of administering and enforcing the provisions of this chapter and to the extent possible be consistent with fees reasonably and customarily charged in the private sector for similar services.

~~(3)~~ The fees authorized under this chapter may be billed only after the director or a city sealer has issued an official seal of approval for a weighing or measuring instrument or device or a weight or measure standard.

~~(4)~~ All fees shall become due and payable thirty days after billing by the department or a city sealer. A late penalty of one and one half percent per month may be assessed on the unpaid balance more than thirty days in arrears. (1) The following annual registration fees shall be charged for weighing or measuring instruments or devices required to be inspected and tested under this chapter:

(a) Weighing devices:

(i) Small scales "zero to four hundred pounds capacity" \$ 5.00

(ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity" \$ 20.00

(iii) Large scales "over five thousand pounds capacity" \$ 52.00

(iv) Large scales with supplemental devices \$ 52.00

(v) Railroad track scales \$800.00

(b) Liquid fuel metering devices:

(i) Motor fuel meters with flows of less than twenty gallons per minute \$ 5.00

(ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute \$ 16.00

(iii) Motor fuel meters with flows over one hundred fifty gallons per minute \$ 25.00

(c) Liquid petroleum gas meters:

(i) With one inch diameter or smaller dispensers \$ 10.00

(ii) With greater than one inch diameter dispensers \$ 30.00

(d) Fabric meters \$ 5.00

(e) Cordage meters \$ 5.00

(f) Mass flow meters \$ 14.00

(g) Taxi meters \$ 5.00

~~((5))~~ (2) Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this section by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city. ((On the thirtieth day of each month, city sealers shall, pursuant to procedures established and upon forms provided by the director, remit to the department for administrative costs ten percent of the total fees collected.

~~((6))~~ (3) With the exception of subsection ((7)) (4) of this section, no person shall be required to pay more than the established ((inspection and testing)) annual registration fee adopted under this

section for any weighing or measuring instrument or device (~~(in any two-year period)~~) when the same has been found to be correct.

~~((7) Whenever a special request is made by the owner for the inspection and testing of a weighing or measuring instrument or device, the fee prescribed by the director for such a weighing or measuring instrument or device shall be paid by the owner.)~~

(4) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees established under this subsection shall not be set so as to compete with service agents normally engaged in such services.

Sec. 6. RCW 19.94.185 and 1992 c 237 s 8 are each amended to read as follows:

(1) All moneys collected under this chapter shall be paid to the director and placed in the weights and measures account hereby established in the ~~((state treasury))~~ agricultural local fund. Moneys deposited in this account ~~((may be spent only following appropriation by law and))~~ shall be used solely for the purposes ~~((of weighing or measuring instrument or device inspection and testing))~~ relating to the enforcement or implementation of this chapter. No appropriation is required for the disbursement of moneys from the account by the director.

(2) By January 1st of each odd-numbered year, the department shall provide a written report on the amount of revenues by major category received under this chapter for the administration of the weights and measures program by the department. The report shall include the amount of revenue generated for the two previous biennium, an estimate of the amount of funds to be received during the current biennium, and an estimate of the amount of funds to be generated during the next ensuing biennium. The report shall be submitted to the office of financial management and to each committee in the legislature with jurisdiction over programs administered by the department in the house and the senate.

The report shall also provide a summary that shows how the metrology laboratory is funded.

Sec. 7. RCW 19.94.190 and 1992 c 237 s 9 are each amended to read as follows:

(1) The director and duly appointed city sealers shall enforce the provisions of this chapter. The director shall adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical and reporting procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

~~(d) ((The establishment of fee payment and reporting procedures and any necessary report and record forms to be used by city sealers when remitting the percentage of total fees collected as required under this chapter;~~

~~(e))~~ The establishment of exemptions from the sealing or marking inspection and testing requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question;

~~((f))~~ (e) The establishment of exemptions from the inspection and testing requirements of RCW 19.94.165 with respect to classes of weighing or measuring instruments or devices found to be of such character that periodic inspection and testing is unnecessary to ensure continued accuracy; and

~~((g))~~ (f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable.

(2) These rules shall also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and shall be designed to eliminate

from use, without prejudice to weighing or measuring instruments or devices that conform as closely as practicable to official specifications and tolerances, those (a) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (b) that facilitate the perpetration of fraud.

Sec. 8. RCW 19.94.216 and 1992 c 237 s 12 are each amended to read as follows:

The department shall:

(1) Biennially inspect and test the secondary weights and measures standards of any city for which the appointment of a city sealer is provided by this chapter and shall issue an official seal of approval for same when found to be correct. The department shall~~((, by rule, establish a reasonable fee))~~ charge an hourly fee of sixty dollars per hour for~~((such))~~ this and any other inspection and testing services performed~~((by))~~ at the department's metrology laboratory. Inspection and testing services performed at other than the metrology laboratory will be charged an hourly rate of sixty dollars per hour plus the current mileage and per diem rates established by the office of financial management.

(2) ~~((Biennially))~~ Inspect, test, and, if found to be correct, issue an official seal of approval for any weighing or measuring instrument or device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government and shall report any findings in writing to the executive officer of the agency or institution concerned. The department shall collect a reasonable fee, to be set by rule, for testing any such weighing or measuring instrument or device.

(3) Inspect, test, and, if found to be correct, issue a seal of approval for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential inspection and testing frequency is necessary including, but not limited to, railroad track scales and grain elevator scales. The department shall develop rules regarding the inspection and testing procedures to be used for such weighing or measuring instruments or devices which shall include requirements for the provision, maintenance, and transport of any weight or measure standard necessary for inspection and testing at no expense to the state.~~((The department may collect a reasonable fee, to be set by rule, for inspecting and testing any such weighing and measuring instruments or devices. This fee shall not be unduly burdensome and shall cover, to the extent possible, the direct costs of performing such service.))~~

Sec. 9. RCW 19.94.255 and 1992 c 237 s 17 are each amended to read as follows:

(1) Weighing or measuring instruments or devices that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section.

(2) The owner of any weighing or measuring instrument or device that has been marked or tagged as rejected by the director or a city sealer shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority. In lieu of correction, the owner of such weighing and measuring instrument or device may dispose of the same, but only in the manner specifically authorized by the rejecting authority.

(3) Weighing and measuring instruments or devices that have been rejected shall not again be used commercially until they have been ~~((officially))~~ reexamined and~~((,if))~~ found to be correct~~((, had an official seal of approval placed upon or issued for such weighing or measuring instrument or device by the rejecting authority))~~ by the department, city sealer, or a service agent registered with the department.

(4) If a weighing or measuring instrument or device marked or tagged as rejected is found to be correct by a service agent registered with the department, the agent shall provide a signed certification to the owner or operator of the instrument or device so indicating and shall report to the rejecting authority as provided by rule under RCW 19.94.190(1)(c).

NEW SECTION. Sec. 10. A new section is added to chapter 19.94 RCW to read as follows:

(1) Except as authorized by the department, a service agent who intends to provide the examination that permits a weighing or measuring instrument or device to be placed back into commercial service under RCW 19.94.255(3) shall receive an official registration certificate from the director prior to performing such a service. This registration requirement does not apply to the department or a city sealer.

(2) Except as provided in section 12 of this act, a registration certificate is valid for one year. It may be renewed by submitting a request for renewal to the department.

NEW SECTION. Sec. 11. A new section is added to chapter 19.94 RCW to read as follows:

(1) Each request for an official registration certificate shall be in writing, under oath, and on a form prescribed by the department and shall contain any relevant information as the director may require, including but not limited to the following:

(a) The name and address of the person, corporation, partnership, or sole proprietorship requesting registration;

(b) The names and addresses of all individuals requesting an official registration certificate from the department; and

(c) The tax registration number as required under RCW 82.32.030 or uniform business identifier provided on a master license issued under RCW 19.02.070.

(2) Each individual when submitting a request for an official registration certificate or a renewal of such a certificate shall pay a fee to the department in the amount of eighty dollars per individual.

(3) The department shall issue a decision on a request for an official registration certificate within twenty days of receipt of the request. If an individual is denied their request for an official registration certificate, the department must notify that individual in writing stating the reasons for the denial and shall refund any payments made by that individual in connection with the request.

NEW SECTION. Sec. 12. A new section is added to chapter 19.94 RCW to read as follows:

(1) The department shall have the power to revoke, suspend, or refuse to renew the official registration certificate of any service agent for any of the following reasons:

(a) Fraud or deceit in obtaining an official registration certificate under this chapter;

(b) A finding by the department of a pattern of intentional fraudulent or negligent activities in the installation, inspection, testing, checking, adjusting, or systematically standardizing and approving the graduations of any weighing or measuring instrument or device;

(c) Knowingly placing back into commercial service any weighing or measuring instrument or device that is incorrect;

(d) A violation of any provision of this chapter; or

(e) Conviction of a crime or an act constituting a crime under the laws of this state, the laws of another state, or federal law.

(2) Upon the department's revocation of, suspension of, or refusal to renew an official registration certificate, an individual shall have the right to appeal this decision in accordance with the administrative procedure act, chapter 34.05 RCW.

Sec. 13. RCW 19.94.280 and 1992 c 237 s 20 are each amended to read as follows:

(1) There may be a city sealer in every city and such deputies as may be required by ordinance of each such city to administer and enforce the provisions of this chapter.

(2) Each city electing to have a city sealer shall adopt rules for the appointment and removal of the city sealer and any deputies required by local ordinance. The rules for appointment of a city sealer and any deputies must include provisions for the advice and consent of the local governing body of such city and, as necessary, any provisions for local civil service laws and regulations.

(3) A city sealer ~~((shall))~~ may adopt the fee amounts established ~~((by the director pursuant to RCW 19.94.165))~~ under RCW 19.94.175. However, no city shall adopt or charge an inspection, testing, or licensing fee or any other fee upon a weighing or measuring instrument or device that is in excess of the fee amounts ~~((adopted under RCW 19.94.165))~~ established by the department under the provisions of this chapter for substantially similar services.

(4) A city sealer shall keep a complete and accurate record of all official acts performed under the authority of this chapter and shall submit an annual report to the governing body of his or her city and shall make any reports as may be required by the director.

Sec. 14. RCW 19.94.320 and 1992 c 237 s 22 are each amended to read as follows:

(1) In cities for which city sealers have been appointed as provided for in this chapter, the director shall have general ~~((supervisory powers over such))~~ oversight of city ~~((sealers))~~ weights and

measures programs and may, when he or she deems it reasonably necessary, exercise concurrent authority to carry out the provisions of this chapter.

(2) When the director elects to exercise concurrent authority within a city with a duly appointed city sealer, the director's powers and duties relative to this chapter shall be in addition to the powers granted in any such city by law or charter.

Sec. 15. RCW 19.94.360 and 1969 c 67 s 36 are each amended to read as follows:

In addition to the declarations required by RCW 19.94.350, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity ~~((and bearing the total selling price of the package))~~ at the time it is exposed for sale at retail, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count and the total selling price of the package.

Sec. 16. RCW 19.94.390 and 1969 c 67 s 39 are each amended to read as follows:

(1) Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser.

Whenever an advertised, poster or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1, 1994) for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the procedure should be so revised, it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

Sec. 17. RCW 19.94.410 and 1988 c 63 s 1 are each amended to read as follows:

~~((1) Except as provided in subsection (2) of this section,)) Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight ~~((and only in units of one-quarter pound, one-half pound, one pound or multiples of one pound, avoirdupois weight.~~~~

~~(2) The director of agriculture may allow the sale of butter specialty products in nonstandard units of weight if the purpose achieved by using such nonstandard units is decorative in nature and the products are clearly labeled as to weight and price per pound)).~~

NEW SECTION. Sec. 18. A new section is added to chapter 15.80 RCW to read as follows:

All moneys collected under this chapter shall be placed in the weights and measures account in the agricultural local fund created in RCW 19.94.185.

Sec. 19. RCW 43.84.092 and 1994 c 2 s 6 (Initiative Measure No. 601), 1993 sp.s. c 25 s 511, 1993 sp.s. c 8 s 1, 1993 c 500 s 6, 1993 c 492 s 473, 1993 c 445 s 4, 1993 c 329 s 2, and 1993 c 4 s 9 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for

refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, the weights and measures account, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The marine operating fund, the motor vehicle fund, and the transportation fund.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 20. A new section is added to chapter 19.94 RCW to read as follows:
The department shall develop a written report on the implementation of chapter . . . , Laws of 1995 (this act) that provides information including but not limited to the number of inspections conducted, the results of the inspections, the number of warnings issued, and the number of enforcement actions taken. The report shall be submitted to the secretary of the senate and chief clerk of the house of representatives, on December 15th of each even-numbered year. This section shall expire January 1, 2000.

NEW SECTION. Sec. 21. A new section is added to chapter 19.94 RCW to read as follows:
No state general fund moneys may be utilized by the department to fund the operation of the metrology laboratory. Funding of the laboratory shall be based on the prorated usage by two major components: (1) Services performed for other persons or governmental agencies; and (2) services performed for the department that are connected with the administration of the program under this chapter.

NEW SECTION. Sec. 22. (1) Sections 1 through 3, 6 through 15, and 19 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995.
(2) Sections 4 and 5 of this act shall take effect January 1, 1996."

On page 1, line 1 of the title, after "measures;" strike the remainder of the title and insert "amending RCW 19.94.010, 19.94.160, 19.94.165, 19.94.175, 19.94.185, 19.94.190, 19.94.216, 19.94.255, 19.94.280, 19.94.320, 19.94.360, 19.94.390, and 19.94.410; reenacting and amending RCW 43.84.092; adding new sections to chapter 19.94 RCW; adding a new section to chapter 15.80 RCW; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative McMorris moved that the House not concur in the Senate amendments to Second Substitute House Bill No. 1524 and ask the Senate to recede therefrom.

Representative McMorris spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1534 with the following amendments:

On page 7, after line 33, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 18.43 RCW to read as follows:
The board may adopt rules under this section authorizing a retired status certificate. An individual certificated under this chapter who has reached the age of sixty-five years and has retired from the active practice of engineering and land surveying may, upon application and at the discretion of the board, be exempted from payment of annual renewal fees thereafter."

On page 1, line 2 of the title, after "18.43.070;" insert "adding a new section to chapter 18.43 RCW;"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House concur in the Senate amendments to House Bill No. 1534 and pass the bill as amended by the Senate.

Representative Lisk spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1534 as amended by the Senate.

Representative Cairnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1534 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

House Bill No. 1534, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1658 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 75.20 RCW to read as follows: The department may not require mitigation for adverse impacts on fish life or habitat that occurred at the time a wetland was filled, if the wetland was filled under the provisions of RCW 75.20.300."

On page 1, line 1 of the title, after "wetlands;" strike the remainder of the title and insert "and adding a new section to chapter 75.20 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative McMorris moved that the House concur in the Senate amendments to Substitute House Bill No. 1658 and pass the bill as amended by the Senate.

Representative McMorris spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1658 as amended by the Senate.

Representative Pennington spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1658 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1658, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1669 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 67.28.210 and 1994 c 290 s 1 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180, 67.28.240, and 67.28.260 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for

advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism: PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway for tourism promotion purposes: PROVIDED FURTHER, That any city bordering on the Pacific Ocean or on Baker Bay with a population of not less than eight hundred and the county in which such a city is located, a city wholly located on an island, a city bordering on the Skagit river with a population of not less than twenty thousand, or any city with a population of not less than ten thousand within a county made up entirely of islands may use the proceeds of such taxes for funding special events or festivals, or for the acquisition, construction, or operation of publicly owned tourist promotional infrastructures, structures, or buildings including but not limited to an ocean beach boardwalk, public docks, and viewing towers: PROVIDED FURTHER, That any county which imposes a tax under RCW 67.28.182 or any city with a population less than fifty thousand in such county may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any county made up entirely of islands, and any city or town that has a population less than five thousand, may use the proceeds of the tax levied and collected under RCW 67.28.180 to provide public restroom facilities available to and intended for use by visitors: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for funding a civic festival, if the following conditions are met: The festival is a community-wide event held not more than once annually; the festival is approved by the city, town, or county in which it is held; the festival is sponsored by an exempt organization defined in section 501(c)(3), (4), or (6) of the federal internal revenue code; the festival provides family-oriented events suiting a broad segment of the community; and the proceeds of such taxes are used solely for advertising and promotional materials intended to attract overnight visitors.

Sec. 2. RCW 67.28.270 and 1991 c 357 s 4 are each amended to read as follows:

In addition to the other uses authorized in this chapter, any city with a population of not less than one thousand people located on one of the San Juan islands or the county within which such city is located may impose the tax as provided in RCW 67.28.180, and use the ~~((tax))~~ proceeds from that tax as provided herein for the acquisition, construction, or operation of publicly owned facilities that are used either for county fairs occurring no more than once a year and not extending over a period of more than seven days or to mitigate the impacts of tourism. Mitigation may include paying all or any part of the cost of acquisition, construction, or operation of public information and educational facilities designed to inform visitors of the historical, cultural, ecological, and environmental resources of the county; of overnight or day use parks used by visitors; of kayak and canoe access to public tidelands; of rest, information, and assembly areas for bicycle visitors; of special signage to inform visitors of local points of interest; and of sport and recreational facilities that provide activities of interest to visitors."

On page 1, line 2 of the title, after "structures;" strike the remainder of the title and insert "and amending RCW 67.28.210 and 67.28.270."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 1669 and pass the bill as amended by the Senate.

Representative Beeksma spoke in favor of the motion and it was carried.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1669 as amended by the Senate.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Clerk called the roll on the final passage of Substitute House Bill No. 1669 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Hargrove and Schmidt, K. - 2.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1669, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1673 with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.38.020 and 1991 c 213 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Claimant" means a person who either elects or is required under RCW (~~84.64.030 or~~) 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on the claimant's residence by filing a declaration to defer as provided by this chapter.

When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Department" means the state department of revenue.

(3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(4) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.

(5) "Residence" has the meaning given in RCW 84.36.383, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations.

(6) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefitted by a local improvement, including

assessments under chapters 35.44, 36.88, 36.94, 53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant chapter.

~~((5)) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.)~~

Sec. 2. RCW 84.38.030 and 1991 c 213 s 2 are each amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on up to eighty percent of the amount of the claimant's equity value in the claimant's residence if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the age and income limits under RCW 84.36.381 and the parcel size limit under RCW 84.36.383.

~~(2) The claimant must be sixty years of age or older on December 31st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving a deferral at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section.~~

~~(3) The claimant must have a combined disposable income, as defined in RCW 84.36.383, of ((thirty)) thirty-four thousand dollars or less.~~

~~((3)) (4) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.~~

~~((4)) (5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value: PROVIDED, That if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred shall not exceed one hundred percent of the claimant's equity value in the land or lot only.~~

~~((5)) (6) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available."~~

On page 1, line 2 of the title, after ""disability;" strike the remainder of the title and insert "and amending RCW 84.38.020 and 84.38.030."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House concur in the Senate amendments to Substitute House Bill No. 1673 and pass the bill as amended by the Senate.

Representative B. Thomas spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1673 as amended by the Senate.

Representative Dickerson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1673 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Goldsmith - 1.

Excused: Representatives Benton and Patterson - 2.

Substitute House Bill No. 1673, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.030 and 1993 c 398 s 1, 1993 c 397 s 1, and 1993 c 379 s 302 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such

obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

~~(7)((a) Until July 1, 1995, "uniformed personnel" means: (i) Law enforcement officers as defined in RCW 41.26.030 of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county with a population of seventy thousand or more; (ii) fire fighters as that term is defined in RCW 41.26.030; (iii) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (iv) security forces established under RCW 43.52.520; (v) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (vi) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (vii) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.~~

~~(b) Beginning on July 1, 1995,)) "Uniformed personnel" means: (a)(i) Until July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of seven thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of thirty-five thousand or more; (ii) beginning on July 1, 1997, law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; ~~((iii)) (c)~~ general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; ~~((iv)) (d)~~ security forces established under RCW 43.52.520; ~~((v)) (e)~~ fire fighters as that term is defined in RCW 41.26.030; ~~((vi)) (f)~~ employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; ~~((vii)) (g)~~ employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or ~~((viii)) (h)~~ employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.~~

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

Sec. 2. RCW 41.56.465 and 1993 c 398 s 3 are each amended to read as follows:

(1) In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

~~((1)) (a)~~ The constitutional and statutory authority of the employer;

~~((2)) (b)~~ Stipulations of the parties;

~~((3)(a)) (c)(i)~~ For employees listed in RCW 41.56.030(~~((b)(i)) (a)~~ through ~~((iii)) (d)~~), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;

~~((b)) (ii)~~ For employees listed in RCW 41.56.030(~~((b)(iv)) (e)~~ through ~~((vii)) (h)~~), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered;

~~((4))~~ (d) The average consumer prices for goods and services, commonly known as the cost of living;

~~((5))~~ (e) Changes in any of the circumstances under ~~((subsections (1)))~~ (a) through ~~((4))~~ (d) of this ~~((section))~~ subsection during the pendency of the proceedings; and

~~((6))~~ (f) Such other factors, not confined to the factors under ~~((subsections (1)))~~ (a) through ~~((5))~~ (e) of this ~~((section))~~ subsection, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)~~((b)(i))~~ (a) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

(2) Subsection (1)(c) of this section may not be construed to authorize the panel to require the employer to pay, directly or indirectly, the increased employee contributions resulting from chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required under chapter 41.26 RCW.

NEW SECTION. Sec. 3. The senate committee on ways and means and the house of representatives committee on appropriations shall jointly compile a report to the legislature by December 15, 1996, which shall analyze and review all arbitration awards made involving law enforcement officers under chapter 41.56 RCW since enactment of binding arbitration procedures for law enforcement officers in 1973. This review shall include a brief procedural history of each arbitration including the date, the identity of the parties, the evidence and arguments presented by the parties, the names of the members of the arbitration panel, and the findings and final determination of the issues in dispute.

NEW SECTION. Sec. 4. RCW 41.56.460 and 1993 c 517 s 10, 1993 c 502 s 5, 1993 c 398 s 2, & 1993 c 397 s 2 are each repealed.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 2 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 41.56.465; reenacting and amending RCW 41.56.030; creating a new section; repealing RCW 41.56.460; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Cairnes moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1730 and pass the bill as amended by the Senate.

Representative Cairnes spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1730 as amended by the Senate.

Representative Delvin spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1730 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Beeksmma, Goldsmith, Hargrove, Koster, Lisk, McMahan, Sherstad and Stevens - 8.

Excused: Representatives Benton and Patterson - 2.

Engrossed Substitute House Bill No. 1730, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of ecology shall establish a policy advisory committee to provide advice to the legislature and the department on administrative and legislative actions to more effectively implement the model toxics control act, chapter 70.105D RCW. The committee shall consist of the following members:

- (a) Four legislative members selected as provided in subsection (2) of this section;
 - (b) Four representatives of citizen and environmental organizations;
 - (c) Four representatives of business, including two representatives of small business and two representatives of large business;
 - (d) One representative of counties;
 - (e) One representative of cities;
 - (f) One representative of ports;
 - (g) One member of the scientific advisory board created under RCW 70.105D.030(4);
 - (h) One representative of an environmental consulting firm engaged in the remediation of contaminated sites;
 - (i) Not more than three additional members selected by the department from recommendations provided by the committee; and
 - (j) The directors of the departments of ecology and health or their designees.
- (2) The president of the senate and the speaker of the house of representatives may each appoint one member from each major caucus in the senate and the house of representatives, respectively, to serve as members of the committee.
- (3) In making appointments under subsection (1) (b), (c), (d), (e), (f), (g), and (h) of this section, the department shall select from the lists of recommendations submitted by recognized regional or state-wide organizations representing the interests of that category.

(4) The initial meeting of the committee shall be scheduled no later than August 1, 1995. At the initial meeting the members shall select a presiding officer and adopt procedures for carrying out their duties under sections 2 and 3 of this act. In conducting its review the committee shall, wherever possible, operate on a consensus basis and, when consensus is not possible to achieve, the committee

should encourage the development of recommendations that are broadly supported within the committee. Where consensus is not achieved, other views within the committee shall be included in any reports required by sections 2 and 3 this act.

(5) The committee may divide itself into subcommittees. The committee should seek input from people who are interested in its work and who will, in the committee's view, bring experience or technical or interdisciplinary insight to a thoughtful consideration of the issues before the committee.

(6) The department shall provide staffing and other assistance to the committee, including facilitators from within or outside of state government if requested. Such assistance shall include information in response to reasonable requests from the committee, provided that the information is not protected by attorney-client privilege.

(7) Legislative members of the committee shall be reimbursed for travel expenses as provided in RCW 44.04.120. If other members would not be able to participate in the committee's activities because of travel expenses or other financial limitations on the ability to participate fully, the department shall certify the members as entitled to reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(8) At the initial meeting attended by a committee member, the member shall identify the nature of his or her interest in the outcome of matters before the committee. This information shall include the type of organization to which the member belongs and the general nature of the membership and/or business interest of that organization. Thereafter, a committee member shall disclose any potential conflicts of interest or bias that subsequently arise or of which the committee member subsequently becomes aware. A member shall refrain from participating in any matter that the member for any reason cannot act fairly, objectively, and in the public interest with regard to that matter.

NEW SECTION. Sec. 2. (1) The policy advisory committee shall review, provide advice, and develop recommendations on the following subjects, at a minimum:

- (a) Clean-up standards and clean-up levels, including the use of site-specific risk assessment;
- (b) Policies, rules, and procedures, including the use of cost, current and future land use, and other criteria in the selection of clean-up remedies;
- (c) How the department carries out the clean-up program in practice, including training, and accountability for clean-up decisions and their implementation;
- (d) Improving the clean-up process to provide additional incentives to potentially liable parties to fully and expeditiously fund cleanups;
- (e) The need for adoption of and recommended levels for ecologically based clean-up standards; and
- (f) A review of the effectiveness of independent cleanups.

(2) The committee shall begin meeting no later than August 1, 1995, to review the model toxics control act and its implementation to date. The committee is encouraged to submit recommendations on policies of state-wide or regional significance to the department at any point during its review. The committee shall submit a preliminary report not later than December 15, 1995, to the appropriate legislative committees, that identifies priority questions and issues that the committee intends to address. The preliminary report shall identify the schedule and approach planned for analyzing these priority issues. The committee shall develop a procedure to allow other interested parties to propose additional questions and issues for review. Any questions and issues the committee chooses to address shall be of regional or state-wide significance. It is not the intent that this committee become engaged in site-specific clean-up decisions at pilot projects or any other sites.

(3) The committee shall submit a final report to the department and the appropriate legislative committees not later than December 15, 1996, on the priority issues it has identified for review. In addition to action recommendations, the final report may identify issues and priorities for further study, including a recommendation as to whether the committee should continue in existence.

(4) The department shall assist the committee's review under this section by preparing case studies of a variety of site cleanups involving differing contaminants, quantities of contaminants, media affected, populations exposed, present and future land and resource uses, and other factors. The committee shall seek input from the affected community, potentially liable persons involved in the cleanup and other participants in the clean-up process at the site and include this input in the information included on the case study. The case studies, along with the other information gathered in

the review, shall be used by the committee to provide advice and develop recommendations on the questions and issues addressed by the committee.

NEW SECTION. Sec. 3. (1) Not later than October 1, 1995, the policy advisory committee shall select two pilot projects from a list of proposed pilot project sites provided by the department. The purpose of the pilot projects is to evaluate alternative methods for accomplishing faster, less-expensive, and an equally protective degree of cleanup at complex sites, within the framework provided by the model toxics control act and the rules adopted under the model toxics control act. Pilot projects shall comply with the model toxics control act and the rules adopted under the model toxics control act. Public participation in the clean-up process for these sites shall be as provided in such rules. In order to be eligible for a pilot project, a site shall be conducting remedial actions under an order, agreed order, or consent decree under the model toxics control act and there shall not be significant opposition from the public potentially affected by the site. In addition, the following criteria shall be used by the department and the committee when recommending and selecting a site as a pilot project site:

(a) The presence of multiple parties at the site and the willingness of these persons to participate in a pilot project;

(b) The source of contamination at the site. Sites contaminated as a result of current or past industrial activities shall be given a preference over other sites;

(c) The stage of cleanup at the site. Sites that are in the process of preparing or for which there is recently completed a remedial investigation/feasibility study shall be given preference over other sites; and

(d) The degree of community support for selecting a site as a pilot project site. To determine the degree of community support, the department shall first consult with interested community and environmental groups. Thereafter, before proposing a site as a pilot project the department shall issue a public notice identifying the site and seeking public comment on the potential for the site to be a pilot project site.

(2) In the pilot projects the department shall include with the remedial investigation/feasibility study required under the model toxics control act any additional or alternative risk assessments or other analyses that potentially liable persons may wish to prepare at their expense for the purpose of exploration of improved methods to accomplish cleanup under the model toxics control act. The department shall provide technical assistance to identify an appropriate scope for such supplemental analyses, so that the analyses may prove useful in considering improvements to existing practices, policies, rules, and procedures. The department may establish a reasonable schedule for the preparation of any supplemental analyses. The preparation and evaluation of any supplemental analyses shall not result in a delay in remedial actions at the pilot sites. The analyses shall be included in the remedial investigation/feasibility study regardless of whether the department fully concurred in their scope. The department may simultaneously prepare or commission its own supplemental analyses at its own expense, as distinct from department-conducted or department-commissioned or contracted technical review of supplemental analyses prepared by potentially liable persons, which shall remain subject to cost recovery under the model toxics control act.

(3) In consultation with the potentially liable persons and affected public for each site, the department's site managers shall to the fullest extent possible use the administrative principles set forth, for both the clean-up process and for clean-up standards, as well as other flexible tools available in the rules adopted under the model toxics control act.

(4) In order to avoid misunderstanding and promote constructive dialogue, the public participation plan for each site shall be designed or revised to educate and involve the public on the nature of the pilot project, the specific issues being explored at the site, and the purpose and scope of any alternative or supplemental analyses.

(5) The department shall prepare a report on each pilot project highlighting any policy issues raised as a result of the pilot project and providing a copy of the remedial investigation/feasibility study and any supplemental analyses and public comments received for each pilot project to the policy advisory committee. The report shall be submitted to the committee within ninety days after the comment period ends on the remedial investigation/feasibility study for that site. The department shall also keep the committee informed about decisions made regarding the pilot project sites and progress made in implementation of cleanup at these sites. The intent is for the committee to use the information acquired from the pilot projects to supplement other information used in developing policy

recommendations under section 2 of this act. The department shall submit a status report to the policy advisory committee no later than March 31, 1996, including an estimated schedule for reporting on each pilot project.

(6) Nothing in this act shall be construed to prevent or limit the department from fully employing all procedures and standards available under the model toxics control act or the rules adopted to implement the model toxics control act with respect to any site, whether or not it is being considered as a possible pilot project under this section.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 5.** This act shall expire January 15, 1997."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative McMorris moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1810 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1810 as amended by the Senate.

Representatives McMorris and Rust spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representatives Hargrove and Cairnes were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1810 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Campbell and Smith - 2.

Excused: Representatives Benton, Cairnes, Hargrove and Patterson - 4.

Engrossed Substitute House Bill No. 1810, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the following Representatives were excused: Representative Conway, Representative K. Schmidt, Representative Mitchell, Representative R. Fisher, Representative Silver, Representative Foreman and Representative Sommers.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1865 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 11.88.030 and 1991 c 289 s 2 are each amended to read as follows:

(1) Any person or entity may petition for the appointment of a qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 as now or hereafter amended as the guardian or limited guardian of an incapacitated person. No liability for filing a petition for guardianship or limited guardianship shall attach to a petitioner acting in good faith and upon reasonable basis. A petition for guardianship or limited guardianship shall state:

- (a) The name, age, residence, and post office address of the alleged incapacitated person;
- (b) The nature of the alleged incapacity in accordance with RCW 11.88.010;
- (c) The approximate value and description of property, including any compensation, pension, insurance, or allowance, to which the alleged incapacitated person may be entitled;
- (d) Whether there is, in any state, a guardian or limited guardian, or pending guardianship action for the person or estate of the alleged incapacitated person;
- (e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;
- (f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incapacitated person;
- (g) The name and address of the person or facility having the care and custody of the alleged incapacitated person;
- (h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both, and why no alternative to guardianship is appropriate;
- (i) The nature and degree of the alleged incapacity and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;
- (j) The requested term of the limited guardianship to be included in the court's order of appointment;
- (k) Whether the petitioner is proposing a specific individual to act as guardian ad litem and, if so, the individual's knowledge of or relationship to any of the parties, and why the individual is proposed.

(2)(a) The attorney general may petition for the appointment of a guardian or limited guardian in any case in which there is cause to believe that a guardianship is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship or limited guardianship brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the incapacitated person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the incapacitated person, in which case the filing shall be waived.

(3) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship if the petition alleges that the alleged incapacitated person has total assets of a value of less than three thousand dollars.

(4)(a) Notice that a guardianship proceeding has been commenced shall be personally served upon the alleged incapacitated person and the guardian ad litem along with a copy of the petition for appointment of a guardian. Such notice shall be served not more than five court days after the petition has been filed.

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the alleged incapacitated person that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial on the issue of incapacity. Such notice shall be in substantially the following form and shall be in capital letters, double-spaced, and in a type size not smaller than ten-point type:

IMPORTANT NOTICE
PLEASE READ CAREFULLY

A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED IN THE COUNTY SUPERIOR COURT BY IF A GUARDIAN IS APPOINTED, YOU COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- (1) TO MARRY OR DIVORCE;
- (2) TO VOTE OR HOLD AN ELECTED OFFICE;
- (3) TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;
- (4) TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;
- (5) TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;
- (6) TO POSSESS A LICENSE TO DRIVE;
- (7) TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;
- (8) TO CONSENT TO OR REFUSE MEDICAL TREATMENT;
- (9) TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;
- (10) TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR LIFE.

UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.

YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING. THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO PAY OR PAYMENT WOULD RESULT IN A SUBSTANTIAL HARDSHIP TO YOU.

YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN TO HELP YOU.

YOU HAVE THE RIGHT TO BE PRESENT IN COURT WHEN THE HEARING IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN.

(5) All petitions filed under the provisions of this section shall be heard within sixty days unless an extension of time is requested by a party within such sixty day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

Sec. 2. RCW 11.88.040 and 1991 c 289 s 3 are each amended to read as follows:

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be served personally ((to)) upon the alleged incapacitated person, if over fourteen years of age, and served upon the guardian ad litem.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail to the last known address requesting a return receipt signed by the addressee or an agent appointed by the addressee, or by personal service in the manner provided for services of summons, to the following:

- (1) The alleged incapacitated person, or minor, if under fourteen years of age;
- (2) A parent, if the alleged incapacitated person is a minor, all known children not residing with a notified person, and the spouse of the alleged incapacitated person if any;

(3) Any other person who has been appointed as guardian or limited guardian, or the person with whom the alleged incapacitated person resides. No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or limited guardian or have waived notice of the hearing.

(4) If the petition is by a parent asking for appointment as guardian or limited guardian of a minor child under the age of fourteen years, or if the petition is accompanied by the written consent of a minor of the age of fourteen years or upward, who consents to the appointment of the guardian or limited guardian asked for, or if the petition is by a nonresident guardian of any minor or incapacitated person, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days notice shall be given.

The alleged incapacitated person shall be present in court at the final hearing on the petition: PROVIDED, That this requirement may be waived at the discretion of the court for good cause other than mere inconvenience shown in the report to be provided by the guardian ad litem pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090, as now or hereafter amended, at the discretion of the court for good cause shown by a party. Alternatively, the court may remove itself to the place of residence of the alleged incapacitated person and conduct the final hearing in the presence of the alleged incapacitated person. Final hearings on the petition may be held in closed court without admittance of any person other than those necessary to the action or proceeding.

If presence of the alleged incapacitated person is waived and the court does not remove itself to the place of residence of such person, the guardian ad litem shall appear in person at the final hearing on the petition.

Sec. 3. RCW 11.88.045 and 1991 c 289 s 4 are each amended to read as follows:

(1)(a) Alleged incapacitated individuals shall have the right to be represented by counsel at any stage in guardianship proceedings. The court shall provide counsel to represent any alleged incapacitated person at public expense when either: (i) The individual is unable to afford counsel, or (ii) the expense of counsel would result in substantial hardship to the individual, or (iii) the individual does not have practical access to funds with which to pay counsel. If the individual can afford counsel but lacks practical access to funds, the court shall provide counsel and may impose a reimbursement requirement as part of a final order. When, in the opinion of the court, the rights and interests of an alleged or adjudicated incapacitated person cannot otherwise be adequately protected and represented, the court on its own motion shall appoint an attorney at any time to represent such person. Counsel shall be provided as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks shall be presumed by a reviewing court to be inadequate time for consultation and preparation.

(b) Counsel for an alleged incapacitated individual shall act as an advocate for the client and shall not substitute counsel's own judgment for that of the client on the subject of what may be in the client's best interests. Counsel's role shall be distinct from that of the guardian ad litem, who is expected to promote the best interest of the alleged incapacitated individual, rather than the alleged incapacitated individual's expressed preferences.

(c) If an alleged incapacitated person is represented by counsel and does not communicate with counsel, counsel may ask the court for leave to withdraw for that reason. If satisfied, after affording the alleged incapacitated person an opportunity for a hearing, that the request is justified, the court may grant the request and allow the case to proceed with the alleged incapacitated person unrepresented.

(2) During the pendency of any guardianship, any attorney purporting to represent a person alleged or adjudicated to be incapacitated shall petition to be appointed to represent the incapacitated or alleged incapacitated person. Fees for representation described in this section shall be subject to approval by the court pursuant to the provisions of RCW 11.92.180.

(3) The alleged incapacitated person is further entitled upon request to a jury trial on the issues of his or her alleged incapacity. The standard of proof to be applied in a contested case, whether before a jury or the court, shall be that of clear, cogent, and convincing evidence.

(4) In all proceedings for appointment of a guardian or limited guardian, the court must be presented with a written report from a physician licensed to practice under chapter 18.71 or 18.57 RCW or licensed or certified psychologist selected by the guardian ad litem. The physician or

psychologist shall have personally examined and interviewed the alleged incapacitated person within thirty days of preparation of the report to the court and shall have expertise in the type of disorder or incapacity the alleged incapacitated person is believed to have. The report shall contain the following information and shall be set forth in substantially the following format:

- (a) The name and address of the examining physician or psychologist;
- (b) The education and experience of the physician or psychologist pertinent to the case;
- (c) The dates of examinations of the alleged incapacitated person;
- (d) A summary of the relevant medical, functional, neurological, psychological, or psychiatric history of the alleged incapacitated person as known to the examining physician or psychologist;
- (e) The findings of the examining physician or psychologist as to the condition of the alleged incapacitated person;
- (f) Current medications;
- (g) The effect of current medications on the alleged incapacitated person's ability to understand or participate in guardianship proceedings;
- (h) Opinions on the specific assistance the alleged incapacitated person needs;
- (i) Identification of persons with whom the physician or psychologist has met or spoken regarding the alleged incapacitated person.

The court shall not enter an order appointing a guardian or limited guardian until a medical or psychological report meeting the above requirements is filed.

The requirement of filing a medical report is waived if the basis of the guardianship is minority.

Sec. 4. RCW 11.88.090 and 1991 c 289 s 5 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180, as now or hereafter amended, shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his behalf.

(2) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to

- (a) be free of influence from anyone interested in the result of the proceeding;
- (b) have the requisite knowledge, training, or expertise to perform the duties required by this section.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection (5) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency or full legal and civil rights of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

(3)(a) The superior court of each county shall develop by September 1, 1991, a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardians ad litem only persons whose names appear on the registry, except in extraordinary circumstances.

(b) To be eligible for the registry a person shall:

- (i) Present a written statement of qualifications describing the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW; and
- (ii) Complete a training program adopted by the court, or, in the absence of a locally adopted program, a candidate for inclusion upon the registry shall have completed a model training program as described in (d) of this subsection.

(c) The superior court of each county shall approve training programs designed to:

- (i) Train otherwise qualified human service professionals in those aspects of legal procedure and the requirements of chapters 11.88 and 11.92 RCW with which a guardian ad litem should be familiar;

(ii) Train otherwise qualified legal professionals in those aspects of medicine, social welfare, and social service delivery systems with which a guardian ad litem should be familiar.

(d) The superior court of each county may approve a guardian ad litem training program on or before June 1, 1991. The department of social and health services, aging and adult services administration, shall convene an advisory group to develop a model guardian ad litem training program. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, and other interested parties.

(e) Any superior court that has not adopted a guardian ad litem training program by September 1, 1991, shall require utilization of a model program developed by the advisory group as described in (d) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

(4) The guardian ad litem's written statement of qualifications required by RCW 11.88.090(3)(b)(i) shall be made part of the record in each matter in which the person is appointed guardian ad litem.

(5) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(v) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vi) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(vii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW 11.92.150; and

(viii) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least ten days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her spouse, all children not residing with a notified person, those persons described in ~~((d))~~ (e)(vii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150;

(f) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

(6) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to RCW 11.88.090(5)(e) as now or hereafter amended.

(7) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

(8) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(9) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

Sec. 5. RCW 11.88.095 and 1991 c 289 s 6 are each amended to read as follows:

(1) In determining the disposition of a petition for guardianship, the court's order shall be based upon findings as to the capacities, condition, and needs of the alleged incapacitated person, and shall not be based solely upon agreements made by the parties.

(2) Every order appointing a full or limited guardian of the person or estate shall include:

- (a) Findings as to the capacities, condition, and needs of the alleged incapacitated person;
- (b) The amount of the bond, if any, or a bond review period;
- (c) When the next report of the guardian is due;
- (d) Whether the guardian ad litem shall continue acting as guardian ad litem;
- (e) Whether a review hearing shall be required upon the filing of the inventory;
- (f) The authority of the guardian, if any, for investment and expenditure of the ward's estate;

and

(g) Names and addresses of those persons described in RCW 11.88.090(5)(d), if any, whom the court believes should receive copies of further pleadings filed by the guardian with respect to the guardianship.

(3) If the court determines that a limited guardian should be appointed, the order shall specifically set forth the limits by either stating exceptions to the otherwise full authority of the guardian or by stating the specific authority of the guardian.

(4) In determining the disposition of a petition for appointment of a guardian or limited guardian of the estate only, the court shall consider whether the alleged incapacitated person is capable of giving informed medical consent or of making other personal decisions and, if not, whether a guardian or limited guardian of the person of the alleged incapacitated person should be appointed for that purpose.

(5) Unless otherwise ordered, any powers of attorney or durable powers of attorney shall be revoked upon appointment of a guardian or limited guardian of the estate.

If there is an existing medical power of attorney, the court must make a specific finding of fact regarding the continued validity of that medical power of attorney before appointing a guardian or limited guardian for the person.

Sec. 6. RCW 11.92.050 and 1990 c 122 s 23 are each amended to read as follows:

(1) Upon the filing of any intermediate guardianship or limited guardianship account required by statute, or of any intermediate account required by court rule or order, the guardian or limited guardian may petition the court for an order settling his or her account with regard to any ~~((and all))~~ receipts, expenditures, and investments made and acts done by the guardian or limited guardian to the date of ~~((said))~~ the interim report. Upon such petition being filed, the court may in its discretion, where the size or condition of the estate warrants it, set a date for the hearing of ~~((such))~~ the petition and require the service of the petition and a notice of ~~((such))~~ the hearing as provided in RCW 11.88.040 as now or hereafter amended; and, in the event ~~((such))~~ a hearing ~~((be))~~ is ordered, the court ~~((shall))~~ may also appoint a guardian ad litem, whose duty it shall be to investigate the report of the guardian or limited guardian of the estate and to advise the court thereon at ~~((said))~~ the hearing, in writing. At ~~((such))~~ the hearing on ~~((said))~~ the report of the guardian or limited guardian, if the court ~~((be))~~ is satisfied that the actions of the guardian or limited guardian have been proper, and that the guardian or limited guardian has in all respects discharged his or her trust with relation to ~~((such))~~ the receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approving such account~~((, and such))~~. If the court has appointed a guardian ad litem, the order shall be final and binding upon the incapacitated person, subject only to the right of appeal as upon a final order; provided that at the time of final account of said guardian or limited guardian or within one year after ~~((said))~~ the incapacitated person attains his or her majority any such interim account may be challenged by ~~((said))~~ the incapacitated person on the ground of fraud.

(2) The procedure established in subsection (1) of this section for financial accounts by guardians or limited guardians of the estate shall apply to personal care reports filed by guardians or limited guardians of the person under RCW 11.92.043.

Sec. 7. RCW 11.92.053 and 1990 c 122 s 24 are each amended to read as follows:

~~Within ninety days after the termination of a guardianship for any reason ((other than the death of the incapacitated person intestate)), the guardian or limited guardian of the estate shall petition the court for an order settling his or her account as filed in accordance with RCW 11.92.040(2) with regard to any ((and all)) receipts, expenditures, and investments made and acts done by the guardian to the date of ((said)) the termination. Upon ((such)) the filing of the petition ((being filed)), the court shall set a date for the hearing of ((such)) the petition after notice has been given in accordance with RCW 11.88.040. Any person interested may file objections to ((such)) the petition or may appear at the time and place fixed for the hearing thereof and present his or her objections thereto. The court may take such testimony as it deems proper or necessary to determine whether an order settling the account should be issued and the transactions of the guardian be approved, and the court may appoint a guardian ad litem to review the report.~~

~~At ((such)) the hearing on ((said)) the petition of the guardian or limited guardian, if the court ((be)) is satisfied that the actions of the guardian or limited guardian have been proper, and that the guardian has in all respects discharged his or her trust with relation to ((such)) the receipts, expenditures, investments, and acts, then, in such event, the court shall enter an order approving ((such)) the account, and ((such)) the order shall be final and binding upon the incapacitated person, subject only to the right of appeal as upon a final order((: PROVIDED, That)). However, within one year after ((said)) the incompetent attains his or her majority any such account may be challenged by the incapacitated person on the ground of fraud.~~

Sec. 8. RCW 11.92.180 and 1994 c 68 s 1 are each amended to read as follows:

A guardian or limited guardian shall be allowed such compensation for his or her services as guardian or limited guardian as the court shall deem just and reasonable. Guardians and limited guardians shall not be compensated at county or state expense. Additional compensation may be allowed for other administrative costs, including services of an attorney and for other services not provided by the guardian or limited guardian. Where a guardian or limited guardian is an attorney, the guardian or limited guardian shall separately account for time for which compensation is requested for services as a guardian or limited guardian as contrasted to time for which compensation for legal services provided to the guardianship is requested. In all cases, compensation of the guardian or limited guardian and his or her expenses including attorney's fees shall be fixed by the court and may be allowed at any annual or final accounting; but at any time during the administration of the estate, the guardian or limited guardian or his or her attorney may apply to the court for an allowance upon the compensation or necessary expenses of the guardian or limited guardian and for attorney's fees for services already performed. If the court finds that the guardian or limited guardian has failed to discharge his or her duties as such in any respect, it may deny the guardian any compensation whatsoever or may reduce the compensation which would otherwise be allowed. Where the incapacitated person is a department of social and health services client residing in a nursing facility or in a residential or home setting and is required by the department of social and health services to contribute a portion of their income towards the cost of residential or supportive services then the department shall be entitled to notice of proceedings as described in RCW 11.92.150. The amount of guardianship fees and additional compensation for administrative costs shall not exceed the amount allowed by the department of social and health services by rule (~~(, and shall not include compensation for services provided or funded by the department or a department contractor that the incapacitated person is eligible to receive)~~).

Sec. 9. RCW 11.94.010 and 1989 c 211 s 1 are each amended to read as follows:

(1) Whenever a principal designates another as his or her attorney in fact or agent, by a power of attorney in writing, and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's disability, the authority of the attorney in fact or agent is exercisable on behalf of the principal as provided notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or the principal's guardian or heirs, devisees, and personal representative as if the principal were alive, competent, and not disabled. A principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification. If a guardian thereafter is appointed for the principal, the attorney in fact or agent, during the continuance of the appointment, shall account to the guardian rather than the principal. The guardian has the same power the principal would have had if the principal were not disabled or incompetent, to revoke, suspend or terminate all or any part of the power of attorney or agency.

(2) Persons shall place reasonable reliance on any determination of disability or incompetence as provided in the instrument that specifies the time and the circumstances under which the power of attorney document becomes effective.

(3) A principal may authorize his or her attorney-in-fact to provide informed consent for health care decisions on the principal's behalf. Unless he or she is the spouse, or adult child or brother or sister of the principal, none of the following persons may act as the attorney-in-fact for the principal: Any of the principal's physicians, the physicians' employees, or the owners, administrators, or employees of the health care facility where the principal resides or receives care. This authorization is subject to the same limitations as those that apply to a guardian under RCW (~~(11.92.040(3) (a) through (d))~~) 11.92.043(5) (a) through (c)."

On page 1, line 1 of the title, after "guardianship;" strike the remainder of the title and insert "and amending RCW 11.88.030, 11.88.040, 11.88.045, 11.88.090, 11.88.095, 11.92.050, 11.92.053, 11.92.180, and 11.94.010."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Substitute House Bill No. 1865 and pass the bill as amended by the Senate.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1865 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1865 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Raddiff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Excused: Representatives Benton, Cairnes, Conway, Fisher, R., Foreman, Hargrove, Mitchell, Patterson, Schmidt, K. and Silver - 10.

Substitute House Bill No. 1865, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2033 with the following amendments:

On page 4, after line 15, insert the following:

"(6) Subsection (5) of this section shall expire on the earlier of the following dates: (a) July 1, 1998; or (b) the date upon which the North Bend fire training center is fully operational for aircraft crash rescue fire training activities."

and the same are herewith transmitted.

MOTION

Representative D. Schmidt moved that the House concur in the Senate amendments to Engrossed House Bill No. 2033 and pass the bill as amended by the Senate.

Representative D. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2033 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2033 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 0, Absent - 0, Excused - 10.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Excused: Representatives Benton, Cairnes, Conway, Fisher, R., Foreman, Hargrove, Mitchell, Patterson, Schmidt, K. and Silver - 10.

Engrossed House Bill No. 2033, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2057 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 2.10.100 and 1988 c 109 s 3 are each amended to read as follows:

Retirement of a member for service shall be made by the retirement board as follows:

(1) Any judge who, on August 9, 1971 or within one year thereafter, shall have completed as a judge the years of actual service required under chapter 2.12 RCW and who shall elect to become a member of this system, shall in all respects be deemed qualified to retire under this retirement system upon ~~((his))~~ the member's written request.

(2) Any member who has completed fifteen or more years of service may be retired upon ~~((his))~~ the member's written request but shall not be eligible to receive a retirement allowance until the member attains the age of sixty years.

(3) Any member who attains the age of seventy-five years shall be retired at the end of the calendar year in which ~~((he))~~ the member attains such age.

(4) Any judge who involuntarily leaves service or who is appointed to a position as a federal judge or federal magistrate at any time after having served an aggregate of twelve years shall be eligible to a partial retirement allowance computed according to RCW 2.10.110 and shall receive this allowance upon the attainment of the age of sixty years and fifteen years after the beginning of ((his)) the member's judicial service."

On page 1, line 1 of the title, after "eligibility;" strike the remainder of the title and insert "and amending RCW 2.10.100."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Sheahan moved that the House insists on its position regarding the Senate amendments to Engrossed House Bill No. 2057 and ask the Senate to recede therefrom.

Representatives Sheahan and Sommers spoke in favor of the motion and it was carried.

There being no objection, the House resumed consideration of Substitute House Bill No. 2058.

SPEAKER'S RULING

Representative Sheldon, the Speaker is prepared to Rule on your Point of Order which challenges the Senate amendment to Substitute House Bill No. 2058 as being beyond the Scope and Object of the bill.

The title of Substitute House Bill No. 2058 is "AN ACT Relating to independent contractors or outside agents who sell or arrange for travel services.

The title is narrow. The bill adds a new section to 50.04 RCW, and creates a new section.

The bill provides that for purposes of unemployment insurance coverage the term "employment" does not include services performed by an outside agent who sells or arranges for travel services that are provided to a travel agent to the extent the outside agent is paid by commission.

Senate amendment 333 would prohibit state and local government officials and employees from using first class and business class airline accommodations at public expense when using commercial airlines in the performance of their duties unless otherwise required as a reasonable accommodation for persons with disabilities or in an emergency.

The object of the bill is to clarify under what circumstances certain persons are not considered employees for purposes of coverage under unemployment insurance and to exempt such persons by statute.

Senate amendment 333 prevents certain public employees from flying a certain class at public expense.

The amendment goes beyond the object of Substitute House Bill No. 2058.

The Speaker finds that the Senate amendment is beyond the scope and object of the bill.

Representative Sheldon, Your Point of Order is well taken.

MOTION

Representative Lisk moved that the House not concur in the Senate amendments to Substitute House Bill No. 2058 and ask the Senate to recede therefrom.

Representative Lisk spoke in favor of the motion and it was carried.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House resumed consideration of House Bill No. 1225.

SPEAKER'S RULING

Representative K. Schmidt, the Speaker is prepared to Rule on your Point of Order which challenges the Senate amendment to House Bill No. 1225 as being beyond the Scope and Object of the bill.

The title of House Bill No. 1225 is "AN ACT Relating to licenses.

The title is very broad. The bill amends numerous RCW's and repeals numerous RCW's.

The bill provides that applications for certificates of ownership of motor vehicles may be made on forms approved by the department of licensing, exempts certain ride-sharing vehicles from the retail sales tax, and repeals the motor vehicle fuel importer tax in lieu of certain other taxes collected.

The Senate amendment would provide refunds of the MVET to certain persons who qualify.

The amendment goes beyond the object of House Bill No. 1225.

The Speaker finds that the Senate amendment is beyond the scope and object of the bill.

Representative K. Schmidt, your Point of Order is well taken.

The motion to not concur in the Senate amendments to House Bill No. 1225 was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1401 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.215 and 1994 c 129 s 6 and 1994 c 78 s 1 are each reenacted and amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside; ~~((and))~~

(ii) The sheriff of the county in which the juvenile will reside; and

(iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate, except when it has been determined by the department that the juvenile is twenty-one years old; is not required to return to school under chapter 28A.225 RCW; or will be in the community for less than seven consecutive days on approved leave and will not be attending school during that time.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice

are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical furloughs.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public elementary, middle, or high school that is attended by a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district. Upon discharge, parole, or other authorized leave or release of a convicted juvenile sex offender, the secretary shall send written notice of the discharge, parole, or other authorized leave or release and the requirements of this subsection to the common school district board of directors of the district in which the sex offender intends to reside or the district in which the sex offender last attended school, whichever is appropriate.

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

Sec. 2. RCW 28A.225.330 and 1994 c 304 s 2 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior;

- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action. If the student has not paid a fine or fee under RCW 28A.635.060, the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, and records of disciplinary action. If the official transcript is not sent due to unpaid fees or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible.

(4) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith."

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "amending RCW 28A.225.330; and reenacting and amending RCW 13.40.215."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Brumsickle moved that the House concur in the Senate amendments to Substitute House Bill No. 1401 and pass the bill as amended by the Senate.

Representatives Brumsickle and Cole spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1401 as amended by the Senate.

Representative Brumsickle spoke in favor of passage of the bill.

Representative McMahan spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1401 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 80, Nays - 14, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Kessler, Kremen, Lambert, Lisk, Mastin, Mielke, Morris, Mulliken, Ogden, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 80.

Voting nay: Representatives Beeksmas, Boldt, Casada, Elliot, Goldsmith, Hargrove, Johnson, Koster, Mason, McMahan, McMorris, Pelesky, Stevens and Thompson - 14.

Excused: Representatives Benton, Foreman, Mitchell and Patterson - 4.

Substitute House Bill No. 1401, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5053 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mastin moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5053 and ask the Senate to recede therefrom.

MOTION

Representative Cairnes moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5053 and ask the Senate for a conference thereon.

Representative Cairnes spoke in favor of the motion and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Van Luven, Cairnes and Hatfield as Conferees on Substitute Senate Bill No. 5053.

MOTION FOR RECONSIDERATION

Representative G. Fisher: Having voted on the prevailing side moved that the House immediately consider the vote on Engrossed House Bill No. 2033.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2033 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2033 on reconsideration, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Quall, Raddcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott,

Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Fisher, G., Poulsen and Valle - 3.

Excused: Representatives Benton, Foreman and Patterson - 3.

Engrossed House Bill No. 2033, on reconsideration, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5092 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5092 and again ask the Senate to recede therefrom. The motion was carried.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5119 and asks the House to recede therefrom.

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Carlson moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5119 and ask the Senate to receded therefrom.

Representative Carlson spoke in favor of the motion and it was carried.

MOTION

On motion of Representative Talcott, Representative Delvin was excused.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5121 and asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

On motion of Representative Chandler, the rules were suspended, and Engrossed Substitute Senate Bill No. 5121 was returned to second reading for the purpose of an amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Snyder, Newhouse, Loveland, A. Anderson, Hochstatter, Haugen and Deccio)

Providing for agricultural safety standards.

The bill was read the second time.

With the consent of the House, amendment number 888 to Engrossed Substitute Senate Bill No. 5121 was withdrawn.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

- (1) The state's highly productive and efficient agricultural sector is composed predominately of family-owned and managed farms and an industrious and efficient work force;
- (2) A reasonable level of safety regulations is needed to protect workers;
- (3) The smaller but highly efficient farming operations would benefit from safety rules that are easily referenced and agriculture-specific to the extent possible; and
- (4) There should be lead time between the adoption of agriculture safety rules and their effective date in order to allow the department of labor and industries to provide training, education, and enhanced consultation services to family-owned and managed farms.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, no rules adopted under this chapter amending or establishing agricultural safety standards shall take effect during the period beginning January 1, 1995, and ending January 15, 1996. This subsection applies, but is not limited to applying, to a rule adopted before January 1, 1995, but with an effective date which is during the period beginning January 1, 1995, and ending January 15, 1996, and to provisions of rules adopted prior to January 1, 1995, which provisions are to become effective during the period beginning January 1, 1995, and ending January 15, 1996.

(b) Subsection (1)(a) of this section does not apply to: Provisions of rules that were in effect before January 1, 1995; emergency rules adopted under RCW 34.05.350; or revisions to chapter 296-306 WAC regarding rollover protective structures that were adopted in 1994 and effective March 1, 1995, and that are additionally revised to refer to the variance process available under this chapter.

(2) The rules for agricultural safety adopted under this chapter must:

(a) Establish, for agricultural employers, an agriculture safety standard that includes agriculture-specific rules and specific references to the general industry safety standard adopted under chapter 49.17 RCW; and

(b) Exempt agricultural employers from the general industry safety standard adopted under chapter 49.17 RCW for all rules not specifically referenced in the agriculture safety standard.

(3) The department shall publish in one volume all of the occupational safety rules that apply to agricultural employers and shall make this volume available to all agricultural employers before January 15, 1996. This volume must be available in both English and Spanish.

(4) The department shall provide training, education, and enhanced consultation services concerning its agricultural safety rules to agricultural employers before the rules' effective dates. The training, education, and consultation must continue throughout the winter of 1995-1996. Training and education programs must be provided throughout the state and must be coordinated with agricultural associations in order to meet their members' needs.

(5) The department shall provide, for informational purposes, a list of commercially available rollover protective structures for tractors used in agricultural operations manufactured before October 25, 1976. The list must include the name and address of the manufacturer and the approximate price of the structure. Included with the list shall be a statement indicating that an employer may apply for a variance from the rules requiring rollover protective structures under this chapter and that variances may be granted in appropriate circumstances on a case-by-case basis. The statement shall also provide examples of circumstances under which a variance may be granted. The list and statement shall be generally available to the agricultural community before the department may take any action to enforce rules requiring rollover protective structures for tractors used in agricultural operations manufactured before October 25, 1976.

NEW SECTION. Sec. 3. A new section is added to chapter 49.17 RCW to read as follows: Other than rules published under section 2(3) of this act, the director may adopt, in accordance with chapter 34.05 RCW, rules concerning agriculture safety, other than emergency rules, only:

(1) As specifically required by federal law, and only to the extent specifically required; or

(2) As specifically authorized by statute enacted after the effective date of this section.

NEW SECTION. Sec. 4. Section 2(1) of this act is remedial in nature and applies to rules and provisions of rules regarding agricultural safety that would take effect after December 31, 1994."

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "adding new sections to chapter 49.17 RCW; and creating new sections."

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Mastin spoke in favor of passage of the bill.

Representative Romero spoke against passage of the bill.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5121 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5121 as amended by the House, and the bill passed the House by the following vote: Yeas - 77, Nays - 17, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cooke, Costa, Crouse, Dyer, Ebersole, Elliot, Fisher, G., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven and Mr. Speaker - 77.

Voting nay: Representatives Brown, Cody, Cole, Conway, Dellwo, Dickerson, Fisher, R., Mason, Ogden, Regala, Romero, Rust, Sommers, Thibaudeau, Valle, Veloria and Wolfe - 17.

Excused: Representatives Benton, Delvin, Foreman and Patterson - 4.

Engrossed Substitute Senate Bill No. 5121, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The President of the Senate ruled the House amendments to SUBSTITUTE SENATE BILL NO. 5155 beyond the scope and object of the bill. The Senate refuses to concur in said amendments and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5155 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Goldsmith, Hymes and Rust as Conferrees on Substitute Senate Bill No. 5155.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5315 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Chandler, the rules were suspended, and Substitute Senate Bill No. 5315 was returned to second reading for the purpose of an amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5315, by Senate Committee on Agriculture & Agricultural Trade & Development (originally sponsored by Senators Rasmussen, Morton, Loveland, Newhouse and Roach; by request of Department of Agriculture)

Modifying agriculture regulations.

The bill was read the second time.

With the consent of the House, amendment number 903 to Substitute Senate Bill No. 5315 was withdrawn.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 8, line 23 of the amendment adopted by the House, after "director." strike all material through "dollars." on line 27 and insert "Application for a license or license renewal shall be on a form prescribed by the director and accompanied by the license fee. The license fee is fifty dollars.

For a food storage warehouse that has been inspected on at least an annual basis for compliance with the provisions of the current good manufacturing practices (Title 21 C.F.R. part 110) by a federal agency or by a state agency acting on behalf of and under contract with a federal agency and that is not exempted from licensure by section 11 of this act, the annual license fee for the warehouse is twenty-five dollars."

On page 9, line 9 of the amendment adopted by the House, after "basis" strike "by a state or federal agency or"

Representative Chandler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

On page 10, line 34 of the amendment adopted by the House, after "chapter" insert ", except moneys collected for civil penalties levied under this chapter,"

On page 10, line 36 of the amendment adopted by the House, after "69.04 RCW." insert "All moneys collected for civil penalties levied under this chapter shall be deposited in the state general fund."

On page 11, line 1 of the amendment adopted by the House, after "**Sec. 17.**" strike "The" and insert "(1) Except as provided in subsection (2) of this section, the"

On page 11, after line 3 of the amendment adopted by the House, insert the following:

"(2) Civil penalties are intended to be used to obtain compliance and shall not be collected if a warehouse successfully completes a mutually agreed upon compliance agreement with the department. A warehouse that enters into a compliance agreement with the department shall pay only for inspections conducted by the department and any laboratory analyses as required by the inspections as outlined and

agreed to in the compliance agreement. In no event shall the fee for these inspections and analyses exceed four hundred dollars per inspection or one thousand dollars in total."

Representatives Kremen and Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Chappell spoke in favor of passage of the bill.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5315 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5315 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Delvin, Foreman and Patterson - 4.

Substitute Senate Bill No. 5315, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5365 and asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Backlund moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5365 and ask the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Dyer, Backlund and Cody as Conferees on Substitute Senate Bill No. 5365.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5374 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Sheahan, the rules were suspended, and Substitute Senate Bill No. 5374 was returned to second reading for the purpose of an amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5374, by Senate Committee on Law & Justice (originally sponsored by Senators Smith and Roach)

Creating registered limited liability partnerships.

The bill was read the second time.

Representative Sheahan moved adoption of the following amendment by Representative Sheahan:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This subchapter applies to limited liability partnerships. All other provisions of this chapter, not in conflict with this subchapter, also apply.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this subchapter.

(1) "Limited liability partnership" or "partnership" means a partnership formed pursuant to an agreement governed by the laws of this state, registered under section 6 of this act.

(2) "Foreign limited liability partnership" means a limited liability partnership formed pursuant to an agreement governed by the laws of another jurisdiction.

NEW SECTION. Sec. 3. (1) To become and to continue as a limited liability partnership, a partnership shall file with the secretary of state an application stating the name of the partnership; the address of its principal office; if the partnership's principal office is not located in this state, the address of a registered office and the name and address of a registered agent for service of process in this state which the partnership will be required to maintain; the number of partners; a brief statement of the business in which the partnership engages; any other matters that the partnership determines to include; and that the partnership thereby applies for status as a limited liability partnership.

(2) The application shall be executed by a majority in interest of the partners or by one or more partners authorized to execute an application.

(3) The application shall be accompanied by a fee of one hundred seventy-five dollars for each partnership.

(4) The secretary of state shall register as a limited liability partnership any partnership that submits a completed application with the required fee.

(5) A partnership registered under this section shall pay an annual fee, in each year following the year in which its application is filed, on a date and in an amount specified by the secretary of state. The fee must be accompanied by a notice, on a form provided by the secretary of state, of the number of partners currently in the partnership and of any material changes in the information contained in the partnership's application for registration.

(6) Registration is effective immediately after the date an application is filed, and remains effective until: (a) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice executed by a majority in interest of the partners or by one or more partners authorized to execute a withdrawal notice; or (b) thirty days after receipt by the partnership of a notice from the secretary of state, which notice shall be sent by certified mail, return receipt requested, that the partnership has failed to make timely payment of the annual fee specified in subsection (5) of this section, unless the fee is paid within such a thirty-day period.

(7) The status of a partnership as a limited liability partnership, and the liability of the partners thereof, shall not be affected by: (a) Errors in the information stated in an application under subsection (1) of this section or a notice under subsection (5) of this section; or (b) changes after the filing of such an application or notice in the information stated in the application or notice.

(8) The secretary of state may provide forms for the application under subsection (1) of this section or a notice under subsection (5) of this section.

NEW SECTION. Sec. 4. The name of a limited liability partnership shall contain the words "limited liability partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of its name.

NEW SECTION. Sec. 5. A person or group of persons licensed or otherwise legally authorized to render professional services, as defined in RCW 18.100.030, within this state may organize and become a member or members of a limited liability partnership under the provisions of this chapter for the purposes of rendering professional service. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a limited liability partnership organized for the purpose of rendering the same professional services. Nothing in this section prohibits a limited liability partnership from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state.

NEW SECTION. Sec. 6. (1) A limited liability partnership formed and existing under this chapter, may conduct its business, carry on its operations, and have and exercise the powers granted by this chapter in any state, territory, district, or possession of the United States or in any foreign country.

(2) It is the intent of the legislature that the legal existence of a limited liability partnership formed and existing under this chapter be recognized outside the boundaries of this state and that the laws of this state governing a limited liability partnership transacting business outside this state be granted the protection of full faith and credit under the Constitution of the United States.

(3) The internal affairs of a partnership, including a limited liability partnership formed and existing under this chapter, including the liability of partners for debts, obligations, and liabilities of or chargeable to the partnership, shall be subject to and governed by the laws of this state.

(4) Subject to any statutes for the regulation and control of specific types of business, a foreign limited liability partnership, formed and existing under the laws of another jurisdiction, may do business in this state provided it registers with the secretary of state under this chapter in the same manner as a limited liability partnership.

(5) It is the policy of this state that the internal affairs of a foreign limited liability partnership, including the liability of partners for debts, obligations, and liabilities of or chargeable to partnerships, shall be subject to and governed by the laws of such other jurisdiction. However, a foreign limited

liability partnership formed and existing under the laws of another jurisdiction is subject to section 7 of this act if it renders professional services, as defined in RCW 18.100.030, in this state.

NEW SECTION. Sec. 7. (1) Except as provided in subsection (2) of this section, all partners are liable:

(a) Jointly and severally for everything chargeable to the partnership under RCW 25.04.130 and 25.04.140; and

(b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract;

(c) Except that:

(i) In no event shall a trustee or personal representative, a fiduciary, acting as a partner have personal liability except as provided in RCW 11.98.110 (2) and (4);

(ii) Any such liability under this section shall be satisfied first from the partnership assets and second from the trust or estate; and

(iii) If a fiduciary is liable, the fiduciary is entitled to indemnification first from the partnership assets and second from the trust or estate.

(2) Subject to subsections (3) and (5) of this section, a partner in a limited liability partnership is not liable directly or indirectly, including by way of indemnification, contribution, assessment, or otherwise for debts, obligations, and liabilities of or chargeable to the partnership, whether in tort, contract or otherwise, arising from omissions, negligence, wrongful acts, misconduct, or malpractice committed in the course of the partnership business by another partner or an employee, agent, or representative of the partnership.

(3) Subsection (2) of this section shall not affect the liability of a partner in a limited liability partnership for his or her own omissions, negligence, wrongful acts, misconduct, or malpractice or that of any person under his or her direct supervision and control.

(4) A partner in a limited liability partnership is not a proper party to a proceeding by or against a limited liability partnership, the object of which is to recover damages or enforce the obligations arising from omissions, negligence, wrongful acts, misconduct, or malpractice described in subsection (2) of this section, unless such partner is personally liable under subsection (3) or (5) of this section.

(5) If the partners of a limited liability partnership or foreign limited liability partnership are required to be licensed to provide professional services, as defined in RCW 18.100.030, and the partnership fails to maintain for itself and for its members practicing in this state a policy of professional liability insurance, bond, deposit in trust, bank escrow of cash, bank certificates of deposit, United States Treasury obligations, bank letter of credit, insurance company bond, or other evidence of financial responsibility of a kind designated by rule by the state insurance commissioner and in the amount of at least one million dollars or such greater amount, not to exceed three million dollars, as the state insurance commissioner may establish by rule for a licensed profession or for any specialty within a profession, taking into account the nature and size of the businesses within the profession or specialty, then the partners shall be personally liable to the extent that, had such insurance, bond, deposit in trust, bank escrow of cash, bank certificates of deposit, United States Treasury obligations, bank letter of credit, insurance company bond, or other evidence of responsibility been maintained, it would have covered the liability in question.

NEW SECTION. Sec. 8. The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

(1) Each partner shall be repaid his or her contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and except as provided in section 7(2) of this act, each partner must contribute toward the losses, whether of capital or otherwise, sustained by the partnership according to his or her share in the profits.

(2) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him or her in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(3) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he or she agreed to contribute, shall be paid interest from the date of the payment or advance.

(4) A partner shall receive interest on the capital contributed by him or her only from the date when repayment should be made.

(5) All partners have equal rights in the management and conduct of the partnership business.

(6) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his or her services in winding up the partnership affairs.

(7) No person can become a member of a partnership without the consent of all the partners.

(8) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

NEW SECTION. Sec. 9. Where a dissolution is caused by the act, death, or bankruptcy of a partner, each partner is liable to his or her copartners for his or her share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:

(1) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution; or

(2) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy; or

(3) The liability is for a debt, obligation, or liability for which the partner is not liable as provided in section 7(2) of this act.

NEW SECTION. Sec. 10. (1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself or herself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for those obligations of the partnership incurred while he or she was a partner and for which he or she was liable under section 7 of this act, but subject to the prior payment of his or her separate debts.

NEW SECTION. Sec. 11. In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

(1) The assets of the partnership are:

(a) The partnership property;

(b) The contributions of the partners specified in subsection (4) of this section.

(2) The liabilities of the partnership shall rank in order of payment, as follows:

(a) Those owing to creditors other than partners;

(b) Those owing to partners other than for capital and profits;

(c) Those owing to partners in respect of capital;

(d) Those owing to partners in respect of profits.

(3) The assets shall be applied in the order of their declaration in subsection (1) of this section to the satisfaction of the liabilities.

(4) Except as provided in section 7(2) of this act: (a) The partners shall contribute, as provided by section 8(1) of this act the amount necessary to satisfy the liabilities; and (b) if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(5) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contribution specified in subsection (4) of this section.

(6) Any partner or his or her legal representative shall have the right to enforce the contributions specified in subsection (4) of this section, to the extent of the amount which he or she has paid in excess of his or her share of the liability.

(7) The individual property of a deceased partner shall be liable for the contributions specified in subsection (4) of this section.

(8) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(9) Where a partner has become bankrupt or his or her estate is insolvent the claims against his or her separate property shall rank in the following order:

- (a) Those owing to separate creditors;
- (b) Those owing to partnership creditors;
- (c) Those owing to partners by way of contribution.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act are each added to chapter 25.04 RCW and codified with the subchapter heading of "limited liability partnerships."

Sec. 13. RCW 25.15.005 and 1994 c 211 s 101 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Certificate of formation" means the certificate referred to in RCW 25.15.070, and the certificate as amended.

(2) "Event of dissociation" means an event that causes a person to cease to be a member as provided in RCW 25.15.130.

(3) "Foreign limited liability company" means an entity that is formed under:

(a) ~~((An unincorporated enterprise;~~
(b) ~~Organized under the))~~ The limited liability company laws of ((a) any state other than ((the laws of)) this state, or ((under the))

(b) The laws of any foreign country((;
(c) ~~Organized))~~ that is: (A) An unincorporated association, (B) formed under a statute pursuant to which an ((enterprise)) association may be formed that affords to each of its members limited liability with respect to the liabilities of the entity((;)), and ((e) is) (C) not required, in order to transact business or conduct affairs in this state, to be registered or ((organized under any statute of this state other than this chapter)) qualified under Title 23B or 24 RCW, or any other chapter of the Revised Code of Washington authorizing the formation of a domestic entity and the registration or qualification in this state of similar entities formed under the laws of a jurisdiction other than this state.

(4) "Limited liability company" and "domestic limited liability company" means a limited liability company organized and existing under this chapter.

(5) "Limited liability company agreement" means any written agreement as to the affairs of a limited liability company and the conduct of its business which is binding upon all of the members.

(6) "Limited liability company interest" means a member's share of the profits and losses of a limited liability company and a member's right to receive distributions of the limited liability company's assets.

(7) "Manager" or "managers" means, with respect to a limited liability company that has set forth in its certificate of formation that it is to be managed by managers, the person, or persons designated in accordance with RCW 25.15.150(2).

(8) "Member" means a person who has been admitted to a limited liability company as a member as provided in RCW 25.15.115 and who has not been dissociated from the limited liability company.

(9) "Person" means a natural person, partnership (whether general or limited and whether domestic or foreign), limited liability company, foreign limited liability company, trust, estate, association, corporation, custodian, nominee, or any other individual or entity in its own or any representative capacity.

(10) "Professional limited liability company" means a limited liability company which is organized for the purpose of rendering professional service and whose certificate of formation sets forth that it is a professional limited liability company subject to RCW 25.15.045.

(11) "Professional service" means ~~((any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal~~

authorization, including, but not by way of limitation, certified public accountants, architects, veterinarians, attorneys at law, and health professions regulated under chapter 18.130 RCW)) the same as defined under RCW 18.100.030.

(12) "State" means the District of Columbia or the Commonwealth of Puerto Rico or any state, territory, possession, or other jurisdiction of the United States other than the state of Washington.

Sec. 14. RCW 25.15.045 and 1994 c 211 s 109 are each amended to read as follows:

(1) A person or group of persons licensed or otherwise legally authorized to render professional services within this state may organize and become a member or members of a professional limited liability company under the provisions of this chapter for the purposes of rendering professional service. A "professional limited liability company" is subject to all the provisions of chapter 18.100 RCW that apply to a professional corporation, and its managers, members, agents, and employees shall be subject to all the provisions of chapter 18.100 RCW that apply to the directors, officers, shareholders, agents, or employees of a professional corporation, except as provided otherwise in this section. Nothing in this section prohibits a person duly licensed or otherwise legally authorized to render professional services in any jurisdiction other than this state from becoming a member of a professional limited liability company organized for the purpose of rendering the same professional services. Nothing in this section prohibits a professional limited liability company from rendering professional services outside this state through individuals who are not duly licensed or otherwise legally authorized to render such professional services within this state. Notwithstanding RCW 18.100.065, persons engaged in a profession and otherwise meeting the requirements of this chapter may operate under this chapter as a professional limited liability company so long as each member personally engaged in the practice of the profession in this state is duly licensed or otherwise legally authorized to practice the profession in this state and:

(a) At least one manager of the company is duly licensed or otherwise legally authorized to practice the profession in this state; ~~((and))~~ or

(b) Each ~~((resident manager or))~~ member in charge of an office of the company in this state ~~((and each resident manager or member personally engaged in this state in the practice of the profession))~~ is duly licensed or otherwise legally authorized to practice the profession in this state.

(2) If the company's members are required to be licensed to practice such profession, and the company fails to maintain for itself and for its members practicing in this state a policy of professional liability insurance, bond, or other evidence of financial responsibility of a kind designated by rule by the state insurance commissioner and in the amount of at least one million dollars or such greater amount as the state insurance commissioner may establish by rule for a licensed profession or for any specialty within a profession, taking into account the nature and size of the business, then the company's members shall be personally liable to the extent that, had such insurance, bond, or other evidence of responsibility been maintained, it would have covered the liability in question.

(3) For purposes of applying the provisions of chapter 18.100 RCW to a professional limited liability company, the terms "director" or "officer" shall mean manager, "shareholder" shall mean member, "corporation" shall mean professional limited liability company, "articles of incorporation" shall mean certificate of formation, "shares" or "capital stock" shall mean a limited liability company interest, "incorporator" shall mean the person who executes the certificate of formation, and "bylaws" shall mean the limited liability company agreement.

(4) The name of a professional limited liability company must contain either the words "Professional Limited Liability Company," or the words "Professional Limited Liability" and the abbreviation "Co.," or the abbreviation "P.L.L.C." provided that the name of a professional limited liability company organized to render dental services shall contain the full names or surnames of all members and no other word than "chartered" or the words "professional services" or the abbreviation "P.L.L.C."

(5) Subject to the provisions in article VII of this chapter, the following may be a member of a professional limited liability company and may be the transferee of the interest of an ineligible person or deceased member of the professional limited liability company:

(a) A professional corporation, if its shareholders, directors, and its officers other than the secretary and the treasurer, are licensed or otherwise legally authorized to render the same specific professional services as the professional limited liability company; and

(b) Another professional limited liability company, if the managers and members of both professional limited liability companies are licensed or otherwise legally authorized to render the same specific professional services.

Sec. 15. RCW 25.15.060 and 1994 c 211 s 112 are each amended to read as follows:

Members of a limited liability company shall be personally liable for any act, debt, obligation, or liability of the limited liability company to the extent that shareholders of a Washington business corporation would be liable in analogous circumstances. In this regard, the court may consider the factors and policies set forth in established case law with regard to piercing the corporate veil, except that the failure to hold meetings of members or managers or the failure to observe formalities pertaining to the calling or conduct of meetings shall not be considered a factor tending to establish that the members have personal liability for any act, debt, obligation, or liability of the limited liability company if the certificate of formation and limited liability company agreement do not expressly require the holding of meetings of members or managers.

Sec. 16. RCW 25.15.085 and 1994 c 211 s 204 are each amended to read as follows:

(1) Each document required by this chapter to be filed in the office of the secretary of state shall be executed in the following manner:

(a) Each original certificate of formation must be signed by the person or persons forming the limited liability company;

(b) A reservation of name may be signed by any person;

(c) A transfer of reservation of name must be signed by, or on behalf of, the applicant for the reserved name;

(d) A registration of name must be signed by any member or manager of the foreign limited liability company;

(e) A certificate of amendment or restatement must be signed by at least one manager, or by a member if management of the limited liability company is reserved to the members;

(f) A certificate of cancellation must be signed by the person or persons authorized to wind up the limited liability company's affairs pursuant to RCW 25.15.295(1);

(g) If a surviving domestic limited liability company is filing articles of merger, the articles of merger must be signed by at least one manager, or by a member if management of the limited liability company is reserved to the members, or if the articles of merger are being filed by a surviving foreign limited liability company, limited partnership, or corporation, the articles of merger must be signed by a person authorized by such foreign limited liability company, limited partnership, or corporation; and

(h) A foreign limited liability company's application for registration as a foreign limited liability company doing business within the state must be signed by any member or manager of the foreign limited liability company.

(2) Any person may sign a certificate, articles of merger, ~~((or))~~ limited liability company agreement, or other document by an attorney-in-fact or other person acting in a valid representative capacity, so long as each document signed in such manner identifies the capacity in which the signator signed.

(3) The person executing the document shall sign it and state beneath or opposite the signature the name of the person and capacity in which the person signs. The document must be typewritten or printed, and must meet such legibility or other standards as may be prescribed by the secretary of state.

(4) The execution of a certificate or articles of merger by any person constitutes an affirmation under the penalties of perjury that the facts stated therein are true.

Sec. 17. RCW 25.15.130 and 1994 c 211 s 304 are each amended to read as follows:

(1) A person ceases to be a member of a limited liability company upon the occurrence of one or more of the following events:

(a) The member dies or withdraws by voluntary act from the limited liability company as provided in subsection (3) of this section;

(b) The member ceases to be a member as provided in RCW 25.15.250(2)(b) following an assignment of all the member's limited liability company interest;

(c) The member is removed as a member in accordance with the limited liability company agreement;

(d) Unless otherwise provided in the limited liability company agreement, or with the written consent of all other members at the time, the member (i) makes a general assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) becomes the subject of an order for relief in bankruptcy proceedings; (iv) files a petition or answer seeking for himself or herself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him or her in any proceeding of the nature described in (d) (i) through (iv) of this subsection; or (vi) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the member or of all or any substantial part of the member's properties;

(e) Unless otherwise provided in the limited liability company agreement, or with the consent of all other members at the time, one hundred twenty days after the commencement of any proceeding against the member seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within ninety days after the appointment without his or her consent or acquiescence of a trustee, receiver, or liquidator of the member or of all or any substantial part of the member's properties, the appointment is not vacated or stayed, or within ninety days after the expiration of any stay, the appointment is not vacated;

(f) Unless otherwise provided in the limited liability company agreement, or with written consent of all other members at the time, in the case of a member who is an individual, the entry of an order by a court of competent jurisdiction adjudicating the member (~~incompetent to manage his or her person or estate~~) incapacitated, as used and defined under chapter 11.88 RCW, as to his or her estate;

(g) Unless otherwise provided in the limited liability company agreement, or with written consent of all other members at the time, in the case of a member that is another limited liability company, the dissolution and commencement of winding up of such limited liability company;

(h) Unless otherwise provided in the limited liability company agreement, or with written consent of all other members at the time, in the case of a member that is a corporation, the filing of articles of dissolution or the equivalent for the corporation or the administrative dissolution of the corporation and the lapse of any period authorized for application for reinstatement; or

(i) Unless otherwise provided in the limited liability company agreement, or with written consent of all other members at the time, in the case of a member that is a limited partnership, the dissolution and commencement of winding up of such limited partnership.

(2) The limited liability company agreement may provide for other events the occurrence of which result in a person ceasing to be a member of the limited liability company.

(3) ~~(Unless otherwise provided in the limited liability company agreement,)~~ A member may withdraw from a limited liability company at ~~((any time by giving thirty days' written notice to the other members))~~ the time or upon the happening of events specified in and in accordance with the limited liability company agreement. If the limited liability company agreement does not specify the time or the events upon the happening of which a member may withdraw, a member may not withdraw prior to the time for the dissolution and commencement of winding up of the limited liability company, without the written consent of all other members at the time.

Sec. 18. RCW 25.15.220 and 1994 c 211 s 602 are each amended to read as follows:

~~Unless otherwise provided in the limited liability company agreement, upon the occurrence of an event of dissociation under RCW 25.15.130 which does not cause dissolution (other than an event of dissociation specified in RCW 25.15.130((2)) (1)(b) where the dissociating member's assignee is admitted as a member), a dissociating member (or the member's assignee) is entitled to receive any distribution to which ((the member (or assignee) is entitled under the limited liability company agreement and, if not otherwise provided in a limited liability company agreement, the member (or the member's assignee) is entitled to receive, within a reasonable time after dissociation, the fair value of the member's limited liability company interest as of the date of the dissociation based upon the member's right to share in distributions from the limited liability company)) an assignee would be entitled.~~

Sec. 19. RCW 25.15.250 and 1994 c 211 s 702 are each amended to read as follows:

(1) A limited liability company interest is assignable in whole or in part except as provided in a limited liability company agreement. The assignee of a member's limited liability company interest

shall have no right to participate in the management of the business and affairs of a limited liability company except:

(a) Upon the approval of all of the members of the limited liability company other than the member assigning his or her limited liability company interest; or

(b) As provided in a limited liability company agreement.

(2) Unless otherwise provided in a limited liability company agreement:

(a) An assignment entitles the assignee to share in such profits and losses, to receive such distributions, and to receive such allocation of income, gain, loss, deduction, or credit or similar item to which the assignor was entitled, to the extent assigned; and

(b) A member ceases to be a member and to have the power to exercise any rights or powers of a member upon assignment of all of his or her limited liability company interest.

(3) For the purposes of this chapter, unless otherwise provided in a limited liability company agreement:

(a) The pledge of, or granting of a security interest, lien, or other encumbrance in or against, any or all of the limited liability company interest of a member shall not be deemed to be an assignment of the member's limited liability company interest, but a foreclosure or execution sale or exercise of similar rights with respect to all of a member's limited liability company interest shall be deemed to be an assignment of the member's limited liability company interest to the transferee pursuant to such foreclosure or execution sale or exercise of similar rights;

~~(b) ((The death of a member who is an individual shall be deemed to be an assignment of that member's entire limited liability company interest to his or her personal representative;~~

~~(e))~~ Where a limited liability company interest is held in a trust or estate, or is held by a trustee, personal representative, or other fiduciary, the transfer of the limited liability company interest, whether to a beneficiary of the trust or estate or otherwise, shall be deemed to be an assignment of such limited liability company interest, but the mere substitution or replacement of the trustee, personal representative, or other fiduciary shall not constitute an assignment of any portion of such limited liability company interest.

(4) Unless otherwise provided in a limited liability company agreement and except to the extent assumed by agreement, until an assignee of a limited liability company interest becomes a member, the assignee shall have no liability as a member solely as a result of the assignment.

Sec. 20. RCW 25.15.280 and 1994 c 211 s 803 are each amended to read as follows:

The secretary of state may commence a proceeding under RCW 25.15.285 to administratively dissolve a limited liability company if:

(1) The limited liability company does not pay any license fees or penalties, imposed by this chapter, when they become due;

(2) The limited liability company does not deliver its completed initial report or annual report to the secretary of state when it is due;

(3) The limited liability company is without a registered agent or registered office in this state for sixty days or more; or

~~((2))~~ (4) The limited liability company does not notify the secretary of state within sixty days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

Sec. 21. RCW 25.15.310 and 1994 c 211 s 901 are each amended to read as follows:

(1) Subject to the Constitution of the state of Washington:

(a) The laws of the state, territory, possession, or other jurisdiction or country under which a foreign limited liability company is organized govern its organization and internal affairs and the liability of its members and managers; and

(b) A foreign limited liability company may not be denied registration by reason of any difference between those laws and the laws of this state.

(2) A foreign limited liability company is subject to RCW 25.15.030 and, notwithstanding subsection (1)(a) of this section, a foreign limited liability company rendering professional services in this state is also subject to RCW 25.15.045(2).

(3) A foreign limited liability company and its members and managers doing business in this state thereby submit to personal jurisdiction of the courts of this state and are subject to RCW 25.15.125.

Sec. 22. RCW 24.06.045 and 1994 c 211 s 1307 are each amended to read as follows:

The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation existing under any act of this state, or any foreign corporation authorized to transact business or conduct affairs in this state under any act of this state, or the name of any limited liability ~~((corporation))~~ company organized or authorized to transact business under any act of this state, the name of a domestic or foreign limited partnership on file with the secretary, or a corporate name reserved or registered as permitted by the laws of this state. This subsection shall not apply if the applicant files with the secretary of state either of the following: (a) The written consent of the other corporation, limited liability company, limited partnership, or holder of a reserved name to use the same or deceptively similar name and one or more words are added or deleted to make the name distinguishable from the other name as determined by the secretary of state, or (b) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of the name in this state.

(3) Shall be transliterated into letters of the English alphabet if it is not in English.

(4) The name of any corporation formed under this section shall not include nor end with "incorporated", "company", or "corporation" or any abbreviation thereof, but may use "club", "league", "association", "services", "committee", "fund", "society", "foundation", " , a nonprofit mutual corporation", or any name of like import.

NEW SECTION. **Sec. 23.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "partnerships;" strike the remainder of the title and insert "amending RCW 25.15.005, 25.15.045, 25.15.060, 25.15.085, 25.15.130, 25.15.220, 25.15.250, 25.15.280, 25.15.310, and 24.06.045; adding new sections to chapter 25.04 RCW; providing an effective date; and declaring an emergency."

Representative Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5374 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5374 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Valoria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Delvin, Foreman and Patterson - 4.

Substitute Senate Bill No. 5374, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5516 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House grant the Senate request for a conference on Substitute Senate Bill No. 5516. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Lisk, Elliot and Romero as Conferees on Substitute Senate Bill No. 5516.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5544 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Crouse moved that the House insists on its position regarding the House amendments to Senate Bill No. 5544 and ask the Senate to concur.

Representative Crouse spoke in favor of the motion and it was carried.

MESSAGE FROM THE SENATE

April 18, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5567 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the insists on its position regarding the House amendments to Substitute Senate Bill No. 5567 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Mulliken, D. Schmidt and Chopp as Conferees on Substitute Senate Bill No. 5567.

There being no objection, the House deferred consideration of Engrossed Substitute Senate Bill No. 5607 and the bill held it's place on today's calendar.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5632 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Chandler moved that the House recede from it's position and pass Engrossed Second Substitute Senate Bill No. 5632 without the House amendments. The motion was carried.

Representatives Rust and Mastin spoke against passage of the bill.

Representative Johnson spoke in favor of passage of the bill.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5632 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5632 without the House amendments, and the bill passed the House by the following vote: Yeas - 67, Nays - 27, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Dyer, Elliot, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 67.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Mastin, Ogden, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representatives Benton, Delvin, Foreman and Patterson - 4.

Engrossed Second Substitute Senate Bill No. 5632, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5653 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cooke moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5653 and ask the Senate for a conference thereon.

Representative Cooke spoke in favor of the motion and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooke, Boldt and Tokuda as Conferees on Substitute Senate Bill No. 5653.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5655 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House insists on its position regarding the House amendments to Senate Bill No. 5655 and again ask the Senate to concur therein. The motion was carried.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5676 and the bill held it's place on today's calendar.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5677 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House insists on its position regarding the House amendments to Senate Bill No. 5677 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Horn, Hargrove and Cody as Conferees on Senate Bill No. 5677.

There being no objection, the House deferred consideration of Engrossed Substitute Senate Bill No. 5648 and Substitute Senate Bill No. 5739 and the bills held their place on today's calendar.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5770 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House grant the request for a conference on Engrossed Senate Bill No. 5770. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Lisk, Thompson and Romero as Conferees on Engrossed Senate Bill No. 5770.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5795 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House recede from its position and pass Substitute Senate Bill No. 5795 without the House amendments.

Representatives Rust and Sommers spoke against the motion.

Representative Campbell spoke in favor of the motion and it was carried.

MOTION

On motion of Representative Brown, Representatives Dellwo and Tokuda were excused.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5795 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5795 without the House amendments, and the bill passed the House by the following vote: Yeas - 62, Nays - 31, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Poulsen, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Voting nay: Representatives Appelwick, Basich, Brown, Carlson, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Morris, Ogden, Quall, Regala, Robertson, Romero, Rust, Scott, Sehlin, Sommers, Thibaudeau, Valle, Veloria and Wolfe - 31.

Excused: Representatives Benton, Dellwo, Delvin, Patterson and Tokuda - 5.

Substitute Senate Bill No. 5795, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5854 and asks the House for a conference thereon.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Backlund moved that the House grant the request for a conference on Substitute Senate Bill No. 5854. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Backlund, Hymes and Kessler as Conferees on Substitute Senate Bill No. 5854.

MESSAGES FROM THE SENATE

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on SENATE BILL NO. 5434. The President has appointed the following members as Conferees:

Senators Prentice, Hale and Fraser

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010. The President has appointed the following members as Conferees:

Senators Hargrove, Long and Franklin

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1173. The President has appointed the following members as Conferees:

Senators Hargrove, Long and Fairley

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941. The President has appointed the following members as Conferees:

Senators McAuliffe, Johnson and Pelz

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees on ENGROSSED SENATE BILL NO. 5011:

Senators Owen, Strannigan and Drew

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as conferees on ENGROSSED SENATE BILL NO. 5770:

Senators Pelz, Newhouse and Sheldon

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

SENATE INITIATIVE NO. 159,

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The Senate has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,
and the same are herewith transmitted.

SUBSTITUTE SENATE BILL NO. 5118,

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1017,
SECOND SUBSTITUTE HOUSE BILL NO. 1027,
SUBSTITUTE HOUSE BILL NO. 1047,
HOUSE BILL NO. 1060,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1080,
HOUSE BILL NO. 1136,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1156,
HOUSE BILL NO. 1176,
HOUSE BILL NO. 1186,
HOUSE BILL NO. 1425,
SUBSTITUTE HOUSE BILL NO. 1429,

and the same are herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5089,
SENATE BILL NO. 5120,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5219,
SENATE BILL NO. 5292,
SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5333,
SECOND SUBSTITUTE SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5406,
SUBSTITUTE SENATE BILL NO. 5421,
SUBSTITUTE SENATE BILL NO. 5443,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5592,
ENGROSSED SENATE BILL NO. 5610,
ENGROSSED SENATE BILL NO. 5613,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5633,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5662,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5685,
SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5724,
SUBSTITUTE SENATE BILL NO. 5742,
SENATE BILL NO. 5748,
SUBSTITUTE SENATE BILL NO. 5751,
SENATE BILL NO. 5898,
SENATE BILL NO. 5931,
SENATE BILL NO. 5956,
ENGROSSED SENATE BILL NO. 5962,
SUBSTITUTE SENATE BILL NO. 5977,

ENGROSSED SENATE BILL NO. 5998,
ENGROSSED SENATE BILL NO. 6037,
ENGROSSED SENATE BILL NO. 6045,

SENATE JOINT MEMORIAL NO. 8014,
and the same are herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5799,
SUBSTITUTE SENATE BILL NO. 5905,

and the same are herewith transmitted.

Marty Brown, Secretary

April 20, 1995

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1140 and passed the bill without said amendments.

and the same is herewith transmitted.

Marty Brown, Secretary

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5873 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House grant the request for a conference on Engrossed Senate Bill No. 5873.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sheahan, Hickel and Costa as Conferees on Engrossed Senate Bill No. 5873.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5885 and asks the House for a conference thereon.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cooke moved that the House grant the request for a conference on Engrossed Substitute Senate Bill No. 5885.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cooke, Lambert and Tokuda as Conferees on Engrossed Substitute Senate Bill No. 5885.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6004 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Goldsmith moved that the House recede from its position and pass Senate Bill No. 6004 without the House amendments. The motion was carried.

The Speaker stated the question before the House to be final passage of Senate Bill No. 6004 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6004 without the House amendments, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Benton, Dellwo, Delvin, Patterson and Tokuda - 5.

Senate Bill No. 6004, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5607 and asks the House for a conference thereon.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Goldsmith moved that the House insists on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5607 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Hargrove, Ogden and Backlund as Conferees on Engrossed Substitute Senate Bill No. 5607.

MESSAGES FROM THE SENATE

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees to SUBSTITUTE SENATE BILL NO. 5854:

Senators Haugen, Moyer and Fairley

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees to ENGROSSED SUBSTITUTE SENATE BILL NO. 5885:

Senators Hargrove, Long and Prentice

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The President has appointed the following members as Conferees on ENGROSSED
SUBSTITUTE SENATE BILL NO. 5607:

Senators Rinehart, West and Loveland

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1088,
SUBSTITUTE HOUSE BILL NO. 1110,
SUBSTITUTE HOUSE BILL NO. 1123,
SUBSTITUTE HOUSE BILL NO. 1195,
SUBSTITUTE HOUSE BILL NO. 1350,
SUBSTITUTE HOUSE BILL NO. 1430,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,
SUBSTITUTE HOUSE BILL NO. 1434,
SUBSTITUTE HOUSE BILL NO. 1517,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1527,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1557,
HOUSE BILL NO. 1583,
SUBSTITUTE HOUSE BILL NO. 1610,
SUBSTITUTE HOUSE BILL NO. 1632,
SUBSTITUTE HOUSE BILL NO. 1660,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679,
SUBSTITUTE HOUSE BILL NO. 1680,
SUBSTITUTE HOUSE BILL NO. 1692,
HOUSE BILL NO. 1858,
HOUSE BILL NO. 1879,
SUBSTITUTE HOUSE BILL NO. 2067,
SUBSTITUTE SENATE BILL NO. 5089,
SENATE BILL NO. 5120,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5219,
SENATE BILL NO. 5292,
SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5333,
SECOND SUBSTITUTE SENATE BILL NO. 5387,
SUBSTITUTE SENATE BILL NO. 5406,
SUBSTITUTE SENATE BILL NO. 5421,
SUBSTITUTE SENATE BILL NO. 5443,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5592,
ENGROSSED SENATE BILL NO. 5610,
ENGROSSED SENATE BILL NO. 5613,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5633,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5662,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5685,
SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5724,
SUBSTITUTE SENATE BILL NO. 5742,

SENATE BILL NO. 5748,
SUBSTITUTE SENATE BILL NO. 5751,
SUBSTITUTE SENATE BILL NO. 5799,
SENATE BILL NO. 5898,
SUBSTITUTE SENATE BILL NO. 5905,
SENATE BILL NO. 5931,
SENATE BILL NO. 5956,
ENGROSSED SENATE BILL NO. 5962,
SUBSTITUTE SENATE BILL NO. 5977,
ENGROSSED SENATE BILL NO. 5998,
ENGROSSED SENATE BILL NO. 6037,
ENGROSSED SENATE BILL NO. 6045,
SENATE JOINT MEMORIAL NO. 8014,

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Friday, April 21, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

ONE HUNDRED-SECOND DAY, APRIL 20, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDRED-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 21, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mary Hammond and Alisa Blomstrand. Prayer was offered by Pastor Bruce Sanders of the Capitol Vision Christian Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 95-4686, by Representatives Thibaudeau and Chopp

WHEREAS, On March 16, 1995, ten-year-old Quintin Griffin, with little thought for his own safety, dashed into a Seattle street to rescue a toddler from oncoming traffic; and

WHEREAS, Quintin's quick-thinking and selfless act is solely responsible for saving the life of Ronnie White; and

WHEREAS, Quintin's heroic act occurred on his first day of training for the Lowell School Safety Patrol; and

WHEREAS, Quintin's deed earned him not only an award from the school, but also a gold medal, a fifty-dollar check, and a framed certificate praising his action from the Seattle Police Department and the American Automobile Association; and

WHEREAS, The American Automobile Association also plans to nominate Quintin for the 1996 Washington School Safety Patrol Hall of Fame; and

WHEREAS, Quintin also will be nominated to receive the President's Award, one of the highest awards offered for acts of bravery and heroism; and

WHEREAS, Quintin is also active in the Northwest Boys Choir and the St. Louis Stars, a Little League baseball team; and

WHEREAS, Quintin exemplifies the compassionate, modest, generous, and courageous person we all aspire to be;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Quintin Griffin for his brave and selfless action and encourage all state residents to be aware of the unsung, daily contributions of the school safety patrol program; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Quintin Griffin.

Representative Thibaudeau moved adoption of the resolution.

Representatives Thibaudeau, Cole and Tokuda spoke in favor of the resolution.

House Resolution No. 4686 was adopted.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The President has signed:

SENATE INITIATIVE 159,
and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the House resumed consideration of House Bill No. 1725.

SPEAKER'S RULING

Representative Brumsickle, the Speaker (Representative Horn presiding) is prepared to Rule on your Point of Order which challenges the Senate amendment to House Bill No. 1725 as being beyond the Scope and Object of the bill.

The title of House Bill No. 1725 is "AN ACT Relating to housing authorities.

The title is very broad. The bill amends RCW 35.82.040 and 35.82.130.

The bill provides that housing authority commissioners may also be public employees under certain circumstances in counties where total government employment exceeds a percentage of total employment, and repeals a requirement that pledges to secure housing authority bonds be filed or recorded.

Senate amendment 304 would allow local governing authorities to designate public housing projects as drug-free zones, and provide that certain drug offenses committed in such zones may be punished up to twice the otherwise applicable maximum penalty.

The object of the bill is to change the requirements for persons to serve as housing commissioners, and to remove a filing requirement for certain pledges.

Senate amendment 304 would authorize creation of certain drug-free zones and allow enhanced penalties to be imposed on persons who commit certain offenses within those zones.

The amendment goes beyond the object of House Bill No. 1725.

The Speaker (Representative Horn presiding) finds that the Senate amendment is beyond the scope and object of the bill.

Representative Brumsickle, Your Point of Order is well taken.

MOTION

Representative Brumsickle moved that the House not concur in the Senate amendments to House Bill No. 1725 and ask the Senate to recede therefrom.

Representative Brumsickle spoke in favor of the motion. The motion was carried.

MOTION

On motion of Representative Talcott, Representative Dyer was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.46.010 and 1993 c 370 s 1 are each amended to read as follows:

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program should be implemented in cooperation and consultation with affected local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

The legislature finds that in the case of Highway 522, selected under this chapter, public support has not been demonstrated and therefore the secretary shall not proceed. Among the demonstrations of nonsupport for inclusion of Highway 522 are:

(1) Over sixteen thousand citizens have signed petitions in opposition to the toll project;

(2) The majority of city council members in Monroe, Duvall, and Index have made public statements opposing the toll project, and that the Woodinville chamber of commerce has officially opposed the toll project;

(3) No city council or chamber of commerce in the area has favored the toll project;

(4) Of the five hundred individuals who attended the public information hearings on the toll proposal, four hundred fifty-eight signed a petition requesting that the proposal be rejected;

(5) Businesses in Monroe, Woodinville, Duvall, Snohomish, Sultan, Startup, Gold Bar, Index, Skykomish, and Stevens Pass are extremely dependent on Highway 522 for commerce, that due to the rural nature of these areas no alternative for commerce exists, and that a toll on Highway 522 would severely inhibit their ability to stay in business; and

(6) In an informal poll of residents who currently use Highway 522 to shop, eighty-one and one-half percent of the respondents claimed they would be unlikely to continue shopping at these stores if a toll were imposed.

Agreements negotiated under the public-private initiative's program should establish the conditions under which the private developer may secure the approval necessary to develop and operate

the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; and ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable standards and policies of the department of transportation.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

Sec. 2. RCW 47.46.030 and 1993 c 370 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiative program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. The commission shall approve each of the selected projects.

~~((Proposals and demonstration projects may be selected by the public and private sectors at their discretion.))~~

(2) A state transportation system or facility selected as a demonstration project under this chapter, that is designated by the commission as a prioritized improvement project under the comprehensive six-year investment program set forth in RCW 47.05.051, shall not be reprioritized as a result of its selection as a demonstration project. As state funds become available, the funds must be used toward the capital costs of the demonstration project, or in the case of a project developed in phases, for the phase or segment. If no state funding is required to finance the demonstration project, state funds that become available for such project under RCW 47.05.051 instead must be used (a) to reduce the rate of tolls or user fees imposed on the demonstration project, or (b) for improvements on alternative state or local nontoll routes that provide a reasonable, free, and convenient access alternative to the demonstration project.

(3) Projects selected prior to and after September 1, 1994, must comply with the requirements of subsections (4) through (9) of this section.

(4) No projects selected or agreements entered into under this chapter take effect until the department conducts a comprehensive analysis of traffic patterns and economic impact to determine and define the geographical boundary of the area of the project that is most affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department in consultation with the legislative transportation committee shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of and impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) anticipated traffic diversion patterns; and (c) potential economic impact resulting from proposed toll rates or user fee rates imposed on residents of and commercial traffic and commercial entities in communities in the vicinity of and impacted by the project. The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project.

(5) After a determination and definition by the department of the affected project area, the department shall conduct a minimum thirty-day public comment period. Within fifteen days following the public comment period, the legislative transportation committee may conduct a hearing on the defined affected project area. The department may make adjustments to the definition of the geographical boundary of the affected project area, based on comments received from the public and a hearing by the legislative transportation committee. Within thirty days after the public comment period, the department shall establish the boundaries of the affected project area in units no smaller than a precinct as defined by RCW 29.01.120.

(6) The department shall establish a process that provides for public involvement in decision making with respect to the affected project area. In carrying out the public involvement process the department shall proactively seek public participation through a process appropriate to the

characteristics of the affected project area that assesses overall public support among users and residents of the affected project area. Such public involvement process shall provide opportunities for users and residents of the affected project area to comment upon key issues regarding the project including, but not limited to: (a) Alternative sizes and scopes; (b) design; (c) environmental assessment; (d) right of way and access plans; (e) traffic impacts; (f) tolling or user fee strategies and tolling or user fee ranges; (g) project cost; (h) construction impacts; (i) facility operation; and (j) any other salient characteristics.

(7) The results of the public involvement process shall be made available for public review and comment.

The department shall provide the legislative transportation committee with progress reports on the status of the public involvement process. The results of such public involvement process, including public comment, shall be forwarded to the legislative transportation committee for its review. Within forty-five calendar days of submission of such information, the legislative transportation committee shall conduct a public hearing regarding the results of the public involvement process. Taking into account the information submitted, the legislative transportation committee shall adopt a resolution making a recommendation to the secretary of the department of transportation regarding the appropriateness of the definition of the affected project area and the project description and characteristics.

(8) In response to the recommendation of the legislative transportation committee, the secretary, within two weeks after receipt of legislative transportation committee recommendation, shall transmit a copy of the map depicting the affected project area and the project description and characteristics to the county auditor of the county in which any portion of the affected project area is located.

(9) Upon receipt of the map and the project description and characteristics, the county auditor shall, within sixty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project and shall set a special election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees within the affected project area. The text of the project must appear in a voter's pamphlet for the affected project area. The department shall pay for the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after receipt of the final map and project description and characteristics by the auditor. The department shall pay the costs of an election held under this section. A simple majority of those voting within the affected project area to authorize tolls or user fees within the project area is required for approval. If the vote is affirmative, the department is authorized to solicit proposals for replacement projects. If the vote is affirmative for a project selected prior to September 1, 1994, the department may enter into an agreement authorized under RCW 47.46.040 with a private entity.

(10) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(11) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

Sec. 3. RCW 47.46.040 and 1993 c 370 s 4 are each amended to read as follows:

Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

The department may exercise any power possessed by it to facilitate the development, construction, financing, operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects developed under ~~((the))~~ agreements ~~((may))~~ shall be entered into with ~~((any~~

qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency)) the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred on other state highway facilities. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

Sec. 4. RCW 47.46.050 and 1993 c 370 s 5 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to

the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including interest expense, the costs associated with construction, operations, toll collection, maintenance and administration of the ~~((facility))~~ project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. ~~((The use of any excess toll revenues or user fees may be negotiated between the parties.~~

~~After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.)~~ A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under subsection (4) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 47.05 RCW to read as follows:
RCW 47.46.030(2) applies to this chapter."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050; and adding a new section to chapter 47.05 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1317 and ask the Senate to recede therefrom.

Representative K. Schmidt spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.010 and 1993 c 238 s 1 are each amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to ~~((three))~~ four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred. For fines levied under this subsection (b), an amount equal to the delinquent taxes and fees owed shall be deposited in the vehicle licensing fraud account created in the state treasury;

(c) The delinquent taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(3) These provisions shall not apply to farm ~~((vehicle[s]))~~ vehicles as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: PROVIDED FURTHER, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: PROVIDED FURTHER, That these provisions shall not apply to fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

Sec. 2. RCW 46.16.160 and 1993 c 102 s 2 are each amended to read as follows:

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) ((Blank)) Trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) All administrative fees and excise taxes collected under the provisions of this ((chapter)) section shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

Sec. 3. RCW 47.68.255 and 1993 c 238 s 2 are each amended to read as follows:

A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country evading the Washington aircraft excise tax is guilty of a gross misdemeanor. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited and distributed in the manner provided under RCW 46.16.010(2).

Sec. 4. RCW 88.02.118 and 1993 c 238 s 4 are each amended to read as follows:

It is a gross misdemeanor punishable as provided under chapter 9A.20 RCW for any person owning a vessel subject to taxation under chapter 82.49 RCW to register a vessel in another state to avoid Washington state vessel excise tax required under chapter 82.49 RCW or to obtain a vessel dealer's registration for the purpose of evading excise tax on vessels under chapter 82.49 RCW. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed shall be deposited in the manner provided under RCW 46.16.010(2).

Sec. 5. RCW 82.32.330 and 1991 c 330 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency; and

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.

(2) Returns and tax information shall be confidential and privileged, and except as authorized by this section, neither the department of revenue nor any officer, employee, agent, or representative thereof nor any other person may disclose any return or tax information.

(3) The foregoing, however, shall not prohibit the department of revenue or an officer, employee, agent, or representative thereof from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires

confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or ~~((failed-[[filed]])~~) filed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure shall be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives such return or tax information may disclose that return or tax information only for use in the investigation and any related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

(i) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; or

~~((+))~~ (j) Disclosing any such return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

~~((+))~~ (k) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410; or

~~((+))~~ (l) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business.

(4) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3) (f), (g), (h), ~~((or))~~ (i), or (j) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, shall ~~((upon conviction be punished by a fine not exceeding one thousand dollars and,))~~ be guilty of a misdemeanor. If the person found guilty of such violation is an officer or employee of the state, such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

NEW SECTION. Sec. 6. A new section is added to chapter 46.68 RCW to read as follows:

The vehicle licensing fraud account is created in the state treasury. All receipts from penalties and fines paid under RCW 46.16.010, 47.68.255, and 88.02.118 shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for vehicle license fraud enforcement and collections by the Washington state patrol and the department of revenue.

NEW SECTION. **Sec. 7.** This act takes effect January 1, 1996."

In line 1 of the title, after "crimes;" strike the remainder of the title and insert "amending RCW 46.16.010, 46.16.160, 47.68.255, 88.02.118, and 82.32.330; adding a new section to chapter 46.68 RCW; prescribing penalties; and providing an effective date."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1967 and ask the Senate to recede therefrom.

Representative K. Schmidt spoke in favor of the motion and it was carried.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1995

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1995 with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.14.022 and 1987 c 431 s 23 are each amended to read as follows:

(1) The taxes imposed in RCW 48.14.020 and 48.14.0201 do not apply to premiums and prepayments collected or received for policies of insurance issued under RCW 48.41.010 through 48.41.210.

(2) In computing tax due under RCW 48.14.020 and 48.14.0201, there may be deducted from taxable premiums and prepayments the amount of any assessment against the taxpayer under RCW 48.41.010 through 48.41.210. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted.

NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "amending RCW 48.14.022; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dyer moved that the House concur in the Senate amendments to Substitute House Bill No. 1995 and pass the bill as amended by the Senate.

Representative Dyer spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1995 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1995 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 1, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheehan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Absent: Representative Chopp - 1.

Excused: Representative Benton - 1.

Substitute House Bill No. 1995, as amended by the Senate, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 95-4666, by Representatives Ogden, Thibaudeau, Romero, Costa, Cody, Mitchell, Brown, Jacobsen, Basich, Dickerson, Carlson, Grant, Ebersole, Poulsen, G. Fisher, Cole, Hankins, Radcliff and Ballasiotes

WHEREAS, The National Foundation for Women Legislators, Inc. which serves as the educational arm of the National Order of Women Legislators, the oldest professional association for women legislators in the country, is coordinating state, regional, and national celebrations to commemorate the 100th Year of Women serving in a State Legislature; and

WHEREAS, Women state legislators were elected to serve before American women had the universal right to vote; and

WHEREAS, In January 1895, the first three women were sworn in to serve as state legislators; and

WHEREAS, The members of the House of Representatives recognizes the 100th Year of Women in State Legislature; and

WHEREAS, The House of Representatives proudly recognizes the women currently and formerly serving from across the state for their outstanding contributions and accomplishments as America's true "Timeless Pioneers"; and

WHEREAS, The celebration of this centennial will elevate public knowledge and awareness of women in state history; and

WHEREAS, These women have served diligently and enthusiastically and have devoted most of their lives to their communities and to our great state; and

WHEREAS, Their knowledge, expertise, and wise leadership are valuable tools to carry Washington into the twenty-first century; and

WHEREAS, The members of the House of Representatives, by this resolution, would like to congratulate and extend their sincerest appreciation to all women who have unselfishly served the Washington State Legislature;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the 100th Year Celebration of Women in State Legislatures and the many contributions women serving, or formerly serving, in various capacities in the Legislature in the State of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the National Foundation for Women Legislators, Inc.

Representative Ogden moved adoption of the resolution.

Representatives Ogden, Brown, Basich, Valle, Veloria, Skinner and Hankins spoke in favor of adoption of the resolution.

House Resolution No. 4666 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House considered the following bills in the following order: House Bill No. 1117, House Bill No. 1445, Second Substitute Senate Bill No. 5003, Substitute Senate Bill No. 5141, Substitute Senate Bill No. 5155 and Engrossed Substitute Senate Bill No. 5169.

SENATE AMENDMENTS TO HOUSE BILL

April 20, 1995

Mr. Speaker:

The Senate receded from its amendments (Committee on Human Services and Corrections amendment) to HOUSE BILL NO. 1117. Under suspension of the rules returned the bill to second reading and adopted the following amendments (FI Amd 414):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9.94.010 and 1955 c 241 s 1 are each amended to read as follows:

Whenever two or more inmates of a ~~((state penal))~~ correctional institution assemble for any purpose, and act in such a manner as to disturb the good order of ~~((such))~~ the institution and contrary to the commands of the officers of ~~((such))~~ the institution, by the use of force or violence, or the threat thereof, and whether acting in concert or not, they shall be guilty of prison riot.

Sec. 2. RCW 9.94.020 and 1992 c 7 s 19 are each amended to read as follows:

Every inmate of a ~~((state))~~ correctional ~~((facility))~~ institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding or abetting the same, shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years, which shall be in addition to the sentence being served.

Sec. 3. RCW 9.94.030 and 1992 c 7 s 20 are each amended to read as follows:

Whenever any inmate of a ~~((state))~~ correctional ~~((facility))~~ institution shall hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his or her duties, by force or violence, or the threat thereof, he or she shall be guilty of a felony and upon conviction shall be punished by imprisonment in a state correctional ~~((facility))~~ institution for not less than one year nor more than ten years.

Sec. 4. RCW 9.94.040 and 1979 c 121 s 1 are each amended to read as follows:

(1) Every person serving a sentence in any ~~((penal))~~ state correctional institution ~~((of this state))~~ who, without legal authorization ~~((pursuant to law))~~, while in ~~((such penal))~~ the institution or while being conveyed to or from ~~((such penal))~~ the institution ~~((, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place))~~, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a class B felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control a deadly weapon, as defined in RCW 9A.04.110, is guilty of a class B felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

Sec. 5. RCW 9.94.041 and 1979 c 121 s 2 are each amended to read as follows:

(1) Every person serving a sentence in any ~~((penal))~~ state correctional institution ~~((of this state))~~ who, without legal authorization, while in ~~((such penal))~~ the institution or while being conveyed to or from ~~((such penal))~~ the institution ~~((or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place))~~ or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any narcotic drug or controlled substance as defined in chapter 69.50 RCW is guilty of a class C felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, is guilty of a class C felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

Sec. 6. RCW 9.94.049 and 1992 c 7 s 21 are each amended to read as follows:

(1) For the purposes of this chapter, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons."

On page 1, line 1 of the title, after "institutions;" strike the remainder of the title and insert "and amending RCW 9.94.010, 9.94.020, 9.94.030, 9.94.040, 9.94.041, and 9.94.049."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Lambert moved that the House concur in the Senate amendments to House Bill No. 1117 and pass the bill as amended by the Senate.

Representative Lambert spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1117 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1117 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Dickerson, Mason and Tokuda - 3.

Excused: Representative Benton - 1.

House Bill No. 1117, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 14, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1445 with the following amendments:

On page 1, line 16, after "organizations." insert "The department shall adopt standards that are at least equal to recognized applicable national standards pertaining to medical gas piping systems."

On page 2, after line 16, insert the following:

"**Sec. 2.** RCW 18.106.010 and 1983 c 124 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

- (1) "Advisory board" means the state advisory board of plumbers;
- (2) "Department" means the department of labor and industries;
- (3) "Director" means the director of department of labor and industries;
- (4) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;
- (5) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;
- (6) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to installation, maintenance, and repair of the plumbing of single family dwellings, duplexes, and apartment buildings which do not exceed three stories;
- ~~((6))~~ (7) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems ~~((and))~~, liquid waste systems, and medical gas piping systems within a building: PROVIDED, That installation in a water system of water softening or water treatment equipment shall not be within the meaning of plumbing as used in this chapter."

Renumber the remaining sections, correct internal references, and correct the title.

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Silver moved that the House insists on its position regarding the Senate amendments to House Bill No. 1445 and ask the Senate for a conference thereon.

Representative Silver spoke in favor of the motion and it was carried.

MESSAGE FROM THE SENATE

April 17, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5003 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Chandler moved that the House recede from its position and pass Second Substitute Senate Bill No. 5003 without the House amendments. The motion was carried.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5003 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5003 without the House amendments, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Loven, Voloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representative Sheldon - 1.

Excused: Representatives Benton and Quall - 2.

Second Substitute Senate Bill No. 5003, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5141 and asks the House for a conference thereon. The President has appointed the following members as Conferees:

Senators Smith, Schow and Quigley

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5141 and ask the Senate to again concur therein.

Representative Sheahan spoke in favor of the motion and it was carried.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5155, insists on its position and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Hymes moved that the House recede from its position and pass Substitute Senate Bill No. 5155 without the House amendments. The motion was carried.

Representative Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5155 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5155 without the House amendments, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.
Excused: Representatives Benton and Quall - 2.

Substitute Senate Bill No. 5155, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5169, insists on its position regarding the House amendments and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Brumsickle moved that the rules be suspended and Engrossed Substitute Senate Bill No. 5169 be returned to second reading for the purpose of an amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5169, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Cantu, Pelz, Hochstatter, Drew, A. Anderson, Rasmussen and Kohl; by request of Joint Select Committee on Education Restructuring)

Changing education provisions.

The bill was read the second time.

Representative Brumsickle moved adoption of the following amendment by Representative Brumsickle:

On page 11, after line 9 of the amendment, insert the following:

"**Sec. 304.** RCW 28A.600.--- and 1995 c . . . (SSB 5440) s 2 are each amended to read as follows:

(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, state school for the deaf, or state school for the blind may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the state school for the deaf, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Brumsickle and Cole spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Brumsickle moved adoption of the following amendment by Representative Brumsickle:

On page 29, after line 18 of the amendment, insert the following:

"**Sec. 702.** RCW 28A.405.460 and 1991 c 116 s 15 are each amended to read as follows:

All certificated employees of school districts shall be allowed a reasonable lunch period of not less than thirty continuous minutes per day during the regular school lunch periods and during which they shall have no assigned duties: PROVIDED, That local districts may work out other arrangements with the consent of all affected parties."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Brumsickle and Cole spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Brumsickle spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5169 as amended by the House.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5169 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K.,

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1547 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1560 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1088,
SUBSTITUTE HOUSE BILL NO. 1110,
SUBSTITUTE HOUSE BILL NO. 1123,
SUBSTITUTE HOUSE BILL NO. 1195,
SUBSTITUTE HOUSE BILL NO. 1350,
SUBSTITUTE HOUSE BILL NO. 1430,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,
SUBSTITUTE HOUSE BILL NO. 1434,
SUBSTITUTE HOUSE BILL NO. 1517,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1518,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1527,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1557,
HOUSE BILL NO. 1583,
SUBSTITUTE HOUSE BILL NO. 1610,
SUBSTITUTE HOUSE BILL NO. 1632,
SUBSTITUTE HOUSE BILL NO. 1660,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1679,
SUBSTITUTE HOUSE BILL NO. 1680,
SUBSTITUTE HOUSE BILL NO. 1692,
HOUSE BILL NO. 1858,
HOUSE BILL NO. 1879,
SUBSTITUTE HOUSE BILL NO. 2067,

and the same are herewith transmitted.

Marty Brown, Secretary

April 21, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5118,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5632,
SUBSTITUTE SENATE BILL NO. 5795,
SENATE BILL NO. 6004,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5269 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mielke moved that the House adhere to its position regarding the House amendments to Engrossed Senate Bill No. 5269. The motion was carried.

MESSAGE FROM THE SENATE

April 20, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, and asks the House for a conference thereon. The President has appointed the following members as Conferrees:

Senators Sutherland, Swecker and Fraser

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Chandler moved that the House insists on its position regarding the House amendments to Engrossed Second Substitute Senate Bill No. 5448 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Chandler, McMorris and Sheldon as Conferees on Engrossed Second Substitute Senate Bill No. 5448.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sherstad, Backlund and Dellwo as Conferees on House Bill No. 1445.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5466 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Sheahan, the rules were suspended, and Engrossed Substitute Senate Bill No. 5466 was returned to second reading for the purpose of an amendment. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5466, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Oke, Heavey, Winsley and Franklin)

Protecting children from sexually explicit films, publications, and devices.

The bill was read the second time.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

On page 2, line 25, after "that" strike "may be found to be"

On page 2, line 25, after "that" insert "is"

Representative McMahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative McMahan spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative McMahan yielded to a question by Representative Chappell.

Representative Chappell: Representative McMahan, is Engrossed Substitute Senate Bill No. 5466 intended to apply to video programming distributed by franchised cable television operators who are precluded from exercising editorial control over programming content or delivery by federal law or as a result of binding court decision?

Representative McMahan: No it is not. In 1993 Congress enacted legislation authorizing franchised cable television operators to restrict indecent, obscene, or unlawful programming on public access channels. The federal court of appeals for the District of Columbia has subsequently stayed implementation of that legislation.

It is not intended that Engrossed Substitute Senate Bill No. 5466 be enforced against franchised cable television operators as a result of their compliance with either federal law or binding court decisions.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House, and the bill passed the House by the following vote: Yeas - 79, Nays - 17, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 79.

Voting nay: Representatives Brown, Chopp, Cody, Cole, Dellwo, Dickerson, Fisher, R., Hatfield, Mason, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Veloria and Wolfe - 17.

Excused: Representatives Benton and Quall - 2.

Engrossed Substitute Senate Bill No. 5466, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5684 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Sheahan, the rules were suspended, and Engrossed Substitute Senate Bill No. 5684 was returned to second reading for the purpose of an amendment. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5684, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Winsley, Gaspard, Oke, Wood and Hale; by request of Public Disclosure Commission)

Consolidating and revising public disclosure laws.

The bill was read the second time.

Representative Mielke moved adoption of the following amendment by Representative Appelwick:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.020 and 1992 c 139 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(3) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

~~((3))~~ (4) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(5) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW;

(b) The governing body of the state organization of a major political party, as defined in RCW 29.01.090, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(6) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

~~((4))~~ (7) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

~~((5))~~ (8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual ~~((shall be deemed to seek))~~ seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; ~~((or))~~

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy;

or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((6))~~ (10) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((7))~~ (11) "Commission" means the agency established under RCW 42.17.350.

~~((8))~~ (12) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((9))~~ (13) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((10))~~ (14)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or ~~((transfer of))~~ anything of value, including personal and professional services for less than full consideration~~((, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution));~~

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders

of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((41))~~ (15) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((42))~~ (16) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((43))~~ (17) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((44))~~ (18) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.

(19) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((45))~~ (20) "Final report" means the report described as a final report in RCW 42.17.080(2).

~~((46))~~ (21) "General election" means the election that results in the election of a person to a state office. It does not include a primary.

~~(22) "Gift," ((for the purposes of RCW 42.17.170 and 42.17.2415, means a rendering of anything of value in return for which reasonable consideration is not given and received and includes a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or reimbursements from or payments by persons (other than the federal government, or the state of Washington or any agency or political subdivision thereof) for travel or anything else of value. The term "reasonable consideration" refers to the approximate range of consideration that exists in transactions not involving donative intent. However, the value of the gift of partaking in a single hosted reception shall be determined by dividing the total amount of the cost of conducting the~~

reception by the total number of persons partaking in the reception. "Gift" for the purposes of RCW 42.17.170 and 42.17.2415 does not include:

(a) A gift, other than a gift of partaking in a hosted reception, with a value of fifty dollars or less;

(b) The gift of partaking in a hosted reception if the value of the gift is one hundred dollars or less;

(c) A contribution that is required to be reported under RCW 42.17.090 or 42.17.243;

(d) Informational material that is transferred for the purpose of informing the recipient about matters pertaining to official business of the governmental entity of which the recipient is an officer or officer, and that is not intended to confer on that recipient any commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of any commercial, proprietary, financial, economic, or monetary disadvantage;

(e) A gift that is not used and that, within thirty days after receipt, is returned to the donor or delivered to a charitable organization. However, this exclusion from the definition does not apply if the recipient of the gift delivers the gift to a charitable organization and claims the delivery as a charitable contribution for tax purposes;

(f) A gift given under circumstances where it is clear beyond any doubt that the gift was not made as part of any design to gain or maintain influence in the governmental entity of which the recipient is an officer or official or with respect to any legislative matter or matters of that governmental entity; or

(g) A gift given prior to September 29, 1994) is as defined in RCW 42.52.010.

~~((17))~~ (23) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household. For the purposes of RCW 42.17.640 through 42.17.790, "immediate family" means an individual's spouse, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse and the spouse of any such person.

(24) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(25)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family as defined for purposes of RCW 42.17.640 through 42.17.790, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((18))~~ (26) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((19))~~ (27) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((20))~~ (28) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((24))~~ (29) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((22))~~ (30) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((23))~~ (31) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

~~((24))~~ (32) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

~~((25))~~ (33) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((26))~~ (34) "Primary" means the procedure for nominating a candidate to state office under chapter 29.18 or 29.21 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW.

(35) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((27))~~ (36) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

~~((28))~~ (37) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29.82.015 and ending thirty days after the recall election.

(38) "State legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

(39) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(40) "State official" means a person who holds a state office.

(41) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

~~((29))~~ (42) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. RCW 42.17.080 and 1989 c 280 s 8 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each ~~((contribution received)) bank deposit made during ((that period at the time that contribution is deposited pursuant to RCW 42.17.060(4))) the previous seven calendar days~~. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer ~~((to be retained by him))~~ for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission. The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(5) All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(6) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(7) The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

Sec. 3. RCW 42.17.090 and 1993 c 256 s 6 are each amended to read as follows:

(1) Each report required under RCW 42.17.080 (1) and (2) shall disclose the following:

(a) The funds on hand at the beginning of the period;

(b) Only the name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the campaign or in the case of a continuing political committee, the current calendar year: PROVIDED, That pledges in the aggregate of less than one hundred dollars from any one person need not be reported: PROVIDED FURTHER, That the income which results from a fund-raising activity conducted in accordance with RCW 42.17.067 may be reported as one lump sum, with the exception of that portion of such income which was received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067: PROVIDED FURTHER, That contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the name, address, and amount of each such contributor: PROVIDED FURTHER, That the money value of contributions of postage shall be the face value of such postage;

(c) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(d) All other contributions not otherwise listed or exempted;

~~(e) ((The name and address of each candidate or political committee to which any transfer of funds was made, together with the amounts and dates of such transfers;~~

~~((f))) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, and the amount, date, and purpose of each such expenditure. ((A candidate for state executive or state legislative office or the political committee of such a candidate shall report this information for an expenditure under one of the following categories, whichever is appropriate: (i) Expenditures for the election of the candidate; (ii) expenditures for nonreimbursed public office related expenses; (iii) expenditures required to be reported under (e) of this subsection; or (iv) expenditures of surplus funds and other expenditures. The report of such a candidate or committee shall contain a separate total of expenditures for each category and a total sum of all expenditures. Other candidates and political committees need not report information regarding expenditures under the categories listed in (i) through (iv) of this subsection or under similar such categories unless required to do so by the commission by rule.)) The report ((of such an other candidate or committee shall)) must also contain the total sum of all expenditures;~~

~~((g))) (f) The name and address of each person to whom any expenditure was made directly or indirectly to compensate the person for soliciting or procuring signatures on an initiative or referendum petition, the amount of such compensation to each such person, and the total of the expenditures made for this purpose. Such expenditures shall be reported under this subsection (1)((g)) (f) whether the expenditures are or are not also required to be reported under ((f)) (e) of this subsection;~~

~~((h))) (g) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;~~

~~((i))) (h) The surplus or deficit of contributions over expenditures;~~

~~((j))) (i) The disposition made in accordance with RCW 42.17.095 of any surplus funds;~~

~~((k))~~ (j) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter; and

~~((H))~~ (k) Funds received from a political committee not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee has filed or within ten days following such receipt files with the commission a statement disclosing: (i) Its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses, and titles of its officers or if it has no officers, the names, addresses, and titles of its responsible leaders; (iv) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (v) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vi) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the nonreporting committee during the current calendar year, together with the money value and date of such contributions; (vii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of such expenditure, and the total sum of such expenditures; (viii) such other information as the commission may prescribe by rule, in keeping with the policies and purposes of this chapter. A nonreporting committee incurring an obligation to file additional reports in a calendar year may satisfy the obligation by filing with the commission a letter providing updating or amending information.

(2) The treasurer and the candidate shall certify the correctness of each report.

Sec. 4. RCW 42.17.105 and 1991 c 157 s 1 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution or aggregate of contributions which: Exceeds five hundred dollars; is from a single person or entity; and is received during a special reporting period.

Any political committee making a contribution or an aggregate of contributions to a single entity which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution or aggregate of contributions is made during a special reporting period.

For the purposes of subsections (1) through (7) of this section:

(a) Each of the following intervals is a special reporting period: (i) The interval beginning after the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before a primary and concluding on the end of the day before that primary; and (ii) the interval composed of the twenty-one days preceding a general election; and

(b) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(2) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(3) Except as provided in subsection (4) of this section, the special report required by this section shall be delivered electronically or in written form, including but not limited to mailgram, telegram, or nightletter. The special report required of a contribution recipient by subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The contribution exceeding five hundred dollars is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first exceeds five hundred dollars; or the subsequent contribution that must be reported under subsection (2) of this section is received by the candidate or treasurer. The special report required of a contributor by subsection (1) of this section or RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first exceeds five

hundred dollars; or the subsequent contribution that must be reported under subsection (2) of this section is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) of this section if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3) of this section or the file transfer date of the electronic filing is within the delivery period established in subsection (3) of this section.

(5) The special report shall include at least:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall ~~((publish))~~ prepare daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a ~~((major Washington state))~~ bona fide political party as defined in ((RCW 29.01.090)) this chapter, excluding the county central committee or legislative district committee.

(9) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17.135.

Sec. 5. RCW 42.17.132 and 1993 c 2 s 25 are each amended to read as follows:

~~((During the twelve-month period preceding the expiration of a state legislator's term in office, no incumbent to that office may mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature that is not in direct response to that constituent's request for a response or for information. However,))~~

During the twelve-month period preceding the last day for certification of the election results for a state legislator's election to office, the legislator may not mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature except as provided in this section.

The legislator may mail one mailing ((mailed within)) no later than thirty days after the start of a regular legislative session and one mailing ((mailed within)) no later than sixty days after the end of a regular legislative session of identical newsletters to constituents ((are permitted)).

The legislator may mail an individual letter to an individual constituent who (1) has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; or (2) holds a governmental office with jurisdiction over the subject matter of the letter.

A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW ((42.17.130)) 42.52.180.

The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings, including but not limited to production costs, printing costs, and postage.

Sec. 6. RCW 42.17.155 and 1985 c 367 s 8 are each amended to read as follows:

Each lobbyist shall at the time he or she registers submit to the commission a recent photograph of himself or herself of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of his or her employment as a lobbyist before the legislature, a brief biographical description, and any other information he or she may wish to submit not to exceed fifty words in length. Such photograph and information shall be published at least ((annually)) biennially in a booklet form by the commission for distribution to legislators and the public.

Sec. 7. RCW 42.17.190 and 1986 c 239 s 1 are each amended to read as follows:

~~(1) ((Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.))~~ The house of representatives and the senate shall report annually: The total budget; the portion of the total attributed to staff; and the number of full-time and part-time staff positions by assignment, with dollar figures as well as number of positions.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying: PROVIDED, This does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: PROVIDED, That public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business(~~:- PROVIDED FURTHER, That~~). This section does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities which are part of the normal and regular conduct of the office or agency;

(d) Activities conducted regarding an initiative to the legislature that would be permitted under RCW 42.17.130 and 42.52.180 if conducted regarding other ballot measures.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission, except as exempted by (d) of this subsection, quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;

(c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of this subsection the term "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the end of the quarter covered by the report.

(6) In lieu of reporting under subsection (5) of this section any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission, that elected officials, officers, or employees who on behalf of any such local agency engage in lobbying reportable under subsection (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17.150 and 42.17.170. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

(7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

(8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs which relate only indirectly or incidentally to lobbying or which are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt rules clarifying and implementing this legislative interpretation and policy.

Sec. 8. RCW 42.17.240 and 1993 c 2 s 31 are each amended to read as follows:

(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office expires immediately after December 31st shall file the statement required to be filed by this section for the year that ended on that December 31st. ~~((In addition to and in conjunction with the statement of financial affairs, every official and officer shall file a statement describing any gifts received during the preceding calendar year.))~~

(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months.

(3) Every person appointed to a vacancy in an elective office or executive state officer position shall within two weeks of being so appointed file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or

appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) Every elected official and every executive state officer shall file with their statement of financial affairs a statement certifying that they have read and are familiar with RCW 42.17.130 or 42.52.180, whichever is applicable.

(8) For the purposes of this section, the term "executive state officer" includes those listed in RCW 42.17.2401.

~~((8))~~ (9) This section does not apply to incumbents or candidates for a federal office or the office of precinct committee officer.

Sec. 9. RCW 42.17.241 and 1984 c 34 s 3 are each amended to read as follows:

FINANCIAL AFFAIRS REPORT--GIFTS. (1) The statement of financial affairs required by RCW 42.17.240 shall disclose for the reporting individual and each member of his or her immediate family:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest that exceeded five thousand dollars at any time during the reporting period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship, and position held as trustee; and

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which such person serves as an elected official or state executive officer or professional staff member for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(ii) does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address,

and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of the property has been included in a report previously filed, the property may be listed, for purposes of this provision, by reference to the previously filed report; and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held; and

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted;

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2) Where an amount is required to be reported under subsection (1)~~((-paragraphs))~~ ~~((+))~~ (m) of this section, it shall be sufficient to comply with the requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Items of value given to an official's or employee's spouse or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse or family member.

Sec. 10. RCW 42.17.2401 and 1993 sp.s. c 2 s 18, 1993 c 492 s 488, and 1993 c 281 s 43 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher

education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, ~~((the director of trade and economic development,))~~ the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, ~~((oil and gas conservation committee,))~~ Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 11. RCW 42.17.260 and 1992 c 139 s 3 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

(6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(7) This chapter shall not be construed as giving authority to any agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

Sec. 12. RCW 42.17.280 and 1973 c 1 s 28 are each amended to read as follows:

Public records shall be available for inspection and copying during the customary office hours of the agency, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives: PROVIDED, That if the ((agency)) entity does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives or its representative agree on a different time.

Sec. 13. RCW 42.17.290 and 1992 c 139 s 4 are each amended to read as follows:

Agencies shall adopt and enforce reasonable rules and regulations, and the office of the secretary of the senate and the office of the chief clerk of the house of representatives shall adopt reasonable procedures allowing for the time, resource, and personnel constraints associated with legislative sessions, consonant with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. Nothing in this section shall relieve agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives from honoring requests received by mail for copies of identifiable public records.

If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

Sec. 14. RCW 42.17.300 and 1973 c 1 s 30 are each amended to read as follows:

No fee shall be charged for the inspection of public records. ~~((Agencies may impose))~~ A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs incident to such copying.

Sec. 15. RCW 42.17.320 and 1992 c 139 s 6 are each amended to read as follows:

Responses to requests for public records shall be made promptly by agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives. Within five business days of receiving a public record request, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives must respond by either (1) providing the record; (2) acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and providing a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request; or (3) denying the public record request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action or final action by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review.

NEW SECTION. Sec. 16. A new section is added to chapter 42.17 RCW, to be codified after RCW 42.17.340, to read as follows:

The procedures in RCW 42.17.340 govern denials of an opportunity to inspect or copy a public record by the office of the secretary of the senate or the office of the chief clerk of the house of representatives.

Sec. 17. RCW 42.17.370 and 1994 c 40 s 3 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint and set, within the limits established by the committee on agency officials' salaries under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Make from time to time, on its own motion, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his or her examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by

the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985;

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

Sec. 18. RCW 42.17.420 and 1983 c 176 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

Sec. 19. RCW 42.17.510 and 1993 c 2 s 22 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name shall be unlawful. The party with which a candidate files shall be clearly identified in political advertising for partisan office.

(2) In addition to the materials required by subsection (1) of this section, all political advertising undertaken as an independent expenditure by a person or entity other than a party organization must include the following statement on the communication "NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)." If the advertisement undertaken as an independent expenditure is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions reportable under this chapter during the twelve-month period before the date of the advertisement.

(3) The statements and listings of contributors required by subsections (1) and (2) of this section shall:

(a) Appear on ~~((each))~~ the first page or fold of the written communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process;

(c) Be ~~((in a printed or drawn box))~~ set apart from any other printed matter; and

(d) Be clearly spoken on any broadcast advertisement.

(4) Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

(5) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

Sec. 20. RCW 42.17.640 and 1993 c 2 s 4 are each amended to read as follows:

(1) No person, other than a bona fide political party or a caucus (~~(of the state legislature)~~) political committee, may make contributions to a candidate for a state legislative office that in the aggregate exceed five hundred dollars or to a candidate for a state office other than a state legislative office that in the aggregate exceed one thousand dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) No person, other than a bona fide political party or a caucus (~~(of the state legislature)~~) political committee, may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed five hundred dollars if for a state legislative office or one thousand dollars if for a state office other than a state legislative office.

(3)(a) Notwithstanding subsection (1) of this section, no bona fide political party or caucus (~~(of the state legislature)~~) political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus (~~(of the state legislature)~~) political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus (~~(of the state legislature)~~) political committee may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, during a recall campaign that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus (~~(of the state legislature of [or])~~) political committee or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No state official against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of a state official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(5) For purposes of determining contribution limits under subsections (3) and (4) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(6) Notwithstanding subsections (1) through (4) of this section, no person other than an individual, bona fide political party, or caucus (~~(of the state legislature)~~) political committee may make contributions reportable under this chapter to a caucus (~~(of the state legislature)~~) political committee that in the aggregate exceed five hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed two thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

~~((6))~~ (7) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

~~((7))~~ (8) A contribution received within the twelve-month period after a recall election concerning a state office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

~~((8))~~ (9) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

~~((9))~~ (10) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

~~((10))~~ (11) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

~~((11))~~ (12) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

~~((12))~~ (13) No person may accept contributions that exceed the contribution limitations provided in this section.

(14) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates.

Sec. 21. RCW 42.17.680 and 1993 c 2 s 8 are each amended to read as follows:

(1) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose a candidate, state official against whom recall charges have been filed, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for ~~((a))~~ the failure to contribute to ~~((b))~~ or the failure in any way to support or oppose ~~((c))~~ in any way supporting or opposing) a candidate, ballot proposition, political party, or political committee.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The request is valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

Sec. 22. RCW 42.17.720 and 1993 c 2 s 12 are each amended to read as follows:

(1) A loan is considered to be a contribution from the ~~((maker))~~ lender and ~~((the))~~ any guarantor of the loan and is subject to the contribution limitations of this chapter. The full amount of the loan shall be attributed to the lender and to each guarantor.

(2) A loan to a candidate for public office or the candidate's political committee must be by written agreement.

(3) The proceeds of a loan made to a candidate for public office:

(a) By a commercial lending institution;

(b) Made in the regular course of business; and

(c) On the same terms ordinarily available to members of the public(~~;- and~~

~~(d) That is secured or guaranteed)),~~

are not subject to the contribution limits of this chapter.

Sec. 23. RCW 42.17.740 and 1993 c 2 s 14 are each amended to read as follows:

TECHNICAL CORRECTIONS. (1) ~~((An individual))~~ A person may not make a contribution of more than fifty dollars, other than an in-kind contribution, except by a written instrument containing the name of the donor and the name of the payee.

(2) A political committee may not make a contribution, other than in-kind, except by a written instrument containing the name of the donor and the name of the payee.

Sec. 24. RCW 42.17.750 and 1993 c 2 s 15 are each amended to read as follows:

(1) No state or local official or state or local official's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official's agency.

(2) No state or local official or ~~((state))~~ public employee may provide an advantage or disadvantage to an employee or applicant for employment in the classified civil service concerning the applicant's or employee's:

(a) Employment;

(b) Conditions of employment; or

(c) Application for employment,

based on the employee's or applicant's contribution or promise to contribute or failure to make a contribution or contribute to a political party or political committee.

Sec. 25. RCW 42.17.770 and 1993 c 2 s 17 are each amended to read as follows:

A person ~~((or entity))~~ may not solicit from a candidate for public office, political committee, political party, or other person ~~((or entity))~~ money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate for public office, political committee, or political party.

Sec. 26. RCW 42.17.780 and 1993 c 2 s 18 are each amended to read as follows:

A person ~~((or entity))~~ may not, directly or indirectly, reimburse another person ~~((or entity))~~ for a contribution to a candidate for public office, political committee, or political party.

Sec. 27. RCW 42.17.790 and 1993 c 2 s 19 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a candidate for public office or the candidate's political committee may not use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate for public office or the candidate's political committee to further the candidacy of the individual for an office other than the office designated on the statement of organization. A contribution solicited for or received on behalf of the candidate for public office is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general elections for which the candidate for public office is a nominee or is unopposed.

(2) With the written approval of the contributor, a candidate for public office or the candidate's political committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate for public office or the candidate's political committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with RCW 42.17.095.

Sec. 28. RCW 42.17.100 and 1989 c 280 s 10 are each amended to read as follows:

INTERNAL POLITICAL COMMUNICATIONS--INDEPENDENT EXPENDITURE. (1) For the purposes of this section and RCW 42.17.550 the term "independent ((campaign)) expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.080, or 42.17.090. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent ((campaign)) expenditure that by itself or when added to all other such independent ((campaign)) expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent ((campaign)) expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent ((campaign)) expenditure shall file with the commission and the county elections officer of the county of residence for the candidate supported or opposed by the independent ((campaign)) expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent ((campaign)) expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission and the county elections officer of the county of residence for the candidate supported or opposed by the independent ((campaign)) expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent ((campaign)) expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent ((campaign)) expenditure since the date of the last previous report filed.

The report filed pursuant to paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent ((campaign)) expenditure, and ending not more than one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent ((campaign)) expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent ((campaign)) expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent ((campaign)) expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 29. RCW 42.17.125 and 1993 c 2 s 21 are each amended to read as follows:

TECHNICAL CORRECTIONS. Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the political committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The political committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090. However, contributions may not be used to reimburse a candidate for loans totaling more than three thousand dollars made by the candidate to the candidate's own ((authorized)) political committee or campaign.

Sec. 30. RCW 42.52.180 and 1994 c 154 s 118 are each amended to read as follows:

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ~~((public disclosure commission shall, after consultation with the))~~ ethics boards~~((,))~~ shall adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; and

(d) De minimis use of public facilities by state-wide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130.

Sec. 31. RCW 42.17.095 and 1993 c 2 s 20 are each amended to read as follows:

The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

(3) Transfer the surplus without limit to a political party or to a caucus ~~((of the state legislature))~~ political committee;

(4) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund; or

(6) Hold the surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17.090: PROVIDED, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(7) Hold the surplus campaign funds in a separate account for nonreimbursed public office-related expenses or as provided in this section, and report any such disposition in accordance with RCW 42.17.090. The separate account required under this subsection shall not be used for deposits of campaign funds that are not surplus.

(8) No candidate or authorized committee may transfer funds to any other candidate or other political committee.

The disposal of surplus funds under this section shall not be considered a contribution for purposes of this chapter.

Sec. 32. RCW 42.17.160 and 1982 c 147 s 12 are each amended to read as follows:

The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, and 42.17.200:

(1) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature, or public hearings of state agencies;

(2) Activities by lobbyists or other persons whose participation has been solicited by an agency under RCW 34.05.310(2);

(3) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;

~~((3))~~ (4) Persons who lobby without compensation or other consideration for acting as a lobbyist: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. The exemption contained in this subsection is intended to permit and encourage citizens of this state to lobby any legislator, public official, or state agency without incurring any registration or reporting obligation provided they do not exceed the limits stated above. Any person exempt under this subsection ~~((3))~~ (4) may at his or her option register and report under this chapter;

~~((4))~~ (5) Persons who restrict their lobbying activities to no more than four days or parts thereof during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed twenty-five ~~((dollars))~~ dollars: PROVIDED, That the commission shall promulgate regulations to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection ~~((4))~~ (5) may at his or her option register and report under this chapter;

~~((5))~~ (6) The governor;

~~((6))~~ (7) The lieutenant governor;

~~((7))~~ (8) Except as provided by RCW 42.17.190(1), members of the legislature;

~~((8))~~ (9) Except as provided by RCW 42.17.190(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;

~~((9))~~ (10) Elected officials, and officers and employees of any agency reporting under RCW 42.17.190(4) as now or hereafter amended.

Sec. 33. RCW 42.17.170 and 1991 sp.s. c 18 s 2 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his or her activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein, ~~((without))~~ and shall include amounts actually expended on each person where calculable, or allocating any portion of ~~((such))~~ the expenditure to individual participants. ~~((However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.))~~

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefitted by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period, unless exempt under RCW 42.17.160(2).

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

~~(f) ((A listing of each gift, as defined in RCW 42.17.020, made to a state elected official or executive state officer or to a member of the immediate family of such an official or officer. Such a gift shall be separately identified by the date it was given, the approximate value of the gift, and the name of the recipient. However, for a hosted reception where the average per person amount is reported under (a) of this subsection, the approximate value for the gift of partaking in the event is such average per person amount. The commission shall adopt forms to be used for reporting the giving of gifts under this subsection (2)(f). The forms shall be designed to permit a lobbyist to report on a separate form for each recipient the reportable gifts given to that recipient during the reporting period~~

or, alternatively, to report on one form all reportable gifts given by the lobbyist during the reporting period)) A listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars and each item specified in RCW 42.52.010(9) (d) and (f) made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

(g) The total expenditures made during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise. As used in this subsection, "expenditures" includes amounts paid or incurred during the reporting period for (i) political advertising as defined in RCW 42.17.020; and (ii) public relations, telemarketing, polling, or similar activities if such activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist ((a gift, as defined in RCW 42.17.020)) an item specified in RCW 42.52.150(5) or 42.52.010(9) (d) or (f), the lobbyist shall transmit to the official a copy of the completed form used to identify the ((gift)) item in the report at the same time the report is filed with the commission.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section.

NEW SECTION. **Sec. 34.** The following acts or parts of acts are each repealed:

- (1) RCW 42.17.021 and 1993 c 2 s 30;
- (2) RCW 42.17.630 and 1993 c 2 s 3;
- (3) RCW 42.17.2415 and 1991 sp.s. c 18 s 3; and
- (4) RCW 42.52.210 and 1959 c 320 s 5.

NEW SECTION. **Sec. 35.** Sections 1 through 32, 34, and 37 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

NEW SECTION. **Sec. 36.** Section 33 of this act takes effect September 1, 1995.

NEW SECTION. **Sec. 37.** Captions as used in this act constitute no part of the law.

NEW SECTION. **Sec. 38.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.080, 42.17.090, 42.17.105, 42.17.132, 42.17.155, 42.17.190, 42.17.240, 42.17.241, 42.17.260, 42.17.280, 42.17.290, 42.17.300, 42.17.320, 42.17.370, 42.17.420, 42.17.510, 42.17.640, 42.17.680, 42.17.720, 42.17.740, 42.17.750, 42.17.770, 42.17.780, 42.17.790, 42.17.100, 42.17.125, 42.52.180, 42.17.095, 42.17.160, and 42.17.170; reenacting and amending RCW 42.17.2401; adding a new section to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.021, 42.17.630, 42.17.2415, and 42.52.210; providing effective dates; and declaring an emergency."

Representatives Mielke and Appelwick spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5684 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5684 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luvan, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Quall - 2.

Engrossed Substitute Senate Bill No. 5684, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

April 19, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5739 and asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative B. Thomas moved that the House adhere to its position on Substitute Senate Bill No. 5739. The motion was carried.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5990 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Carlson, the rules were suspended, and Senate Bill No. 5990 was returned to second reading for the purpose of an amendment. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5990, by Senators Long, Bauer, Cantu, Rinehart, Newhouse, Winsley, Wood, Deccio, Johnson, Finkbeiner, Loveland and Hochstatter

Requiring public notice regarding excess compensation.

The bill was read the second time.

Representative Carlson moved adoption of the following amendment by Representative Carlson:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 41.50 RCW to read as follows:

(1) Except as limited by subsection (3) of this section, the governing body of an employer under chapter 41.32 or 41.40 RCW shall comply with the provisions of subsection (2) of this section prior to executing a contract or collective bargaining agreement with members under chapter 41.32 or 41.40 RCW which provides for:

(a) A cash out of unused annual leave in excess of two hundred forty hours of such leave. "Cash out" for purposes of this subsection means any payment in lieu of an accrual of annual leave or any payment added to regular salary, concurrent with a reduction of annual leave;

(b) A cash out of any other form of leave;

(c) A payment for, or in lieu of, any personal expense or transportation allowance;

(d) The portion of any payment, including overtime payments, that exceeds twice the regular rate of pay; or

(e) Any other termination or severance payment.

(2) Any governing body entering into a contract that includes a compensation provision listed in subsection (1) of this section shall do so only after public notice in compliance with the open public meetings act, chapter 42.30 RCW. This notification requirement may be accomplished as part of the approval process for adopting a contract in whole, and does not require separate or additional open public meetings. At the public meeting, full disclosure shall be made of the nature of the proposed compensation provision, and the employer's estimate of the excess compensation billings under RCW 41.50.150 that the employing entity would have to pay as a result of the proposed compensation provision. The employer shall notify the department of its compliance with this section at the time the department bills the employer under RCW 41.40.150 for the pension impact of compensation provisions listed in subsection (1) of this section that are adopted after the effective date of this act.

(3) The requirements of subsection (2) of this section shall not apply to the adoption of a compensation provision listed in subsection (1) of this section if the compensation would not be includable in calculating benefits under chapter 41.32 or 41.40 RCW for the employees covered by the compensation provision."

On page 1, line 2 of the title, after "compensation;" strike the remainder of the title and insert "and adding a new section to chapter 41.50 RCW."

Representative Carlson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker stated the question before the House to be final passage of Senate Bill No. 5990 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5990 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Quall - 2.

Senate Bill No. 5990, as amended by the House, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative Lisk: Having voted on the prevailing side moved that the House immediately reconsider the vote on Second Substitute Senate Bill No. 5003. The motion was carried.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5003 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5003 on reconsideration, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Benton and Quall - 2.

Second Substitute Senate Bill No. 5003, on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5053, insists on its position regarding the House amendments and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cairnes moved that the House insists on its position regarding the House amendments to Substitute Senate Bill No. 5053.

Representative Cairnes spoke in favor of the motion and it was carried.

SPEAKER'S PRIVILEGE

The Speaker is pleased to announce the following appointments:

Displaced Homemakers Advisory Committee
Representative Johnson

Education Commission of the States
Representative Brumsickle

Legislative Education Fiscal Study Committee
Representative Elliot
Representative McMahan
Representative Dickerson
Representative G. Fisher
Representative L. Thomas will continue to serve.
Representative Patterson will continue to serve.

Joint Select Committee on Education Restructuring
Representative Cole
Representative G. Fisher
Representative Quall
Representative Brumsickle will continue to serve.
Representative B. Thomas will continue to serve.
Representative L. Thomas will continue to serve.

Washington State Geographic Information Council
Representative Stevens

Advisory Committee on Gifted Education
Representative Clements

Leap
Representative Hymes

Representative Koster
Representative Brown
Representative Poulsen

Legislative Systems Committee
Representative Horn
Representative Chappell

Minority and Women's Business Enterprises
Representative Buck
Representative Ogden will continue to serve.

Oral History Advisory Committee
Representative Lambert
Representative Carlson will continue to serve.
Representative Jacobsen will continue to serve.
Representative Romero will continue to serve.

Tax Advisory Council
Representative Smith
Representative Morris will continue to serve.

Unemployment Insurance Joint Task Force
Representative Conway
Representative Romero
Representative Chandler will continue to serve.
Representative Lisk will continue to serve.

Chairman of Joint Committee on Pension Policy Board
Representative Carlson

Title and Registration Advisory Board
Representative McMahan
Representative Tokuda

Law and Justice Advisory Council
Representative Koster

MESSAGES FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 2058, and passed the bill without said amendments,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 20, 1995

Mr. Speaker:

ONE HUNDRED-THIRD DAY, APRIL 21, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDRED-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, April 22, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Whitney Jones and Kelly Smith. Prayer was offered by Reverend Nicholas Krantz, Foster Tukwila Presbyterian Church of Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

SENATE AMENDMENTS TO HOUSE BILL

April 20, 1995

Mr. Speaker:

Under suspension of rules, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209 was returned to second reading for further amendment, and the bill was passed with the adoption of floor no. 415 to the Transportation Committee amendments previously adopted on 4/5/95:

On page 2, line 1, after "motor" strike "vehicles regulated: and insert "carriers subject to economic regulation"

On page 4, beginning with "(3)" on line 1, strike everything through "transferred." on line 4, and insert the following:

"(3) All employees of the utilities and transportation commission engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. These employees will only be transferred upon successful completion of the Washington state patrol background investigation."

On page 5, line 10, after "Sec. 7." strike "This act takes" and insert "Section 2 of this act becomes effective with motor vehicle registration fees due or to become due January 1, 1996. Sections 1 and 3 through 6 of this act take"

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1209 and pass the bill as amended by the Senate.

Representatives K. Schmidt and R. Fisher spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1209 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1209 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 3, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehnlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Absent: Representatives Basich, Foreman and Reams - 3.

Excused: Representatives Benton, Fuhrman, Patterson and Poulsen - 4.

Engrossed Substitute House Bill No. 1209, as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED HOUSE BILL NO. 1461, and again asks the House to concur therein.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative K. Schmidt moved that the House adhere to its position on Engrossed House Bill No. 1461. The motion was carried.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 5119, and again asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Carlson moved that the House adhere to its position on Substitute Senate Bill No. 5119.

Representative Valle demanded an electronic roll call vote on the motion and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to adhere to its position on Substitute Senate Bill No. 5119, and the motion was adopted by the following vote: Yeas - 61, Nays - 32, Absent - 1, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 61.

Voting nay: Representatives Appelwick, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Ogden, Quall, Regala, Romero, Rust, Scott, Sheldon, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Absent: Representative Basich - 1.

Excused: Representatives Benton, Fuhrman, Patterson and Poulsen - 4.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to adhere to its position on Substitute Senate Bill No. 5119.

BETTY SUE MORRIS, 18th District

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate insists on its position regarding the House amendments to SENATE BILL NO. 5655, and again asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative K. Schmidt moved that the House insists on its position regarding the House amendments to Senate Bill No. 5655 and ask the Senate to recede therefrom. The motion was carried.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5244 and asks the House for a conference thereon. The President has appointed the following members as Conferees.

Senators Owen, Palmer and Fairley

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Cooke moved that the House grant the Senate request for a conference on Engrossed Substitute Senate Bill No. 5244. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Boldt, Buck and Thibaudeau as Conferees on Engrossed Substitute Senate Bill No. 5244.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5325 and asks the House for a conference thereon. The President has appointed the following members as Conferees:

Senators Bauer, Wood and Spanel

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Carlson moved that the House grant the Senate request for a conference on Substitute Senate Bill No. 5325. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Representative Horn presiding) appointed Representatives Carlson, Mulliken and Jacobsen as Conferrees on Substitute Senate Bill No. 5325.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SENATE BILL NO. 5677, insists on its position regarding the House amendments) and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House insists on its position regarding the House amendments to Senate Bill No. 5677 and ask the Senate to concur therein. The motion was carried.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5567, insists on its position regarding the House amendments and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mulliken moved that the House recede from its position and pass Substitute Senate Bill No. 5567 without the House amendments.

Representative Chopp spoke against the motion.

Representatives Mulliken and D. Schmidt spoke in favor of the motion and it was carried.

MOTION

On motion of Representative Talcott, Representative Foreman was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5567 without the House amendments.

Representative Reams spoke in favor of passage of the bill.

Representative Rust spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5567 without the House amendments, and the bill passed the House by the following vote: Yeas - 70, Nays - 24, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Elliot, Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Brown, Carlson, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Mason, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 24.

Excused: Representatives Benton, Foreman, Fuhrman and Patterson - 4.

Substitute Senate Bill No. 5567, without the House amendments, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

The Speaker called on Representative Horn to preside.

MOTION FOR RECONSIDERATION

Representative K. Schmidt: Having voted on the prevailing side moved that the House immediately reconsider Senate Bill No. 5655. The motion was carried.

MOTION

On motion of Representative K. Schmidt, the rules were suspended, and Senate Bill No. 5655 was returned to second reading for the purpose of an amendment.

SECOND READING

SENATE BILL NO. 5655, by Senators Rasmussen and Sellar

Revising state freight rail service programs.

The bill was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

On page 5, line 12, after "state" insert "freight"

On page 5, line 13, strike "development" and insert "advisory"

On page 7, following line 13, insert a new subsection to read as follows:

"(11) Moneys distributed under this chapter should be provided as loans wherever practicable. For improvements on or to privately owned railroads, railroad property, or other private property, moneys distributed shall be provided solely as loans."

On page 9, line 20, after "rail." insert "The purpose of this committee will be to provide policy direction and program oversight."

Representatives K. Schmidt and R. Fisher spoke in favor of the adoption of the amendment.

Representative K. Schmidt again spoke in favor of passage of the bill.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

FINAL PASSAGE OF SENATE BILL AS HOUSE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5655 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5655 as amended by the House, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Raddcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Absent: Representative Quall - 1.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson and Robertson - 6.

Senate Bill No. 5655, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the Committee on Trade & Economic Development Committee was further relieved of Substitute Senate Joint Memorial No. 8008 and Substitute Senate Joint Memorial No. 8008 took its place on second reading.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8008, by Senate Committee on Labor, Commerce & Trade (originally sponsored by Senators Wojahn, Sellar, Snyder, Newhouse, Gaspard, Fairley, Swecker, Deccio, Palmer, Drew, McDonald, Oke, Sutherland and Schow)

Requesting the United States to advocate for the admission of Taiwan to the United Nations.

The memorial was read the second time.

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

On page 1, line 9, after "Taiwan" strike ", the Republic of China"

On page 1, line 11, after "Taiwan" strike ", the Republic of China,"

On page 1, line 16, after "Taiwan" strike ", the Republic of China"

On page 2, line 5, after "Taiwan" strike ", the Republic of China,"

On page 2, line 11, after "Taiwan" strike ", the Republic of China,"

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Representatives Van Luven, Ebersole, Chandler and Sheldon spoke in favor of passage of the memorial.

MOTION

On motion of Representative Chopp, Representative Brown was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Joint Memorial No. 8008 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 8008 as amended by the House, and the memorial passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Raddliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Brown, Delvin, Foreman, Fuhrman, Patterson and Robertson - 7.

Substitute Senate Joint Memorial No. 8008, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, and the Conference Committee on Engrossed Senate Bill No. 5011 was considered.

REPORT OF CONFERENCE COMMITTEE

ESB 5011 Date: April 22, 1995

Includes "new item": YES

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5011, AN ACT Relating to forest products, have had the same under consideration and we recommend that:

The House Natural Resources Committee amendment not be adopted, and the striking amendment by the Conference Committee (attached 5011.E AMC CONF H3156.1) be adopted;

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.48.020 and 1992 c 184 s 1 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

(1) "Christmas trees" ~~((shall))~~ means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(2) "Native ornamental trees and shrubs" ~~((shall))~~ means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

(3) "Cut or picked evergreen foliage," commonly known as brush, ~~((shall))~~ means evergreen boughs, huckleberry, salal, fern, Oregon grape, rhododendron, mosses, bear grass, scotch broom (*Cytisus scoparius*) and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones or seeds.

(4) "Cedar products" ~~((shall))~~ means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(5) "Cedar salvage" ~~((shall))~~ means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(6) "Processed cedar products" ~~((shall))~~ means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, ~~((or))~~ rails~~((;))~~, or rounds less than one foot in length.

(7) "Cedar processor" ~~((shall))~~ means any person who purchases ~~((and/or))~~, takes, or retains possession of cedar products or cedar salvage~~((;))~~ for later sale in the same or modified form~~((;))~~ following ~~((their))~~ removal and delivery from the land where harvested.

(8) "Cascara bark" ~~((shall))~~ means the bark of a Cascara tree.

(9) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

(10) "Specialized forest products" ~~((shall))~~ means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, wild edible mushrooms, and Cascara bark.

(11) "Person" ~~((shall))~~ includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

(12) "Harvest" ~~((shall))~~ means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection ~~((with))~~ or contact with the land or vegetation upon which it ~~((was or has been))~~ is or was growing~~((;))~~ or (b) from the position in which it ~~((has been))~~ is lying upon ~~((such))~~ the land.

(13) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site~~((, including but not limited to conveyance by a motorized vehicle designed for use on improved roadways, or by vessel, barge, raft, or other waterborne conveyance. "Transportation" also means any conveyance of specialized forest products by helicopter))~~ by any means.

(14) "Landowner" means, with regard to ~~((any))~~ real property, the private owner ~~((thereof))~~, the state of Washington or any political subdivision ~~((thereof))~~, the federal government, or ~~((any))~~ a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at ~~((any))~~ a public or private timber sale.

(15) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees~~((;))~~ which ~~((form))~~ contains the information required by RCW 76.48.080, ~~((and))~~ a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(16) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(17) "Specialized forest products permit" ~~((shall))~~ means a printed document in a form specified by the department of natural resources, or true copy thereof, that is signed by a landowner or his ~~((duly))~~ or her authorized agent or representative ~~((herein))~~, referred to in this chapter as "permitter" ~~((;))~~ and validated by the county sheriff~~((; authorizing))~~ and authorizes a designated person ~~((herein))~~, referred to in this chapter as "permittee" ~~((;))~~, who ~~((shall))~~ has also ~~((have))~~ signed the permit, to harvest ~~((and/or))~~ and transport a designated specialized forest product from land owned or controlled and specified by the permitter~~((;))~~ and that is located in the county where ~~((such))~~ the permit is issued.

(18) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

(19) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

(20) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

Sec. 2. RCW 76.48.030 and 1979 ex.s. c 94 s 2 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person to:

(1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;

(2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; or

(3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner or his or her duly authorized agent or representative.

Sec. 3. RCW 76.48.040 and 1994 c 264 s 51 are each amended to read as follows:

Agencies charged with the enforcement of this chapter shall include, but not be limited to, the Washington state patrol, county sheriffs and their deputies, county or municipal police forces, authorized personnel of the United States forest service, and authorized personnel of the departments of natural resources and fish and wildlife. Primary enforcement responsibility lies in the county sheriffs and their deputies. The legislature encourages county sheriffs' offices to enter into interlocal agreements with these other agencies in order to receive additional assistance with their enforcement responsibilities.

Sec. 4. RCW 76.48.050 and 1979 ex.s. c 94 s 4 are each amended to read as follows:

Specialized forest products permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. Each permit shall be separately numbered and the permits shall be issued by consecutive numbers. All specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor. A properly completed specialized forest products permit form shall include:

- (1) The date of its execution and expiration;
- (2) The name, address, telephone number, if any, and signature of the permittor;
- (3) The name, address, telephone number, if any, and signature of the permittee;
- (4) The type of specialized forest products to be harvested or transported;
- (5) The approximate amount or volume of specialized forest products to be harvested or transported;
- (6) The legal description of the property from which the specialized forest products are to be harvested or transported, including the name of the county, or the state or province if outside the state of Washington;
- (7) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;
- (8) The number from some type of valid picture identification; and
- (9) Any other condition or limitation which the permittor may specify.

Except for the harvesting of Christmas trees, the permit or true copy thereof must be carried by the permittee and available for inspection at all times. For the harvesting of Christmas trees only a single permit or true copy thereof is necessary to be available at the harvest site.

Sec. 5. RCW 76.48.060 and 1992 c 184 s 2 are each amended to read as follows:

A specialized forest products permit validated by the county sheriff shall be obtained by ~~((any))~~ a person prior to harvesting from any lands, including his or her own, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than three United States gallons of a single species of wild edible mushroom and ~~((not))~~ more than an aggregate total of nine United States gallons of wild edible mushrooms, plus one wild edible mushroom. Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permittors in reasonable quantities. A permit form shall be completed in triplicate for each permittor's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct ~~((such))~~ other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of ~~((such))~~ the information, the form shall be validated with the sheriff's validation stamp ~~((provided by the department of natural resources))~~. Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession ~~((and/or))~~, or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. Two copies of the permit shall be given or mailed to the permittor, or one copy shall be given or mailed to the permittor and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit. In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county. While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

Sec. 6. RCW 76.48.070 and 1992 c 184 s 3 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and 76.48.075, it ~~((shall be))~~ is unlawful for any person (a) to possess, ~~((and/or))~~ (b) to transport, or (c) to possess and transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or

more than five pounds of Cascara bark, or more than three gallons of a single species of wild edible mushrooms and ~~((not))~~ more than an aggregate total of nine gallons of wild edible mushrooms, plus one wild edible mushroom without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported.

(2) It ~~((shall be))~~ is unlawful for any person either (a) to possess ~~((and/or))~~, (b) to transport, or (c) to possess and transport within the state of Washington any cedar products or cedar salvage without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported.

Sec. 7. RCW 76.48.075 and 1979 ex.s. c 94 s 15 are each amended to read as follows:

(1) It is unlawful for any person to transport or cause to be transported into this state from any other state or province specialized forest products, except those harvested from that person's own property, without: (a) First acquiring and having readily available for inspection a document indicating the true origin of the specialized forest products as being outside the state, or (b) without acquiring a specialized forest products permit as provided in subsection (4) of this section.

(2) Any person transporting or causing to be transported specialized forest products into this state from any other state or province shall, upon request of any person to whom the specialized forest products are sold or delivered or upon request of any law enforcement officer, prepare and sign a statement indicating the true origin of the specialized forest products, the date of delivery, and the license number of the vehicle making delivery, and shall leave the statement with the person making the request.

(3) It is unlawful for any person to possess specialized forest products, transported into this state, with knowledge that the products were introduced into this state in violation of this chapter.

(4) When any person transporting or causing to be transported into this state specialized forest products elects to acquire a specialized forest products permit, the specialized forest products transported into this state shall be deemed to be harvested in the county of entry, and the sheriff of that county may validate the permit as if the products were so harvested, except that the permit shall also indicate the actual harvest site outside the state.

(5) A cedar processor shall comply with RCW 76.48.096 by requiring a person transporting specialized forest products into this state from any other state or province to display a specialized forest products permit, or true copy thereof, or other document indicating the true origin of the specialized forest products as being outside the state. The cedar processor shall make and maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage in compliance with RCW 76.48.094.

(6) If, ~~((pursuant to))~~ under official inquiry, investigation, or other authorized proceeding regarding specialized forest products not covered by a valid specialized forest products permit or other acceptable document, the inspecting law enforcement officer has probable cause to believe that the specialized forest products were harvested in this state or wrongfully obtained in another state or province, the officer may take into custody and detain, for a reasonable time, the specialized forest products, all supporting documents, invoices, and bills of lading, and the vehicle in which the products were transported until the true origin of the specialized forest products can be determined.

Sec. 8. RCW 76.48.096 and 1979 ex.s. c 94 s 10 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any cedar processor to purchase, take possession, or retain cedar products or cedar salvage subsequent to the harvesting and prior to the retail sale of ~~((such))~~ the products, unless the supplier thereof displays a specialized forest products permit, or true copy thereof ~~((, which))~~ that appears to be valid, or obtains the information ~~((pursuant to))~~ under RCW 76.48.075(5).

Sec. 9. RCW 76.48.098 and 1979 ex.s. c 94 s 11 are each amended to read as follows:

Every cedar processor shall prominently display a valid registration certificate, or copy thereof, obtained from the department of revenue ~~((pursuant to))~~ under RCW 82.32.030 at each location where ~~((such))~~ the processor receives cedar products or cedar salvage.

Permittees shall sell cedar products or cedar salvage only to cedar processors displaying registration certificates which appear to be valid.

Sec. 10. RCW 76.48.100 and 1979 ex.s. c 94 s 12 are each amended to read as follows:

The provisions of this chapter (~~shall~~) do not apply to:

(1) Nursery grown products.

(2) Logs (except as included in the definition of "cedar salvage" under RCW 76.48.020), poles, pilings, or other major forest products from which substantially all of the limbs and branches have been removed, and cedar salvage when harvested concurrently with timber stands (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government.

(3) The activities of a landowner, his or her agent, or representative, or of a lessee of land in carrying on noncommercial property management, maintenance, or improvements on or in connection with the land of (~~such~~) the landowner or lessee.

Sec. 11. RCW 76.48.110 and 1979 ex.s. c 94 s 13 are each amended to read as follows:

Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products in violation of the provisions of this chapter, he or she may, at the time of making an arrest, seize and take possession of any (~~such~~) specialized forest products found. The law enforcement officer shall provide reasonable protection for the specialized forest products involved during the period of litigation or he or she shall dispose of (~~such~~) the specialized forest products at the discretion or order of the court before which the arrested person is ordered to appear.

Upon any disposition of the case by the court, the court shall make a reasonable effort to return the specialized forest products to (~~their~~) its rightful owner or pay the proceeds of any sale of specialized forest products less any reasonable expenses of (~~such~~) the sale to the rightful owner. If for any reason, the proceeds of (~~such~~) the sale cannot be disposed of to the rightful owner, (~~such~~) the proceeds, less the reasonable expenses of the sale, shall be paid to the treasurer of the county in which the violation occurred. The county treasurer shall deposit the same in the county general fund. The return of the specialized forest products or the payment of the proceeds of any sale of products seized to the owner shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.

Sec. 12. RCW 76.48.120 and 1979 ex.s. c 94 s 14 are each amended to read as follows:

It (~~shall be~~) is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, or true copy thereof, authorization, sales invoice, or bill of lading, or to make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, knowing the same to be in any manner false, fraudulent, forged, or stolen.

Any person who knowingly or intentionally violates this section (~~shall be~~) is guilty of forgery, and shall be punished as a class C felony providing for imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both (~~such~~) imprisonment and fine.

Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or stolen, it may be retained by the officer until its authenticity can be verified.

Sec. 13. RCW 76.48.130 and 1977 ex.s. c 147 s 10 are each amended to read as follows:

(~~Any~~) A person who violates (~~any~~) a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, (~~shall be~~) is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both (~~such~~) a fine and imprisonment.

NEW SECTION. Sec. 14. A new section is added to chapter 76.48 RCW to read as follows:

Buyers who purchase specialized forest products are required to record (1) the permit number; (2) the type of forest product purchased; (3) the permit holder's name; and (4) the amount of forest product purchased. The buyer shall keep a record of this information for a period of one year from the date of purchase and make the records available for inspection by authorized enforcement officials.

The buyer of specialized forest products must record the license plate number of the vehicle transporting the forest products on the bill of sale, as well as the seller's permit number on the bill of sale. This section shall not apply to transactions involving Christmas trees.

The section shall not apply to buyers of specialized forest products at the retail sales level.

NEW SECTION. Sec. 15. A new section is added to chapter 76.48 RCW to read as follows:
County sheriffs may contract with other entities to serve as authorized agents to validate specialized forest product permits. These entities include the United States forest service, the bureau of land management, the department of natural resources, local police departments, and other entities as decided upon by the county sheriffs' departments. An entity that contracts with a county sheriff to serve as an authorized agent to validate specialized forest product permits may make reasonable efforts to verify the information provided on the permit form such as the section, township, and range of the area where harvesting is to occur.

NEW SECTION. Sec. 16. A new section is added to chapter 76.48 RCW to read as follows:
Records of buyers of specialized forest products collected under the requirements of section 14 of this act may be made available to colleges and universities for the purpose of research.

NEW SECTION. Sec. 17. A new section is added to chapter 76.48 RCW to read as follows:
Minority groups have long been participants in the specialized forest products industry. The legislature encourages agencies serving minority communities, community-based organizations, refugee centers, social service agencies, agencies and organizations with expertise in the specialized forest products industry, and other interested groups to work cooperatively to accomplish the following purposes:

- (1) To provide assistance and make referrals on translation services and to assist in translating educational materials, laws, and rules regarding specialized forest products;
- (2) To hold clinics to teach techniques for effective picking; and
- (3) To work with both minority and nonminority permittees in order to protect resources and foster understanding between minority and nonminority permittees.

To the extent practicable within their existing resources, the commission on Asian-American affairs, the commission on Hispanic affairs, and the department of natural resources are encouraged to coordinate this effort.

NEW SECTION. Sec. 18. RCW 76.48.092 and 1979 ex.s. c 94 s 8 & 1977 ex.s. c 147 s 14 are each repealed.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 76.48.020, 76.48.030, 76.48.040, 76.48.050, 76.48.060, 76.48.070, 76.48.075, 76.48.096, 76.48.098, 76.48.100, 76.48.110, 76.48.120, and 76.48.130; adding new sections to chapter 76.48 RCW; and repealing RCW 76.48.092."

and that the bill do pass as amended by the Conference Committee.

Signed by Senators Owen, Strannigan, Drew and Representatives Buck, Beeksma and Sheldon

MOTION

Representative Buck moved that the House adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5011 and pass the bill as recommended by the Conference Committee.

Representative Buck spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

MOTION

On motion of Representative Brown, Representative Valle was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5011 as recommended by the Conference Committee.

Representative Sheldon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5011 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 82, Nays - 8, Absent - 1, Excused - 7.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Poulsen, Quall, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 82.

Voting nay: Representatives Backlund, Beeksma, Crouse, Goldsmith, McMorris, Pennington, Sherstad and Sterk - 8.

Absent: Representative Radcliff - 1.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Engrossed Senate Bill No. 5011, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

SSB 5365 Date: April 21, 1995

Includes "new item": NO

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5365, revising the uniform disciplinary act, have had the same under consideration and we recommend that: the House Committee on Health Care amendment be adopted with the following change:

On page 14, beginning on line 21, after "standards", strike everything through "act" on line 23

On page 14, beginning on line 33, strike all of section 11
and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Quigley, Fairley, Deccio; Representatives Dyer, Cody, Backlund

MOTION

Representative Dyer moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5365 and pass the bill as recommended by the Conference Committee. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5365 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5365 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Substitute Senate Bill No. 5365, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

SB 5434 April 21, 1995

Includes "new item": NO

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5434, amending licensing requirements of general agents, have had the same under consideration and we recommend:

that the bill do pass without the amendment adopted by the House.

Signed by Senators Prentice, Fraser, Hale; Representatives L. Thomas, Smith, Wolfe.

MOTION

Representative L. Thomas moved that the House adopt the Report of the Conference Committee on Senate Bill No. 5434 and pass the bill as recommended by the Conference Committee.

Representative L. Thomas spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS
RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 5434 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5434 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Senate Bill No. 5434, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the House considered the following bills in the following order: Engrossed Second Substitute House Bill No. 1941 and Engrossed Substitute House Bill No. 1821.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941, and passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

E2SHB 1941 April 21, 1995

Includes "NEW ITEM": YES

Improving student learning by focusing on reading literacy.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941, Reading literacy, have had the same under consideration and we recommend that:

The Senate amendments by Senators Johnson and McAuliffe adopted on April 13, 1995, not be adopted; and

That the Conference Committee striking amendments (S-3401.1) be adopted,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the ability to read with comprehension and skill is essential for success in school, and for success in future life. As we enter into the twenty-first century, the ability to read is critical to personal and family prosperity.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The elementary grades assessment developed by the commission on student learning under RCW 28A.630.885(3)(b)(i) shall require that all public school students are assessed for reading literacy skills in the third grade no later than March 31st.

(2) The reading assessment in subsection (1) of this section shall be available for use by elementary schools no later than the 1996-97 school year. Elementary schools are encouraged to begin implementation of the assessment in the 1996-97 and 1997-98 school years.

(3) Notwithstanding the assessment implementation dates in RCW 28A.630.885, the reading assessment in subsection (1) of this section shall be implemented state-wide to all public school third-grade students in the 1998-99 school year.

(4) The information provided by the reading assessment shall be used by educators as a tool to evaluate instructional practices and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements for reading. The type of support to be provided to students shall be determined by school districts. School districts shall periodically reassess students who have not mastered the essential academic learning requirements for reading, and shall continue to provide appropriate reading support for students who have not mastered these essential academic learning requirements. The results of the reading assessment shall not be used for school or school district accountability purposes."

On page 1, line 1 of the title, after "literacy;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; and creating a new section." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McAuliffe, Johnson, Pelz; Representatives Brumsickle, Johnson, Cole.

MOTION

Representative Brumsickle moved that the House adopt the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1941 and pass the bill as recommended by the Conference Committee.

Representatives Brumsickle, Cole and Johnson spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1941 as recommended by the Conference Committee.

Representative Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1941 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Engrossed Second Substitute House Bill No. 1941, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, and passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

ESHB 1821 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821

Includes "NEW ITEM": YES

Modifying unemployment compensation for persons employed under public employment contracts.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821, Unemployment comp disqualify, have had the same under consideration and we recommend that:

The Senate Committee on Labor, Commerce and Trade amendments adopted on April 5, 1995, not be adopted; and

That the Conference Committee striking amendments (H-3145.1) be adopted,

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.04.320 and 1986 c 21 s 1 are each amended to read as follows:

(1) For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010. If an

employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in the individual's trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

(2) For the purpose of payment of benefits, "wages" means the remuneration paid by one or more employers to an individual for employment under this title during his base year: PROVIDED, That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The department shall notify each claimant that wages are calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable.

(3) For the purpose of payment of benefits and payment of contributions, the term "wages" includes tips which are received after January 1, 1987, while performing services which constitute employment, and which are reported to the employer for federal income tax purposes.

(4)(a) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time.

(b) Previously accrued compensation, other than severance pay or payments received pursuant to plant closure agreements, when assigned to a specific period of time by virtue of a collective bargaining agreement, individual employment contract, customary trade practice, or request of the individual compensated, shall be considered remuneration for the period to which it is assigned. Assignment clearly occurs when the compensation serves to make the individual eligible for all regular fringe benefits for the period to which the compensation is assigned.

(c) Settlements or other proceeds received by an individual as a result of a negotiated settlement for termination of an employment contract with a public agency prior to its expiration date shall be considered remuneration. The proceeds shall be deemed assigned in the same intervals and in the same amount for each interval as compensation was allocated under the contract.

(d) Except as provided in (c) of this subsection, the provisions of this (~~section~~) subsection (4) pertaining to the assignment of previously accrued compensation shall not apply to individuals subject to RCW 50.44.050.

Sec. 2. RCW 50.44.050 and 1990 c 33 s 587 are each amended to read as follows:

Except as otherwise provided in subsections (1) through (4) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title.

(1) Benefits based on service in an instructional, research or principal administrative capacity for an educational institution shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or between two successive academic terms within an academic year (or, when an agreement provides instead for a similar period between two regular but not successive terms within an academic year, during such period) if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. Any employee of a common school district who is presumed to be reemployed pursuant to RCW 28A.405.210 shall be deemed to have a contract for the ensuing term.

(2) Benefits shall not be paid based on services in any other capacity for an educational institution for any week of unemployment which commences during the period between two successive academic years or between two successive academic terms within an academic year, if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms:

PROVIDED, That if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in an educational institution while in the employ of an educational service district which is established pursuant to chapter 28A.310 RCW and exists to provide services to local school districts.

(5) As used in subsection (1) of this section, "academic year" means, with respect to services described in subsection (1) of this section performed by part-time faculty at community colleges and technical colleges: Fall, winter, spring, and summer quarters or comparable semesters unless, based upon objective criteria including enrollment and staffing, the quarter or comparable semester is not in fact a part of the academic year for the particular institution.

Sec. 3. RCW 50.44.053 and 1985 ex.s. c 5 s 9 are each amended to read as follows:

The term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term. However, with respect to services described in RCW 50.44.050(1) performed by part-time faculty for community colleges and technical colleges, the term "reasonable assurance" does not include an agreement that is contingent on enrollment, funding, or program changes. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

NEW SECTION. Sec. 4. The legislature finds that, as a general rule with limited exceptions, employees of educational institutions expect to be employed for no more than a nine or ten-month school year with a break between school years for the traditional summer vacation.

Because of the decision in *Evans v. Employment Security Department*, 72 Wn. App. 862 (1994), the legislature finds it necessary to clarify legislative intent with regard to unemployment compensation for employees of educational institutions. The 1995 c . . . s 2 (section 2 of this act) amendment to RCW 50.44.050 is intended to clarify that for the part-time faculty at two-year institutions of higher education, summer quarter may be expected to be a time of employment, unless otherwise shown. However, the 1995 c . . . s 2 (section 2 of this act) amendment to RCW 50.44.050 is not intended to change the general rules used by the employment security department prior to the *Evans* decision regarding unemployment compensation for other employees of educational institutions.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 50.04.320, 50.44.050, and 50.44.053; creating new sections; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, Newhouse, Kohl; Representatives Lisk, Carlson, Kessler.

MOTION

Representative Lisk moved that the House adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 1821 and pass the bill as recommended by the Conference Committee.

Representatives Lisk, Mastin, Carlson and Jacobsen spoke in favor of the motion and it was carried.

POINT OF INQUIRY

Representative Lisk yielded to a question by Representative Dyer.

Representative Dyer: Representative Lisk, on page 4 of the bill it's unclear to me what's going to happen on the services described under RCW 50.44.050, subsection 1 performed by part time faculty, could you explain that for me please?

Representative Lisk: No.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1821 as recommended by the Conference Committee.

Representatives Lisk, Kessler and Brown spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1821 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 0, Excused - 7.

Voting yeas: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 91.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Patterson, Robertson and Valle - 7.

Engrossed Substitute House Bill No. 1821, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 22, 1995

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5003,
SUBSTITUTE SENATE BILL NO. 5092,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SUBSTITUTE SENATE BILL NO. 5155,
SECOND SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5162,
SUBSTITUTE SENATE BILL NO. 5315,
SUBSTITUTE SENATE BILL NO. 5374,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5386,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5597,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5616,

and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1995

Mr. Speaker:

The Senate receded from its amendments to ENGROSSED HOUSE BILL NO. 1770 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate receded from its amendments to ENGROSSED HOUSE BILL NO. 2057 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1225, and passed the bill without said amendments:

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1725, and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 21, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5092,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SECOND SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5162,
SUBSTITUTE SENATE BILL NO. 5315,
SUBSTITUTE SENATE BILL NO. 5374,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5386,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5597,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5616,

and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1144,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165,
SUBSTITUTE HOUSE BILL NO. 1270,
SUBSTITUTE HOUSE BILL NO. 1273,
ENGROSSED HOUSE BILL NO. 1305,
SUBSTITUTE HOUSE BILL NO. 1387,
SUBSTITUTE HOUSE BILL NO. 1398,
SUBSTITUTE HOUSE BILL NO. 1497,
HOUSE BILL NO. 1534,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1611,
SUBSTITUTE HOUSE BILL NO. 1673,
SUBSTITUTE HOUSE BILL NO. 1700,
SUBSTITUTE HOUSE BILL NO. 1722,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1730,
SUBSTITUTE HOUSE BILL NO. 1809,
HOUSE BILL NO. 1872,
ENGROSSED HOUSE BILL NO. 2033,

and the same are herewith transmitted.

Marty Brown, Secretary

April 22, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5466 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Sheahan, the rules were suspended, and Engrossed Substitute Senate Bill No. 5466 was returned to second reading for the purpose of an amendment. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5466, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Oke, Heavey, Winsley and Franklin)

Protecting children from sexually explicit films, publications, and devices.

The bill was read the second time.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

On page 3, line 1, after "(b)" strike "Where it" and insert "It"

On page 3, beginning on line 2, after "subsection" strike all matter through "only'" on line 3

Representatives McMahan and Chappell spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Representative Brown, Representative Ogden was excused.

On motion of Representative Talcott, Representative Stevens was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5466 as amended by the House, and the bill passed the House by the following vote: Yeas - 71, Nays - 18, Absent - 0, Excused - 9.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Dyer, Ebersole, Elliot, Fisher, G., Goldsmith, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky,

Pennington, Quall, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 71.

Voting nay: Representatives Brown, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Fisher, R., Hatfield, Mason, Poulsen, Regala, Romero, Rust, Thibaudeau, Tokuda, Veloria and Wolfe - 18.

Excused: Representatives Benton, Delvin, Foreman, Fuhrman, Ogden, Patterson, Robertson, Stevens and Valle - 9.

Engrossed Substitute Senate Bill No. 5466, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1140,
SUBSTITUTE HOUSE BILL NO. 1152,
SUBSTITUTE HOUSE BILL NO. 1205,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298,
SUBSTITUTE HOUSE BILL NO. 1401,
SUBSTITUTE HOUSE BILL NO. 1547,
SUBSTITUTE HOUSE BILL NO. 1658,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810,
SUBSTITUTE HOUSE BILL NO. 1865,
ENGROSSED HOUSE BILL NO. 1889,
SUBSTITUTE HOUSE BILL NO. 1906,
SUBSTITUTE HOUSE BILL NO. 1995,
ENGROSSED HOUSE BILL NO. 2005,
SUBSTITUTE HOUSE BILL NO. 2058,
SECOND SUBSTITUTE SENATE BILL NO. 5003,
SUBSTITUTE SENATE BILL NO. 5092,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
SUBSTITUTE SENATE BILL NO. 5155,
SECOND SUBSTITUTE SENATE BILL NO. 5157,
SUBSTITUTE SENATE BILL NO. 5162,
SUBSTITUTE SENATE BILL NO. 5315,
SUBSTITUTE SENATE BILL NO. 5374,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5386,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5597,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5616,

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 1:00 p.m., Sunday, April 23, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

ONE HUNDRED-FOURTH DAY, APRIL 22, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

ONE HUNDRED-FIFTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Sunday, April 23, 1995

The House was called to order at 1:00 p.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brace Rigby and Jeremy Daggett. Prayer was offered by Representative Clements.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5119,
SENATE BILL NO. 5677,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The President ruled the Conference Committee amendment (s-3388.4) to ENGROSSED HOUSE BILL NO. 1173 beyond the scope and object of the bill. On Motion, the Conference Committee Report was returned to the Conference Committee for further consideration.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The President has appointed the following members as Conferees to ENGROSSED SENATE BILL NO. 5873:

Senators Fairley, Sellar and A. Smith

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8407,
and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

RESOLUTION

HOUSE RESOLUTION NO. 95-4687, by Representatives Mason, Costa, Appelwick, Backlund, Ballard, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, G. Fisher, R. Fisher, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Padden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, D. Schmidt, K. Schmidt, Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, B. Thomas, L. Thomas, Thompson, Tokuda, Valle, Van Luven, Voloria and Wolfe

WHEREAS, The entire nation is shocked and saddened by Wednesday's terrorist bombing of the Alfred P. Murrah Building in Oklahoma City; and

WHEREAS, Our thoughts and deepest sympathies go out to the victims of this terrible tragedy and their families as we observe Sunday, April 23, as a national day of mourning; and

WHEREAS, The emotional aftermath of this tragedy is especially difficult for our nation's children; and

WHEREAS, We pray for the rescue of any survivors who may still be left in the building; and

WHEREAS, We owe an immeasurable debt of gratitude to the public safety and rescue workers who have risked their own lives to search for and save victims of the bombing; and

WHEREAS, We are also proud of and grateful for the outstanding investigative work of state and federal law enforcement officers; and

WHEREAS, This tragedy has brought about compassion and caring among our fellow Americans that has shown the United States to be a great nation; and

WHEREAS, We must not tolerate such brutal acts of terrorism and wanton disregard for human life;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize that we must do everything within our power and resources to ensure the protection of our children and families from random acts of violence; and

BE IT FURTHER RESOLVED, That we, the members of the Washington State House of Representatives, take this moment to offer our prayers and condolences to the victims of Wednesday's terrorist bombing, to their families, and to everyone whose lives have been touched by this unspeakable tragedy.

Representative Mason moved adoption of the resolution.

Representatives Mason and Costa spoke in favor of adoption of the resolution.

House Resolution No. 4687 was adopted.

MOTION

Representative Ebersole moved that all members names be added to House Resolution No. 4687. The motion was carried.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

The Speaker announced he was receiving Petitions to be delivered to the Secretary of State.

The Speaker instructed the Sergeant at Arms to deliver the Petitions to the Secretary of State.

SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, the Senate returned SUBSTITUTE HOUSE BILL NO. 1250 to second reading for purpose of amendment. The Senate adopted floor amendment #421, and passed the bill as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.32 RCW to read as follows:

(1)(a) If the worker or beneficiary in a state fund claim prevails in an appeal by any party to the board or the court, the department shall comply with the board or court's order with respect to the payment of compensation within the later of the following time periods:

(i) Sixty days after the compensation order has become final and is not subject to review or appeal; or

(ii) If the order has become final and is not subject to review or appeal and the department has, within the period specified in (a)(i) of this subsection, requested the filing by the worker or beneficiary of documents necessary to make payment of compensation, sixty days after all requested documents are filed with the department.

The department may extend the sixty-day time period for an additional thirty days for good cause.

(b) If the department fails to comply with (a) of this subsection, any person entitled to compensation under the order may institute proceedings for injunctive or other appropriate relief for enforcement of the order. These proceedings may be instituted in the superior court for the county in which the claimant resides, or, if the claimant is not then a resident of this state, in the superior court for Thurston county.

(2) In a proceeding under this section, the court shall enforce obedience to the order by proper means, enjoining compliance upon the person obligated to comply with the compensation order. The court may issue such writs and processes as are necessary to carry out its orders and may award a penalty of up to one thousand dollars to the person entitled to compensation under the order.

(3) A proceeding under this section does not preclude other methods of enforcement provided for in this title.

NEW SECTION. Sec. 2. This act applies to all appeals in state fund claims determined under Title 51 RCW on or after the effective date of this act, regardless of the date of filing of the claim."

On page 1, line 1 of the title, after "awards;" strike the remainder of the title and insert "adding a new section to chapter 51.32 RCW; and creating a new section."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Lisk moved that the House concur in the Senate amendments to Substitute House Bill No. 1250 and pass the bill as amended by the Senate.

Representative Lisk spoke in favor of the motion and it was carried.

MOTION

On motion of Representative Brown, Representative Patterson was excused.

Representative Cole spoke in favor of passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1250 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Fuhrman and Patterson - 2.

Substitute House Bill No. 1250, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, the Senate recessed from the Senate Committee on Ways and Means striking amendments adopted on April 10, 1995 to HOUSE BILL NO. 1296, returned the bill to second reading for purpose of amendment, and passed the bill with the attached striking amendments (Floor No. 425):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that:

(1) Since enactment of chapter 227, Laws of 1984 most employers that participate in state retirement systems have been responsible for ensuring that member retirement contributions are transferred to the retirement trust funds, even in situations where service credit is being established on a retroactive basis for a member who is no longer employed by the employer.

(2) It is the responsibility of employers to accurately report their employees' compensation and service, and to ensure that all required member and employer contributions are transferred to the department of retirement systems. However, in situations where an employer determines that a former employee should have had contributions transferred, it is more reasonable and efficient to bill the employee for the past due member contributions than to make the employer responsible for them.

NEW SECTION. Sec. 2. A new section is added to chapter 41.50 RCW to read as follows:

(1) If an employer, pursuant to RCW 41.50.140(2), does not transfer member contributions for a former employee's prior period of service, the member shall not receive service credit for the period of service unless the member pays the required member contributions as provided in this section. In such cases the member shall have the option, but shall not be obligated, to pay the member contributions necessary to receive credit for the period of service. As provided by RCW 41.50.140(1), the department shall collect from the employer all employer contributions due for periods of service, regardless of whether the member elects to pay the member contributions necessary to receive credit for the period of service.

(2) The department shall adopt, by rule, a process by which separated and active members may pay member contributions needed to establish service credit for prior periods of service for which their employers did not transmit member contributions.

Sec. 3. RCW 41.50.140 and 1982 1st ex.s. c 52 s 33 are each amended to read as follows:

(1) Every employer participating in one or more of the retirement systems listed in RCW 41.50.030 shall fully cooperate in the administration of the systems in which its employees participate, including the distribution of information to employees, and shall accept and carry out all other duties as required by law, regulation, or administrative instruction. Every employer shall transmit to the department all member and employer contributions due for periods of service rendered in the retirement systems, except as provided in subsection (2) of this section.

(2) When the department bills an employer for member and employer contributions owed for a prior period of service, the employer shall transmit the required contributions if the member is still an employee of the employer at the time of the billing. The employer shall have no duty to transfer member contributions for persons who are not employees on the date the department bills the employer but shall transfer the required employer contributions for the prior service.

(3) Members for whom member contributions for a prior period of service are not transferred by the employer pursuant to subsection (2) of this section shall have the option of paying the required member contributions pursuant to section 2 of this act.

~~((2) If an employee is entitled to retroactive service credit which was not previously established through no fault of the employee, or through an employer error which has caused a member's compensation or contributions to be understated or overstated so as to cause a loss to the retirement funds, the director may bill the employer for the loss, to include interest, if applicable. The employer contributions, with interest thereon, will be treated as if in fact the interest was part of the normal employer contribution and no distribution of interest received shall be required.~~

~~(3) Employer paid employee contributions will not be credited to a member's account until the employer notifies the director in writing that the employer has been reimbursed by the employee or beneficiary for the payment. The employer shall have the right to collect from the employee the amount of the employee's obligation. Failure on the part of the employer to collect all or any part of the sums which may be due from the employee or beneficiary shall in no way cause the employer obligation for the total liability to be lessened.))~~

(4) If an employer transfers member contributions which were not paid by the member, the employer shall have the right to collect the amount of the employee's obligation from the employee.

Sec. 4. RCW 41.54.020 and 1994 c 197 s 32 are each amended to read as follows:

(1) Those persons who are dual members on or after July 1, 1988, shall not receive a retirement benefit from any prior system while dual members without the loss of all benefits under this chapter. Retroactive retirement in any prior system will cancel membership in any subsequent systems

except as allowed under RCW 41.04.270 and will result in the refund of all employee and employer contributions made to such systems.

(2) If a member has withdrawn contributions from a prior system, the member may restore the contributions, together with interest since the date of withdrawal as determined by the system, and recover the service represented by the contributions. Such restoration must be completed within two years of establishing dual membership or prior to retirement, whichever occurs first.

(3) If a member does not meet the time limitation under subsection (2) of this section, the member, prior to retirement, may restore the service credit destroyed by the withdrawn contributions by paying the amount required under RCW 41.50.165(2). However, if a member failed to meet the applicable statutory deadline and filed a petition with the director of the department of retirement systems prior to January 1, 1995, requesting an extension of the applicable period; and if the director's findings in denying the petition affirmatively show that the failure was due to the fact that the department's customary bulletins and other notifications that were furnished to the member's employer for distribution were not furnished to the member by the employer, and that the member did not otherwise receive notice through other channels of communication and was not at fault, the member may elect to restore the required contributions and interest and regain service credit under subsection (2) of this section under the same terms and conditions and without further liability as if the election had been made on a timely basis. The election must be made not later than July 1, 1995, or prior to retirement, whichever comes first. The department shall provide written notice and an application directly to the affected members, and any further assistance as may be necessary to implement this section.

(4) Any service accrued in one system by the member shall not accrue in any other system.

NEW SECTION. Sec. 5. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately and the remainder of this act shall take effect July 1, 1996."

On page 1, line 2 of the title, after "contributions;" strike the remainder of the title and insert "amending RCW 41.50.140 and 41.54.020; adding a new section to chapter 41.50 RCW; creating a new section; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Carlson moved that the House adhere to its position on House Bill No. 1296.

Representative Carlson spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471 was returned to second reading. The Senate further amended the Senate Committee on Law and Justice striking amendments adopted April 12, 1995 by adopting floor amendment #418, and passed the bill with the attached Law and Justice Committee amendments as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The intent of this chapter is to provide consistent laws regarding the formation and legal administration of homeowners' associations.

NEW SECTION. Sec. 2. For purposes of this chapter:

(1) "Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the association's jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapter 64.32 or 64.34 RCW.

(2) "Governing documents" means the articles of incorporation, bylaws, plat, declaration of covenants, conditions, and restrictions, rules and regulations of the association, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

(3) "Board of directors" or "board" means the body, regardless of name, with primary authority to manage the affairs of the association.

(4) "Common areas" means property owned, or otherwise maintained, repaired or administered by the association.

(5) "Common expense" means the costs incurred by the association to exercise any of the powers provided for in this chapter.

(6) "Residential real property" means any real property, the use of which is limited by law, covenant or otherwise to primarily residential or recreational purposes.

NEW SECTION. Sec. 3. The membership of an association at all times shall consist exclusively of the owners of all real property over which the association has jurisdiction, both developed and undeveloped.

NEW SECTION. Sec. 4. Unless otherwise provided in the governing documents, an association may:

(1) Adopt and amend bylaws, rules, and regulations;

(2) Adopt and amend budgets for revenues, expenditures, and reserves, and impose and collect assessments for common expenses from owners;

(3) Hire and discharge or contract with managing agents and other employees, agents, and independent contractors;

(4) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more owners on matters affecting the homeowners' association, but not on behalf of owners involved in disputes that are not the responsibility of the association;

(5) Make contracts and incur liabilities;

(6) Regulate the use, maintenance, repair, replacement, and modification of common areas;

(7) Cause additional improvements to be made as a part of the common areas;

(8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property;

(9) Grant easements, leases, licenses, and concessions through or over the common areas and petition for or consent to the vacation of streets and alleys;

(10) Impose and collect any payments, fees, or charges for the use, rental, or operation of the common areas;

(11) Impose and collect charges for late payments of assessments and, after notice and an opportunity to be heard by the board of directors or by the representative designated by the board of directors and in accordance with the procedures as provided in the bylaws or rules and regulations adopted by the board of directors, levy reasonable fines in accordance with a previously established schedule adopted by the board of directors and furnished to the owners for violation of the bylaws, rules, and regulations of the association;

(12) Exercise any other powers conferred by the bylaws;

(13) Exercise all other powers that may be exercised in this state by the same type of corporation as the association; and

(14) Exercise any other powers necessary and proper for the governance and operation of the association.

NEW SECTION. Sec. 5. (1) Except as provided in the association's governing documents or this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers and members of the board of directors shall exercise the degree of care and loyalty required of an officer or director of a corporation organized under chapter 24.03 RCW.

(2) The board of directors shall not act on behalf of the association to amend the articles of incorporation, to take any action that requires the vote or approval of the owners, to terminate the association, to elect members of the board of directors, or to determine the qualifications, powers, and duties, or terms of office of members of the board of directors; but the board of directors may fill vacancies in its membership of the unexpired portion of any term.

(3) Within thirty days after adoption by the board of directors of any proposed regular or special budget of the association, the board shall set a date for a meeting of the owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of a majority of the votes in the association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the owners shall be continued until such time as the owners ratify a subsequent budget proposed by the board of directors.

(4) The owners by a majority vote of the voting power in the association present, in person or by proxy, and entitled to vote at any meeting of the owners at which a quorum is present, may remove any member of the board of directors with or without cause.

NEW SECTION. Sec. 6. Unless provided for in the governing documents, the bylaws of the association shall provide for:

(1) The number, qualifications, powers and duties, terms of office, and manner of electing and removing the board of directors and officers and filling vacancies;

(2) Election by the board of directors of the officers of the association as the bylaws specify;

(3) Which, if any, of its powers the board of directors or officers may delegate to other persons or to a managing agent;

(4) Which of its officers may prepare, execute, certify, and record amendments to the governing documents on behalf of the association;

(5) The method of amending the bylaws; and

(6) Subject to the provisions of the governing documents, any other matters the association deems necessary and appropriate.

NEW SECTION. Sec. 7. (1) A meeting of the association must be held at least once each year. Special meetings of the association may be called by the president, a majority of the board of directors, or by owners having ten percent of the votes in the association. Not less than fourteen nor more than sixty days in advance of any meeting, the secretary or other officers specified in the bylaws shall cause notice to be hand-delivered or sent prepaid by first class United States mail to the mailing address of each owner or to any other mailing address designated in writing by the owner. The notice of any meeting shall state the time and place of the meeting and the business to be placed on the agenda by the board of directors for a vote by the owners, including the general nature of any proposed amendment to the articles of incorporation, bylaws, any budget or changes in the previously approved budget that result in a change in assessment obligation, and any proposal to remove a director.

(2) Except as provided in this subsection, all meetings of the board of directors shall be open for observation by all owners of record and their authorized agents. The board of directors shall keep minutes of all actions taken by the board, which shall be available to all owners. Upon the affirmative vote in open meeting to assemble in closed session, the board of directors may convene in closed executive session to consider personnel matters; consult with legal counsel or consider communications with legal counsel; and discuss likely or pending litigation, matters involving possible violations of the governing documents of the association, and matters involving the possible liability of an owner to the association. The motion shall state specifically the purpose for the closed session. Reference to the motion and the stated purpose for the closed session shall be included in the minutes. The board of directors shall restrict the consideration of matters during the closed portions of meetings only to those purposes specifically exempted and stated in the motion. No motion, or other action adopted, passed, or agreed to in closed session may become effective unless the board of directors, following the closed

session, reconvenes in open meeting and votes in the open meeting on such motion, or other action which is reasonably identified. The requirements of this subsection shall not require the disclosure of information in violation of law or which is otherwise exempt from disclosure.

NEW SECTION. **Sec. 8.** Unless the governing documents specify a different percentage, a quorum is present throughout any meeting of the association if the owners to which thirty-four percent of the votes of the association are allocated are present in person or by proxy at the beginning of the meeting.

NEW SECTION. **Sec. 9.** (1) The association or its managing agent shall keep financial and other records sufficiently detailed to enable the association to fully declare to each owner the true statement of its financial status. All financial and other records of the association, including but not limited to checks, bank records, and invoices, in whatever form they are kept, are the property of the association. Each association managing agent shall turn over all original books and records to the association immediately upon termination of the management relationship with the association, or upon such other demand as is made by the board of directors. An association managing agent is entitled to keep copies of association records. All records which the managing agent has turned over to the association shall be made reasonably available for the examination and copying by the managing agent.

(2) All records of the association, including the names and addresses of owners and other occupants of the lots, shall be available for examination by all owners, holders of mortgages on the lots, and their respective authorized agents on reasonable advance notice during normal working hours at the offices of the association or its managing agent. The association shall not release the unlisted telephone number of any owner. The association may impose and collect a reasonable charge for copies and any reasonable costs incurred by the association in providing access to records.

(3) At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association. The financial statements of associations with annual assessments of fifty thousand dollars or more shall be audited at least annually by an independent certified public accountant, but the audit may be waived if sixty-seven percent of the votes cast by owners, in person or by proxy, at a meeting of the association at which a quorum is present, vote each year to waive the audit.

(4) The funds of the association shall be kept in accounts in the name of the association and shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds.

NEW SECTION. **Sec. 10.** Any violation of the provisions of this chapter entitles an aggrieved party to any remedy provided by law or in equity. The court, in an appropriate case, may award reasonable attorneys' fees to the prevailing party.

NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act constitute a new chapter in Title 64 RCW."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sheahan moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1471 and pass the bill as amended by the Senate.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1471 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1471 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 88, Nays - 8, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Crouse, Goldsmith, Hargrove, McMahan, McMorris, Pennington, Sherstad and Sterk - 8.

Excused: Representatives Fuhrman and Patterson - 2.

Engrossed Substitute House Bill No. 1471, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, the Senate reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1560 passed. Under further suspension of rules, the Senate returned SUBSTITUTE HOUSE BILL NO. 1560 to second reading for purpose of amendment. The Senate adopted floor amendment #419, and passed the bill as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.36.010 and 1993 c 54 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state; also every person who acquires motor vehicle fuel, on which the tax has not been paid, and exports it by commercial motor vehicle as defined in RCW 82.37.020 to a location outside the state. For the purposes of liability for a county fuel tax, "distributor" has that meaning defined in the county ordinance imposing the tax;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

- (7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;
- (8) "Person" means every natural person, firm, partnership, association, or private or public corporation;
- (9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;
- (10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;
- (11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;
- (12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;
- (13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;
- (14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;
- (15) "Alcohol" means alcohol that is produced from renewable resources;
- (16) "Electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account;
- (17) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:
- (a) A knowing: False statement, misrepresentation of fact, or other act of deception; or
- (b) An intentional: Omission, failure to file a return or report, or other act of deception.

Sec. 2. RCW 82.36.380 and 1961 c 15 s 82.36.380 are each amended to read as follows:

~~((Any person failing to pay the tax as herein provided, or violating any of the other provisions of this chapter, or making any false statement, or concealing any material fact in any report, record, affidavit, or claim provided for herein, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.))~~

(1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the transportation fund of the state.

Sec. 3. RCW 82.38.020 and 1994 c 262 s 22 are each amended to read as follows:

As ~~((hereinafter))~~ used in this chapter:

(1) "Person" means every natural person, fiduciary, association, or corporation. The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(2) "Department" means the department of licensing.

(3) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

(4) "Motor vehicle" means every self-propelled vehicle designed for operation upon land utilizing special fuel as the means of propulsion.

(5) "Special fuel" means and includes all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor vehicle fuel as defined in chapter 82.36 RCW.

(6) "Bulk storage" means the placing of special fuel by a special fuel dealer into a receptacle other than the fuel supply tank of a motor vehicle.

(7) "Special fuel dealer" means any person engaged in the business of delivering special fuel into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him, or into bulk storage facilities for subsequent use in a motor vehicle. For this purpose the term "fuel supply tank or tanks" does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

(8) "Special fuel user" means any person purchasing special fuel into bulk storage without payment of the special fuel tax for subsequent use in a motor vehicle, or any person engaged in interstate commercial operation of motor vehicles any part of which is within this state.

(9) "Service station" means any location at which fueling of motor vehicles is offered to the general public.

(10) "Unbonded service station" means any service station at which an unbonded special fuel dealer regularly makes sales of special fuel by means of delivery thereof into the fuel supply tanks of motor vehicles.

(11) "Bond" means: (a) A bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the provisions of chapter 48.28 RCW which bond shall be payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations of such dealer, arising out of this chapter; or (b) a deposit with the state treasurer by the special fuel dealer or special fuel user, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington, or any county of said state, of an actual market value not less than the amount so fixed by the department; or (c) such other instruments as the department may determine and prescribe by rule to protect the interests of the state and to insure compliance of the requirements of this chapter.

(12) "Lessor" means any person (a) whose principal business is the bona fide leasing or renting of motor vehicles without drivers for compensation to the general public, and (b) who maintains established places of business and whose lease or rental contracts require such motor vehicles to be returned to the established places of business.

(13) "Natural gas" means naturally occurring mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form.

(14) "Standard pressure and temperature" means fourteen and seventy-three hundredths pounds of pressure per square inch at sixty degrees Fahrenheit.

(15) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement, misrepresentation of fact, or other act of deception; or

(b) An intentional: Omission, failure to file a return or report, or other act of deception.

Sec. 4. RCW 82.38.270 and 1979 c 40 s 19 are each amended to read as follows:

~~((It shall be unlawful for any person to:~~

~~(1) Refuse, or knowingly and intentionally fail to make and file any statement required by this chapter in the manner or within the time required;~~

~~(2) Knowingly and with intent to evade or to aid in the evasion of the tax imposed herein to make any false statement or conceal any material fact in any record, return, or affidavit provided for in this chapter;~~

~~(3) Conduct any activities requiring a license under this chapter without a license or after a license has been suspended, surrendered, canceled, or revoked;~~

~~(4) Fail to keep and maintain the books and records required by this chapter;~~

~~(5) Divert special fuel purchased for a nontaxable use to a use subject to the taxes imposed by this chapter without payment of the taxes as required by this chapter.~~

~~Except as otherwise provided by law, any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.~~

~~The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this chapter.)~~ (1) It is unlawful for a person or corporation to evade a tax or fee imposed under this chapter.

(2) Evasion of taxes or fees under this chapter is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the transportation fund of the state.

Sec. 5. RCW 9A.04.080 and 1993 c 214 s 1 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Arson if a death results.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) No other felony may be prosecuted more than three years after its commission.

(h) No gross misdemeanor may be prosecuted more than two years after its commission.

(i) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside."

On page 1, line 1 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.36.010, 82.36.380, 82.38.020, 82.38.270, and 9A.04.080; and prescribing penalties."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Substitute House Bill No. 1560 and pass the bill as amended by the Senate.

Representative K. Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1560 as amended by the Senate.

Representative K. Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1560 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Fuhrman and Patterson - 2.

Substitute House Bill No. 1560, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to HOUSE BILL NO. 1436 and again asks the House to concur therein.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House adhere to its position on House Bill No. 1436. The motion was carried.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on HOUSE BILL NO. 1445, insists on its position regarding the Senate amendments and again asks the House to concur therein.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Silver moved that the House recede from its position and pass House Bill No. 1445 as amended by the Senate.

Representatives Silver and Dellwo spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1445 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1445 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Excused: Representatives Fuhrman and Patterson - 2.

House Bill No. 1445, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House deferred consideration of Substitute Senate Bill No. 5053 and Engrossed Senate Bill No. 5529 and the bills held their place on today's calendar.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate refuses to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5653, insists on its position regarding the House amendments and again asks the House to recede therefrom.

and the same is herewith transmitted.

MOTION

Representative Cooke moved that the House adhere to its position on Substitute Senate Bill No. 5653.

Representative Cooke spoke in favor of the motion and it was carried.

CONFERENCE COMMITTEE REPORT

SSB 5854 Date: April 22, 1995

Includes "new item": YES

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5854, requiring that health plans must allow women a choice of Health Care providers, have had the same under consideration and we recommend that:

The House Health Care Committee amendment not be adopted, and the striking amendment by the Conference Committee (attached 5854-S AMC CONF S3410.1) be adopted; and

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.42 RCW to read as follows:

(1) For purposes of this section, health care carriers includes disability insurers regulated under chapter 48.20 or 48.21 RCW, health care services contractors regulated under chapter 48.44 RCW, health maintenance organizations regulated under chapter 48.46 RCW, plans operating under the health care authority under chapter 41.05 RCW, the state health insurance pool operating under chapter 48.41 RCW, and insuring entities regulated under chapter 48.43 RCW.

(2) For purposes of this section and consistent with their lawful scopes of practice, types of health care practitioners that provide women's health care services shall include, but need not be limited by a health care carrier to, the following: Any generally recognized medical specialty of practitioners licensed under chapter 18.57 or 18.71 RCW who provides women's health care services; practitioners licensed under chapters 18.57A and 18.71A RCW when providing women's health care services; and advanced registered nurse practitioner specialists in women's health and midwifery under chapter 18.79 RCW.

(3) For purposes of this section, women's health care services shall include, but need not be limited by a health care carrier to, the following: Maternity care; reproductive health services; gynecological care; general examination; and preventive care as medically appropriate and medically appropriate follow-up visits for the services listed in this subsection.

(4) Health care carriers shall ensure that enrolled female patients have direct access to timely and appropriate covered women's health care services from the type of health care practitioner of their choice in accordance with subsection (5) of this section.

(5)(a) Health care carrier policies, plans, and programs written, amended, or renewed after the effective date of this act shall provide women patients with direct access to the type of health care practitioner of their choice for appropriate covered women's health care services without the necessity of prior referral from another type of health care practitioner.

(b) Health care carriers may comply with this section by including all the types of health care practitioners listed in this section for women's health care services for women patients.

(c) Nothing in this section shall prevent health care carriers from restricting women patients to seeing only health care practitioners who have signed participating provider agreements with the health care carrier."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "and adding a new section to chapter 48.42 RCW." that the bill do pass as amended by the Conference Committee.

Signed by Senators Haugen, Moyer, Fairley; Representatives Hymes, Kessler

MOTION

Representative Hymes moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5854 and pass the bill as recommended by the Conference Committee.

Representatives Hymes, Lambert, Kessler, Ebersole, Dyer and Campbell spoke in favor of the motion.

Representative Backlund spoke against the motion.

POINT OF INQUIRY

Representative Hymes yielded to a question by Representative Kessler.

Representative Kessler: Does anything in this bill in any way designate abortion as a mandated benefit?

Representative Hymes: No it does not. In fact we've very carefully put the word "covered women's health services" so that it protects carriers from handling a mandated benefit, it does not.

Representative Hymes again spoke in favor of the motion.

The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5854 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5854 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Backlund and Sherstad - 2.

Excused: Representatives Fuhrman and Patterson - 2.

Substitute Senate Bill No. 5854, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

E2SSB 5439 Date: April 22, 1995

Includes "new item": YES

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439, revising procedures for nonoffender at-risk youth and their families, have had the same under consideration and we recommend that all previous amendments not be adopted; that the Committee's striking amendment (attached CONF S3377.5) and the Committee's amendment (CONF S3418.1) to the striking amendment be adopted;

On page 70, beginning on line 13 of the conference report, strike all of section 75 and insert the following:

"Sec. 75. RCW 28A.225.110 and 1990 c 33 s 228 are each amended to read as follows:

Notwithstanding the provisions of RCW 10.82.070, fifty percent of all fines except as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall ((insure and)) be applied to the support of the public schools in the school district where such offense was committed: PROVIDED, That all fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW ((as now exists or is later amended)) and fifty percent shall be paid to the county treasurer who shall deposit such amount to the credit of the courts in the county for the exclusive purpose of enforcing the provisions of RCW 28A.225.010 through 28A.225.140."

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.32A.010 and 1979 c 155 s 15 are each amended to read as follows:

The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, the experience and maturity ((are)) of parents make them better ((qualifications for establishing)) qualified to establish guidelines beneficial to and protective of ((individual members and the group as a whole than are youth and inexperience)) their children. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. Further, absent abuse or neglect, parents should have the right to exercise control over their children. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and that it should remain intact in the absence of compelling evidence to the contrary.

The legislature recognizes there is a need for services and assistance for parents and children who are in conflict. These conflicts are manifested by children who exhibit various behaviors including: Running away, substance abuse, serious acting out problems, mental health needs, and other behaviors that endanger themselves or others.

The legislature finds many parents do not know their rights regarding their adolescent children and law enforcement. Parents and courts feel they have insufficient legal recourse for the chronic runaway child who is endangering himself or herself through his or her behavior. The legislature further recognizes that for chronic runaways whose behavior puts them in serious danger of harming themselves or others, secure facilities must be provided to allow opportunities for assessment, treatment, and to assist parents and protect their children. The legislature intends to give tools to parents, courts, and law enforcement to keep families together and reunite them whenever possible.

The legislature recognizes that some children run away to protect themselves from abuse or neglect in their homes. Abused and neglected children should be dealt with pursuant to chapter 13.34 RCW and it is not the intent of the legislature to handle dependency matters under this chapter.

The legislature intends services offered under this chapter be on a voluntary basis whenever possible to children and their families and that the courts be used as a last resort.

The legislature intends to increase the safety of children through the preservation of families and the provision of assessment, treatment, and placement services for children in need of services and at-risk youth including services and assessments conducted under chapter 13.32A RCW and RCW 74.13.033. Within available funds, the legislature intends to provide these services through crisis residential centers in which children and youth may safely reside for a limited period of time. The time in residence shall be used to conduct an assessment of the needs of the children, youth, and their families. The assessments are necessary to identify appropriate services and placement options that will reduce the likelihood that children will place themselves in dangerous or life-threatening situations.

The legislature recognizes that crisis residential centers provide an opportunity for children to receive short-term necessary support and nurturing in cases where there may be abuse or neglect. The legislature intends that center staff provide an atmosphere of concern, care, and respect for children in the center and their parents.

The legislature intends to provide for the protection of children who, through their behavior, are endangering themselves. The legislature intends to provide appropriate residential services, including secure facilities, to protect, stabilize, and treat children with serious problems. The legislature further intends to empower parents by providing them with the assistance they require to raise their children.

NEW SECTION. Sec. 2. This act may be known and cited as the "Becca bill."

Sec. 3. RCW 13.32A.030 and 1990 c 276 s 3 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "At-risk youth" means a juvenile:

(a) Who is absent from home for at least seventy-two consecutive hours without consent of his or her parent;

(b) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or

(c) Who has a substance abuse problem for which there are no pending criminal charges related to the substance abuse.

(2) "Child," "juvenile," and "youth" mean any unemancipated individual who is under the chronological age of eighteen years.

(3) "Child in need of services" means a juvenile:

(a) Who is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or other person;

(b) Who has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours from the parent's home, a crisis residential center, an out-of-home placement, or a court-ordered placement on two or more separate occasions; and

(i) Has exhibited a serious substance abuse problem; or

(ii) Has exhibited behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or

(c)(i) Who is in need of necessary services, including food, shelter, health care, clothing, educational, or services designed to maintain or reunite the family;

(ii) Who lacks access, or has declined, to utilize these services; and

(iii) Whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure.

(4) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department seeking adjudication of placement of the child.

(5) "Custodian" means the person or entity who has the legal right to the custody of the child.

(6) "Department" means the department of social and health services(;

~~(2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;).~~

~~((3))~~ (7) "Extended family member" means an adult who is a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.

(8) "Guardian" means that person or agency that (a) has been appointed as the guardian of a child in a legal proceeding other than a proceeding under chapter 13.34 RCW, and (b) has the right to legal custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW.

(9) "Multidisciplinary team" means a group formed to provide assistance and support to a child who is an at-risk youth or a child in need of services and his or her parent. The team shall include the parent, a department case worker, a local government representative when authorized by the local government, and when appropriate, members from the mental health and substance abuse disciplines. The team may also include, but is not limited to, the following persons: Educators, law enforcement personnel, probation officers, employers, church persons, tribal members, therapists, medical personnel, social service providers, placement providers, and extended family members. The team members shall be volunteers who do not receive compensation while acting in a capacity as a team member, unless the member's employer chooses to provide compensation or the member is a state employee.

(10) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(11) "Parent" means the ((legal)) parent or parents who have the legal right to custody of the child. "Parent" includes custodian((s)) or guardian((s) of a child;)).

((4)) (12) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(13) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away((: PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93 415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder)). Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. ((The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves;

(5) "At risk youth" means an individual under the chronological age of eighteen years who:
(a) Is absent from home for more than seventy two consecutive hours without consent of his or her parent;
(b) Is beyond the control of his or her parent such that the child's behavior substantially endangers the health, safety, or welfare of the child or any other person; or
(c) Has a serious substance abuse problem for which there are no pending criminal charges related to the substance abuse.))

(14) "Temporary out-of-home placement" means an out-of-home placement of not more than fourteen days ordered by the court at a fact-finding hearing on a child in need of services petition.

NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW to read as follows:

Whenever a child in need of services petition is filed by a youth pursuant to RCW 13.32A.130, or the department pursuant to RCW 13.32A.150, the youth or the department shall have a copy of the petition served on the parents of the youth. Service shall first be attempted in person and if unsuccessful, then by certified mail with return receipt.

Sec. 5. RCW 13.32A.040 and 1994 c 304 s 3 are each amended to read as follows:

Families who are in conflict or who are experiencing problems with at-risk youth or a child who may be in need of services may request family reconciliation services from the department. The department may involve a local multidisciplinary team in its response in determining the services to be provided and in providing those services. Such services shall be provided to alleviate personal or

family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact wherever possible. Family reconciliation services shall be designed to develop skills and supports within families to resolve problems related to at-risk youth, children in need of services, or family conflicts and may include but are not limited to referral to services for suicide prevention, psychiatric or other medical care, or psychological, mental health, drug or alcohol treatment, welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family. ~~((Upon a referral by a school or other appropriate agency,))~~ Family reconciliation services may also include training in parenting, conflict management, and dispute resolution skills.

Sec. 6. RCW 13.32A.050 and 1994 sp.s. c 7 s 505 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

~~((1))~~ (a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

~~((2))~~ (b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

~~((3))~~ (c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

~~((4))~~ (d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

~~((An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty four hours.))~~

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer receives a report that causes the officer to have reasonable suspicion that a child is being harbored under RCW 13.32A.080 or for other reasons has a reasonable suspicion that a child is being ~~(unlawfully)~~ harbored under RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 13.32A.060.

(7) No child may be placed in a secure facility except as provided in this chapter.

Sec. 7. RCW 13.32A.060 and 1994 sp.s. c 7 s 506 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 (1) (a) or ~~((2))~~ (b) shall inform the child of the reason for such custody and shall either:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The officer releasing a child into the custody of the parent shall inform the parent of the reason for the taking of the child into custody and shall inform the child and the parent of the nature and location of appropriate services available in their community. The parent may direct the officer to take the child to the home of an adult extended family member, responsible adult, or a licensed youth shelter. The officer releasing a child into the custody of an adult extended family member, responsible adult, or a licensed youth shelter shall inform the child and the person receiving the child of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to ~~((the home of an adult extended family member,))~~ a designated crisis residential ~~((center, or the home of a responsible adult after~~

~~attempting to notify the parent or legal guardian)) center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance:~~

(i) If the child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing ~~((in the home))~~ some type of child abuse or neglect, as defined in RCW 26.44.020~~((, as now law or hereafter amended))~~; or

(ii) If it is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) If there is no parent available to accept custody of the child.

~~((The officer releasing a child into the custody of an extended family member or a responsible adult shall inform the child and the extended family member or responsible adult of the nature and location of appropriate services available in the community.))~~

(2) An officer taking a child into custody under RCW 13.32A.050 ~~((3)) (1) (c) or ((4)) (d)~~ shall inform the child of the reason for custody~~((, and))~~. An officer taking a child into custody under RCW 13.32A.050(1)(c) shall take the child to a designated crisis residential center's secure facility or, if not available or located within a reasonable distance, to a semi-secure facility within a crisis residential center, licensed by the department and established pursuant to chapter 74.13 RCW. ~~((However,))~~ An officer taking a child into custody under RCW 13.32A.050((4)) (1)(d) may place the child in a juvenile detention facility as provided in RCW 13.32A.065 or a secure facility. The department shall ensure that all ~~((the))~~ law enforcement authorities are informed on a regular basis as to the location of ~~((the))~~ all designated secure and semi-secure facilities within crisis residential center or centers in their ((judicial district)) jurisdiction, where children taken into custody under RCW 13.32A.050 may be taken.

~~((3) "Extended family members" means a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child.))~~

Sec. 8. RCW 13.32A.070 and 1986 c 288 s 2 are each amended to read as follows:

(1) ~~((An officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.~~

~~((2))~~ A law enforcement officer acting in good faith pursuant to this chapter in failing to take a child into custody, in taking a child into custody, in placing a child in a crisis residential center, or in releasing a child to a person ~~((other than))~~ at the request of a parent ((of such child)) is immune from civil or criminal liability for such action.

~~((3))~~ (2) A person ~~((other than a parent of such child who receives))~~ with whom a child is placed pursuant to this chapter and who acts reasonably and in good faith ~~((in doing so))~~ is immune from civil or criminal liability for the act of receiving ~~((such))~~ the child. ~~((Such))~~ The immunity does not release ((such)) the person from liability under any other law ((including the laws regulating licensed child care and prohibiting child abuse)).

NEW SECTION. Sec. 9. A new section is added to chapter 13.32A RCW to read as follows:

The parents of a child placed in a crisis residential center shall contribute fifty dollars per day, for not more than five consecutive days, for the expense of the child's placement. However, the secretary may establish a payment schedule that requires a lesser payment based on a parent's ability to pay. The payment shall be made to the department. No child may be denied placement in, or removed from, a crisis residential center based solely on the income of the parent.

Sec. 10. RCW 13.32A.090 and 1990 c 276 s 6 are each amended to read as follows:

(1) The person in charge of a designated crisis residential center or the department ~~((pursuant to RCW 13.32A.070))~~ shall perform the duties under subsection (2) of this section:

(a) Upon admitting a child who has been brought to the center by a law enforcement officer under RCW 13.32A.060;

(b) Upon admitting a child who has run away from home or has requested admittance to the center;

(c) Upon learning from a person under RCW 13.32A.080(3) that the person is providing shelter to a child absent from home; or

(d) Upon learning that a child has been placed with a responsible adult pursuant to RCW ~~((13.32A.070))~~ 13.32A.060.

(2) When any of the circumstances under subsection (1) of this section are present, the person in charge of a center shall perform the following duties:

(a) Immediately notify the child's parent of the child's whereabouts, physical and emotional condition, and the circumstances surrounding his or her placement;

(b) Initially notify the parent that it is the paramount concern of the family reconciliation service personnel to achieve a reconciliation between the parent and child to reunify the family and inform the parent as to the procedures to be followed under this chapter;

(c) Inform the parent whether a referral to children's protective services has been made and, if so, inform the parent of the standard pursuant to RCW 26.44.020(12) governing child abuse and neglect in this state;

(d) Arrange transportation for the child to the residence of the parent, as soon as practicable, at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses to be assumed by the department, when the child and his or her parent agrees to the child's return home or when the parent produces a copy of a court order entered under this chapter requiring the child to reside in the parent's home;

(e) Arrange transportation for the child to an ~~((alternative residential))~~ out-of-home placement which may include a licensed group care facility or foster family when agreed to by the child and parent at the latter's expense to the extent of his or her ability to pay, with any unmet transportation expenses assumed by the department;

(f) Immediately notify the department of the placement.

Sec. 11. RCW 13.32A.120 and 1990 c 276 s 7 are each amended to read as follows:

(1) Where either a child or the child's parent or the person or facility currently providing shelter to the child notifies the center that such individual or individuals cannot agree to the continuation of an ~~((alternative residential))~~ out-of-home placement arrived at pursuant to RCW 13.32A.090(2)(e), the center shall immediately contact the remaining party or parties to the agreement and shall attempt to bring about the child's return home or to an alternative living arrangement agreeable to the child and the parent as soon as practicable.

(2) If a child and his or her parent cannot agree to an ~~((alternative residential))~~ out-of-home placement under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an ~~((alternative residential))~~ out-of-home placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

(3) If a child and his or her parent cannot agree to the continuation of an ~~((alternative residential))~~ out-of-home placement arrived at under RCW 13.32A.090(2)(e), either the child or parent may file with the juvenile court a petition to approve an ~~((alternative residential))~~ out-of-home placement or the parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth under this chapter.

Sec. 12. RCW 13.32A.130 and 1994 sp.s. c 7 s 508 are each amended to read as follows:

(1) A child admitted to a secure facility within a crisis residential center ~~((under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in the placement under the rules established for the center for a period not to exceed five consecutive days from the time of intake, except as otherwise provided by this chapter))~~ shall remain in the facility for not more than five consecutive days, but for at least twenty-four hours after admission.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child can be safely admitted to a semi-secure facility and may transfer the child to a semi-secure facility. The determination shall be based on: (A) The need for

continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall include consideration of the following information if known: (A) A child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away which has endangered the health, safety, and welfare of the child; and (F) the child's willingness to cooperate in conducting the assessment.

(b) If the administrator determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever the administrator reasonably believes that the child is likely to leave the semi-secure facility and not return.

(3) If no parent is available or willing to remove the child during the five-day period, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) The requirements of this section shall not apply to a child who is: (a) Returned to the home of his or her parent; (b) placed in a semi-secure facility within a crisis residential center pursuant to a temporary out-of-home placement order authorized under section 44 of this act; (c) placed in an out-of-home placement; or (d) is subject to a petition under section 25 of this act.

(5) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time during the five-day period unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department may remove the child whenever a dependency petition is filed under chapter 13.34 RCW.

(6) Crisis residential center staff shall make ~~((a concerted))~~ reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the five-day period, then the person in charge shall inform the parent and child of ~~((1))~~ (a) the availability of counseling services; ~~((2))~~ (b) the right to file a child in need of services petition for an ~~((alternative residential))~~ out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; and ~~((3))~~ (d) the right to request a review of any ~~((alternative residential))~~ out-of-home placement.

(7) At no time shall information regarding a parent's or child's rights be withheld ~~((if requested))~~. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of the statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(8) A crisis residential center and its administrator or his or her designee acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

NEW SECTION. Sec. 13. A new section is added to chapter 13.32A RCW to read as follows:

(1)(a) The administrator of a crisis residential center may convene a multidisciplinary team, which is to be locally based and administered, at the request of a child placed at the center or the child's parent.

(b) If the administrator has reasonable cause to believe that a child is a child in need of services and the parent is unavailable or unwilling to continue efforts to maintain the family structure, the administrator shall immediately convene a multidisciplinary team.

(c) A parent may disband a team twenty-four hours, excluding weekends and holidays, after receiving notice of formation of the team under (b) of this subsection unless a petition has been filed under RCW 13.32A.140. If a petition has been filed the parent may not disband the team until the hearing is held under section 20 of this act. The court may allow the team to continue if an out-of-home placement is ordered under section 20(3) of this act. Upon the filing of an at-risk youth or dependency petition the team shall cease to exist, unless the parent requests continuation of the team or unless the out-of-home placement was ordered under section 20(3) of this act.

(2) The secretary shall request participation of appropriate state agencies to assist in the coordination and delivery of services through the multidisciplinary teams. Those agencies that agree to participate shall provide the secretary all information necessary to facilitate forming a multidisciplinary team and the secretary shall provide this information to the administrator of each crisis residential center.

(3) The secretary shall designate within each region a department employee who shall have responsibility for coordination of the state response to a request for creation of a multidisciplinary team. The secretary shall advise the administrator of each crisis residential center of the name of the appropriate employee. Upon a request of the administrator to form a multidisciplinary team the employee shall provide a list of the agencies that have agreed to participate in the multidisciplinary team.

(4) The administrator shall also seek participation from representatives of mental health and drug and alcohol treatment providers as appropriate.

(5) A parent shall be advised of the request to form a multidisciplinary team and may select additional members of the multidisciplinary team. The parent or child may request any person or persons to participate including, but not limited to, educators, law enforcement personnel, court personnel, family therapists, licensed health care practitioners, social service providers, youth residential placement providers, other family members, church representatives, and members of their own community. The administrator shall assist in obtaining the prompt participation of persons requested by the parent or child.

(6) When an administrator of a crisis residential center requests the formation of a team, the state agencies must respond as soon as possible. The team shall have the authority to evaluate the juvenile, and family members, if appropriate and agreed to by the parent, and shall:

(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;

(b) Make a referral to the designated chemical dependency specialist or the county designated mental health professional, if appropriate;

(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or

(d) With the parent's consent, work with them to achieve reconciliation of the child and family.

NEW SECTION. Sec. 14. A new section is added to chapter 13.32A RCW to read as follows:

(1) The purpose of the multidisciplinary team is to assist in a coordinated referral of the family to available social and health-related services.

(2) At the first meeting of the multidisciplinary team, it shall choose a member to coordinate the team's efforts. The parent member of the multidisciplinary team must agree with the choice of coordinator. The team shall meet or communicate as often as necessary to assist the family.

(3) The coordinator of the multidisciplinary team may assist in filing a child in need of services petition when requested by the parent or child or an at-risk youth petition when requested by the parent. The multidisciplinary team shall have no standing as a party in any action under this title.

(4) If the administrator is unable to contact the child's parent, the multidisciplinary team may be used for assistance. If the parent has not been contacted within five days the administrator shall contact the department and request the case be reviewed for a dependency filing under chapter 13.34 RCW.

Sec. 15. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read as follows:

The department shall file a child in need of services petition to approve an ~~((alternative residential))~~ out-of-home placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No child in need of services petition ~~((requesting approval of an alternative residential placement))~~ has been filed by either the child or parent ~~((or legal custodian))~~;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) Seventy-two hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No child in need of services petition ~~((requesting approval of an alternative residential placement))~~ has been filed by either the child or the parent;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in ~~((a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until))~~ an ~~((alternative residential))~~ out-of-home placement until a child in need of services petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a child in need of services petition ~~((for alternative residential placement))~~ under this section, shall be represented as provided for in RCW 13.04.093.

If the department files a petition under this section, the department shall submit in a supporting affidavit any information provided under section 38 of this act.

Sec. 16. RCW 13.32A.150 and 1992 c 205 s 208 are each amended to read as follows:

(1) Except as otherwise provided in this ~~((section))~~ chapter, the juvenile court shall not accept the filing of ~~((an alternative residential placement))~~ a child in need of services petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment provided by the department shall involve the multidisciplinary team as provided in RCW 13.32A.040, if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under ~~((subsection (3) of this))~~ section 25 of this act.

(2) A child or a child's parent may file with the juvenile court a child in need of services petition to approve an ~~((alternative residential))~~ out-of-home placement for the child ~~((outside the parent's home))~~. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her

parent be approved. The filing of a petition to approve ~~((such))~~ the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an ~~((alternative residential))~~ out-of-home placement.

~~((3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:~~

- ~~(a) The child is an at risk youth as defined in this chapter;~~
- ~~(b) The petitioning parent has the right to legal custody of the child;~~
- ~~(c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and~~
- ~~(d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.~~

~~The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted. Juvenile court personnel may screen all at risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.-))~~

Sec. 17. RCW 13.32A.160 and 1990 c 276 s 11 are each amended to read as follows:

(1) When a proper child in need of services petition to approve an ~~((alternative residential))~~ out-of-home placement is filed under RCW 13.32A.120, 13.32A.140, or 13.32A.150 the juvenile court shall: (a) Schedule a ((date for a)) fact-finding hearing to be held within three judicial days; notify the parent, child, and the department of such date; (b) notify the parent of the right to be represented by counsel and, if indigent, to have counsel appointed for him or her by the court; (c) appoint legal counsel for the child; (d) inform the child and his or her parent of the legal consequences of the court approving or disapproving an ((alternative residential)) out-of-home placement petition; (e) notify the parents of their rights under this chapter and chapters 11.88, 13.34, 70.96A, and 71.34 RCW, including the right to file an at-risk youth petition, the right to submit on application for admission of their child to a treatment facility for alcohol, chemical dependency, or mental health treatment, and the right to file a guardianship petition; and ~~((e))~~ (f) notify all parties, including the department, of their right to present evidence at the fact-finding hearing.

(2) Upon filing of ~~((an alternative residential placement))~~ a child in need of services petition, the child may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence to be determined by the department.

(3) If the child has been placed in a foster family home or group care facility under chapter 74.15 RCW, the child shall remain there, or in any other suitable residence as determined by the department, pending resolution of the ~~((alternative residential placement))~~ petition by the court. Any placement may be reviewed by the court within three ~~((court))~~ judicial days upon the request of the juvenile or the juvenile's parent.

Sec. 18. RCW 13.32A.170 and 1989 c 269 s 3 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper child in need of services petition ~~((and may approve or deny alternative residential placement)),~~ giving due weight to the intent of the legislature that families have the right to place reasonable restrictions and rules upon their children, appropriate to the individual child's developmental level. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. The court may approve an order stating that the child shall be placed in a

residence other than the home of his or her parent only if it is established by a preponderance of the evidence, including a departmental recommendation for approval or dismissal of the petition, that:

- (a) The petition is not capricious;
- (b) The petitioner, if a ~~((parent or the))~~ child, has made a reasonable effort to resolve the conflict;
- (c) The conflict ~~((which exists))~~ cannot be resolved by delivery of services to the family during continued placement of the child in the parental home;
- (d) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and
- (e) A suitable out-of-home placement resource is available.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

~~(2) ((The order approving out of home placement shall direct the department to submit a disposition plan for a three month placement of the child that is designed to reunite the family and resolve the family conflict. Such plan shall delineate any conditions or limitations on parental involvement. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct the department to consider the cultural heritage of the child in making its recommendations.~~

~~(3) The hearing to consider the recommendations of the department for a three month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.~~

~~(4) If the court approves or denies a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court denies a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall enter an order requiring the child to remain at or return to the home of his or her parent.~~

~~(5) If the court denies the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in home services.~~

~~(6) A child who fails to comply with a court order directing that the child remain at or return to the home of his or her parent shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within ninety calendar days after the day of the order.~~

~~(7) The department may request, and the juvenile court may grant, dismissal of an alternative residential placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:~~

~~(a) The child has been absent from court approved placement for thirty consecutive days or more;~~

~~(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or~~

~~(c) The department has exhausted all available and appropriate resources that would result in reunification.))~~

Following the fact-finding hearing the court shall: (a) Enter a temporary out-of-home placement for a period not to exceed fourteen days pending approval of a disposition decision to be made under section 20(2) of this act; (b) approve an at-risk youth petition filed by the parents; (c) dismiss the petition; or (d) order the department to review the case to determine whether the case is appropriate for a dependency petition under chapter 13.34 RCW.

Sec. 19. RCW 13.32A.175 and 1987 c 435 s 13 are each amended to read as follows:

In any proceeding in which the court approves an ~~((alternative residential))~~ out-of-home placement, the court shall inquire into the ability of parents to contribute to the child's support. If the court finds that the parents are able to contribute to the support of the child, the court shall order them to make such support payments as the court deems equitable. The court may enforce such an order by execution or in any way in which a court of equity may enforce its orders. However, payments shall not be required of a parent who has both opposed the placement and continuously sought reconciliation

with, and the return of, the child. All orders entered in a proceeding approving ~~((alternative residential))~~ out-of-home placement shall be in compliance with the provisions of RCW 26.23.050.

NEW SECTION. Sec. 20. A new section is added to chapter 13.32A RCW to read as follows:

(1) A hearing shall be held no later than fourteen days after the approval of the temporary out-of-home placement. The parents, child, and department shall be notified of the time and place of the hearing.

(2) At the commencement of the hearing the court shall advise the parents of their rights as set forth in RCW 13.32A.160(1)(e). If the court approves or denies a child in need of services petition, a written statement of the reasons shall be filed. At the conclusion of the hearing the court may: (a) Reunite the family and dismiss the petition; (b) approve an at-risk youth petition filed by the parents; (c) approve a voluntary out-of-home placement requested by the parents; (d) order any conditions set forth in RCW 13.32A.196(2); or (e) order the department to file a petition for dependency under chapter 13.34 RCW.

(3) At the conclusion of the hearing, if the court has not taken action under subsection (2) of this section it may, at the request of the child or department, enter an order for out-of-home placement for not more than ninety days. The court may only enter an order under this subsection if it finds by clear, cogent, and convincing evidence that: (a)(i) The order is in the best interest of the family; (ii) the parents have not requested an out-of-home placement; (iii) the parents have not exercised any other right listed in RCW 13.32A.160(1)(e); (iv) the child has made reasonable efforts to resolve the conflict; (v) the conflict cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; (vi) reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and (vii) a suitable out-of-home placement resource is available; (b)(i) the order is in the best interest of the child; and (ii) the parents are unavailable; or (c) the parent's actions cause an imminent threat to the child's health or safety. If the court has entered an order under this section, it may order any conditions set forth in RCW 13.32A.196(2).

(4) A child who fails to comply with a court order issued under this section shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within one year after the entry of the order.

(5) The parents or the department may request, and the court may grant, dismissal of a placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

(6) The court shall dismiss a placement made under subsection (2)(c) of this section upon the request of the parents.

NEW SECTION. Sec. 21. A new section is added to chapter 13.32A RCW to read as follows:

The crisis residential center administrator shall notify parents and the appropriate law enforcement agency immediately as to any unauthorized leave from the center by a child placed at the center.

Sec. 22. RCW 13.32A.177 and 1988 c 275 s 14 are each amended to read as follows:

A determination of ~~((child))~~ support payments ordered under RCW 13.32A.175 shall be based upon ~~((the child support schedule and standards adopted under))~~ chapter 26.19 RCW ~~((26.19.040))~~.

Sec. 23. RCW 13.32A.180 and 1979 c 155 s 32 are each amended to read as follows:

~~(1) ((At a dispositional hearing held to consider the three month dispositional plan presented by the department the court shall consider all such recommendations included therein. The court, consistent with the stated goal of resolving the family conflict and reuniting the family, may modify~~

~~such plan and shall make its dispositional order for~~) If the court orders a three-month out-of-home placement for the child((-), the court ((dispositional order)) shall specify the person or agency with whom the child shall be placed, those parental powers which will be temporarily awarded to such agency or person including but not limited to the right to authorize medical, dental, and optical treatment, and parental visitation rights. Any agency or residence at which the child is placed must, at a minimum, comply with minimum standards for licensed family foster homes.

(2) No placement made pursuant to this section may be in a secure residence as defined by the federal Juvenile Justice and Delinquency Prevention Act of 1974 ~~((and clarifying interpretations and regulations promulgated thereunder))~~.

Sec. 24. RCW 13.32A.190 and 1989 c 269 s 5 are each amended to read as follows:

(1) Upon making a dispositional order under ~~((RCW 13.32A.180))~~ section 20 of this act, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel and/or a guardian ad litem to represent the child at the review hearing, advise parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing. Where resources are available, the court shall encourage the parent and child to participate in ~~((mediation))~~ programs for reconciliation of their conflict.

(2) At the review hearing, the court shall approve or disapprove the continuation of the dispositional plan in accordance with ~~((the goal of resolving the conflict and reuniting the family which governed the initial approval))~~ this chapter. The court shall determine whether reasonable efforts have been made to reunify the family and make it possible for the child to return home. The court ~~((is authorized to))~~ shall discontinue the placement and order that the child return home if the court has reasonable grounds to believe that the parents have ~~((displayed concerted))~~ made reasonable efforts to ~~((utilize services and))~~ resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious. If out-of-home placement is continued, the court may modify the dispositional plan.

(3) Out-of-home placement may not be continued past one hundred eighty days from the day the review hearing commenced. The court shall order ~~((that))~~ the child to return to the home of the parent at the expiration of the placement. If ((continued)) an out-of-home placement is disapproved prior to one hundred eighty days, the court shall enter an order requiring ((that)) the child to return to the home of the child's parent.

(4) The parents and the department may request, and the juvenile court may grant, dismissal of an ~~((alternative residential))~~ out-of-home placement order when it is not feasible for the department to provide services due to one or more of the following circumstances:

(a) The child has been absent from court approved placement for thirty consecutive days or more;

(b) The parents or the child, or all of them, refuse to cooperate in available, appropriate intervention aimed at reunifying the family; or

(c) The department has exhausted all available and appropriate resources that would result in reunification.

(5) The court shall terminate a placement made under this section upon the request of a parent unless the placement is made pursuant to section 20(3) of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 13.32A RCW to read as follows:

(1) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioner resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

(a) The child is an at-risk youth as defined in this chapter;

(b) The petitioner has the right to legal custody of the child;

(c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and

(d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

(2) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child.

(3) A petition may not be filed if a dependency petition is pending under chapter 13.34 RCW.

Sec. 26. RCW 13.32A.192 and 1990 c 276 s 12 are each amended to read as follows:

(1) When a proper at-risk youth petition is filed by a child's parent under ~~((RCW 13.32A.120 or 13.32A.150))~~ this chapter, the juvenile court shall:

(a) Schedule a fact-finding hearing to be held within three judicial days and notify the parent and the child of such date;

(b) Notify the parent of the right to be represented by counsel at the parent's own expense;

(c) Appoint legal counsel for the child;

(d) Inform the child and his or her parent of the legal consequences of the court finding the child to be an at-risk youth; and

(e) Notify the parent and the child of their rights to present evidence at the fact-finding hearing.

(2) Unless out-of-home placement of the child is otherwise authorized or required by law, the child shall reside in the home of his or her parent or in an ~~((alternative residential))~~ out-of-home placement requested by the parent or child and approved by the parent. ~~((Upon request by the parent, the court may enter a court order requiring the child to reside in the home of his or her parent or an alternative residential placement approved by the parent.))~~

(3) If upon sworn written or oral declaration of the petitioning parent, the court has reason to believe that a child has willfully and knowingly violated a court order issued pursuant to subsection (2) of this section, the court may issue an order directing law enforcement to take the child into custody and place the child in a juvenile detention facility or in a secure facility within a crisis residential center ~~((licensed by the department and established pursuant to chapter 74.13 RCW)).~~ If the child is placed in detention, a review shall be held as provided in RCW 13.32A.065.

(4) If both ~~((an alternative residential placement))~~ a child in need of services petition and an at-risk youth petition have been filed with regard to the same child, the petitions and proceedings shall be consolidated ~~((for purposes of fact finding))~~ as an at-risk youth petition. Pending a fact-finding hearing regarding the petition, the child may be placed ~~((;))~~ in the parent's home or in an out-of-home placement if not already placed ~~((;))~~ in ~~((an alternative residential))~~ a temporary out-of-home placement ~~((as provided in RCW 13.32A.160 unless the court has previously entered an order requiring the child to reside in the home of his or her parent)).~~ The child or the parent may request a review of the child's placement including a review of any court order requiring the child to reside in the parent's home. ~~((At the review the court, in its discretion, may order the child placed in the parent's home or in an alternative residential placement pending the hearing.))~~

Sec. 27. RCW 13.32A.194 and 1990 c 276 s 13 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper at-risk youth petition. The court ~~((may))~~ shall grant the petition and enter an order finding the child to be an at-risk youth if the allegations in the petition are established by a preponderance of the evidence ~~((The court shall not enter such an order if the court has approved an alternative residential placement petition regarding the child or if))~~, unless the child is the subject of a proceeding under chapter 13.34 RCW. If the petition is granted, the court shall enter an order requiring the child to reside in the home of his or her parent or ~~((in an alternative residential placement approved by the parent))~~ in an out-of-home placement as provided in RCW 13.32A.192(2).

(2) The court may order the department to submit a dispositional plan if such a plan would assist the court in ordering a suitable disposition in the case. If the court orders the department to prepare a plan, the department shall provide copies of the plan to the parent, the child, and the court. If the parties or the court desire the department to be involved in any future proceedings or case plan development, the department shall be provided timely notification of all court hearings.

(3) A dispositional hearing shall be held no later than fourteen days after the court has granted an at-risk youth petition. Each party shall be notified of the time and date of the hearing.

(4) If the court grants or denies an at-risk youth petition, a statement of the written reasons shall be entered into the records. If the court denies an at-risk youth petition, the court shall verbally advise the parties that the child is required to remain within the care, custody, and control of his or her parent.

Sec. 28. RCW 13.32A.196 and 1991 c 364 s 14 are each amended to read as follows:

(1) At the dispositional hearing regarding an adjudicated at-risk youth, the court shall consider the recommendations of the parties and the recommendations of any dispositional plan submitted by the department. The court may enter a dispositional order that will assist the parent in maintaining the care, custody, and control of the child and assist the family to resolve family conflicts or problems.

(2) The court may set conditions of supervision for the child that include:

(a) Regular school attendance;

(b) Counseling;

(c) Participation in a substance abuse or mental health outpatient treatment program;

(d) Reporting on a regular basis to the department or any other designated person or agency;

and

(e) Any other condition the court deems an appropriate condition of supervision including but not limited to: Employment, participation in an anger management program, and refraining from using alcohol or drugs.

(3) No dispositional order or condition of supervision ordered by a court pursuant to this section shall include involuntary commitment of a child for substance abuse or mental health treatment.

(4) The court may order the parent to participate in counseling services or any other services for the child requiring parental participation. The parent shall cooperate with the court-ordered case plan and shall take necessary steps to help implement the case plan. The parent shall be financially responsible for costs related to the court-ordered plan; however, this requirement shall not affect the eligibility of the parent or child for public assistance or other benefits to which the parent or child may otherwise be entitled.

(5) The parent may request dismissal of an at-risk youth proceeding or out-of-home placement at any time and upon such a request, the court shall dismiss the matter and cease court supervision of the child unless: (a) A contempt action is pending in the case; (b) a petition has been filed under RCW 13.32A.150 and a hearing has not yet been held under section 20 of this act; or (c) an order has been entered under section 20(3) of this act and the court retains jurisdiction under that subsection. The court may retain jurisdiction over the matter for the purpose of concluding any pending contempt proceedings, including the full satisfaction of any penalties imposed as a result of a contempt finding.

~~((5))~~ (6) The court may order the department to monitor compliance with the dispositional order, assist in coordinating the provision of court-ordered services, and submit reports at subsequent review hearings regarding the status of the case.

Sec. 29. RCW 13.32A.250 and 1990 c 276 s 16 are each amended to read as follows:

(1) In all ~~((alternative residential placement))~~ child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter. The court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a contempt of court as provided in chapter 7.21 RCW, subject to the limitations of subsection ~~((2))~~ (3) of this section.

(3) The court may impose a fine of up to one hundred dollars and ~~((imprisonment))~~ confinement for up to seven days, or both for contempt of court under this section.

(4) A child ~~((imprisoned))~~ placed in confinement for contempt under this section shall be ~~((imprisoned))~~ placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

NEW SECTION. **Sec. 30.** A new section is added to chapter 13.32A RCW to read as follows:

(1) This section contains special provisions to deal with the extraordinary dangers to children who are habitual runaways and to assist families to cope with the acute problems presented by such children.

(2) In disposition proceedings involving a child in need of services or an at-risk youth, the court may adopt the additional orders authorized under this section if it finds that the child involved in those proceedings is an habitual runaway. The court may include in its dispositional orders a requirement that the child be placed, for up to one hundred eighty consecutive days, in a facility that the court finds operates with a level of security adequate to prevent the child from leaving the facility without authorization and that will provide for the child's participation in a program designed to remedy his or her behavior difficulties. The court may not include this requirement unless, at the disposition hearing, it finds that the placement is clearly necessary in order to protect the child and that less-restrictive orders not requiring such placement would be inadequate to protect the child, given the child's age, maturity, propensity to run away from home, past exposure to serious risk when the child ran away from home, and possible future exposure to serious risk should the child run away from home again. The orders shall also contain provisions providing for periodic court review of the placement, with the first review hearing conducted not more than thirty days after the date of the placement. Prior to each review hearing, the court shall advise the parents of their right to counsel and shall have appointed counsel to represent the child. At each review hearing the court shall review the orders to determine the progress of the child and whether the orders are still necessary for the protection of the child and whether a less-restrictive order of placement would be adequate. The court shall make such modifications in its orders as it finds necessary to protect the child. Unless the court provides to the contrary, review hearings of orders adopted under this section shall be held exclusively under this section and shall not be subject to the review provisions applicable under this chapter to disposition orders pertaining to a child in need of services or to at-risk youth.

(3) In disposition proceedings involving a child in need of services or an at-risk youth, the court may impose the following additional sanction on an habitual runaway for violation of any court order: The court may order the department of licensing to suspend the child's driver's license for ninety days.

(4) For purposes of this section, a child is an "habitual runaway" if the child, on three or more separate occasions within the twelve-month period before the commencement of the disposition proceedings, has been absent from the parent's home, or other residence lawfully prescribed for the child, for more than seventy-two consecutive hours without consent of the parent; or if the child during such twelve-month period has been absent from such home or residence without consent of the parent for more than thirty consecutive days.

(5) State funds may only be used to pay for placements under this section if, and to the extent that, such funds are appropriated to expressly pay for them.

NEW SECTION. Sec. 31. A new section is added to chapter 46.20 RCW to read as follows:

When the department of licensing is provided with a court order under section 30 of this act, the department shall suspend for ninety days all driving privileges of the juvenile identified in the order.

NEW SECTION. Sec. 32. A new section is added to chapter 13.32A RCW to read as follows:

No superior court may refuse to accept for filing a properly completed and presented child in need of services petition or an at-risk youth petition. To be properly presented, the petitioner shall verify that the family assessment required under RCW 13.32A.150 has been completed. In the event of an improper refusal that is appealed and reversed, the petitioner shall be awarded actual damages, costs, and attorneys' fees.

NEW SECTION. Sec. 33. A new section is added to chapter 13.32A RCW to read as follows:

(1) If any child under the age of ten has remained in out-of-home placement for a period exceeding nine months pursuant to a court order entered under this chapter, the court shall schedule a hearing to take place no later than one year after the initial placement. For a child over ten who has remained in out-of-home placement for a period exceeding fifteen months, the court shall schedule a hearing to take place no later than eighteen months after the initial placement.

(2) At the hearing the court shall determine whether the case should be referred to the department for the purpose of considering the filing of a dependency petition under chapter 13.34 RCW. In determining whether to refer the case to the department, the court shall determine whether it is in the child's or family's best interest to begin permanency planning as required under chapter 13.34 RCW.

(3) If the court refers the case to the department, it may identify one of the following outcomes as the primary goal for the referral and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; or, where age-appropriate, independent living or emancipation.

(4) If the court does not refer the case to the department under subsection (2) of this section, the court shall continue to review the case every six months, for as long as the child remains out-of-home under a court order.

NEW SECTION. **Sec. 34.** A new section is added to chapter 13.32A RCW to read as follows:

(1) Any person who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home, or other lawfully prescribed residence, without the permission of the parent, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department. The report may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from home without parental permission.

(c) "Parent" means any parent having legal custody of the child, whether individually or jointly.

NEW SECTION. **Sec. 35.** A new section is added to chapter 13.32A RCW to read as follows:

Violation of section 34 of this act is a misdemeanor.

NEW SECTION. **Sec. 36.** A new section is added to chapter 13.32A RCW to read as follows:

If a person provides the notice required in section 34 of this act, he or she is immune from liability for any cause of action arising from providing shelter to the child. The immunity shall not extend to acts of intentional misconduct or gross negligence by the person providing the shelter.

NEW SECTION. **Sec. 37.** A new section is added to chapter 13.32A RCW to read as follows:

Whenever a law enforcement agency receives a report from a parent that his or her child, or child over whom the parent has custody, has without permission of the parent left the home or residence lawfully prescribed for the child under circumstances where the parent believes that the child has run away from the home or the residence, the agency shall provide for placing information identifying the child in files under RCW 43.43.510.

NEW SECTION. **Sec. 38.** A new section is added to chapter 13.32A RCW to read as follows:

Upon the admissions of a child to a crisis residential center the administrator of the facility shall request the department to provide: (1) The name of any sibling of the child who has been: (a) Placed under the jurisdiction of the juvenile rehabilitation administration; or (b) subject to a proceeding under chapter 13.34 RCW; and (2) information regarding whether the child has run away multiple times.

The department shall provide the information as soon as feasible. The administrator may utilize the information in assessing the needs of the child but a petition filed under this chapter may not be based solely on this information.

Sec. 39. RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove (~~alternative residential~~) out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994; or (B) a violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994, and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately. In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age; and

(h) Relating to court validation of a voluntary consent to foster care placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e) (i) through (iv) of this section, who is detained pending trial, may be detained in a county detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 40. RCW 13.04.040 and 1983 c 191 s 14 are each amended to read as follows:

The administrator shall, in any county or judicial district in the state, appoint or designate one or more persons of good character to serve as probation counselors during the pleasure of the administrator. The probation counselor shall:

(1) Receive and examine referrals to the juvenile court for the purpose of considering the filing of a petition or information pursuant to chapter 13.32A or 13.34 RCW (~~13.34.040, 13.34.180, and~~) or RCW 13.40.070 (~~as now or hereafter amended, and RCW 13.32A.150~~);

(2) Make recommendations to the court regarding the need for continued detention or shelter care of a child unless otherwise provided in this title;

(3) Arrange and supervise diversion agreements as provided in RCW 13.40.080, (~~as now or hereafter amended~~) and ensure that the requirements of such agreements are met except as otherwise provided in this title;

(4) Prepare predisposition studies as required in RCW 13.34.120 and 13.40.130, (~~as now or hereafter amended~~) and be present at the disposition hearing to respond to questions regarding the predisposition study: PROVIDED, That such duties shall be performed by the department (~~of social and health services~~) for cases relating to dependency or to the termination of a parent and child relationship which is filed by the department (~~of social and health services~~) unless otherwise ordered by the court; and

(5) Supervise court orders of disposition to ensure that all requirements of the order are met.

All probation counselors shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests of juveniles under their supervision for the violation of any state law or county or city ordinance.

The administrator may, in any county or judicial district in the state, appoint one or more persons who shall have charge of detention rooms or houses of detention.

The probation counselors and persons appointed to have charge of detention facilities shall each receive compensation which shall be fixed by the legislative authority of the county, or in cases of joint counties, judicial districts of more than one county, or joint judicial districts such sums as shall be agreed upon by the legislative authorities of the counties affected, and such persons shall be paid as other county officers are paid.

The administrator is hereby authorized, and to the extent possible is encouraged to, contract with private agencies existing within the community for the provision of services to youthful offenders and youth who have entered into diversion agreements pursuant to RCW 13.40.080(~~as now or hereafter amended~~).

The administrator shall establish procedures for the collection of fines assessed under RCW 13.40.080 (2)(d) and (13) and for the payment of the fines into the county general fund.

Sec. 41. RCW 13.04.093 and 1991 c 363 s 11 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving (~~alternative residential~~) out-of-home placement: PROVIDED, That in each county with a population of less than two hundred ten thousand, the attorney general may contract with the prosecuting attorney of the county to perform (~~said~~) the duties of the attorney general under this section.

NEW SECTION. Sec. 42. The department of social and health services shall develop a plan for the development of an intensive treatment system for children whose behavior puts them at serious risk of harm to themselves or others. In developing this plan, the department shall work with service providers, community leaders, representatives of different cultural communities, businesses, educational institutions, community networks, and others to propose a continuum of services, including placement alternatives, for children who might otherwise be on the street.

In developing this plan, the department shall identify existing local and state services and barriers to those services for children. The plan for intensive treatment services, to the extent possible, shall build upon those existing resources.

The plan shall be presented to the legislature and the governor no later than December 1, 1995.

NEW SECTION. Sec. 43. A new section is added to chapter 13.32A RCW to read as follows:

Nothing in this chapter shall be construed to create an entitlement to services nor to create judicial authority to order the provision at public expense of services to any person or family where the department has determined that such services are unavailable or unsuitable or that the child or family are not eligible for such services.

NEW SECTION. Sec. 44. A new section is added to chapter 13.32A RCW to read as follows:

In approving a petition under this chapter, a child may be placed in a semi-secure crisis residential center as a temporary out-of-home placement under the following conditions: (1) No other suitable out-of-home placement is available; (2) space is available in the semi-secure crisis residential center; and (3) no child will be denied access for a five-day placement due to this placement.

Any child referred to a semi-secure crisis residential center by a law enforcement officer, the department, or himself or herself shall have priority over a temporary out-of-home placement in the facility. Any out-of-home placement order shall be subject to this priority, and the administrator of the semi-secure crisis residential center shall transfer the temporary out-of-home placement youth to a new out-of-home placement as necessary to ensure access for youth needing the semi-secure crisis residential center.

Sec. 45. RCW 43.43.510 and 1967 ex.s. c 27 s 2 are each amended to read as follows:

As soon as is practical and feasible there shall be established, by means of data processing, files listing stolen and wanted vehicles, outstanding warrants, identifying children whose parents, custodians, or legal guardians have reported as having run away from home or the custodial residence, identifiable stolen property, and such other files as may be of general assistance to law enforcement agencies.

Sec. 46. RCW 70.96A.090 and 1990 c 151 s 5 are each amended to read as follows:

(1) The department shall adopt rules establishing standards for approved treatment programs, the process for the review and inspection program applying to the department for certification as an approved treatment program, and fixing the fees to be charged by the department for the required inspections. The standards may concern the health standards to be met and standards of services and treatment to be afforded patients.

(2) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(3) No treatment program may advertise or represent itself as an approved treatment program if approval has not been granted, has been denied, suspended, revoked, or canceled.

(4) Certification as an approved treatment program is effective for one calendar year from the date of issuance of the certificate. The certification shall specify the types of services provided by the approved treatment program that meet the standards adopted under this chapter. Renewal of certification shall be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(5) Approved treatment programs shall not provide alcoholism or other drug addiction treatment services for which the approved treatment program has not been certified. Approved treatment programs may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(6) The department periodically shall inspect approved public and private treatment programs at reasonable times and in a reasonable manner.

(7) The department shall maintain and periodically publish a current list of approved treatment programs.

(8) Each approved treatment program shall file with the department on request, data, statistics, schedules, and information the department reasonably requires. An approved treatment program that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may be removed from the list of approved treatment programs, and its certification revoked or suspended.

(9) The department shall use the data provided in subsection (8) of this section to evaluate each program that admits children to inpatient treatment upon application of their parents. The evaluation shall be done at least once every twelve months. In addition, the department shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

(10) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private treatment program refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

Sec. 47. RCW 70.96A.095 and 1991 c 364 s 9 are each amended to read as follows:

(1) Any person (~~fourteen~~) thirteen years of age or older may give consent for himself or herself to the furnishing of counseling, care, treatment, or rehabilitation by a treatment program or by any person. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age is not necessary to authorize the care, except that the person shall not become a resident of the treatment program without such permission except as provided in RCW 70.96A.120 or 70.96A.140. The parent, parents, or legal guardian of a person less than eighteen years of age are not liable for payment of care for such persons pursuant to this chapter, unless they have joined in the consent to the counseling, care, treatment, or rehabilitation.

(2) The parent of any minor child may apply to an approved treatment program for the admission of his or her minor child for purposes authorized in this chapter. The consent of the minor child shall not be required for the application or admission. The approved treatment program shall accept the application and evaluate the child for admission. The ability of a parent to apply to an approved treatment program for the involuntary admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.

NEW SECTION. Sec. 48. A new section is added to chapter 70.96A RCW to read as follows:

(1) The admission of any child under RCW 70.96A.095 may be reviewed by the county-designated chemical dependency specialist between fifteen and thirty days following admission. The county-designated chemical dependency specialist may undertake the review on his or her own initiative and may seek reimbursement from the parents, their insurance, or medicaid for the expense of the review.

(2) The department shall ensure a review is conducted no later than sixty days following admission to determine whether it is medically appropriate to continue the child's treatment on an inpatient basis. The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.

If the county-designated chemical dependency specialist determines that continued inpatient treatment of the child is no longer medically appropriate, the specialist shall notify the facility, the child, the child's parents, and the department of the finding within twenty-four hours of the determination.

(3) For purposes of eligibility for medical assistance under chapter 74.09 RCW, children in inpatient mental health or chemical dependency treatment shall be considered to be part of their parent's or legal guardian's household, unless the child has been assessed by the department of social and health services or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the child's parents are found to not be exercising responsibility for care and control of the child. Payment for such care by

the department of social and health services shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

Sec. 49. RCW 70.96A.140 and 1993 c 362 s 1 are each amended to read as follows:

(1) When a designated chemical dependency specialist receives information alleging that a person is incapacitated as a result of chemical dependency, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020. If placement in a chemical dependency program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and is incapacitated by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for detoxification or chemical dependency treatment pursuant to RCW 70.96A.110, and is in need of a more sustained treatment program, or that the person is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.050, ~~((as now or hereafter amended,))~~ in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony, which may be telephonic, of at least one licensed physician who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is chemically dependent shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a

guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment program. It shall not order commitment of a person unless it determines that an approved treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed under this section shall remain in the program for treatment for a period of sixty days unless sooner discharged. At the end of the sixty-day period, he or she shall be discharged automatically unless the program, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she is chemically dependent and likely to inflict physical harm on another, the program shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(7) The approved treatment program shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to the custody of a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a chemically dependent person committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a chemically dependent person committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

NEW SECTION. Sec. 50. A new section is added to chapter 70.96A RCW to read as follows:

Any provider of treatment in an approved treatment program who provides treatment to a minor under RCW 70.96A.095(1) must provide notice of the request for treatment to the minor's parents. The notice must be made within forty-eight hours of the request for treatment, excluding Saturdays, Sundays, and holidays, and must contain the same information as required under RCW 71.34.030(2)(b).

NEW SECTION. Sec. 51. A new section is added to chapter 70.96A RCW to read as follows:

Nothing in this chapter authorizes school district personnel to refer minors to any treatment program or treatment provider without providing notice of the referral to the parent, parents, or guardians.

Sec. 52. RCW 71.34.030 and 1985 c 354 s 3 are each amended to read as follows:

(1) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) ~~((A minor under thirteen years of age may only be admitted on the application of the minor's parent.~~

~~(b))~~ A minor ~~((thirteen years or older))~~ may be voluntarily admitted by application of the parent. ~~((Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor.))~~ The consent of the minor is not required for the minor to be evaluated and admitted as appropriate.

~~((e))~~ (b) A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

~~((d))~~ (c) Written renewal of voluntary consent must be obtained from the applicant ~~((and the minor thirteen years or older))~~ no less than once every twelve months.

~~((e))~~ (d) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor thirteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, thirteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional or a parent or legal guardian files a petition or an application for initial detention within the time prescribed by this chapter.

(4) The ability of a parent to apply to a certified evaluation and treatment program for the involuntary admission of his or her minor child does not create a right to obtain or benefit from any funds or resources of the state. However, the state may provide services for indigent minors to the extent that funds are available therefor.

Sec. 53. RCW 71.34.050 and 1985 c 354 s 5 are each amended to read as follows:

(1) When a county-designated mental health professional receives information that a minor, thirteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or

persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the county-designated mental health professional may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

If the minor is not taken into custody for evaluation and treatment, the parent who has custody of the minor may seek review of that decision made by the county designated mental health professional in court. The parent shall file notice with the court and provide a copy of the county designated mental health professional's report or notes.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, the county-designated mental health professional shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The county-designated mental health professional shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The county-designated mental health professional shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the county-designated mental health professional shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further mental health treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) Whenever the county designated mental health professional petitions for detention of a minor under this chapter, an evaluation and treatment facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) If a minor is not approved for admission by the inpatient evaluation and treatment facility, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

Sec. 54. RCW 71.34.070 and 1985 c 354 s 7 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the treatment and evaluation facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed either by two physicians or by one physician and a mental health professional who have examined the minor and shall contain the following:

- (i) The name and address of the petitioner;
- (ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;
- (iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;
- (iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;
- (v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;
- (vi) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(vii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

NEW SECTION. Sec. 55. A new section is added to chapter 71.34 RCW to read as follows:

Any provider of treatment at an evaluation and treatment facility who provides treatment to a minor under RCW 71.34.030(1) must provide notice of the request for treatment to the minor's parents. The notice must be made within forty-eight hours of the request for treatment, excluding Saturdays, Sundays, and holidays, and must contain the same information as required under RCW 71.34.030(2)(b).

NEW SECTION. Sec. 56. A new section is added to chapter 71.34 RCW to read as follows:

(1) The admission of any child under RCW 71.34.030 may be reviewed by the county-designated mental health professional between fifteen and thirty days following admission. The county-designated mental health professional may undertake the review on his or her own initiative and may seek reimbursement from the parents, their insurance, or medicaid for the expense of the review.

(2) The department shall ensure a review is conducted no later than sixty days following admission to determine whether it is medically appropriate to continue the child's treatment on an inpatient basis. The department may, subject to available funds, contract with a county for the conduct of the review conducted under this subsection and may seek reimbursement from the parents, their insurance, or medicaid for the expense of any review conducted by an agency under contract.

If the county-designated mental health professional determines that continued inpatient treatment of the child is no longer medically appropriate, the professional shall notify the facility, the child, the child's parents, and the department of the finding within twenty-four hours of the determination.

(3) For purposes of eligibility for medical assistance under chapter 74.09 RCW, children in inpatient mental health or chemical dependency treatment shall be considered to be part of their parent's or legal guardian's household, unless the child has been assessed by the department of social and health services or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the child's parents are found to not be exercising responsibility for care and control of the child. Payment for such care by the department of social and health services shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

NEW SECTION. Sec. 57. A new section is added to chapter 71.34 RCW to read as follows:

Nothing in this chapter authorizes school district personnel to refer minors to any evaluation and treatment program or mental health professional without providing notice of the referral to the minor's parent.

NEW SECTION. Sec. 58. A new section is added to chapter 71.34 RCW to read as follows:

The department shall randomly select and review the information on children who are admitted to in-patient treatment on application of the child's parent. The review shall determine whether the children reviewed were appropriately admitted into treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

Sec. 59. RCW 74.13.031 and 1990 c 146 s 9 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of homeless, runaway, dependent, or neglected children.

(2) Develop a recruiting plan for recruiting an adequate number of prospective adoptive and foster homes, both regular and specialized, ~~((i.e.))~~ including homes for children of ethnic minority, ~~((including))~~ Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, and annually submit the plan for review to the ~~((house and senate committees on social and health~~

services)) legislature. The plan shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of neglect, abuse, or abandonment of children, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency(~~(; PROVIDED, That an)~~). No investigation is ~~((not))~~ required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If ~~((the))~~ an investigation reveals that a crime may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report delineating the results to the ~~((house and senate committees on social and health services))~~ legislature.

(6) Have authority to accept custody of children from parents and ~~((to accept custody of children from))~~ juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children(~~(;)~~) and ~~((shall follow in general the policy of using))~~ use properly approved private agency services for the ~~((actual))~~ care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, day care, licensing of child care agencies, adoption, and related services ~~((related thereto))~~. At least one-third of the membership shall be ~~((composed of))~~ child care providers, and at least one member shall represent the adoption community.

(10) Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.

(11) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order(~~(; and)~~). The purchase of such care ~~((shall be))~~ is subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section, all services to be provided by the department of social and health services under subsections (4)(~~(;)~~) and (6)(~~(; and (7))~~) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

Sec. 60. RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department shall establish, by contracts with private vendors, ~~((not less than eight))~~ regional crisis residential centers(~~(; which))~~ with semi-secure facilities. These facilities shall be structured group care facilities licensed under rules adopted by the department(~~(. Each regional center))~~ and shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children. ~~((The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.))~~

(2) Within available funds appropriated for this purpose, the department shall establish, by contracts with private vendors, regional crisis residential centers with secure facilities. These facilities

shall be facilities licensed under rules adopted by the department. These centers may also include semi-secure facilities and to such extent shall be subject to subsection (1) of this section.

(3) The department shall, in addition to the ((regional)) facilities established under subsections (1) and (2) of this section, establish ((not less than thirty)) additional crisis residential centers pursuant to contract with licensed private group care ((or specialized foster home)) facilities.

(4) The staff at the facilities established under this section shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles that recognize the need for support and the varying circumstances that cause children to leave their families, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

(5) The secure facilities located within crisis residential ((facilities)) centers shall be operated ((as semi-secure facilities)) to conform with the definition in RCW 13.32A.030. The facilities shall have an average of no more than three adult staff members to every eight children. The staffing ratio shall continue to ensure the safety of the children.

(6) A center with secure facilities created under this section may not be located within, or on the same grounds as, other secure structures including jails, juvenile detention facilities operated by the state, or units of local government. However, the secretary may, following consultation with the appropriate county legislative authority, make a written finding that location of a center with secure facilities on the same grounds as another secure structure is the only practical location for a secure facility. Upon the written finding a secure facility may be located on the same grounds as the secure structure. Where a center is located in or adjacent to a secure juvenile detention facility, the center shall be operated in a manner that prevents in-person contact between the residents of the center and the persons held in such facility.

NEW SECTION. Sec. 61. A new section is added to chapter 74.13 RCW to read as follows:

No contract may provide reimbursement or compensation to a crisis residential center's secure facility for any service delivered or provided to a resident child after five consecutive days of residence.

Sec. 62. RCW 74.13.033 and 1992 c 205 s 213 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises(~~(, which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law)).~~

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; ~~((and))~~

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed five consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the facility staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other

drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from ~~((this residence may))~~ a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile ~~((may))~~ shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed five consecutive days.

Sec. 63. RCW 74.13.034 and 1992 c 205 s 214 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032~~((2))~~ may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center ~~((or))~~, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both ~~((centers))~~ locations shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

~~((5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.))~~

Sec. 64. RCW 74.13.035 and 1979 c 155 s 81 are each amended to read as follows:

Crisis residential centers shall compile ~~((yearly))~~ quarterly records which shall be transmitted to the department and which shall contain information regarding population profiles of the children admitted to the centers during each past calendar year. Such information shall include but shall not be limited to the following:

- (1) The number, county of residency, age, and sex of children admitted to custody;
- (2) Who brought the children to the center;
- (3) Services provided to children admitted to the center;
- (4) The circumstances which necessitated the children being brought to the center;
- (5) The ultimate disposition of cases;

- (6) The number of children admitted to custody who ran away from the center and their ultimate disposition, if any;
- (7) Length of stay.

The department may require the provision of additional information and may require each center to provide all such necessary information in a uniform manner.

The department shall report to the legislature within one year of the initial contracts establishing crisis residential centers operated as a secure facility. The report shall evaluate and compare the information required to be compiled in this section for the secure and semi-secure facilities of crisis residential centers. The department shall include plans for establishing secure facilities as funds are appropriated.

A center may, in addition to being licensed as such, also be licensed as a ~~((family foster home~~ ~~or~~)) group care facility and may house on the premises juveniles assigned for temporary out-of-home placement or foster or group care.

Sec. 65. RCW 74.13.036 and 1989 c 175 s 147 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall ~~((, by January 1, 1986,))~~ develop a plan and procedures, in cooperation with the state-wide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the ~~((alternative residential))~~ child in need of services placement process;

(b) Procedures for designating department staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

~~((The plan and procedures required under this subsection shall be submitted to the appropriate standing committees of the legislature by January 1, 1986.))~~

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The secretary shall submit a quarterly report to the appropriate local government entities.

~~((5) Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.))~~

NEW SECTION. Sec. 66. A new section is added to chapter 28A.225 RCW to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. The local school district boards of directors may create a community truancy board. Members of the board shall be selected from representatives

of the community. Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance.

Sec. 67. RCW 28A.225.020 and 1992 c 205 s 202 are each amended to read as follows:

If a ~~((juvenile))~~ child required to attend school under the laws of the state of Washington fails to attend school without valid justification, the ~~((juvenile's))~~ child's school shall:

(1) Inform the ~~((juvenile's))~~ child's custodial parent, parents, or guardian by a notice in writing or by telephone ~~((that))~~ whenever the ~~((juvenile))~~ child has failed to attend school ~~((without valid justification))~~ after one unexcused absence within any month during the current school year;

(2) Schedule a conference or conferences with the custodial parent, parents, or guardian and ~~((juvenile))~~ child at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the ~~((juvenile's))~~ child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(3) Take steps to eliminate or reduce the ~~((juvenile's))~~ child's absences. These steps shall include, where appropriate, adjusting the ~~((juvenile's))~~ child's school program or school or course assignment, providing more individualized or remedial instruction, ~~((preparing the juvenile for employment with specific))~~ providing appropriate vocational courses or work experience, or ((both)) refer the child to a community truancy board, ((and)) or assisting the parent or ((student)) child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

Sec. 68. RCW 28A.225.030 and 1992 c 205 s 203 are each amended to read as follows:

If the actions taken by a school ((pursuant to)) district under RCW 28A.225.020 ((is)) are not successful in substantially reducing ((a)) an enrolled student's absences from school, ((any of the following actions may be taken after five or more)) upon the fifth unexcused absence((s)) by a child within any month during the current school year or upon the tenth unexcused absence during the current school year((: (1) The attendance officer of)) the school district ((through its attorney may)) shall file a petition with the juvenile court ((to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the purpose of)) alleging a violation of RCW 28A.225.010: (1) By the parent; ~~((or))~~ (2) ~~((a petition alleging a violation of RCW 28A.225.010 by a))~~ by the child ((may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except where otherwise stated, shall apply)); or (3) by the parent and the child.

If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

NEW SECTION. Sec. 69. A new section is added to chapter 28A.225 RCW to read as follows:

(1) A petition under RCW 28A.225.030 shall consist of a written notification to the court alleging that:

(a) The child has five or more unexcused absences within any month during the current school year or ten or more unexcused absences in the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter.

(4) When a petition is filed under RCW 28A.225.030, the juvenile court may:

(a) Schedule a fact-finding hearing at which the court shall consider the petition;

- (b) Separately notify the child, the parent of the child, and the school district of the fact-finding hearing;
- (c) Notify the parent and the child of their rights to present evidence at the fact-finding hearing;
- and
- (d) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.
- (5) The court may require the attendance of both the child and the parents at any hearing on a petition filed under RCW 28A.225.030.
- (6) The court shall grant the petition and enter an order assuming jurisdiction to intervene for the remainder of the school year, if the allegations in the petition are established by a preponderance of the evidence.
- (7) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

Sec. 70. RCW 36.18.020 and 1993 c 435 s 1 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

- (1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time (~~said~~) the paper is filed, a fee of one hundred ten dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional eighty dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.
- (2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when (~~said~~) the paper is filed, a fee of one hundred ten dollars.
- (3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.
- (4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.
- (5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.
- (6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of fifty dollars; if the demand is for a jury of twelve the fee shall be one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional fifty-dollar fee will be required of the party demanding the increased number of jurors.
- (7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect twenty dollars.
- (8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.
- (9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.
- (10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of twenty dollars shall be charged.
- (11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.
- (12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of one hundred ten dollars: PROVIDED, HOWEVER, A fee of

twenty dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application the clerk may collect an execution fee as authorized by the federal government.

(16) For clerks' special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(17) For duplicated recordings of court's proceedings there shall be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(18) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of one hundred ten dollars.

(19) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(20) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

NEW SECTION. Sec. 71. A new section is added to chapter 28A.225 RCW to read as follows:

In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under RCW 28A.225.030, 28A.225.090, and section 69 of this act and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases under RCW 28A.225.030, 28A.225.090, and section 69 of this act and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

NEW SECTION. Sec. 72. A new section is added to chapter 28A.225 RCW to read as follows:

(1) Each school shall document the actions taken under RCW 28A.225.020 and 28A.225.030 and report this information at the end of each grading period to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction.

(2) The reports under subsection (1) of this section shall include:

(a) The number of enrolled students and the number of excused and unexcused absences;

(b) Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020;

(c) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

(d) Documentation of success by the school district in substantially reducing enrolled student absences for students with five or more absences in any month or ten or more unexcused absences in any school year;

(e) The number of petitions filed by a school district or a parent with the juvenile court; and
(f) The disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.225.090.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year.

Sec. 73. RCW 28A.225.060 and 1990 c 33 s 223 are each amended to read as follows:

Any ~~((attendance officer))~~ school district official, sheriff, deputy sheriff, marshal, police officer, or any other officer authorized to make arrests, ~~((shall))~~ may take into custody without a warrant a child who is required under the provisions of RCW 28A.225.010 through 28A.225.140 to attend school ~~((, such child then being a truant from instruction at the school which he or she is lawfully required to attend))~~ and is absent from school without an approved excuse, and shall ~~((forthwith))~~ deliver ~~((a child so detained either))~~ the child to: (1) ~~((to))~~ The custody of a person in parental relation to the child ~~((or))~~; (2) ~~((to))~~ the school from which the child is ~~((then a truant))~~ absent; or (3) a program designated by the school district.

Sec. 74. RCW 28A.225.090 and 1992 c 205 s 204 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.225.010 shall be required to attend school and shall not be fined. If the child fails to comply with the court order to attend school, the court may: (1) Order the child be punished by detention; or ~~((may))~~ (2) impose alternatives to detention such as community service hours or participation in dropout prevention programs or referral to a community truancy board, if available. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the ~~((juvenile's))~~ child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service at the child's school instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the ~~((juvenile))~~ child in a supervised plan for the ~~((juvenile's))~~ child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

~~((Attendance officers))~~ School districts shall make complaint for violation of the provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the ~~((superior or district))~~ juvenile court.

Sec. 75. RCW 28A.225.110 and 1990 c 33 s 228 are each amended to read as follows:

Notwithstanding the provisions of RCW 10.82.070, all fines except as otherwise provided in RCW 28A.225.010 through 28A.225.140 shall ~~((inure and be applied to the support of the public schools in the school district where such offense was committed: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended))~~ be paid to the county treasurer who shall deposit the fine to the credit of the courts in the county for the exclusive purpose of enforcing the provisions of RCW 28A.225.010 through 28A.225.140.

NEW SECTION. **Sec. 76.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Prior to the beginning of each new semester, quarter, or other academic period followed by a district, each district shall prepare a list of its enrolled students who, during the previous one hundred eighty days, have substantially failed to carry out their school attendance responsibility under RCW 28A.225.010(1). The list shall be effective for the duration of the new semester, quarter, or other academic period. A student shall be considered to have "substantially failed" to carry out this responsibility if the student has been absent from school without excuse for five or more school days

during the one hundred eighty school days preceding the date on which the list is published. For purposes of this subsection, the number of "school days" absent without excuse shall be determined by dividing the number of hours the student was absent without excuse by the number of hours in the student's average school day.

(2) No student on the district's list prepared under subsection (1) of this section shall be permitted to enroll in a traffic safety education course offered by a school district or offered by a driver training school under chapter 46.82 RCW or shall be permitted to obtain an application for a driver's license under chapter 46.20 RCW. A school district shall provide the notice specified under section 79 of this act, resulting in the suspension of the student's driving privilege.

NEW SECTION. Sec. 77. A new section is added to chapter 46.82 RCW to read as follows:

A driver training school may not provide instruction in the operation of an automobile to a minor who is subject to section 76 of this act, unless the driver training school is provided with a statement by the principal of the minor's school that the minor is not on the school district's list of students who have substantially failed to carry out their school attendance responsibilities.

Sec. 78. RCW 46.20.100 and 1990 c 250 s 36 are each amended to read as follows:

The department of licensing shall not consider an application of any minor under the age of eighteen years for a driver's license or the issuance of a motorcycle endorsement for a particular category unless:

(1) The application is also signed by a parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his or her application is also signed by the minor's employer; ~~(and)~~

(2) If the applicant is a student subject to section 76 of this act, the department is provided with proof that the applicant is not on the district's list of students who have substantially failed to carry out their school attendance responsibilities.

(3) The applicant has satisfactorily completed a traffic safety education course as defined in RCW 28A.220.020, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the applicant has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an applicant was unable to take or complete a driver education course waive that requirement if the applicant shows to the satisfaction of the department that a need exists for the applicant to operate a motor vehicle and he or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. For a person under the age of eighteen years to obtain a motorcycle endorsement, he or she must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

The department may waive any education requirement under this subsection for an applicant previously licensed to drive a motor vehicle or motorcycle outside this state if the applicant provides proof satisfactory to the department that he or she has had education equivalent to that required under this subsection.

NEW SECTION. Sec. 79. A new section is added to chapter 46.20 RCW to read as follows:

Upon receipt of a notice from a school district that a juvenile is on the district's list of students who have substantially failed to carry out their school attendance responsibilities under section 76 of this act, the department shall suspend for ninety days all driving privileges of such student. The department shall adopt rules to implement this section.

NEW SECTION. Sec. 80. The superintendent of public instruction, in consultation with school districts and the department of licensing, shall develop necessary forms and procedures for demonstrating that juveniles are not on the school district's list of students who have substantially failed to carry out their school attendance responsibilities. The procedures shall be established and operational by September 1, 1996.

NEW SECTION. Sec. 81. (1) The Washington state institute for public policy shall review and evaluate the process of filing petitions under RCW 28A.225.030 and section 69 of this act, including:

- (a) The number of petitions filed by school districts;
- (b) The disposition of petitions filed;
- (c) The frequency of penalties and fines ordered by the courts;
- (d) The frequency of contempt orders issued to enforce court orders; and
- (e) The effectiveness of the petition process in reducing unexcused absences.

The institute shall submit a report of its findings to the legislature by January 1, 1998.

(2) The institute, in consultation with the superintendent of public instruction and other members of the education community, shall review and evaluate the need to develop a state-wide definition of excused and unexcused absences. The institute shall submit a report of its findings to the legislature by January 1, 1996.

(3) The institute, in consultation with the superintendent of public instruction, the state board of education, and other members of the education community, shall review and evaluate the need to prohibit school districts from suspending or expelling students as disciplinary measures in response to unexcused absences of the students. The institute shall submit a report of its findings to the legislature by January 1, 1996.

(4) If specific funding for the purpose of this section is not provided by June 30, 1995, in the omnibus appropriations act, this section is null and void.

NEW SECTION. Sec. 82. A new section is added to chapter 28A.600 RCW to read as follows:

School district boards of directors shall review school district policies regarding access and egress by students from secondary school grounds during school hours. Each school district board of directors shall adopt a policy specifying any restrictions on students leaving secondary school grounds during school hours.

Sec. 83. RCW 82.14.300 and 1990 2nd ex.s. c 1 s 1 are each amended to read as follows:

The legislature finds and declares that local government criminal justice systems are in need of assistance. Many counties and cities are unable to provide sufficient funding for additional police protection, mitigation of congested court systems, public safety education, and relief of overcrowded jails.

In order to ensure public safety, it is necessary to provide fiscal assistance to help local governments to respond immediately to these criminal justice problems, while initiating a review of the criminal justice needs of cities and counties and the resources available to address those needs.

To provide for a more efficient and effective response to these problems, the legislature encourages cities and counties to coordinate strategies against crime and use multijurisdictional and innovative approaches in addressing criminal justice problems.

~~((The legislature intends to provide fiscal assistance to counties and cities in the manner provided in this act until the report of the task force created under RCW 82.14.301 is available for consideration by the legislature.))~~

Sec. 84. RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(3) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Unless reduced by this subsection, thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than one hundred seventy-five percent of the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a) but, if a city distribution is reduced as a result of exceeding the fifty percent limitation, the amount not distributed shall be distributed under (b) of this subsection.

(b) The remainder of the moneys, including any moneys not distributed in subsection (2)(a) of this section, shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Notwithstanding other provisions of this section, the distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located.

(6) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and publications and public educational efforts designed to provide information and assistance to parents in dealing with runaway or at-risk youth. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

NEW SECTION. Sec. 85. (1) Section 71 of this act shall take effect September 1, 1995.

(2) Section 82 of this act shall take effect September 1, 1996.

NEW SECTION. Sec. 86. The following acts or parts of acts are each repealed:

(1) RCW 28A.225.040 and 1990 c 33 s 221 & 1969 ex.s. c 223 s 28A.27.030;

(2) RCW 28A.225.050 and 1990 c 33 s 222, 1986 c 132 s 4, 1975 1st ex.s. c 275 s 56, 1971 c 48 s 9, 1969 ex.s. c 176 s 105, & 1969 ex.s. c 223 s 28A.27.040;

(3) RCW 28A.225.070 and 1990 c 33 s 224, 1975 1st ex.s. c 275 s 57, 1969 ex.s. c 176 s 106, & 1969 ex.s. c 223 s 28A.27.080;

(4) RCW 28A.225.100 and 1990 c 33 s 227, 1987 c 202 s 190, 1975 1st ex.s. c 275 s 58, & 1970 ex.s. c 15 s 14;

(5) RCW 28A.225.120 and 1990 c 33 s 229, 1986 c 132 s 6, 1979 ex.s. c 201 s 7, & 1969 ex.s. c 223 s 28A.27.110;

(6) RCW 28A.225.130 and 1990 c 33 s 230, 1987 c 202 s 192, & 1969 ex.s. c 223 s 28A.27.120; and

(7) RCW 28A.225.150 and 1992 c 205 s 205, 1990 c 33 s 232, & 1986 c 132 s 7.

NEW SECTION. Sec. 87. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "amending RCW 13.32A.010, 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.070, 13.32A.090, 13.32A.120, 13.32A.130, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.175, 13.32A.177, 13.32A.180, 13.32A.190, 13.32A.192, 13.32A.194, 13.32A.196,

13.32A.250, 13.04.030, 13.04.040, 13.04.093, 43.43.510, 70.96A.090, 70.96A.095, 70.96A.140, 71.34.030, 71.34.050, 71.34.070, 74.13.031, 74.13.032, 74.13.033, 74.13.034, 74.13.035, 74.13.036, 28A.225.020, 28A.225.030, 36.18.020, 28A.225.060, 28A.225.090, 28A.225.110, 46.20.100, 82.14.300, and 82.14.320; adding new sections to chapter 13.32A RCW; adding new sections to chapter 46.20 RCW; adding new sections to chapter 70.96A RCW; adding new sections to chapter 71.34 RCW; adding a new section to chapter 74.13 RCW; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 46.82 RCW; adding a new section to chapter 28A.600 RCW; creating new sections; repealing RCW 28A.225.040, 28A.225.050, 28A.225.070, 28A.225.100, 28A.225.120, 28A.225.130, and 28A.225.150; prescribing penalties; and providing effective dates."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Kohl, Long; Representatives Carrell, Cooke, Wolfe.

MOTION

Representative Carrell moved that the House adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5439 and pass the bill as recommended by the Conference Committee.

Representatives Carrell, Wolfe, Johnson, Kremen, Cooke, Ebersole, Lambert, Sterk, Campbell and Sommers spoke in favor of the motion.

Representatives Appelwick and Cole spoke against the motion.

Representatives Carrell, Ebersole and Johnson again spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5439 as recommended by the Conference Committee.

Representatives Carrell, Ebersole and Wolfe spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5439 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Appelwick, Chopp, Cole, Jacobsen, Mason and Veloria - 6.
Excused: Representatives Fuhrman and Patterson - 2.

Engrossed Second Substitute Senate Bill No. 5439, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 1359 and passed the bill without said amendments.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 22, 1995

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5169,
SENATE BILL NO. 5990,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1140,
SUBSTITUTE HOUSE BILL NO. 1152,
SUBSTITUTE HOUSE BILL NO. 1205,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1298,
SUBSTITUTE HOUSE BILL NO. 1401,
SUBSTITUTE HOUSE BILL NO. 1547,
SUBSTITUTE HOUSE BILL NO. 1658,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1810,
SUBSTITUTE HOUSE BILL NO. 1865,
ENGROSSED HOUSE BILL NO. 1889,
SUBSTITUTE HOUSE BILL NO. 1906,
SUBSTITUTE HOUSE BILL NO. 1995,
ENGROSSED HOUSE BILL NO. 2005,
SUBSTITUTE HOUSE BILL NO. 2058,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5169,
SENATE BILL NO. 5990,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5119,
SUBSTITUTE SENATE BILL NO. 5567,
SENATE BILL NO. 5677,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1117,
SECOND ENGROSSED HOUSE BILL NO. 1130,
HOUSE BILL NO. 1193,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,
SUBSTITUTE HOUSE BILL NO. 1237,
SUBSTITUTE HOUSE BILL NO. 1336,
SUBSTITUTE HOUSE BILL NO. 1383,
HOUSE BILL NO. 1725,
SUBSTITUTE HOUSE BILL NO. 1756,
ENGROSSED HOUSE BILL NO. 1770,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,
SUBSTITUTE SENATE BILL NO. 5119,
SUBSTITUTE SENATE BILL NO. 5567,
SENATE BILL NO. 5677,

The Speaker declared the House to be at ease.

The Speaker called the House to order.

CONFERENCE COMMITTEE REPORT

ESSB 5244 Date: April 23, 1995

Includes "new item": YES

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5244, Revising the definition of "dependent child" for purposes of aid to families with

dependent children, have had the same under consideration and we recommend that all previous amendments not be adopted; that the striking amendment (attached 5244-S.E AMC CONF S3408.4) by the Conference Committee be adopted; and

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.12.010 and 1992 c 136 s 2 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is living with a relative as specified under federal aid to families with dependent children program requirements, in a place of residence maintained by one or more of such relatives as his or their homes.

Neither the definition of "dependent child" under this section nor any other provision under this chapter shall limit the requirements of the department to provide notification to parents under section 2 of this act or limit the right of a responsible parent to be excused from providing support for a dependent child under sections 4 and 5 of this act.

The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act: PROVIDED, That to the extent authorized by the legislature in the biennial appropriations act and to the extent that matching funds are available from the federal government, aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for support of the child.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include another parent or stepparent of the dependent child if living with the parent and if the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

NEW SECTION. Sec. 2. A new section is added to chapter 74.12 RCW to read as follows:

(1) Whenever the department receives an application for assistance on behalf of a child under this chapter and an employee of the department has reason to believe that the child has suffered abuse or neglect, the employee shall cause a report to be made as provided under chapter 26.44 RCW.

(2) Whenever the department approves an application for assistance on behalf of a child under this chapter, the department shall make a reasonable effort to determine whether the child is living with a parent of the child. Whenever the child is living in the home of a relative other than a parent of the child, the department shall make reasonable efforts to notify the parent with whom the child has most recently resided that an application for assistance on behalf of the child has been approved by the department and shall advise the parent of his or her rights under sections 2 through 5 of this act, unless good cause exists not to do so based on a substantiated claim that the parent has abused or neglected the child.

(3) Upon written request of the parent, the department shall notify the parent of the address and location of the child, unless there is a current investigation or pending case involving abuse or neglect by the parent under chapter 13.34 RCW.

(4) The department shall notify and advise the parent of the provisions of the family reconciliation act under chapter 13.32A RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 74.12 RCW to read as follows:
The department shall make reasonable efforts to notify the parent under section 2(2) of this act as soon as reasonably possible, but no later than seven days after approval of the application by the department.

NEW SECTION. Sec. 4. A new section is added to chapter 74.12 RCW to read as follows:
A parent may be excused from providing support for a dependent child receiving assistance as provided under section 5 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 74.20A RCW to read as follows:
(1) For the purpose of this title or Title 26 RCW, a responsible parent shall be excused from providing support for a dependent child receiving public assistance, if the responsible parent is the legal custodian of the child and the parent meets the requirements under this section. The responsible parent shall only be excused for any period during which the parent meets the requirements. In order to be excused, the responsible parent must establish:
(a) He or she is the legal custodian of the child;
(b) When there is a question or dispute regarding the parent having legal custody of the child, a court or administrative tribunal of competent jurisdiction has entered an order providing legal and physical custody of the child to the responsible parent;
(c) When a custody order is required under (b) of this subsection, the custody order has not been modified, superseded, or dismissed;
(d) The child receiving public assistance left the home of the responsible parent without that parent's consent and there is no current investigation, pending case, or court order involving abuse or neglect by the parent under chapter 13.34 RCW; and
(e) Within a reasonable time after the child's absence from the home, he or she has exerted reasonable efforts to regain physical custody of the child.
(2) The department shall adopt rules to implement the requirements of this section.

NEW SECTION. Sec. 6. By October 1, 1995, the department shall request the governor to seek congressional action on any federal legislation that may be necessary to implement any sections of this act. By October 1, 1995, the department shall request the governor to seek federal agency action on any federal regulation that may require a federal waiver. By January 1 of each year, the department shall report to the legislature on the status of its efforts to obtain any federal statutory or regulatory waivers provided in this section. If all federal statutory or regulatory waivers necessary to fully implement this act have not been obtained, the department shall report the extent to which this act can be implemented without receipt of such waivers. The reporting requirement under this section shall terminate upon a report from the department that all waivers necessary to implement this act have been obtained.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 74.12.010; adding new sections to chapter 74.12 RCW; adding a new section to chapter 74.20A RCW; and creating a new section."
that the bill do pass as recommended by the Conference Committee.

Signed by Senator Owens, Palmer, Fairley; Representatives Boldt, Buck, Thibaudeau

MOTION

Representative Boldt moved that the House adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5244 and pass the bill as recommended by the Conference Committee.

Representatives Boldt and Thibaudeau spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS
RECOMMENDED BY THE CONFERENCE COMMITTEE

MOTION

On motion of Representative Brown, Representative G. Fisher was excused.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5244 as recommended by the Conference Committee.

Representative Cooke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5244 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Substitute Senate Bill No. 5244, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

E2SSB 5448 Date: April 22, 1995

Includes "new item": YES

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, Modifying provisions for public water system regulation, have had the same under consideration and we recommend that the House striking amendment (5448-S2.E AMH CHAN AMH-29) be adopted with the following changes:

On page 5, beginning on line 17, strike all of section 5

On page 8, line 35, after "monitoring" strike "or water quality standards," and insert ", or water quality standards which would put the public health at risk,"

On page 12, line 13, after "connection," strike all material down to and including "In" on line 19 and insert "or, in"

On page 19, after line 35, insert the following:

"NEW SECTION. **Sec. 17.** A new section is added to chapter 70.119A RCW to read as follows:

An individual well serving a group domestic use shall be allowed to provide water service connections for up to a number equal to the approved maximum daily withdrawal amount for the well as determined by the water right divided by four hundred. The department may approve a greater number of service connections based on a factor of less than four hundred gallons per day delivered to each residence."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

that the bill do pass as recommended by the Conference Committee.

Signed by Senators Sutherland, Fraser, Swecker; Representatives Chandler, McMorris, Sheldon.

MOTION

Representative McMorris moved that the House adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5448 and pass the bill as recommended by the Conference Committee.

Representatives McMorris and Sheldon spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5448 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5448 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Second Substitute Senate Bill No. 5448, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

ESB 5770 Date: April 23, 1995

Includes "new item": YES

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5770, providing for unemployment insurance claimant profiling, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached H-3151.2/95) be adopted, and

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.20.010 and 1981 c 35 s 3 are each amended to read as follows:

An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

(1) He or she has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which ~~((he or she))~~ the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(2) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(3) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted. To be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or ~~((his))~~ the commissioner's agents;

(4) He or she has been unemployed for a waiting period of one week; ~~((and))~~

(5) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under section 2 of this act, unless the commissioner determines that:

(a) The individual has completed such services; or

(b) There is justifiable cause for the claimant's failure to participate in such services; and

(6) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010~~((1), as now or hereafter amended))~~, the individual meets the terms and conditions of RCW 50.22.020~~((, as now or hereafter amended,))~~ with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

NEW SECTION. **Sec. 2.** A new section is added to chapter 50.20 RCW to read as follows:

(1) The commissioner shall establish and use a profiling system for new claimants for regular compensation under this title that identifies permanently separated workers who are likely to exhaust regular compensation and will need job search assistance services to make a successful transition to new employment. The profiling system shall use a combination of individual characteristics and labor market information to assign each individual a unique probability of benefit exhaustion. Individuals identified as likely to exhaust benefits shall be referred to reemployment services, such as job search assistance services, to the extent such services are available at public expense.

(2) The profiling system shall include collection and review of follow-up information relating to the services received by individuals under this section and the employment outcomes for the individuals following receipt of the services. The information shall be used in making profiling identifications.

(3) In carrying out reviews of individuals receiving services, the department may contract with public or private entities and may disclose information or records necessary to permit contracting entities to assist in the operation and management of department functions. Any information or records disclosed to public or private entities shall be used solely for the purposes for which the information was disclosed and the entity shall be bound by the same rules of privacy and confidentiality as department employees. The misuse or unauthorized disclosure of information or records deemed private and confidential under chapter 50.13 RCW by any person or organization to which access is permitted by this section shall subject the person or organization to a civil penalty of five thousand

dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

Sec. 3. RCW 50.20.043 and 1985 c 40 s 1 are each amended to read as follows:

(1) No otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the commissioner, nor shall such individual be denied benefits with respect to any week in which the individual is satisfactorily progressing in a training program with the approval of the commissioner by reason of the application of RCW 50.20.010(3), 50.20.015, 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work.

(2) An individual shall be considered to be in training with the approval of the commissioner if the individual is one who:

(a)(i) The commissioner determines to be a dislocated worker as defined by RCW 50.04.075;
or

(ii) Fits the department's profile of unemployed workers who are likely to exhaust their benefits; and ((who))

(b) Is satisfactorily progressing in a training program approved by the commissioner ((shall be considered to be in training with the approval of the commissioner)).

(3) At the time of filing for an initial determination, individuals determined to be dislocated workers as defined in RCW 50.04.075 or who fit the department's profile of unemployed workers who are likely to exhaust their benefits shall be provided with information concerning the opportunity, if the individual is otherwise eligible, to receive benefits while satisfactorily progressing in training approved by the commissioner.

NEW SECTION. Sec. 4. The commissioner may adopt rules as necessary to implement the 1995 c ... ss 1 and 3 (sections 1 and 3 of this act) amendments to RCW 50.20.010 and 50.20.043 and section 2 of this act, including but not limited to definitions, eligibility standards, program review criteria and procedures, and provisions necessary to comply with applicable federal laws and regulations that are a condition to receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "profiling;" strike the remainder of the title and insert "amending RCW 50.20.010 and 50.20.043; adding a new section to chapter 50.20 RCW; creating new sections; and declaring an emergency."

that the bill do pass as recommended by the Conference Committee.

Signed by Senators Pelz, Sheldon, Newhouse; Representatives Lisk, Thompson, Romero

MOTION

Representative Lisk moved that the House adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5770 and pass the bill as recommended by the Conference Committee.

Representatives Lisk and Romero spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS
RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5770 as recommended by the Conference Committee.

Representative Lisk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5770 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Senate Bill No. 5770, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

CONFERENCE COMMITTEE REPORT

ESSB 5885 Date: April 22, 1995

Includes "new item": YES

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5885, Modifying services to families, have had the same under consideration and we recommend that all previous amendments not be adopted; that the striking amendment (attached 5885-S.E AMC CONF S3413.1) by the Conference Committee be adopted;

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.14C.005 and 1992 c 214 s 1 are each amended to read as follows:

(1) ~~((It is the intent of the legislature to make available, within available funds, intensive services to children and families that are designed to prevent the unnecessary imminent placement of children in foster care, and designed to facilitate the reunification of the children with their families.))~~ The legislature believes that protecting the health and safety of children is paramount. The legislature recognizes that the number of children entering out-of-home care is increasing and that a number of children receive long-term foster care protection. Reasonable efforts by the department to shorten out-of-home placement or avoid it altogether should be a major focus of the child welfare system. It is intended that providing up-front services decrease the number of children entering out-of-home care and have the effect of eventually lowering foster care expenditures and strengthening the family unit.

Within available funds, the legislature directs the department to focus child welfare services on protecting the child, strengthening families and, to the extent possible, providing necessary services in the family setting, while drawing upon the strengths of the family. The legislature intends services be locally based and offered as early as possible to avoid disruption to the family, out-of-home placement of the child, and entry into the dependency system. The legislature also intends that these services be used for those families whose children are returning to the home from out-of-home care. These services are known as family preservation services and intensive family preservation services and are characterized by the following values, beliefs, and goals:

- (a) Safety of the child is always the first concern;
- (b) Children need their families and should be raised by their own families whenever possible;
- (c) Interventions should focus on family strengths and be responsive to the individual ((family)) family's cultural values and needs; ((and))
- (d) Participation should be voluntary; and
- (e) Improvement of family functioning is essential in order to promote the child's health, safety, and welfare and thereby allow the family to remain intact and allow children to remain at home.

(2) Subject to the availability of funds for such purposes, the legislature intends for ((family preservation)) these services to be made available to all eligible families on a state-wide basis through a phased-in process. Except as otherwise specified by statute, the department of social and health services shall have the authority and discretion to implement and expand ((family preservation)) these services ((according to a plan and time frame determined by the department)) as provided in this chapter. The department shall consult with the community public health and safety networks when assessing a community's resources and need for services.

(3) It is the legislature's intent that, within available funds, the department develop services in accordance with this chapter.

(4) Nothing in this chapter shall be construed to create an entitlement to services nor to create judicial authority to order the provision of ((family)) preservation services to any person or family ((where)) if the ((department has determined that such)) services are unavailable or unsuitable or that the child or family are not eligible for such services.

Sec. 2. RCW 74.14C.010 and 1992 c 214 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

~~(2) ("Family preservation services" means services that are delivered primarily in the home, that follow intensive service models with demonstrated effectiveness in reducing or avoiding the need for unnecessary imminent foster care placement, and that have all of the characteristics delineated in RCW 74.14C.020.~~

~~(3) "Foster care" means placement of a child by the department or a licensed child placing agency in a home or facility licensed pursuant to chapter 74.15 RCW, or in a home or facility that is not required to be licensed pursuant to chapter 74.15 RCW.~~

~~(4)) "Family preservation services" means in-home or community-based services drawing on the strengths of the family and its individual members while addressing family needs to strengthen and keep the family together where possible and may include:~~

~~(a) Respite care of children to provide temporary relief for parents and other caregivers;~~

~~(b) Services designed to improve parenting skills with respect to such matters as child development, family budgeting, coping with stress, health, safety, and nutrition; and~~

~~(c) Services designed to promote the well-being of children and families, increase the strength and stability of families, increase parents' confidence and competence in their parenting abilities, promote a safe, stable, and supportive family environment for children, and otherwise enhance children's development.~~

~~Family preservation services shall have the characteristics delineated in RCW 74.14C.020 (2) and (3).~~

~~(3) "Imminent" means a decision has been made by the department that, without intensive family preservation services, a petition requesting the removal of a child from the family home will be immediately filed under chapter 13.32A or 13.34 RCW, or that a voluntary placement agreement will be immediately initiated.~~

(4) "Intensive family preservation services" means community-based services that are delivered primarily in the home, that follow intensive service models with demonstrated effectiveness in reducing or avoiding the need for unnecessary imminent out-of-home placement, and that have all of the characteristics delineated in RCW 74.14C.020 (1) and (3).

(5) "Out-of-home placement" means a placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(6) "Preservation services" means family preservation services and intensive family preservation services that consider the individual family's cultural values and needs.

Sec. 3. RCW 74.14C.020 and 1992 c 214 s 3 are each amended to read as follows:

(1) Intensive family preservation services shall have all of the following characteristics:

~~((1))~~ (a) Services are provided by specially trained ((caseworkers)) service providers who have received at least forty hours of training from recognized ((family preservation)) intensive in-home services experts. ((Caseworkers provide)) Service providers deliver the services in the family's home, and ((may provide some of the services in)) other ((natural)) environments of the family, such as their neighborhood or schools;

~~((2))~~ (b) Caseload size averages two families per ((caseworker)) service provider;

~~((3))~~ (c) The services to the family are provided by a single ((caseworker)) service provider, with backup ((caseworkers)) providers identified to provide assistance as necessary;

~~((4))~~ Caseworkers have the authority and discretion to spend funds, up to a maximum amount specified by the department, to help families obtain necessary food, shelter, or clothing, or to purchase other goods or services that will enhance the effectiveness of intervention;

~~((5))~~ (d) Services are available to the family within twenty-four hours following receipt of a referral to the program;

~~((6))~~ Services are available to the family twenty four hours a day and seven days a week;

~~((7))~~ (e) Duration of service is limited to a maximum of forty days, unless the department authorizes an additional provision of service through an exception to policy(;

~~((8))~~ Services assist the family to improve parental and household management competence and to solve practical problems that contribute to family stress so as to effect improved parental performance and enhanced functioning of the family unit; and

~~((9))~~ Services help families locate and utilize additional assistance, including, but not limited to, counseling and treatment services, housing, child care, education, job training, emergency cash grants, state and federally funded public assistance, and other basic support services)).

(2) Family preservation services shall have all of the following characteristics:

(a) Services are delivered primarily in the family home or community;

(b) Services are committed to reinforcing the strengths of the family and its members and empowering the family to solve problems and become self-sufficient;

(c) Services are committed to providing support to families through community organizations including but not limited to school, church, cultural, ethnic, neighborhood, and business;

(d) Services are available to the family within forty-eight hours of referral unless an exception is noted in the file;

(e) Duration of service is limited to a maximum of ninety days, unless the department authorizes an additional provision of service through an exception to policy; and

(f) Caseload size no more than ten families per service provider, which can be adjusted according to exceptions defined by the department.

(3) Preservation services shall include the following characteristics:

(a) Services protect the child and strengthen the family;

(b) Service providers have the authority and discretion to spend funds, up to a maximum amount specified by the department, to help families obtain necessary food, shelter, or clothing, or to purchase other goods or services that will enhance the effectiveness of intervention;

(c) Services are available to the family twenty-four hours a day and seven days a week;

(d) Services enhance parenting skills, family and personal self-sufficiency, functioning of the family, and reduce stress on families; and

(e) Services help families locate and use additional assistance including, but not limited to, counseling and treatment services, housing, child care, education, job training, emergency cash grants, state and federally funded public assistance, and other basic support services.

Sec. 4. RCW 74.14C.030 and 1992 c 214 s 4 are each amended to read as follows:

(1) The department shall be the lead administrative agency for ~~((family))~~ preservation services and may receive funding from any source for the implementation or expansion of such services. The department shall:

(a) Provide coordination and planning with the advice of the community networks for the implementation and expansion of ~~((family))~~ preservation services; and

(b) Monitor and evaluate such services to determine whether the programs meet measurable standards specified by this chapter and the department.

(2) In carrying out the requirements ~~((of subsection (1)(a)))~~ of this section, the department shall consult ~~((and coordinate with at least one))~~ with qualified ~~((private, nonprofit agency))~~ agencies that ~~((has))~~ have demonstrated expertise and experience in ~~((family))~~ preservation services.

(3) The department may provide ~~((family))~~ preservation services directly and shall, within available funds, enter into outcome-based, competitive contracts with ~~((private, nonprofit))~~ social service agencies to provide preservation services, provided that such agencies meet measurable standards specified by this chapter and by the department. The standards shall include, but not be limited to, satisfactory performance in the following areas:

(a) The number of families appropriately connected to community resources;

(b) Avoidance of new referrals accepted by the department for child protective services or family reconciliation services within one year of the most recent case closure by the department;

(c) Consumer satisfaction;

(d) For reunification cases, reduction in the length of stay in out-of-home placement; and

(e) Reduction in the level of risk factors specified by the department.

(4)(a) The department shall not ~~((continue direct provision of))~~ provide intensive family preservation services unless it is demonstrated that provision of such services prevent~~((s foster care))~~ out-of-home placement in at least seventy percent of the cases served for a period of at least six months following termination of services. ~~((The department shall not renew a contract with a service provider unless the provider can))~~ The department's caseworkers may only provide preservation services if there is no other qualified entity willing or able to do so.

(b) Contractors shall demonstrate that provision of intensive family preservation services prevent~~((s foster care))~~ out-of-home placement in at least seventy percent of the cases served for a period of ~~((at least))~~ no less than six months following termination of services. The department may increase the period of time based on additional research and data. If the contractor fails to meet the seventy percent requirement the department may: (i) Review the conditions that may have contributed to the failure to meet the standard and renew the contract if the department determines: (A) The contractor is making progress to meet the standard; or (B) conditions unrelated to the provision of services, including case mix and severity of cases, contributed to the failure; or (ii) reopen the contract for other bids.

(c) The department shall cooperate with any person who has a contract under this section in providing data necessary to determine the amount of reduction in foster care. For the purposes of this subsection "prevent out-of-home placement" means that a child who has been a recipient of intensive family preservation services has not been placed outside of the home, other than for a single, temporary period of time not exceeding fourteen days.

NEW SECTION. Sec. 5. A new section is added to chapter 74.14C RCW to read as follows:

The department shall collect data regarding the rates at which intensive family preservation services prevent out-of-home placements over varying periods of time. The department shall make an initial report to the appropriate committees of the legislature of the data, and the proposed rules to implement this section, by December 1, 1995. The department shall present a report to the appropriate committees of the legislature on September 1st of each odd-numbered year, commencing on September 1, 1997.

Sec. 6. RCW 74.14C.040 and 1992 c 214 s 5 are each amended to read as follows:

(1) Intensive family preservation services may be provided to children and their families only when the department has determined that:

(a) The child has been placed ~~((in foster care))~~ out-of-home or is at ~~((actual,))~~ imminent risk of ~~((foster care))~~ an out-of-home placement due to:

(i) Child abuse or neglect;

- (ii) A serious threat of substantial harm to the child's health, safety, or welfare; or
 - (iii) Family conflict; and
 - (b) There are no other reasonably available services including family preservation services that will prevent ~~((foster care))~~ out-of-home placement of the child or make it possible to immediately return the child home.
- (2) The department shall refer eligible families to intensive family preservation services on a twenty-four hour intake basis. The department need not refer otherwise eligible families, and intensive family preservation services need not be provided, if:
- (a) The services are not available in the community in which the family resides;
 - (b) The services cannot be provided because the program is filled to capacity and there are no current service openings;
 - (c) The family refuses the services;
 - (d) The department, or the agency that is supervising the foster care placement, has developed a case plan that does not include reunification of the child and family; or
 - (e) The department or the ~~((contracted))~~ service provider determines that the safety of a child, a family member, or persons providing the service would be unduly threatened.
- (3) Nothing in this chapter shall prevent provision of intensive family preservation services to nonfamily members when the department or the service provider deems it necessary or appropriate to do so in order to assist the family or child.

NEW SECTION. Sec. 7. A new section is added to chapter 74.14C RCW to read as follows:

- (1) Family preservation services may be provided to children and their families only when the department has determined that without intervention, the child faces a substantial likelihood of out-of-home placement due to:
- (a) Child abuse or neglect;
 - (b) A serious threat of substantial harm to the child's health, safety, or welfare; or
 - (c) Family conflict.
- (2) The department need not refer otherwise eligible families and family preservation services need not be provided, if:
- (a) The services are not available in the community in which the family resides;
 - (b) The services cannot be provided because the program is filled to capacity;
 - (c) The family refuses the services; or
 - (d) The department or the service provider determines that the safety of a child, a family member, or persons providing the services would be unduly threatened.
- (3) Nothing in this chapter shall prevent provision of family preservation services to nonfamily members when the department or the service provider deems it necessary or appropriate to do so in order to assist the family or the child.

NEW SECTION. Sec. 8. A new section is added to chapter 74.14C RCW to read as follows:

Each department caseworker who refers a client for preservation services shall file a report with his or her direct supervisor stating the reasons for which the client was referred. The caseworker's supervisor shall verify in writing his or her belief that the family who is the subject of a referral for preservation services meets the eligibility criteria for services as provided in this chapter. The direct supervisor shall report monthly to the regional administrator on the provision of these services. The regional administrator shall report to the assistant secretary quarterly on the provision of these services for the entire region. The assistant secretary shall make a semiannual report to the secretary on the provision of these services on a state-wide basis.

Sec. 9. RCW 74.14C.050 and 1992 c 214 s 6 are each amended to read as follows:

~~(((1) The department shall, within available funds, conduct a family preservation services study in at least one region within the state. In developing and conducting the project, the department shall consult and coordinate with at least one qualified private, nonprofit agency that has demonstrated expertise and experience in family preservation services. The purpose of the study is to))~~ By December 1, 1995, the department, with the assistance of the family policy council, two urban and two rural public health and safety networks to be chosen by the family policy council, and two private, nonprofit agencies with expertise and experience in preservation services shall submit to the legislature an implementation and evaluation plan that identifies:

~~((a) Develop))~~ (1) A valid and reliable process that can be used by caseworkers for accurately identifying clients who are eligible for intensive family preservation services and family preservation services. The plan shall recognize the due process rights of families that receive preservation services and recognize that family preservation services are not intended to be investigative for purposes of chapter 13.34 RCW;

~~((b) Collect))~~ (2) Necessary data ~~((on))~~ by which ~~((to base))~~ program success will be measured, projections of service needs, budget requests, and long-range planning;

~~((c) Develop))~~ (3) Regional and state-wide projections of service needs;

~~((d) Develop))~~ (4) A cost estimate for state-wide implementation and expansion of ~~((family))~~ preservation services on a ~~((state wide))~~ phased-in basis beginning no later than July 1, 1996;

~~((e) Develop a long range))~~ (5) A plan and time frame for ~~((expanding the availability))~~ phased-in implementation of ~~((family))~~ preservation services ~~((and ultimately making such services available to all eligible families))~~ on a state-wide basis to be accomplished as soon as possible but no later than July 1, 1997; ~~((and~~

~~((f) Collect))~~ (6) Data regarding the number of children in foster care, group care, ~~((and))~~ institutional placements, and other out-of-home placements due to medical needs, mental health needs, developmental disabilities, and juvenile offenses, and ~~((assess))~~ an assessment of the feasibility of ~~((expanding family))~~ providing preservation services ~~((eligibility))~~ to include all of these children;

(7) Standards and outcome measures for the department when the department provides preservation services directly; and

(8) A process to assess outcome measures identified in RCW 74.14C.030 for contractors providing preservation services.

~~((2) The department shall prepare a report to the legislature that addresses the objectives set forth in subsection (1) of this section. The report shall address the feasibility of expanding and implementing family preservation services on a state wide basis. The report is due January 1, 1993.))~~

Sec. 10. RCW 74.14C.060 and 1992 c 214 s 7 are each amended to read as follows:

For the purpose of providing ~~((family))~~ preservation services ~~((to children who would otherwise be removed from their homes,))~~ the department may:

(1) Solicit and use any available federal or private resources, which may include funds, in-kind resources, or volunteer services; and

(2) Use any available state resources, which may include in-kind resources or volunteer services.

Sec. 11. RCW 74.14C.070 and 1994 c 288 s 3 are each amended to read as follows:

~~((After July 1, 1993,))~~ The secretary of social and health services, or the secretary's regional designee, may transfer funds appropriated for foster care services to purchase ~~((family))~~ preservation services and other preventive services for children at imminent risk of ~~((foster care))~~ out-of-home placement or who face a substantial likelihood of out-of-home placement. This transfer may be made in those regions that lower foster care expenditures through efficient use of preservation services and permanency planning efforts. The transfer shall be equivalent to the amount of reduced foster care expenditures and shall be made in accordance with the provisions of this chapter and with the approval of the office of financial management. The secretary shall ~~((notify))~~ present an annual report to the ~~((appropriate committees of the senate and house of representatives of))~~ legislature regarding any transfers under this section. The secretary shall include caseload, expenditure, cost avoidance, identified improvements to the ~~((foster))~~ out-of-home care system, and outcome data related to the transfer in the ~~((notification))~~ report. The secretary shall also include in the report information regarding: (1) The percent of cases where a child is placed in out-of-home care after the provision of intensive family preservation services or family preservation services; (2) the average length of time before such child is placed out-of-home; (3) the average length of time such child is placed out-of-home; and (4) the number of families that refused the offer of either family preservation services or intensive family preservation services.

NEW SECTION. Sec. 12. A new section is added to chapter 74.14C RCW to read as follows:

(1) The department shall, within available funds, provide for ongoing training and consultation to department personnel to carry out their responsibilities effectively. Such training may:

(a) Include the family unit as the primary focus of service; identifying family member strengths; empowering families; child, adult, and family development; stress management; and may include parent training and family therapy techniques;

(b) Address intake and referral, assessment of risk, case assessment, matching clients to services, and service planning issues in the context of the home-delivered service model, including strategies for engaging family members, defusing violent situations, and communication and conflict resolution skills;

(c) Cover methods of helping families acquire the skills they need, including home management skills, life skills, parenting, child development, and the use of community resources;

(d) Address crisis intervention and other strategies for the management of depression, and suicidal, assaultive, and other high-risk behavior; and

(e) Address skills in collaborating with other disciplines and services in promoting the safety of children and other family members and promoting the preservation of the family.

(2) The department and the office of the administrator for the courts shall, within available funds, collaborate in providing training to judges, and others involved in the provision of services pursuant to this title, including service providers, on the function and use of preservation services.

NEW SECTION. Sec. 13. The initial contracts under RCW 74.14C.030(3) shall be executed not later than July 1996 and shall expire June 30, 1997. Subsequent contracts shall be for periods not to exceed twenty-four months.

NEW SECTION. Sec. 14. A new section is added to chapter 74.13 RCW to read as follows:

If the department is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department, without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 15. RCW 13.04.030 and 1994 sp.s. c 7 s 519 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove alternative residential placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110; or

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060; or

(iv) The juvenile is sixteen or seventeen years old and the alleged offense is: (A) A serious violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994; or (B) a violent offense as defined in RCW 9.94A.030 committed on or after June 13, 1994, and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately. In such a case the adult criminal court shall have exclusive original jurisdiction.

If the juvenile challenges the state's determination of the juvenile's criminal history, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age; ~~((and))~~

(h) Relating to court validation of a voluntary consent to ~~((foster care))~~ an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction; and

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to section 14 of this act.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) A juvenile subject to adult superior court jurisdiction under subsection (1)(e) (i) through (iv) of this section, who is detained pending trial, may be detained in a county detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 16. RCW 13.50.100 and 1990 c 246 s 9 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported suspected child abuse or neglect.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

~~((8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.))~~

Sec. 17. RCW 26.44.030 and 1993 c 412 s 13 and 1993 c 237 s 1 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child or adult dependent or developmentally disabled person, who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(c) The report shall be made at the first opportunity, but ~~((; and))~~ in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is

endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall provide annual reports to the ~~((appropriate committees of the senate and house of representatives))~~ legislature on the effectiveness of the risk assessment process.

(14) Upon receipt of a report of abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

Sec. 18. RCW 74.15.020 and 1994 c 273 s 21 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;
(2) "Secretary" means the secretary of social and health services;
(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Family day-care provider" means a licensed day-care provider who regularly provides day care for not more than twelve children in the provider's home in the family living quarters;

(f) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(g) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

(a) ~~((Persons related by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin))~~ Persons related to the child, expectant mother, or person with developmental disabilities in the following ways:

(i) Any blood relative, including those of half blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even if a marriage is terminated; or

(v) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew,

first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors;

(e) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(i) Licensed physicians or lawyers;

(j) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(k) Facilities approved and certified under chapter 71A.22 RCW;

(l) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(m) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(n) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(o) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(5) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

Sec. 19. RCW 13.34.130 and 1994 c 288 s 4 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030; after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with ~~((a grandparent, brother,~~

~~sister, stepbrother, stepsister, uncle, aunt, or first cousin~~) a person who is related to the child as defined in RCW 74.15.020(4)(a) and with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

- (i) There is no parent or guardian available to care for such child;
- (ii) The parent, guardian, or legal custodian is not willing to take custody of the child;
- (iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or
- (iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) Unless the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 20. RCW 13.34.145 and 1994 c 288 s 5 are each amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; or long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2)(a) For children ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) For children over ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(3) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve or eighteen months, as provided in subsection (2) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree or guardianship order is entered, or the dependency is dismissed.

(4) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(5) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.130(5) and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not yet been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(6) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.130(5), and the court shall determine the need for continued intervention.

(7) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(8) Except as otherwise provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.130(5), until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(9) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(10) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights.

(11) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 21. RCW 74.13.280 and 1991 c 340 s 4 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency may share information about the child and the child's family with the care provider and may consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

(3) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

Sec. 22. RCW 74.15.120 and 1979 c 141 s 361 are each amended to read as follows:

The secretary of social and health services may, at his or her discretion, issue ~~((a provisional))~~ an initial license instead of a full license, to an agency or facility for a period not to exceed six months, renewable for a period not to exceed two years, to allow such agency or facility reasonable time to become eligible for full license ~~((, except that a provisional))~~. An initial license shall not be granted to any foster-family home except as specified in this section. An initial license may be granted to a foster-family home only if the following three conditions are met: (1) The license is limited so that the licensee is authorized to provide care only to a specific child or specific children; (2) the department has determined that the licensee has a relationship with the child, and the child is comfortable with the licensee, or that it would otherwise be in the child's best interest to remain or be placed in the licensee's home; and (3) the initial license is issued for a period not to exceed ninety days.

Sec. 23. RCW 13.34.030 and 1994 c 288 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years.

(2) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until the child returns home, an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. If the most recent date of removal occurred prior to the filing of a dependency petition under this chapter or after filing but prior to entry of a disposition order, such time periods shall be included when calculating the length of a child's current placement episode.

(3) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to RCW 13.34.232 for the limited purpose of assisting the court in the supervision of the dependency.

(4) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has ~~((evidenced))~~ expressed either by statement or conduct, ~~((a settled))~~ an intent to forego, for an extended period, ~~((all))~~ parental rights or ~~((all))~~ parental responsibilities despite an ability to do so. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

(5) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(6) "Guardian ad litem" means a person, appointed by the court to represent the best interest of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(7) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(8) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(9) "Preventive services" means ~~((family))~~ preservation services, as defined in ~~((RCW 74.14C.010))~~ chapter 74.14C RCW, and other reasonably available services capable of preventing the need for out-of-home placement while protecting the child.

Sec. 24. RCW 13.34.233 and 1994 c 288 s 8 are each amended to read as follows:

(1) Any party may request the court to modify or terminate a dependency guardianship order under RCW 13.34.150. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice shall in all cases be served upon the department of social and health services. If the department was not previously a party to the guardianship proceeding, the department shall nevertheless have the right to initiate a proceeding to modify or terminate a guardianship and the right to intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party or the department if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. ~~((Unless all parties agree to entry of an order modifying or terminating the guardianship,))~~ The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow

the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department of social and health services or a licensed child-placing agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.130(5) and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 25. RCW 28A.225.330 and 1994 c 304 s 2 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

- (a) Any history of placement in special educational programs;
- (b) Any past, current, or pending disciplinary action;
- (c) Any history of violent behavior;
- (d) Any unpaid fines or fees imposed by other schools; and
- (e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action. If the student has not paid a fine or fee under RCW 28A.635.060, the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, and records of disciplinary action. If the official transcript is not sent due to unpaid fees or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The state board of education shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

NEW SECTION. Sec. 26. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department, or agency responsible for supervising a child in out-of-home care, shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department or other agency. The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

- (a) The physical and emotional strengths and needs of the child;
- (b) The proximity of the child's placement to the child's family to aid reunification;
- (c) The possibility of placement with the child's relatives or extended family;
- (d) The racial, ethnic, cultural, and religious background of the child;
- (e) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and
- (f) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 27. RCW 13.34.110 and 1993 c 412 s 7 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-

finding hearing or at a continued hearing within fourteen days or longer for good cause shown. Unless there is reasonable cause to believe the safety or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (1) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (2) are known to the department as having been in contact with the family or child within the past twelve months; and (3) would be an appropriate placement for the child. The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement. The court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court may allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

NEW SECTION. Sec. 28. RCW 74.14C.035 and 1992 c 214 s 8 are each repealed.

NEW SECTION. Sec. 29. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.14C.005, 74.14C.010, 74.14C.020, 74.14C.030, 74.14C.040, 74.14C.050, 74.14C.060, 74.14C.070, 13.04.030, 13.50.100, 74.15.020, 13.34.130, 13.34.145, 74.13.280, 74.15.120, 13.34.030, 13.34.233, 28A.225.330, and 13.34.110; reenacting and amending RCW 26.44.030; adding new sections to chapter 74.14C RCW; adding new sections to chapter 74.13 RCW; creating new sections; repealing RCW 74.14C.035; and prescribing penalties." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Prentice, Long; Representatives Cooke, Lambert, Tokuda.

MOTION

Representative Cooke moved that the House adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5885 and pass the bill as recommended by the Conference Committee.

Representatives Cooke and Tokuda spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5885 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5885 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Substitute Senate Bill No. 5885, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5365, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5854, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5011, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5434, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439, and passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1173, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

REPORT OF CONFERENCE COMMITTEE

EHB 1173 April 21, 1995

Includes "NEW ITEM": YES

Modifying adoption support provisions.

Mr. President:

Mr. Speaker:

We of your CONFERENCE COMMITTEE, to whom was referred ENGROSSED HOUSE BILL NO. 1173, Adoption support, have had the same under consideration and we recommend that:

The Senate Committee on Human Services and Corrections striking amendments adopted on April 13, 1995, not be adopted; and

That the Conference Committee striking amendments (S-3388.5) be adopted,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the best interest of the people of the state of Washington to support the adoption process in a variety of ways, including easing administrative burdens on adoptive parents receiving financial support, providing finality for adoptive placements and stable homes for children, and not delaying adoptions.

Sec. 2. RCW 74.13.118 and 1985 c 7 s 138 are each amended to read as follows:

At least (~~annually~~) once every five years, the secretary shall review the need of any adoptive parent or parents receiving continuing support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145, or the need of any parent who is to receive more than one lump sum payment where such payments are to be spaced more than one year apart. (~~Such review shall be made not later than the anniversary date of the adoption support agreement.~~)

At the time of such (~~annual~~) review and at other times (~~during the year~~) when changed conditions, including variations in medical opinions, prognosis and costs, are deemed by the secretary to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child, in the adoptive parents' income, resources, and expenses for the care of such child or other members of the family, including medical and/or hospitalization expense not otherwise covered by or subject to reimbursement from insurance or other sources of financial assistance.

Any parent who is a party to such an agreement may at any time in writing request, for reasons set forth in such request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of such request. Any adjustment may be made retroactive to the date such request was received by the secretary. If such request is not acted on within thirty days after it has been received by the secretary, such parent may invoke his rights under the hearing provisions set forth in RCW 74.13.127.

Sec. 3. RCW 74.13.121 and 1985 c 7 s 139 are each amended to read as follows:

So long as any adoptive parent is receiving support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 he or she shall, (~~not later than two weeks after it is filed with the United States government~~) upon request, file with the secretary a copy of his or her federal income tax return. Such return and any information thereon shall be marked by the secretary "confidential", shall be used by the secretary solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution or agency, public or private, including agencies of the United States government, other than a superior court, judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

In carrying on the review process authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may require the adoptive parent or parents to disclose such additional financial information, not privileged, as may enable him or her to make determinations and adjustments in support to the end that the purposes and policies of this state expressed in RCW 74.13.100 may be carried out, provided that no adoptive parent or parents shall be obliged, by virtue of this section, to sign any agreement or other writing waiving any constitutional right or privilege nor to admit to his or her home any agent, employee, or official of any department of this state, or of the United States government.

Such information shall be marked "confidential" by the secretary, shall be used by him or her solely for the purposes of RCW 26.33.320 and 74.13.100 through 74.13.145, and shall not be revealed to any other person, institution, or agency, public or private, including agencies of the United States government other than a superior court judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 is then pending.

NEW SECTION. **Sec. 4.** The legislature recognizes that some prospective adoptive parents may not have finalized the adoption of a foster child in their care because the adoption support program as it is presently structured may offer special children with complex needs fewer necessary services than the foster care program provides them through exceptional cost plans. Enhancement of the adoption support program could increase the likelihood that such special needs children could be adopted.

The department of social and health services is directed to conduct a study to determine the costs, program impact, and appropriateness of extending exceptional cost rate foster care plans for special needs children to the adoption support program. The department of social and health services shall complete the study and report its findings to the legislature no later than September 1, 1995.

Sec. 5. RCW 26.33.110 and 1987 c 170 s 5 are each amended to read as follows:

(1) The court shall set a time and place for a hearing on the petition for termination of the parent-child relationship, which shall not be held sooner than forty-eight hours after the child's birth. However, if the child is an Indian child, the hearing shall not be held sooner than ten days after the child's birth and the time of the hearing shall be extended up to twenty additional days from the date of the scheduled hearing upon the motion of the parent, Indian custodian, or the child's tribe.

(2) Notice of the hearing shall be served on the petitioner, the nonconsenting parent or alleged father, the legal guardian of a party, and the guardian ad litem of a party, in the manner prescribed by RCW 26.33.310. If the child is an Indian child, notice of the hearing shall also be served on the child's tribe in the manner prescribed by 25 U.S.C. Sec. 1912(a).

(3) Except as otherwise provided in this section, the notice of the petition shall:

(a) State the date and place of birth. If the petition is filed prior to birth, the notice shall state the approximate date and location of conception of the child and the expected date of birth, and shall identify the mother;

(b) Inform the nonconsenting parent or alleged father that: (i) He or she has a right to be represented by counsel and that counsel will be appointed for an indigent person who requests counsel; and (ii) failure to respond to the termination action within twenty days of service if served within the state or thirty days if served outside of this state, will result in the termination of his or her parent-child relationship with respect to the child;

(c) Inform an alleged father that failure to file a claim of paternity under chapter 26.26 RCW or to respond to the petition, within twenty days of the date of service of the petition is grounds to terminate his parent-child relationship with respect to the child;

(d) Inform an alleged father of an Indian child that if he acknowledges paternity of the child or if his paternity of the child is established prior to the termination of the parent-child relationship, that his parental rights may not be terminated unless he: (i) Gives valid consent to termination, or (ii) his parent-child relationship is terminated involuntarily pursuant to chapter 26.33 or 13.34 RCW.

Sec. 6. RCW 26.33.310 and 1987 c 170 s 9 are each amended to read as follows:

(1) Petitions governed by this chapter shall be served in the ~~((same))~~ manner as ~~((a complaint in a civil action under))~~ set forth in the superior court civil rules. Subsequent notice, papers, and pleadings may be served in the manner provided in superior court civil rules.

(2) If personal service on any parent or alleged father who has not consented to the termination of his or her parental rights can be given, the summons and notice of hearing on the petition to terminate parental rights shall be served at least twenty days before the hearing date if served within the state or thirty days if served outside of this state.

(3) If personal service on the parent or any alleged father, either within or without this state, cannot be given, notice shall be given: (a) By first class and registered mail, mailed at least ~~((twenty))~~ thirty days before the hearing to the person's last known address; and (b) by publication at least once a week for three consecutive weeks with the first publication date at least ~~((twenty-five))~~ thirty days before the hearing. Publication shall be in a legal newspaper in the city or town of the last known address within the United States and its territories of the parent or alleged father, whether within or without this state, or, if no address is known to the petitioner, publication shall be in the city or town of the last known whereabouts within the United States and its territories; or if no address or whereabouts are known to the petitioner or the last known address is not within the United States and its territories, in the city or town where the proceeding has been commenced.

(3) Notice and appearance may be waived by the department, an agency, a parent, or an alleged father before the court or in a writing signed under penalty of perjury. The waiver shall contain the current address of the department, agency, parent, or alleged father. The face of the waiver for a hearing on termination of the parent-child relationship shall contain language explaining the meaning and consequences of the waiver and the meaning and consequences of termination of the parent-child relationship. A person or agency who has executed a waiver shall not be required to appear except in the case of an Indian child where consent to termination or adoption must be certified before a court of competent jurisdiction pursuant to 25 U.S.C. Sec. 1913(a).

(4) If a person entitled to notice is known to the petitioner to be unable to read or understand English, all notices, if practicable, shall be given in that person's native language or through an interpreter.

(5) Where notice to an Indian tribe is to be provided pursuant to this chapter and the department is not a party to the proceeding, notice shall be given to the tribe at least ten business days prior to the hearing by registered mail return receipt requested.

Sec. 7. RCW 26.33.260 and 1984 c 155 s 26 are each amended to read as follows:

(1) The entry of a decree of adoption divests any parent or alleged father who is not married to the adoptive parent or who has not joined in the petition for adoption of all legal rights and obligations in respect to the adoptee, except past-due child support obligations. The adoptee shall be free from all legal obligations of obedience and maintenance in respect to the parent. The adoptee shall be, to all intents and purposes, and for all legal incidents, the child, legal heir, and lawful issue of the adoptive parent, entitled to all rights and privileges, including the right of inheritance and the right to take under testamentary disposition, and subject to all the obligations of a natural child of the adoptive parent.

(2) Any appeal of an adoption decree shall be decided on an accelerated review basis.

(3) Except as otherwise provided in RCW 26.33.160(3) and (4)(h), no person may challenge an adoption decree on the grounds of:

(a) A person claiming or alleging paternity subsequently appears and alleges lack of prior notice of the proceeding; or

(b) The adoption proceedings were in any other manner defective.

(4) It is the intent of the legislature that this section provide finality for adoptive placements and stable homes for children.

NEW SECTION. Sec. 8. A new section is added to chapter 26.33 RCW to read as follows:

An adoption shall not be delayed or denied on the basis of the race, color, or national origin of the adoptive parent or the child involved. However, when the department or an agency considers whether a placement option is in a child's best interests, the department or agency may consider the cultural, ethnic, or racial background of the child and the capacity of prospective adoptive parents to meet the needs of a child of this background. This provision shall not apply to or affect the application of the Indian Child Welfare Act of 1978, 25 U.S.C. Sec. 1901 et seq."

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 74.13.118, 74.13.121, 26.33.110, 26.33.310, and 26.33.260; adding a new section to chapter 26.33 RCW; and creating new sections."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hargrove, Long, Fairley; Representatives Cooke, Stevens.

MOTION

Representative Cooke moved that the House adopt the Report of the Conference Committee on Engrossed House Bill No. 1173 and pass the bill as recommended by the Conference Committee.

Representatives Cooke and Brown spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1173 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1173 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel,

Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed House Bill No. 1173, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1995

Mr. Speaker:

The Senate receded from the Senate Committee on Transportation amendments adopted April 10, 1995 to ENGROSSED HOUSE BILL NO. 1461. Under suspension of rules, the Senate returned the bill to second reading for purpose of amendment, and passed the bill with the attached floor amendment #426.

On page 2, line 16, strike "twenty-four hours" and insert "~~((twenty-four hours))~~ five days"

On page 3, beginning on line 20, strike "~~((five))~~ seven hundred" and insert "~~((five hundred))~~ one thousand"

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments on page 3, line 20, to Engrossed House Bill No. 1461 and not concur in the Senate amendments on page 2, line 16 to Engrossed House Bill No. 1461.

Representative K. Schmidt spoke in favor of the motions and they were carried.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1995

Mr. Speaker:

The Senate receded from the Senate floor amendments #391 adopted April 14, 1995 to SECOND SUBSTITUTE HOUSE BILL NO. 1524. Under suspension of rules, the Senate returned the bill to second reading for purpose of amendment, and passed the bill with floor amendment #422 adopted as amended by floor amendment #427.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Except as provided in subsection (4) of this section for the initial registration of an instrument or device, no weighing or measuring instrument or device may be used for commercial purposes in the state unless its commercial use is registered annually. If its commercial use is within a city that has a city sealer and a weights and measures program as provided

by RCW 19.94.280, the commercial use of the instrument or device shall be registered with the city if the city has adopted fees pursuant to subsection (2) of this section. If its commercial use is outside of such a city, the commercial use of the instrument or device shall be registered with the department.

(2) A city with such a sealer and program may establish an annual fee for registering the commercial use of such a weighing or measuring instrument or device with the city. The annual fee shall not exceed the fee established in RCW 19.94.175 for registering the use of a similar instrument or device with the department. Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this subsection by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city.

(3) Registrations with the department are accomplished as part of the master license system under chapter 19.02 RCW. Payment of the registration fee for a weighing or measuring instrument or device under the master license system constitutes the registration required by this section.

(4) The fees established by or under RCW 19.94.175 for registering a weighing or measuring instrument or device shall be paid to the department of licensing concurrently with an application for a master license or with the annual renewal of a master license under chapter 19.02 RCW. A weighing or measuring instrument or device shall be initially registered with the state at the time the owner applies for a master license for a new business or at the first renewal of the license that occurs after the instrument or device is first placed into commercial use. However, the use of an instrument or device that is in commercial use on the effective date of this act shall be initially registered at the time the first renewal of the master license of the owner of the instrument or device is due following the effective date of this act. The department of licensing shall remit to the department of agriculture all fees collected under this provision less reasonable collection expenses.

(5) Each city charging registration fees under this section shall notify the department of agriculture at the time such fees are adopted and whenever changes in the fees are adopted.

NEW SECTION. Sec. 2. (1) Except as provided in subsection (3) of this section and RCW 19.94.190(1)(d), the department shall test and inspect each biennium a sufficient number of weighing and measuring instruments and devices to ensure that the provisions of this chapter are enforced.

(2) The department may issue an official seal of approval for each weighing or measuring instrument or device that has been tested and inspected and found to be correct.

(3) Except as provided in RCW 19.94.216, this section does not apply to weighing or measuring instruments or devices located in an area of the state that is within a city that has a city sealer and a weights and measures program pursuant to RCW 19.94.280 unless the city sealer does not possess the equipment necessary to test and inspect the weighing or measuring instrument or device.

Sec. 3. RCW 19.94.005 and 1992 c 237 s 1 are each amended to read as follows:
The legislature finds:

(1) The accuracy of weighing and measuring instruments and devices used in commerce in the state of Washington affects every consumer throughout the state and is of vital importance to the public interest.

(2) Fair weights and measures are equally important to business and the consumer.

(3) ~~((A continuing study of this state's weights and measures program is necessary to ensure that the program provides proper enforcement and oversight to safeguard consumers, business, and interstate commerce.~~

~~(4))~~ This chapter safeguards the consuming public and ensures that businesses receive proper compensation for the commodities they deliver.

Sec. 4. RCW 19.94.010 and 1992 c 237 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and to any rules adopted pursuant to this chapter.

(a) "City" means a first class city with a population of over fifty thousand persons.

(b) "City sealer" means the person duly authorized by a city to enforce and administer the weights and measures program within such city and any duly appointed deputy sealer acting under the instructions and at the direction of the city sealer.

(c) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter.

An individual item or lot of any commodity not in packaged form, but on which there is marked a selling price based on established price per unit of weight or of measure, shall be construed to be a commodity in package form.

(d) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by persons, or used by persons for the purpose of personal care or in the performance of services ordinarily rendered in or about a household or in connection with personal possessions.

(e) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred twenty-eight cubic feet, when the wood is ranked and well stowed.

(f) "Department" means the department of agriculture of the state of Washington.

(g) "Director" means the director of the department or duly authorized representative acting under the instructions and at the direction of the director.

(h) "Fish" means any waterbreathing animal, including shellfish, such as, but not limited to, lobster, clam, crab, or other mollusca that is prepared, processed, sold, or intended for sale.

(i) "Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of such commodity. Materials, substances, or items not considered to be part of a commodity shall include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

(j) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(k) "Meat" means and shall include all animal flesh, carcasses, or parts of animals, and shall also include fish, shellfish, game, poultry, and meat food products of every kind and character, whether fresh, frozen, cooked, cured, or processed.

(l) "Official seal of approval" means the (~~uniform~~) seal or certificate issued by the director or city sealer which indicates that a secondary weights and measures standard or a weighing or measuring instrument or device conforms with the specifications, tolerances, and other technical requirements adopted in RCW 19.94.195.

(m) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(n) "Poultry" means all fowl, domestic or wild, that is prepared, processed, sold, or intended or offered for sale.

(o) "Service agent" means a person who for hire, award, commission, or any other payment of any kind, installs, tests, inspects, checks, adjusts, repairs, reconditions, or systematically standardizes the graduations of a weighing or measuring instrument or device.

(p) "Ton" means a unit of two thousand pounds avoirdupois weight.

(q) "Weighing or measuring instrument or device" means any equipment or apparatus used commercially to establish the size, quantity, capacity, count, extent, area, heaviness, or measurement of quantities, things, produce, or articles for distribution or consumption, that are purchased, offered or submitted for sale, hire, or award on the basis of weight, measure or count, including any accessory attached to or used in connection with a weighing or measuring instrument or device when such accessory is so designed or installed that its operation affects, or may effect, the accuracy or indication of the device. This definition shall be strictly limited to those weighing or measuring instruments or devices governed by Handbook 44 as adopted under RCW 19.94.195.

(r) "Weight" means net weight as defined in this section.

(s) "Weights and measures" means the recognized standards or units of measure used to indicate the size, quantity, capacity, count, extent, area, heaviness, or measurement of any consumable commodity.

(t) "Secondary weights and measures standard" means (~~any object~~) the physical standards that are traceable to the primary standards through comparisons, used by the director, a city sealer, or a service agent that under specified conditions defines or represents a recognized weight or measure during the inspection, adjustment, testing, or systematic standardization of the graduations of any weighing or measuring instrument or device.

(2) The director shall prescribe by rule other definitions as may be necessary for the implementation of this chapter.

Sec. 5. RCW 19.94.160 and 1992 c 237 s 5 are each amended to read as follows:

Weights and measures standards that are in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state weights and measures standards, shall, when the same shall have been certified as such by the national institute of standards and technology or any successor organization, be the ~~((state))~~ primary standards of weight and measure. The state weights and measures standards shall be kept in a place designated by the director and shall ~~((not be removed from such designated place except for repairs or for certification. These state weights and measures standards shall be submitted at least once every ten years to))~~ be maintained in such calibration as prescribed by the national institute of standards and technology or any successor organization ((for certification)).

Sec. 6. RCW 19.94.165 and 1992 c 237 s 6 are each amended to read as follows:

~~((1) Unless otherwise provided by the department,))~~ All weighing or measuring instruments or devices used for commercial purposes within this state shall be ((inspected and tested for accuracy by the director or city sealer at least once every two years and, if found to be)) correct((, the director or city sealer shall issue an official seal of approval for each such instrument or device.

~~(2) Beginning fiscal year 1993, the schedule of inspection and testing shall be staggered so as one half of the weighing or measuring instruments or devices under the jurisdiction of the inspecting and testing authority are approved in odd fiscal years and the remaining one half are inspected and tested in even fiscal years.~~

~~(3) The department may provide, as needed, uniform, official seals of approval to city sealers for the purposes expressed in this section)).~~

Sec. 7. RCW 19.94.175 and 1992 c 237 s 7 are each amended to read as follows:

~~((1) The department shall establish reasonable, biennial inspection and testing fees for each type or class of weighing or measuring instrument or device required to be inspected and tested under this chapter. These inspection and testing fees shall be equitably prorated within each such type or class and shall be limited to those amounts necessary for the department to cover, to the extent possible, the direct costs associated with the inspection and testing of each type or class of weighing or measuring instrument or device.~~

~~(2) Prior to the establishment and each amendment of the fees authorized under this chapter, a weights and measures fee task force shall be convened under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair and one representative from each of the following: City sealers, service agents, service stations, grocery stores, retailers, food processors/dealers, oil heat dealers, the agricultural community, and liquid propane dealers. The task force shall recommend the appropriate level of fees to be assessed by the department pursuant to subsection (1) of this section, based upon the level necessary to cover the direct costs of administering and enforcing the provisions of this chapter and to the extent possible be consistent with fees reasonably and customarily charged in the private sector for similar services.~~

~~(3) The fees authorized under this chapter may be billed only after the director or a city sealer has issued an official seal of approval for a weighing or measuring instrument or device or a weight or measure standard.~~

~~(4) All fees shall become due and payable thirty days after billing by the department or a city sealer. A late penalty of one and one half percent per month may be assessed on the unpaid balance more than thirty days in arrears.))~~

(1) Pursuant to section 1 of this act, the following annual registration fees shall be charged for each weighing or measuring instrument or device used for commercial purposes in this state:

(a) Weighing devices:

(i) Small scales "zero to four hundred pounds capacity" \$ 5.00

(ii) Intermediate scales "four hundred one pounds to five thousand pounds capacity" \$ 20.00

(iii) Large scales "over five thousand pounds capacity" \$ 52.00

(iv) Large scales with supplemental devices \$ 52.00

(v) Railroad track scales \$800.00

(b) Liquid fuel metering devices:

- (i) Motor fuel meters with flows of less than twenty gallons per minute \$ 5.00
- (ii) Motor fuel meters with flows of more than twenty but not more than one hundred fifty gallons per minute \$ 16.00
- (iii) Motor fuel meters with flows over one hundred fifty gallons per minute \$ 25.00

(c) Liquid petroleum gas meters:

- (i) With one inch diameter or smaller dispensers \$ 10.00
- (ii) With greater than one inch diameter dispensers \$ 30.00
- (d) Fabric meters \$ 5.00
- (e) Cordage meters \$ 5.00
- (f) Mass flow meters \$ 14.00
- (g) Taxi meters \$ 5.00

~~((5) Fees upon weighing or measuring instruments or devices within the jurisdiction of the city that are collected under this section by city sealers shall be deposited into the general fund, or other account, of the city as directed by the governing body of the city. On the thirtieth day of each month, city sealers shall, pursuant to procedures established and upon forms provided by the director, remit to the department for administrative costs ten percent of the total fees collected.~~

~~(6)) (2) With the exception of subsection ((7)) (3) of this section, no person shall be required to pay more than the established ((inspection and testing)) fee adopted under this section for any weighing or measuring instrument or device in any ((two year period when the same has been found to be correct)) one year.~~

~~((7) Whenever a special request is made by the owner for the inspection and testing of a weighing or measuring instrument or device, the fee prescribed by the director for such a weighing or measuring instrument or device shall be paid by the owner.))~~

(3) The department or a city sealer may establish reasonable inspection and testing fees for each type or class of weighing or measuring instrument or device specially requested to be inspected or tested by the device owner. These inspection and testing fees shall be limited to those amounts necessary for the department or city sealer to cover the direct costs associated with such inspection and testing. The fees established under this subsection shall not be set so as to compete with service agents normally engaged in such services.

Sec. 8. RCW 19.94.185 and 1992 c 237 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all moneys collected under this chapter shall be payable to the director and placed in the weights and measures account hereby established in the ((state treasury)) agricultural local fund. Moneys deposited in this account ((may be spent only following appropriation by law and)) shall be used solely for the purposes of ((weighing or measuring instrument or device inspection and testing)) implementing or enforcing this chapter. No appropriation is required for the disbursement of moneys from the weights and measures account by the director.

(2) Civil penalties collected by the department under RCW 19.94.510 and sections 22 and 23 of this act shall be deposited in the state general fund.

(3) By January 1st of each odd-numbered year, the department shall provide a written report on the amount of revenues by major category received under this chapter, including the metrology laboratory, for the administration of the weights and measures program by the department. The report shall include the amount of revenue generated for the two previous biennia, an estimate of the amount of funds to be received during the current biennium, and an estimate of the amount of funds to be generated during the next ensuing biennium. The report shall be submitted to the office of financial management and to each committee in the legislature with jurisdiction over programs administered by the department in the house and the senate.

Sec. 9. RCW 19.94.190 and 1992 c 237 s 9 are each amended to read as follows:

(1) The director and duly appointed city sealers shall enforce the provisions of this chapter. The director shall adopt rules for enforcing and carrying out the purposes of this chapter including but not limited to the following:

(a) Establishing state standards of weight, measure, or count, and reasonable standards of fill for any commodity in package form;

(b) The establishment of technical and reporting procedures to be followed, any necessary report and record forms, and marks of rejection to be used by the director and city sealers in the discharge of their official duties as required by this chapter;

(c) The establishment of technical test procedures, reporting procedures, and any necessary record and reporting forms to be used by service agents when testing and inspecting instruments or devices under RCW 19.94.255(3) or when otherwise installing, repairing, inspecting, or standardizing the graduations of any weighing or measuring instruments or devices;

~~(d) ((The establishment of fee payment and reporting procedures and any necessary report and record forms to be used by city sealers when remitting the percentage of total fees collected as required under this chapter;~~

~~(e))~~ (e)) The establishment of exemptions from the ~~((sealing or))~~ marking ~~((inspection and testing))~~ or tagging requirements of RCW 19.94.250 with respect to weighing or measuring instruments or devices of such character or size that such ~~((sealing or))~~ marking or tagging would be inappropriate, impracticable, or damaging to the apparatus in question;

~~((f))~~ (e) The establishment of exemptions from the inspection and testing requirements of ~~((RCW 19.94.165))~~ section 2 of this act with respect to classes of weighing or measuring instruments or devices found to be of such character that periodic inspection and testing is unnecessary to ensure continued accuracy; ~~((and~~

~~(g))~~ (f) The establishment of inspection and approval techniques, if any, to be used with respect to classes of weighing or measuring instruments or devices that are designed specifically to be used commercially only once and then discarded, or are uniformly mass-produced by means of a mold or die and are not individually adjustable; and

(g) The establishment of inspection and testing procedures to be used for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential or special inspection and testing is necessary, including railroad track scales. The department's procedures shall include requirements for the provision, maintenance, and transport of any weight or measure necessary for the inspection and testing at no expense to the state.

(2) These rules shall also include specifications and tolerances for the acceptable range of accuracy required of weighing or measuring instruments or devices and shall be designed to eliminate from use, without prejudice to weighing or measuring instruments or devices that conform as closely as practicable to official specifications and tolerances, those (a) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (b) that facilitate the perpetration of fraud.

Sec. 10. RCW 19.94.216 and 1992 c 237 s 12 are each amended to read as follows:

The department shall:

(1) Biennially inspect and test the secondary weights and measures standards of any city for which the appointment of a city sealer is provided by this chapter and shall issue an official seal of approval for same when found to be correct. The department shall, by rule, establish a reasonable fee for ~~((such))~~ this and any other inspection and testing services performed by the department's metrology laboratory. Each such fee shall recover at least seventy-five percent of the laboratory's costs incurred in performing the service governed by the fee on or before June 30, 1998. The fees established under this subsection may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 for the fiscal year ending 1996, 1997, and 1998. For fiscal year 1999 and thereafter, the fees established under this subsection may not be increased by an amount greater than the fiscal growth factor as provided in RCW 43.135.055.

(2) Biennially inspect~~((,))~~ and test~~((, and, if found to be correct, issue an official seal of approval for))~~ any weighing or measuring instrument or device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government and shall report any findings in writing to the executive officer of the agency or institution concerned. The department shall collect a reasonable fee, to be set by rule, for testing any such weighing or measuring instrument or device.

~~((3) Inspect, test, and, if found to be correct, issue a seal of approval for classes of weighing or measuring instruments or devices found to be few in number, highly complex, and of such character that differential inspection and testing frequency is necessary including, but not limited to, railroad track scales and grain elevator scales. The department shall develop rules regarding the inspection and testing procedures to be used for such weighing or measuring instruments or devices which shall~~

~~include requirements for the provision, maintenance, and transport of any weight or measure standard necessary for inspection and testing at no expense to the state. The department may collect a reasonable fee, to be set by rule, for inspecting and testing any such weighing and measuring instruments or devices. This fee shall not be unduly burdensome and shall cover, to the extent possible, the direct costs of performing such service.))~~

Sec. 11. RCW 19.94.250 and 1992 c 237 s 16 are each amended to read as follows:

~~(1) ((The director or a city sealer shall, from time to time, inspect any weighing or measuring instrument or device, except those weighing or measuring instruments or devices exempted under the authority of RCW 19.94.190, to determine if it is correct.))~~ If the director or a city sealer discovers upon inspection that a weighing or measuring instrument or device is "incorrect," but in his or her best judgment is susceptible of satisfactory repair, he or she shall reject and mark or tag as rejected any such weighing or measuring instrument or device.

(2) The director or a city sealer may reject or seize any weighing or measuring instrument or device found to be incorrect that, in his or her best judgment, is not susceptible of satisfactory repair.

(3) Weighing or measuring instruments or devices that have been rejected under subsection (1) of this section may be confiscated and may be destroyed by the director or a city sealer if not corrected as required by RCW 19.94.255 or if used or disposed of contrary to the requirements of that section.

(4) The director or a city sealer shall permit the use of an incorrect weighing or measuring instrument or device, pending repairs, if the device is incorrect to the economic benefit of the consumer and the consumer is not the seller. However, if the director or city sealer finds such an error, the director or city sealer shall notify the owner of the instrument or device, or the owner's representative at the business location, regarding the error.

Sec. 12. RCW 19.94.255 and 1992 c 237 s 17 are each amended to read as follows:

(1) Weighing or measuring instruments or devices that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section.

(2) The owner of any weighing or measuring instrument or device that has been marked or tagged as rejected by the director or a city sealer shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority. In lieu of correction, the owner of such weighing and measuring instrument or device may dispose of the same, but only in the manner specifically authorized by the rejecting authority.

(3) Weighing and measuring instruments or devices that have been rejected shall not again be used commercially until they have been ((officially)) reexamined and((,if)) found to be correct((,had an official seal of approval placed upon or issued for such weighing or measuring instrument or device by the rejecting authority)) by the department, city sealer, or a service agent registered with the department.

(4) If a weighing or measuring instrument or device marked or tagged as rejected is placed back into commercial service by a service agent registered with the department, the agent shall provide a signed certification to the owner or operator of the instrument or device so indicating and shall report to the rejecting authority as provided by rule under RCW 19.94.190(1)(c).

Sec. 13. RCW 19.94.280 and 1992 c 237 s 20 are each amended to read as follows:

(1) There may be a city sealer in every city and such deputies as may be required by ordinance of each such city to administer and enforce the provisions of this chapter.

(2) Each city electing to have a city sealer shall adopt rules for the appointment and removal of the city sealer and any deputies required by local ordinance. The rules for appointment of a city sealer and any deputies must include provisions for the advice and consent of the local governing body of such city and, as necessary, any provisions for local civil service laws and regulations.

~~(3) ((A city sealer shall adopt the fee amounts established by the director pursuant to RCW 19.94.165. No city shall adopt or charge an inspection, testing, or licensing fee or any other fee upon a weighing or measuring instrument or device that is in excess of the fee amount adopted under RCW 19.94.165.~~

~~(4))~~ A city sealer shall keep a complete and accurate record of all official acts performed under the authority of this chapter and shall submit an annual report to the governing body of his or her city and shall make any reports as may be required by the director.

(4) The city sealer shall test and inspect a sufficient number of weighing and measuring instruments and devices to ensure that the provisions of this chapter are enforced in the city. This subsection does not apply to weighing or measuring instruments or devices for which the sealer does not have the necessary testing or inspection equipment or to instruments or devices that are to be inspected by the department under RCW 19.94.216(2).

(5) A city sealer may issue an official seal of approval for each weighing or measuring instrument or device that has been inspected and tested and found to be correct.

Sec. 14. RCW 19.94.320 and 1992 c 237 s 22 are each amended to read as follows:

(1) In cities for which city sealers have been appointed as provided for in this chapter, the director shall have general (~~supervisory~~) oversight powers over (~~such~~) city (~~sealers~~) weights and measures programs and may, when he or she deems it reasonably necessary, exercise concurrent authority to carry out the provisions of this chapter.

(2) When the director elects to exercise concurrent authority within a city with a duly appointed city sealer, the director's powers and duties relative to this chapter shall be in addition to the powers granted in any such city by law or charter.

NEW SECTION. Sec. 15. (1) Except as authorized by the department, a service agent who intends to provide the examination that permits a weighing or measuring instrument or device to be placed back into commercial service under RCW 19.94.255(3) shall receive an official registration certificate from the director prior to performing such a service. This registration requirement does not apply to the department or a city sealer.

(2) Except as provided in section 17 of this act, a registration certificate is valid for one year. It may be renewed by submitting a request for renewal to the department.

NEW SECTION. Sec. 16. (1) Each request for an official registration certificate shall be in writing, under oath, and on a form prescribed by the department and shall contain any relevant information as the director may require, including but not limited to the following:

(a) The name and address of the person, corporation, partnership, or sole proprietorship requesting registration;

(b) The names and addresses of all individuals requesting an official registration certificate from the department; and

(c) The tax registration number as required under RCW 82.32.030 or uniform business identifier provided on a master license issued under RCW 19.02.070.

(2) Each individual when submitting a request for an official registration certificate or a renewal of such a certificate shall pay a fee to the department in the amount of eighty dollars per individual.

(3) The department shall issue a decision on a request for an official registration certificate within twenty days of receipt of the request. If an individual is denied their request for an official registration certificate, the department must notify that individual in writing stating the reasons for the denial and shall refund any payments made by that individual in connection with the request.

NEW SECTION. Sec. 17. (1) The department shall have the power to revoke, suspend, or refuse to renew the official registration certificate of any service agent for any of the following reasons:

(a) Fraud or deceit in obtaining an official registration certificate under this chapter;

(b) A finding by the department of a pattern of intentional fraudulent or negligent activities in the installation, inspection, testing, checking, adjusting, or systematically standardizing and approving the graduations of any weighing or measuring instrument or device;

(c) Knowingly placing back into commercial service any weighing or measuring instrument or device that is incorrect;

(d) A violation of any provision of this chapter; or

(e) Conviction of a crime or an act constituting a crime under the laws of this state, the laws of another state, or federal law.

(2) Upon the department's revocation of, suspension of, or refusal to renew an official registration certificate, an individual shall have the right to appeal this decision in accordance with the administrative procedure act, chapter 34.05 RCW.

Sec. 18. RCW 19.94.360 and 1969 c 67 s 36 are each amended to read as follows:

In addition to the declarations required by RCW 19.94.350, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity ~~((and bearing the total selling price of the package))~~ at the time it is exposed for sale at retail, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count and the total selling price of the package.

Sec. 19. RCW 19.94.410 and 1988 c 63 s 1 are each amended to read as follows:

~~(((1) Except as provided in subsection (2) of this section,))~~ Butter, oleomargarine and margarine shall be offered and exposed for sale and sold by weight ~~((and only in units of one-quarter pound, one-half pound, one pound or multiples of one pound, avoirdupois weight.~~

~~(2) The director of agriculture may allow the sale of butter specialty products in nonstandard units of weight if the purpose achieved by using such nonstandard units is decorative in nature and the products are clearly labeled as to weight and price per pound)).~~

Sec. 20. RCW 19.94.390 and 1969 c 67 s 39 are each amended to read as follows:

(1) Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, poster or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and one-half the width of the numerals representing the whole cents.

(2) The examination procedure recommended for price verification by the price verification working group of the laws and regulations committee of the national conference on weights and measures (as reflected in the fourth draft, dated November 1, 1994) for devices such as electronic scanners shall govern such examinations conducted under this chapter. The procedure shall be deemed to be adopted under this chapter. However, the department may revise the procedure as follows: The department shall provide notice of and conduct a public hearing pursuant to chapter 34.05 RCW to determine whether any revisions to this procedure made by the national institute of standards and technology or its successor organization for incorporating the examination procedure into an official handbook of the institute or its successor, or any subsequent revisions of the handbook regarding such procedures shall also be adopted under this chapter. If the department determines that the procedure should be so revised, it may adopt the revisions. Violations of this section regarding the use of devices such as electronic scanners may be found only as provided by the examination procedures adopted by or under this subsection.

(3) Electronic scanner screens installed after January 1, 1996, and used in retail establishments must be visible to the consumer at the checkout line.

Sec. 21. RCW 19.94.510 and 1992 c 237 s 35 are each amended to read as follows:

(1) Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, performs any one of the acts enumerated in (a) through ~~((4))~~ (1) of this subsection is subject to a civil penalty of no more than one thousand dollars:

(a) Use or have in possession for the purpose of using for any commercial purpose a weighing or measuring instrument or device that is intentionally calculated to falsify any weight, measure, or count of any commodity, or to sell, offer, expose for sale or hire or have in possession for the purpose of selling or hiring an incorrect weighing or measuring instrument or device or any weighing or measuring instrument or device calculated to falsify any weight or measure.

(b) Knowingly use or have in possession for current use in the buying or selling of any commodity or thing, for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight, measurement, or count, or in the determination of weight, measurement or count, when a charge is made for such determination, any incorrect weighing or measuring instrument or device.

(c) Dispose of any rejected weighing or measuring instrument or device in a manner contrary to law or rule.

(d) Remove from any weighing or measuring instrument or device, contrary to law or rule, any tag, seal, stamp or mark placed thereon by the director or a city sealer.

(e) Sell, offer or expose for sale less than the quantity he or she represents of any commodity, thing or service.

(f) Take more than the quantity he or she represents of any commodity, thing, or service when, as buyer, he or she furnishes the weight, measure, or count by means of which the amount of the commodity, thing or service is determined.

(g) Keep for the purpose of sale, advertise, offer or expose for sale or sell any commodity, thing or service known to be in a condition or manner contrary to law or rule.

(h) Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weighing or measuring instrument or device that is not so positioned that its indications may be accurately read and the weighing or measuring operation observable from some position which may reasonably be assumed by a customer.

(i) Knowingly approve or issue an official seal of approval for any weighing or measuring instrument or device known to be incorrect.

(j) Find a weighing or measuring instrument or device to be correct under RCW 19.94.255 when the person knows the instrument or device is incorrect.

(k) Fails to disclose to the department or a city sealer any knowledge of information relating to, or observation of, any device or instrument added to or modifying any weighing or measuring instrument or device for the purpose of selling, offering, or exposing for sale, less than the quantity represented of a commodity or calculated to falsify weight or measure, if the person is a service agent.

~~((k))~~ (l) Violate any other provision of this chapter or of the rules adopted under the provisions of this chapter for which a specific penalty has not been prescribed.

(2) Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, violates RCW 19.94.390 as determined by the examination procedure adopted by or under RCW 19.94.390(2) is subject to a civil penalty of not more than one thousand dollars.

(3) Any person who, by himself or herself, by his or her agent or employee, or as the agent or employee of another person, performs any of the following acts is subject to a civil penalty of no more than five thousand dollars:

(a) Knowingly adds to or modifies any weighing or measuring instrument or device by the addition of a device or instrument that would allow the sale, or the offering or exposure for sale, of less than the quantity represented of a commodity or falsification of weight or measure.

(b) Commits as a fourth or subsequent infraction any of the acts listed in subsection (1) or (2) of this section.

NEW SECTION. Sec. 22. A person who owns a weighing or measuring instrument or device and uses or permits the use of the instrument for commercial purposes in violation of section 1 of this act is subject to a civil penalty of fifty dollars for each such instrument or device used or permitted to be used in violation of section 1 of this act.

NEW SECTION. Sec. 23. (1) Whenever the department or a city sealer tests or inspects a weighing or measuring instrument or device and finds the instrument or device to be incorrect to the economic benefit of the owner/operator of the weighing or measuring instrument or device and to the economic detriment of the customer, the owner of the weighing or measuring instrument or device may be subject to the following civil penalties:

Device deviations outside the tolerances stated in Handbook 44.

Penalty

Small weighing or measuring instruments or devices:

First violation \$ 50.00

Second or subsequent violation within one year of first violation \$150.00

Medium weighing or measuring instruments or devices:

First violation \$100.00

Second or subsequent violation within one year of first violation \$300.00

Large weighing or measuring instruments or devices:

First violation \$200.00

Second or subsequent violation within one year of first violation \$500.00

(2) For the purposes of this section:

(a) The following are small weighing or measuring instruments or devices: Scales of zero to four hundred pounds capacity, liquid fuel metering devices with flows of not more than twenty gallons per minute, liquid petroleum gas meters with one inch in diameter or smaller dispensers, fabric meters, cordage meters, and taxi meters.

(b) The following are medium weighing or measuring instruments or devices: Scales of four hundred one to five thousand pounds capacity, liquid fuel metering devices with flows of more than twenty but not more than one hundred fifty gallons per minute, and mass flow meters.

(c) The following are large weighing or measuring instruments or devices: Liquid petroleum gas meters with greater than one inch diameter dispensers, liquid fuel metering devices with flows over one hundred fifty gallons per minute, and scales of more than five thousand pounds capacity and scales of more than five thousand pounds capacity with supplemental devices.

(3) The director or a city sealer shall issue the appropriate civil penalty concurrently with the conclusion of the test or inspection.

(4) The weighing or measuring instrument or device owner shall have the right to appeal the civil penalty in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 24. (1) The legislature finds that:

(a) Civil and criminal penalties relating to violations of weights and measures provisions and the disclosure of these violations to the media have recently come under public scrutiny, resulting in the appropriate nature of such actions being called into question;

(b) It is vital to the public interest that the state ensure the uniform application of weights and measures procedures and penalties throughout the state; and

(c) It is necessary to review the application of civil and criminal penalties for violations of weights and measures provisions and the disclosure of these violations to the media.

(2) The legislature hereby establishes the weights and measures enforcement task force. The task force shall be composed of a representative of the department of agriculture and a representative of each of the following: City sealers, city prosecuting attorneys, attorneys general's offices, service stations, grocery stores, retailers, food processors/dealers, the agriculture community, oil and heat dealers, liquid propane dealers, the media, and consumer groups.

(3) The intent of this section is to require a study to:

(a) Analyze the current civil and criminal provisions of state and local weights and measures programs and the disclosure of violations of these provisions to the media.

(b) Consider whether the current level of civil and criminal provisions of state and local weights and measures programs and the disclosure of violations of these provisions to the media are appropriate.

(c) Identify the effects upon both sellers and consumers in the marketplace of civil and criminal provisions of state and local weights and measures programs and the disclosure of violations of these provisions to the media.

(d) Recommend to the legislature possible alternative enforcement mechanisms based on the findings of the study.

(4) The weights and measures enforcement task force shall present its final findings and any recommended legislation to the committees of the legislature that deal with law and justice matters no later than November 30, 1995.

(5) This section shall expire on December 31, 1995.

NEW SECTION. Sec. 25. A new section is added to chapter 15.80 RCW to read as follows:

All moneys collected under this chapter shall be placed in the weights and measures account created in RCW 19.94.185.

NEW SECTION. Sec. 26. Sections 1, 2, 15 through 17, 22, and 23 of this act are each added to chapter 19.94 RCW.

NEW SECTION. **Sec. 27.** This act applies prospectively only and not retroactively. It applies only to causes of action that arise or that are commenced on or after the effective date of this act. This act does not affect any liability or obligation arising prior to the effective date of this act.

NEW SECTION. **Sec. 28.** (1) Sections 2 through 6 and 8 through 25 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

(2) Sections 1 and 7 of this act shall take effect January 1, 1996."

On page 1, line 1 of the title, after "measures;" strike the remainder of the title and insert "amending RCW 19.94.005, 19.94.010, 19.94.160, 19.94.165, 19.94.175, 19.94.185, 19.94.190, 19.94.216, 19.94.250, 19.94.255, 19.94.280, 19.94.320, 19.94.360, 19.94.410, 19.94.390, and 19.94.510; adding new sections to chapter 19.94 RCW; adding a new section to chapter 15.80 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Chandler moved that the House concur in the Senate amendments to Second Substitute House Bill No. 1524 and pass the bill as amended by the Senate.

Representative Chandler spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1524 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1524 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Second Substitute House Bill No. 1524, as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1995

Mr. Speaker:

The Senate receded from the Senate Committee on Health and Long-Term Care striking amendments adopted April 14, 1995 to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589. Under suspension of rules, the Senate returned the bill to second reading for purpose of amendment, and passed the bill with the attached striking amendments #424.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1. HOSPITAL DISCHARGE DATA--OTHER DATA REQUIREMENTS.** (1) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter . . . , Laws of 1995 (this act), the department shall continue to require hospitals to submit hospital financial and patient discharge information, which shall be collected, maintained, analyzed, and disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of this section. Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) The department shall, in consultation and collaboration with the federally recognized tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system. The department rules regarding confidentiality shall apply to safeguard the information from inappropriate use or release.

(5) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

NEW SECTION. **Sec. 2. DATA STANDARDS.** (1) To promote the public interest consistent with this act, the department of health, in cooperation with the health care policy board and the information services board established under RCW 43.105.032, shall develop health care data standards to be used by, and developed in collaboration with, consumers, purchasers, health carriers, providers, and state government as consistent with the intent of chapter 492, Laws of 1993 as amended by chapter . . . , Laws of 1995 (this act), to promote the delivery of quality health services that improve health outcomes for state residents. The data standards shall include content, coding, confidentiality, and transmission standards for all health care data elements necessary to support the intent of this section, and to improve administrative efficiency and reduce cost. Purchasers, as allowed by federal law, health carriers, health facilities and providers as defined in chapter 48.43 RCW, and state government shall utilize the data standards. The information and data elements shall be reported as the department of health directs by rule in accordance with data standards developed under this section.

(2) The health care data collected, maintained, and studied by the department under this section, the health care policy board, or any other entity: (a) Shall include a method of associating all

information on health care costs and services with discrete cases; (b) shall not contain any means of determining the personal identity of any enrollee, provider, or facility; (c) shall only be available for retrieval in original or processed form to public and private requesters; (d) shall be available within a reasonable period of time after the date of request; and (e) shall give strong consideration to data standards that achieve national uniformity.

(3) The cost of retrieving data for state officials and agencies shall be funded through state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) All persons subject to this section shall comply with departmental requirements established by rule in the acquisition of data, however, the department shall adopt no rule or effect no policy implementing the provisions of this section without an act of law.

(5) The department shall submit developed health care data standards to the appropriate committees of the legislature by December 31, 1995.

NEW SECTION. Sec. 3. HEALTH CARE QUALITY--FINDINGS AND INTENT. The legislature finds that it is difficult for consumers of health care services to determine the quality of health care prior to purchase or utilization of medical care. The legislature also finds that accountability is a key component in promoting quality assurance and quality improvement throughout the health care delivery system, including public programs. Quality assurance and improvement standards are necessary to promote the public interest, contribute to cost efficiencies, and improve the ability of consumers to ascertain quality health care purchases.

The legislature intends to have consumers, health carriers, health care providers and facilities, and public agencies participate in the development of quality assurance and improvement standards that can be used to develop a uniform quality assurance program for use by all public and private health plans, providers, and facilities. To that end, in conducting the study required under section 4 of this act, the department of health shall:

(1) Consider the needs of consumers, employers, health care providers and facilities, and public and private health plans;

(2) Take full advantage of existing national standards of quality assurance to extend to middle-income populations the protections required for state management of health programs for low-income populations;

(3) Consider the appropriate minimum level of quality assurance standards that should be disclosed to consumers and employers by health care providers and facilities, and public and private health plans; and

(4) Consider standards that permit health care providers and facilities to share responsibility for participation in a uniform quality assurance program.

NEW SECTION. Sec. 4. UNIFORM QUALITY ASSURANCE. (1) The department of health in consultation with the health policy board shall study the feasibility of a uniform quality assurance and improvement program for use by all public and private health plans and health care providers and facilities. In this study, the department shall consult with:

(a) Public and private purchasers of health care services;

(b) Health carriers;

(c) Health care providers and facilities; and

(d) Consumers of health services.

(2) In conducting the study, the department shall propose standards that meet the needs of affected persons and organizations, whether public or private, without creation of differing levels of quality assurance. All consumers of health services should be afforded the same level of quality assurance.

(3) At a minimum, the study shall include but not be limited to the following program components and indicators appropriate for consumer disclosure:

(a) Health care provider training, credentialing, and licensure standards;

(b) Health care facility credentialing and recredentialing;

- (c) Staff ratios in health care facilities;
 - (d) Annual mortality and morbidity rates of cases based on a defined set of procedures performed or diagnoses treated in health care facilities, adjusted to fairly consider variable factors such as patient demographics and case severity;
 - (e) The average total cost and average length of hospital stay for a defined set of procedures and diagnoses;
 - (f) The total number of the defined set of procedures, by specialty, performed by each physician at a health care facility within the previous twelve months;
 - (g) Utilization performance profiles by provider, both primary care and specialty care, that have been adjusted to fairly consider variable factors such as patient demographics and severity of case;
 - (h) Health plan fiscal performance standards;
 - (i) Health care provider and facility recordkeeping and reporting standards;
 - (j) Health care utilization management that monitors trends in health service under-utilization, as well as over-utilization of services;
 - (k) Health monitoring that is responsive to consumer, purchaser, and public health assessment needs; and
 - (l) Assessment of consumer satisfaction and disclosure of consumer survey results.
- (4) In conducting the study, the department shall develop standards that permit each health care facility, provider group, or health carrier to assume responsibility for and determine the physical method of collection, storage, and assimilation of quality indicators for consumer disclosure. The study may define the forms, frequency, and posting requirements for disclosure of information.
- In developing proposed standards under this subsection, the department shall identify options that would minimize provider burden and administrative cost resulting from duplicative private sector data submission requirements.
- (5) The department shall submit a preliminary report to the legislature by December 31, 1995, including recommendations for initial legislation pursuant to subsection (6) of this section, and shall submit supplementary reports and recommendations as completed, consistent with appropriated funds and staffing.
- (6) The department shall not adopt any rule implementing the uniform quality assurance program or consumer disclosure provisions unless expressly directed to do so by an act of law.

NEW SECTION. Sec. 5. QUALITY ASSURANCE--INTERAGENCY COOPERATION--ELIMINATION AND COORDINATION OF DUPLICATE STATE PROGRAMS. No later than July 1, 1995, the health care policy board together with the department of health, the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities and collaboration on final recommendations for the study required under section 4 of this act. By December 31, 1996, the group shall review all state agency programs governing health service quality assurance, in light of legislative actions pursuant to section 4(6) of this act, and shall recommend to the legislature, the consolidation, coordination, or elimination of rules and programs that would be made unnecessary pursuant to the development of a uniform quality assurance and improvement program.

Sec. 6. RCW 42.17.310 and 1994 c 233 s 2 and 1994 c 182 s 1 are each reenacted and amended to read as follows:

RECORDS EXEMPT FROM PUBLIC INSPECTION--MODIFIED. (1) The following are exempt from public inspection and copying:

- (a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.
- (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.
- (c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by

RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying if the provider has provided the department with an accurate alternative or business address and telephone number.

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a

hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 7. RCW 43.70.510 and 1993 c 492 s 417 are each amended to read as follows:

QUALITY IMPROVEMENT PROGRAMS--ADDING CERTAIN STATE AGENCIES AND HEALTH CARRIERS. (1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, ~~((and certified))~~ health care service contractors, health maintenance organizations, health ((plans)) carriers approved pursuant to ((RCW 43.72.100)) chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, ~~((or certified))~~ health care service contractors, health maintenance organizations, health ((plan)) carriers, or any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the exemption under RCW 42.17.310(1)(hh) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care

provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or ~~((e))~~ (f) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, and collected and maintained by a quality improvement committee are exempt from disclosure under chapter 42.17 RCW.

(6) The department of health shall adopt rules as are necessary to implement this section.

Sec. 8. RCW 43.72.310 and 1993 c 492 s 448 are each amended to read as follows:

(1) Until the effective date of this section and after June 30, 1996, a certified health plan, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or certified health plans may request, in writing, that the commission obtain an informal opinion from the attorney general as to whether particular conduct is authorized by chapter 492, Laws of 1993. Trade secret or proprietary information contained in a request for informal opinion shall be identified as such and shall not be disclosed other than to an authorized employee of the commission or attorney general without the consent of the party making the request, except that information in summary or aggregate form and market share data may be contained in the informal opinion issued by the attorney general. The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the attorney general for good cause shown. If the attorney general concludes that such conduct is not authorized by chapter 492, Laws of 1993, the person or organization making the request may petition the commission for review and approval of such conduct in accordance with subsection (3) of this section.

(2) After obtaining the written opinion of the attorney general and consistent with such opinion, the health services commission:

(a) May authorize conduct by a certified health plan, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of chapter 492, Laws of 1993 and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and certified health plans including rules governing provider and facility contracts with certified health plans, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that certified health plans in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with a certified health plan including the ability of providers to meet and communicate for the purposes of these negotiations; and

(d) Shall adopt rules governing cooperative activities among health care facilities and providers.

(3) Until the effective date of this section and after June 30, 1996, a certified health plan, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health services or certified health plans may file a written petition with the commission requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the commission.

The commission shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the

commission for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4) In authorizing conduct and adopting rules of conduct under this section, the commission with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

- (a) Enhancement of the quality of health services to consumers;
- (b) Gains in cost efficiency of health services;
- (c) Improvements in utilization of health services and equipment;
- (d) Avoidance of duplication of health services resources; or
- (e) And as to (b) and (c) of this subsection: (i) Facilitates the exchange of information relating to performance expectations; (ii) simplifies the negotiation of delivery arrangements and relationships; and (iii) reduces the transactions costs on the part of certified health plans and providers in negotiating more cost-effective delivery arrangements.

These benefits must outweigh disadvantages including and not limited to:

- (i) Reduced competition among certified health plans, health care providers, or health care facilities;
- (ii) Adverse impact on quality, availability, or price of health care services to consumers; or
- (iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the commission shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the commission shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The commission shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the commission that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. If the commission determines that the likely benefits of any conduct approved through rule, petition, or otherwise by the commission no longer outweigh the disadvantages attributable to potential reduction in competition, the commission shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the commission shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in chapter 492, Laws of 1993 is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW.

(8) Only requests for informal opinions under subsection (1) of this section and petitions under subsection (3) of this section that were received prior to the effective date of this section or after June 30, 1996, shall be considered.

NEW SECTION. Sec. 9. The office of the attorney general shall study the impact on competition and efficiency of antitrust immunities for health care providers and facilities in Washington that exceed those provided under federal law and shall report to the legislature by December 15, 1995. The study and report shall include a summary of how other states have allowed for greater coordination and consolidation of health care services without such additional immunities.

NEW SECTION. Sec. 10. A new section is added to chapter 43.72 RCW to read as follows:

(1) Effective July 1, 1995, except as provided in subsection (2) of this section, the duties of the health services commission under RCW 43.72.310 shall be carried out by the health care policy board established in section 9, chapter . . . (ESHB 1046), Laws of 1995.

(2) For purposes of the transfer of duties under this section to the health care policy board, legislative members are not appointed to the board and are not members of the board.

Sec. 11. 1995 c . . . (ESHB 1046) s 27 (uncodified) is amended to read as follows:
The following acts or parts of acts are each repealed:

- (1) RCW 18.130.320 and 1993 c 492 s 408;
- (2) RCW 18.130.330 and 1994 c 102 s 1 & 1993 c 492 s 412;
- (3) RCW 43.72.005 and 1993 c 492 s 401;
- (4) RCW 43.72.010 and 1994 c 4 s 1, 1993 c 494 s 1, & 1993 c 492 s 402;
- (5) RCW 43.72.020 and 1994 c 154 s 311 & 1993 c 492 s 403;
- (6) RCW 43.72.030 and 1993 c 492 s 405;
- (7) RCW 43.72.040 and 1994 c 4 s 3, 1993 c 494 s 2, & 1993 c 492 s 406;
- (8) RCW 43.72.050 and 1993 c 492 s 407;
- (9) RCW 43.72.060 and 1994 c 4 s 2 & 1993 c 492 s 404;
- (10) RCW 43.72.070 and 1993 c 492 s 409;
- (11) RCW 43.72.080 and 1993 c 492 s 425;
- (12) RCW 43.72.090 and 1995 c 2 s 1 & 1993 c 492 s 427;
- (13) RCW 43.72.100 and 1993 c 492 s 428;
- (14) RCW 43.72.110 and 1993 c 492 s 429;
- (15) RCW 43.72.120 and 1993 c 492 s 430;
- (16) RCW 43.72.130 and 1993 c 492 s 449;
- (17) RCW 43.72.140 and 1993 c 492 s 450;
- (18) RCW 43.72.150 and 1993 c 492 s 451;
- (19) RCW 43.72.160 and 1993 c 492 s 452;
- (20) RCW 43.72.170 and 1995 c 2 s 2 & 1993 c 492 s 453;
- (21) RCW 43.72.180 and 1993 c 492 s 454;
- (22) RCW 43.72.190 and 1993 c 492 s 455;
- (23) RCW 43.72.210 and 1993 c 492 s 463;
- (24) RCW 43.72.220 and 1993 c 494 s 3 & 1993 c 492 s 464;
- (25) RCW 43.72.225 and 1994 c 4 s 4;
- (26) RCW 43.72.230 and 1993 c 492 s 465;
- (27) RCW 43.72.240 and 1993 c 494 s 4 & 1993 c 492 s 466;
- (28) ~~((RCW 43.72.300 and 1993 c 492 s 447;~~
- ~~(29) RCW 43.72.310 and 1993 c 492 s 448;~~
- ~~(30)) RCW 43.72.800 and 1993 c 492 s 457;~~
- ~~((31))~~ (29) RCW 43.72.810 and 1993 c 492 s 474;
- ~~((32))~~ (30) RCW 43.72.820 and 1993 c 492 s 475;
- ~~((33))~~ (31) RCW 43.72.830 and 1993 c 492 s 476;
- ~~((34))~~ (32) RCW 43.72.840 and 1993 c 492 s 478;
- ~~((35))~~ (33) RCW 43.72.870 and 1993 c 494 s 5;
- ~~((36))~~ (34) RCW 48.01.200 and 1993 c 492 s 294;
- ~~((37))~~ (35) RCW 48.43.010 and 1993 c 492 s 432;
- ~~((38))~~ (36) RCW 48.43.020 and 1993 c 492 s 433;
- ~~((39))~~ (37) RCW 48.43.030 and 1993 c 492 s 434;
- ~~((40))~~ (38) RCW 48.43.040 and 1993 c 492 s 435;
- ~~((41))~~ (39) RCW 48.43.050 and 1993 c 492 s 436;
- ~~((42))~~ (40) RCW 48.43.060 and 1993 c 492 s 437;
- ~~((43))~~ (41) RCW 48.43.070 and 1993 c 492 s 438;
- ~~((44))~~ (42) RCW 48.43.080 and 1993 c 492 s 439;
- ~~((45))~~ (43) RCW 48.43.090 and 1993 c 492 s 440;
- ~~((46))~~ (44) RCW 48.43.100 and 1993 c 492 s 441;
- ~~((47))~~ (45) RCW 48.43.110 and 1993 c 492 s 442;
- ~~((48))~~ (46) RCW 48.43.120 and 1993 c 492 s 443;
- ~~((49))~~ (47) RCW 48.43.130 and 1993 c 492 s 444;
- ~~((50))~~ (48) RCW 48.43.140 and 1993 c 492 s 445;
- ~~((51))~~ (49) RCW 48.43.150 and 1993 c 492 s 446;
- ~~((52))~~ (50) RCW 48.43.160 and 1993 c 492 s 426;
- ~~((53))~~ (51) RCW 48.43.170 and 1993 c 492 s 431;
- ~~((54))~~ (52) RCW 48.01.210 and 1993 c 462 s 51;

~~((55))~~ (53) RCW 48.20.540 and 1993 c 492 s 283;
~~((56))~~ (54) RCW 48.21.340 and 1993 c 492 s 284;
~~((57))~~ (55) RCW 48.44.480 and 1993 c 492 s 285;
~~((58))~~ (56) RCW 48.46.550 and 1993 c 492 s 286;
~~((59))~~ (57) RCW 70.170.100 and 1993 c 492 s 259, 1990 c 269 s 12, & 1989 1st ex.s. c 9 s 510;
~~((60))~~ (58) RCW 70.170.110 and 1993 c 492 s 260 & 1989 1st ex.s. c 9 s 511;
~~((61))~~ (59) RCW 70.170.120 and 1993 c 492 s 261;
~~((62))~~ (60) RCW 70.170.130 and 1993 c 492 s 262;
~~((63))~~ (61) RCW 70.170.140 and 1993 c 492 s 263;
~~((64))~~ (62) RCW 48.44.490 and 1993 c 492 s 288;
~~((65))~~ (63) RCW 48.46.560 and 1993 c 492 s 289; and
~~((66))~~ (64) RCW 43.72.200 and 1993 c 492 s 456.

NEW SECTION. **Sec. 12.** REPEALERS. The following acts or parts of acts are each repealed:

- (1) RCW 70.170.100 and 1993 c 492 s 259, 1990 c 269 s 12, & 1989 1st ex.s. c 9 s 510;
- (2) RCW 70.170.110 and 1993 c 492 s 260 & 1989 1st ex.s. c 9 s 511;
- (3) RCW 70.170.120 and 1993 c 492 s 261;
- (4) RCW 70.170.130 and 1993 c 492 s 262;
- (5) RCW 70.170.140 and 1993 c 492 s 263; and
- (6) RCW 43.72.070 and 1993 c 492 s 409.

NEW SECTION. **Sec. 13.** RCW 70.170.080 and 1993 sp.s. c 24 s 925, 1991 sp.s. c 13 s 71, & 1989 1st ex.s. c 9 s 508 are each repealed.

NEW SECTION. **Sec. 14.** If specific funding through the health services account to continue the comprehensive hospital abstract reporting system is not provided by June 30, 1995, in the omnibus appropriations act, section 13 of this act is null and void.

NEW SECTION. **Sec. 15.** CODIFICATION. Sections 1 through 4 of this act are each added to chapter 43.70 RCW.

NEW SECTION. **Sec. 16.** CAPTIONS. Captions as used in this act constitute no part of the law.

NEW SECTION. **Sec. 17.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 18.** EMERGENCY CLAUSE--EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995, except sections 8 through 11 of this act which shall take effect immediately."

On page 1, line 1 of the title, after "assurance;" strike the remainder of the title and insert "amending RCW 43.70.510 and 43.72.310; amending 1995 c . . . (ESHB 1046) s 27 (uncodified); reenacting and amending RCW 42.17.310; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.72 RCW; creating new sections; repealing RCW 70.170.100, 70.170.110, 70.170.120, 70.170.130, 70.170.140, 43.72.070, and 70.170.080; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Dyer moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1589 and pass the bill as amended by the Senate.

Representatives Dyer and Backlund spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1589 as amended by the Senate.

Representatives Dellwo and Dyer spoke in favor of passage of the bill.

MOTION

Representative Brown moved that the House defer further consideration of Engrossed Substitute House Bill No. 1589.

Representative Dyer spoke against the motion to defer Engrossed Substitute House Bill No. 1589 and Representative Ebersole spoke for the motion to defer.

Representative Dyer withdrew the motion to not defer Engrossed Substitute House Bill No. 1589.

There being no objection, the House deferred further consideration of Engrossed Substitute House Bill No. 1589.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317 and asks the House for a conference thereon. The President has appointed the following members as Conferees:

Senators Owen, Prince and Prentice

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House adhere to its position on Engrossed Substitute House Bill No. 1317.

Representative K. Schmidt spoke in favor of the motion and it was carried.

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate once again refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5053 and again asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Cairnes, the rules were suspended, and Substitute Senate Bill No. 5053 was returned to second reading for the purpose of an amendment.

SUBSTITUTE SENATE BILL NO. 5053, by Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Modifying real estate disclosure provisions.

The bill was read the second time.

Representative Cairnes moved adoption of the following amendment by Representative Cairnes:

Strike everything after the enacting clause, set aside all previous amendments to the bill, and insert the following:

"**Sec. 1.** RCW 64.06.010 and 1994 c 200 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, this chapter does not apply to the following transfers of residential real property:

~~((1))~~ (a) A foreclosure, deed-in-lieu of foreclosure, real estate contract forfeiture, or a sale by a lienholder who acquired the residential real property through foreclosure ~~((or))~~, deed-in-lieu of foreclosure, or real estate contract forfeiture;

~~((2))~~ (b) A gift or other transfer to a parent, spouse, or child of a transferor or child of any parent or spouse of a transferor;

~~((3))~~ (c) A transfer between spouses in connection with a marital dissolution;

~~((4))~~ (d) A transfer where a buyer had an ownership interest in the property within two years of the date of the transfer including, but not limited to, an ownership interest as a partner in a partnership, a limited partner in a limited partnership, a shareholder in a corporation, a leasehold interest, or transfers to and from a facilitator pursuant to a tax deferred exchange;

~~((5))~~ (e) A transfer of an interest that is less than fee simple, except that the transfer of a vendee's interest under a real estate contract is subject to the requirements of this chapter; ~~and~~

~~((6))~~ (f) A transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy.

(2) A transfer of residential real property by a seller to a buyer may be exempt from this chapter if:

(a) The seller is registered under chapter 18.27 RCW and has constructed residential improvements on the real property;

(b) The buyer is the first purchaser;

(c) The dwelling has never been occupied; and

(d) The seller provides the following statement to the buyer on or before the date the buyer is legally obligated to purchase the real property:

THIS HOME WAS CONSTRUCTED OR INSTALLED UNDER BUILDING OR INSTALLATION PERMIT(S) #, ISSUED BY

Sec. 2. RCW 64.06.020 and 1994 c 200 s 3 are each amended to read as follows:

(1) In a transaction for the sale of residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW 64.06.010, deliver to the buyer a completed real property transfer disclosure statement in the following ~~((form))~~ format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than ~~((---))~~ five business days ~~((or five days if not filled in) of))~~, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY THE SELLER(S), CONCERNING THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME THIS DISCLOSURE FORM IS COMPLETED BY THE SELLER. YOU HAVE ~~((---))~~ THREE BUSINESS DAYS, ~~((OR THREE BUSINESS DAYS IF NOT FILLED IN))~~ UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ~~((REVOKE YOUR OFFER))~~ RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ~~((REVOCATION))~~ RESCISSION TO THE SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT. THE FOLLOWING ARE DISCLOSURES MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN THE BUYER AND THE SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR EXAMPLE, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, OR PEST AND DRY ROT INSPECTORS. THE PROSPECTIVE BUYER AND THE OWNER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller is/ is not occupying the property.

I. SELLER'S DISCLOSURES:

*If "Yes" attach a copy or explain. If necessary use an attached sheet.

1. TITLE

Yes No Don't know A. Do you have legal authority to sell the property?

Yes No Don't know *B. Is title to the property subject to any of the following?

(1) First right of refusal

(2) Option

(3) Lease or rental agreement

(4) Life estate?

Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes No Don't know *D. Are there any rights of way, easements, or access limitations that may affect the owner's use of the property?

Yes No Don't know *E. Are there any written agreements for joint maintenance of an easement or right of way?

Yes No Don't know *F. Is there any study, survey project, or notice that would adversely affect the property?

Yes No Don't know *G. Are there any pending or existing assessments against the property?

Yes No Don't know *H. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the subject property that would affect future construction or remodeling?

Yes No Don't know *I. Is there a boundary survey for the property?

Yes No Don't know *J. Are there any covenants, conditions, or restrictions which affect the property?

2. WATER

A. Household Water

(1) The source of the water is Public

Community Private Shared

(2) Water source information:

Yes No Don't know *a. Are there any written agreements for shared water source?

Yes No Don't know *b. Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Yes No Don't know *c. Are any known problems or repairs needed?

Yes No Don't know *d. Does the source provide an adequate year round supply of potable water?

Yes No Don't know *(3) Are there any water treatment systems for the property? Leased
 Owned

B. Irrigation

Yes No Don't know (1) Are there any water rights for the property?

Yes No Don't know *(2) If they exist, to your knowledge, have the water rights been used during the last five-year period?

Yes No Don't know *(3) If so, is the certificate available?

C. Outdoor Sprinkler System

Yes No Don't know (1) Is there an outdoor sprinkler system for the property?

Yes No Don't know *(2) Are there any defects in the outdoor sprinkler system?

3. SEWER/SEPTIC SYSTEM

A. The property is served by: Public sewer main,

Septic tank system Other disposal system

(describe)

Yes No Don't know B. If the property is served by a public or community sewer main, is the house connected to the main?

C. Is the property currently subject to a sewer capacity charge?

- D. If the property is connected to a septic system:
- Yes No Don't know (1) Was a permit issued for its construction, and was it approved by the city or county following its construction?
 (2) When was it last pumped:
 , 19. . .
- Yes No Don't know *(3) Are there any defects in the operation of the septic system?
 Don't know (4) When was it last inspected?
 , 19. . .
- By Whom:
- Don't know (5) How many bedrooms was the system approved for?
 bedrooms
- Yes No Don't know *((~~D~~)) E. Do all plumbing fixtures, including laundry drain, go to the septic/ sewer system? If no, explain:
- Yes No Don't know *((~~E~~)) F. Are you aware of any changes or repairs to the septic system?
 Yes No Don't know ((~~F~~)) G. Is the septic tank system, including the drainfield, located entirely within the boundaries of the property?

4. STRUCTURAL

- Yes No Don't know *A. Has the roof leaked?
 Yes No Don't know If yes, has it been repaired?
- Yes No Don't know *B. Have there been any conversions, additions, or remodeling?
 Yes No Don't know *1. If yes, were all building permits obtained?
 Yes No Don't know *2. If yes, were all final inspections obtained?
- Yes No Don't know C. Do you know the age of the house? If yes, year of original construction:
- Yes No Don't know *D. Do you know of any settling, slippage, or sliding of the house or other improvements? If yes, explain:
- Yes No Don't know *E. Do you know of any defects with the following: (Please check applicable items)
- Foundations Decks Exterior Walls
 - Chimneys Interior Walls Fire Alarm
 - Doors Windows Patio
 - Ceilings Slab Floors Driveways
 - Pools Hot Tub Sauna
 - Sidewalks Outbuildings Fireplaces
 - Garage Floors Walkways
 - Other Wood Stoves
- Yes No Don't know *F. Was a pest or dry rot, structural or "whole house" inspection done?
 When and by whom was the inspection completed?
- Yes No Don't know *G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?

5. SYSTEMS AND FIXTURES

- If the following systems or fixtures are included with the transfer, do they have any existing defects:
- Yes No Don't know *A. Electrical system, including wiring, switches, outlets, and service
 Yes No Don't know *B. Plumbing system, including pipes, faucets, fixtures, and toilets
 Yes No Don't know *C. Hot water tank

- Yes No Don't know *D. Garbage disposal
- Yes No Don't know *E. Appliances
- Yes No Don't know *F. Sump pump
- Yes No Don't know *G. Heating and cooling systems
- Yes No Don't know *H. Security system Owned Leased
- *I. Other

6. COMMON INTEREST

- Yes No Don't know A. Is there a Home Owners' Association? Name of Association
- Yes No Don't know B. Are there regular periodic assessments:
 - \$ per Month Year
 - Other
- Yes No Don't know *C. Are there any pending special assessments?
- Yes No Don't know *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. GENERAL

- Yes No Don't know *A. Is there any settling, soil, standing water, or drainage problems on the property?
- Yes No Don't know *B. Does the property contain fill material?
- Yes No Don't know *C. Is there any material damage to the property or any of the structure from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?
- Yes No Don't know D. Is the property in a designated flood plain?
- ~~(Yes No Don't know E. Is the property in a designated flood hazard zone?)~~
- Yes No Don't know ~~((*F-))~~ *E. Are there any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property?
- Yes No Don't know ~~((*G-))~~ *F. Are there any tanks or underground storage tanks (e.g., chemical, fuel, etc.) on the property?
- Yes No Don't know ~~((*H-))~~ *G. Has the property ever been used as an illegal drug manufacturing site?

8. FULL DISCLOSURE BY SELLERS

- A. Other conditions or defects:
 Yes No Don't know *Are there any other material defects affecting this property or its value that a prospective buyer should know about?
- B. Verification:
 The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

II. BUYER'S ACKNOWLEDGMENT

- A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects which are known to me/us or can be known to me/us by utilizing diligent attention and observation.
- B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in any amendments to this statement are made only by the seller.
- C. Buyer (which term includes all persons signing the "buyer's acceptance" portion of this disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (including attachments, if any) bearing seller's signature.

DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE. YOU, THE BUYER, HAVE ~~((---))~~ THREE BUSINESS DAYS ~~((OR THREE BUSINESS DAYS IF NOT FILLED IN))~~, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE STATEMENT TO ~~((REVOKE YOUR OFFER))~~ RESCIND YOUR AGREEMENT BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT OF ((REVOCATION)) RESCISSION TO THE SELLER UNLESS YOU WAIVE THIS RIGHT OF ~~((REVOCATION))~~ RESCISSION.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS REAL PROPERTY TRANSFER DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE BUYER BUYER

(2) The real property transfer disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential real property. The real property transfer disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 3. RCW 64.06.030 and 1994 c 200 s 4 are each amended to read as follows:

Unless the buyer has expressly waived the right to receive the disclosure statement, ~~((within))~~ not later than five business days or as otherwise agreed to, ~~((of))~~ after mutual acceptance of a written agreement between a buyer and a seller for the purchase and sale of residential real property, the seller shall deliver to the buyer a completed, signed, and dated real property transfer disclosure statement. Within three business days, or as otherwise agreed to, of receipt of the real property transfer disclosure statement, the buyer shall have the right to exercise one of the following two options: (1) Approving and accepting the real property transfer disclosure statement; or (2) rescinding the agreement for the purchase and sale of the property, which decision may be made by the buyer in the buyer's sole discretion. If the buyer elects to rescind the agreement, the buyer must deliver written notice of rescission to the seller within the three-business-day period, or as otherwise agreed to, and upon delivery of the written rescission notice the buyer shall be entitled to immediate return of all deposits and other considerations less any agreed disbursements paid to the seller, or to the seller's agent or an escrow agent for the seller's account, and the agreement for purchase and sale shall be void. If the buyer does not deliver a written rescission notice to [the] seller within the three-business-day period, or as otherwise agreed to, the real property transfer disclosure statement will be deemed approved and accepted by the buyer.

Sec. 4. RCW 64.06.040 and 1994 c 200 s 5 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller becomes aware of additional information, or an adverse change occurs which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the

disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the ~~((adverse change is corrected or repaired))~~ corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three-business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

Sec. 5. RCW 64.06.050 and 1994 c 200 s 6 are each amended to read as follows:

(1) The seller of residential real property shall not be liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the seller had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the seller of residential real property has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the seller shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

(2) Any licensed real estate salesperson or broker involved in a residential real property transaction is not liable for any error, inaccuracy, or omission in the real property transfer disclosure statement if the licensee had no ~~((personal))~~ actual knowledge of the error, inaccuracy, or omission. Unless the salesperson or broker has actual knowledge of an error, inaccuracy, or omission in a real property transfer disclosure statement, the salesperson or broker shall not be liable for such error, inaccuracy, or omission if the disclosure was based on information provided by public agencies, or by other persons providing information within the scope of their professional license or expertise, including, but not limited to, a report or opinion delivered by a land surveyor, title company, title insurance company, structural inspector, pest inspector, licensed engineer, or contractor.

Sec. 6. RCW 64.06.070 and 1994 c 200 s 8 are each amended to read as follows:

Except as provided in RCW 64.06.050, nothing in this chapter shall extinguish or impair any rights or remedies of a buyer of real estate against the seller or against any agent acting for the seller otherwise existing pursuant to common law, statute, or contract; nor shall anything in this chapter create any new right or remedy for a buyer of residential real property other than the right of rescission exercised on the basis and within the time limits provided in this chapter.

NEW SECTION. **Sec. 7.** Section 2 of this act shall apply to real property transfer disclosure statements completed by sellers of residential real property on or after the effective date of this act.

Real property transfer disclosure statements completed by sellers of residential real property prior to the effective date of this act must comply with requirements of RCW 64.06.020 in effect at the time the transaction is started."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.010, 64.06.020, 64.06.030, 64.06.040, 64.06.050, and 64.06.070; and providing an effective date."

Representative Cairnes spoke in favor of the adoption of the amendment.

Representative Valle spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5053 as amended by the House.

Representative Cairnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5053 as amended by the House, and the bill passed the House by the following vote: Yeas - 81, Nays - 13, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 81.

Voting nay: Representatives Chopp, Cole, Fisher, R., Mason, Ogden, Regala, Romero, Rust, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 13.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Substitute Senate Bill No. 5053, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5141 and asks the House to recede therefrom.

and the same is herewith transmitted.

MOTION

On motion of Representative Sheahan, the rules were suspended, and Substitute Senate Bill No. 5141 was returned to second reading for the purpose of an amendment.

SUBSTITUTE SENATE BILL NO. 5141, by Senate Committee on Law & Justice (originally sponsored by Senators Smith, Rasmussen, Quigley, C. Anderson and Bauer)

Revising provisions relating to offenses involving alcohol or drugs.

The bill was read the second time.

Representative Robertson moved adoption of the following amendment by Representative Robertson:

Strike everything after the enacting clause and insert the following:

"PART I - IMPLIED CONSENT AND ADMINISTRATIVE REVOCATION

Sec. 1. RCW 46.20.308 and 1994 c 275 s 13 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the ~~((alcoholic content of))~~ alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.20.309 (as recodified by this act).

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration of 0.02 or more in his or her system and being under the age of twenty-one. However, in those instances where ~~((a))~~ the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample ~~((; or (b) as a result of a traffic accident))~~ or where the person is being treated ((for a medical condition)) in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that:

(a) His or her license, permit, or privilege to drive will be revoked or denied if he or she refuses to submit to the test~~((, and (b) that))~~;

(b) His or her license, permit, or privilege to drive will be suspended, revoked, denied, or placed in probationary status if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.10 or more, in the case of a person age twenty-one or over, or 0.02 or more in the case of a person under age twenty-one; and

(c) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW

46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person (~~has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident~~), a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.10 or more if the person is age twenty-one or over, or is 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, deny, or place in probationary status the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration of 0.02 or more;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.10 or more if the person is age twenty-one or over, or was 0.02 or more if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report (~~of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive~~) or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, deny, or place in probationary status the person's license

~~((or)), permit, or privilege to drive or any nonresident operating privilege, as provided in section 3 of this act, such suspension, revocation, denial, or placement in probationary status to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.~~

~~((7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. The person shall pay a fee of one hundred dollars as part of the request.))~~

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request (and such fee) for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing (as provided in)). Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of (such) the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.10 or more if the person was age twenty-one or over at the time of the arrest, or was 0.02 or more if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the

suspension, revocation, denial, or placement in probationary status either be rescinded or sustained. ~~((Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.~~

~~(8))~~ (9) If the suspension, revocation, denial, or placement in probationary status is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, denied, or placed in probationary status has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner ~~((provided in RCW 46.20.334))~~ as an appeal from a decision of a court of limited jurisdiction. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, denial, or placement in probationary status. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, denial, or placement in probationary status as expeditiously as possible. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, denial, or placement in probationary status it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, denied, or placed in probationary status under subsection (7) of this section, other than as a result of a breath test refusal, and who has not committed an offense within the last five years for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, denial, or placement in probationary status for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, denial, or placement in probationary status, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

~~((9))~~ (11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 2. RCW 46.20.309 and 1994 c 275 s 10 are each amended to read as follows:

(1) Notwithstanding any other provision of this title, a person ~~((under the age of twenty one may not drive, operate, or be in physical control of a motor vehicle while having alcohol in his or her system in a concentration of 0.02 or above.~~

~~(2) A person under the age of twenty one who drives or is in physical control of a motor vehicle within this state is deemed to have given consent, subject to the relevant portions of RCW~~

~~46.61.506, to be detained long enough, and be transported if necessary, to take a test or tests of that person's blood or breath for the purpose of determining the alcohol concentration in his or her system.~~

~~(3) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the driver, has reasonable grounds to believe that the driver was driving or in actual physical control of a motor vehicle while having alcohol in his or her system.~~

~~(4) The law enforcement officer requesting the test or tests under subsection (2) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person's driver's license or driving privilege being revoked.~~

~~(5) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.02 or more, the law enforcement officer shall:~~

~~(a) Serve the person notice in writing on behalf of the department of licensing of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive;~~

~~(b) Serve the person notice in writing on behalf of the department of licensing of the person's right to a hearing, specifying the steps required to obtain a hearing;~~

~~(c) Confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit. The temporary license shall be valid for thirty days from the date of the traffic stop or until the suspension or revocation of the person's license or permit is sustained at a hearing as provided by subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit it replaces;~~

~~(d) Notify the department of licensing of the traffic stop, and transmit to the department any confiscated license or permit and a sworn report stating:~~

~~(i) That the officer had reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle within this state with alcohol in his or her system;~~

~~(ii) That pursuant to this section a test of the person's alcohol concentration was administered or that the person refused to be tested;~~

~~(iii) If administered, that the test indicated the person's alcohol concentration was 0.02 or higher; and~~

~~(iv) Any other information that the department may require by rule.~~

~~(6) Upon receipt of the sworn report of a law enforcement officer under subsection (5) of this section, the department shall suspend or revoke the driver's license or driving privilege beginning thirty days from the date of the traffic stop or beginning when the suspension, revocation, or denial is sustained at a hearing as provided by subsection (7) of this section. Within fifteen days after notice of a suspension or revocation has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the revocation of the person's driver's license or driving privilege, and, if the test or tests of the person's breath or blood was administered, whether the results indicated an alcohol concentration of 0.02 or more. The department shall order that the suspension or revocation of the person's driver's license or driving privilege either be rescinded or sustained. Any decision by the department suspending or revoking a person's driver's license or driving privilege is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the suspension or revocation of the person's driver's license or driving privilege is sustained after the hearing, the person may file a petition in the superior court of the county of arrest to review the final order of suspension or revocation by the department in the manner provided in RCW 46.20.334.~~

~~(7) The department shall suspend or revoke the driver's license or driving privilege of a person as required by this section as follows:~~

- ~~(a) In the case of a person who has refused a test or tests:~~
- ~~(i) For a first refusal within five years, revocation for one year;~~
- ~~(ii) For a second or subsequent refusal within five years, revocation or denial for two years.~~
- ~~(b) In the case of an incident where a person has submitted to a test or tests indicating an alcohol concentration of 0.02 or more:~~
- ~~(i) For a first incident within five years, suspension for ninety days;~~
- ~~(ii) For a second or subsequent incident within five years, revocation for one year or until the person reaches age twenty-one whichever occurs later.~~
- ~~(8) For purposes of this section, "alcohol concentration" means (a) grams of alcohol per two hundred ten liters of a person's breath, or (b) the percent by weight of alcohol in a person's blood)) is guilty of driving a motor vehicle after consuming alcohol if the person operates a motor vehicle within this state and the person:~~
- ~~(a) Is under the age of twenty-one;~~
- ~~(b) Has, within two hours after operating the motor vehicle, an alcohol concentration of 0.02 or more, as shown by analysis of the person's breath or blood made under RCW 46.61.506.~~
- ~~(2) It is an affirmative defense to a violation of subsection (1) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.02 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the earlier of: (a) Seven days prior to trial; or (b) the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.~~
- ~~(3) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.02 or more in violation of subsection (1) of this section.~~
- ~~(4) A violation of this section is a misdemeanor.~~

- NEW SECTION. Sec. 3.** A new section is added to chapter 46.20 RCW to read as follows:
Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:
- (1) In the case of a person who has refused a test or tests:
- (a) For a first refusal within five years, where there has not been a previous incident within five years that resulted in administrative action under this section, revocation or denial for one year;
- (b) For a second or subsequent refusal within five years, or for a first refusal where there has been one or more previous incidents within five years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. A revocation imposed under this subsection (1)(b) shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.
- (2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.10 or more:
- (a) For a first incident within five years, where there has not been a previous incident within five years that resulted in administrative action under this section, placement in probationary status as provided in RCW 46.20.355;
- (b) For a second or subsequent incident within five years, revocation or denial for two years.
- (3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more:
- (a) For a first incident within five years, suspension or denial for ninety days;
- (b) For a second or subsequent incident within five years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

Sec. 4. RCW 46.20.355 and 1994 c 275 s 8 are each amended to read as follows:

(1) Upon ~~((notification of a conviction under RCW 46.61.502 or 46.61.504 for which the issuance of a probationary driver's license is required))~~ placing a license, permit, or privilege to drive in probationary status under section 3(2)(a) of this act, or upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, the department of licensing shall order the person to surrender ~~((his or her))~~ any Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) ~~((Upon receipt of the surrendered license, and following the expiration of any period of license suspension or revocation, or following receipt of a sworn statement under RCW 46.20.365 that requires issuance of a probationary license, the department shall issue the person a probationary license if otherwise qualified. The probationary license shall be renewed on the same cycle as the person's regular license would have been renewed until five years after the date of its issuance.))~~ The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.20.308 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or following receipt of a sworn report under RCW 46.20.308 that requires immediate placement in probationary status under section 3(2)(a) of this act, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) For each original issue or ~~((reissue))~~ renewal of a probationary license under this section, the department ~~((may))~~ shall charge ~~((the))~~ a fee ~~((authorized under RCW 46.20.311 for the reissuance of a license following a revocation for a violation of RCW 46.61.502 or 46.61.504))~~ of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the fifty-dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

~~((4))~~ (5) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status ~~((, including the period of that status, for a violation of RCW 46.61.502 or 46.61.504 or 46.20.365))~~. ~~((That))~~ The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

PART II - CRIMINAL SANCTIONS

NEW SECTION. **Sec. 5.** A new section is added to chapter 46.61 RCW, to be codified between RCW 46.61.500 and 46.61.520, to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one hundred twenty days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year. Thirty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year. Forty-five days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of four hundred fifty days. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within five years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year. Ninety days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of two years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year. One hundred twenty days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of three years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding two years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this

state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i) and (ii) or (a) (i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(7)(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), or (iv) of this subsection if committed in this state; or

(vi) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) "Within five years" means that the arrest for a prior offense occurred within five years of the arrest for the current offense.

Sec. 6. RCW 46.61.5058 and 1994 c 139 s 1 are each amended to read as follows:

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.61.502 or 46.61.504 or any similar municipal ordinance, if such person has a ~~((previous conviction for violation of either RCW 46.61.502 or 46.61.504 or other similar municipal ordinance, and where the offense occurs within a five-year period of the previous conviction))~~ prior offense within five years as defined in section 5 of this act, and where the person has been provided written notice that any transfer, sale, or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest,

the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On ~~((a second or subsequent))~~ conviction for a violation of either RCW 46.61.502 or 46.61.504 or any similar municipal ordinance where ~~((such offense was committed within a five year period of the previous conviction))~~ the person convicted has a prior offense within five years as defined in section 5 of this act, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in the vehicle, is subject to seizure and forfeiture pursuant to this section.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under Title 46 RCW or is lawfully entitled to possession of the vehicle.

(7) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1) (a) or (c) of this section.

(8) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(9) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(12) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

PART III - TECHNICAL AMENDMENTS

Sec. 7. RCW 3.62.090 and 1994 c 275 s 34 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under (~~RCW 46.61.5051, 46.61.5052, and 46.61.5053~~) section 5 of this act, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

Sec. 8. RCW 35.21.165 and 1994 c 275 s 36 are each amended to read as follows:

Except as limited by the maximum penalties authorized by law, no city or town may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in (~~RCW 46.61.5051, 46.61.5052, and 46.61.5053~~) section 5 of this act.

Sec. 9. RCW 36.32.127 and 1994 c 275 s 37 are each amended to read as follows:

No county may establish a penalty for an act that constitutes the crime of driving while under the influence of intoxicating liquor or any drug, as provided for in RCW 46.61.502, or the crime of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as provided in RCW 46.61.504, that is less than the penalties prescribed for those crimes in (~~RCW 46.61.5051, 46.61.5052, and 46.61.5053~~) section 5 of this act.

Sec. 10. RCW 46.04.480 and 1994 c 275 s 38 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, 46.20.265, (~~46.61.5051, 46.61.5052, or 46.61.5053~~) or section 5 of this act, and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 11. RCW 46.20.311 and 1994 c 275 s 27 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or other provision of law. Except for a suspension under RCW 46.20.289 and 46.20.291(5), whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by (~~RCW 46.20.308 or 46.61.5052, 46.61.5053, or 46.20.365~~) section 3 or 5 of this act; (c) after the expiration of two years for persons convicted of vehicular homicide; or (d) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504 (~~or is the result of administrative action under RCW 46.20.365~~), the reissue fee shall be fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be fifty dollars.

Sec. 12. RCW 46.20.391 and 1994 c 275 s 29 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed for a violation of RCW 46.61.502 or 46.61.504. ~~((No person may petition for, and the department shall not issue, an occupational driver's license if the person is ineligible for such a license under RCW 46.61.5052 or 46.61.5053.))~~ A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed ~~((of))~~ any ~~((committed any))~~ offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 13. RCW 46.61.5054 and 1994 c 275 s 7 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 46.61.5051 through 46.61.5053 until September 1, 1995, and section 5 of this act thereafter, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol breath test program.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) If the case involves a blood test by the state toxicology laboratory, the remainder of the fee shall be forwarded to the state treasurer for deposit in the death investigations account to be used solely for funding the state toxicology laboratory blood testing program.

(c) Otherwise, the remainder of the fee shall be forwarded to the state treasurer for deposit in the state patrol highway account to be used solely for funding the Washington state patrol breath test program.

(3) This section applies to any offense committed on or after July 1, 1993.

Sec. 14. RCW 46.61.5056 and 1994 c 275 s 9 are each amended to read as follows:

(1) A person subject to alcohol assessment and treatment under (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) Any agency that provides treatment ordered under (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(5) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

Sec. 15. RCW 46.61.5151 and 1994 c 275 s 39 are each amended to read as follows:

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act in nonconsecutive or intermittent time periods. However, any mandatory minimum sentence under (~~RCW 46.61.5051, 46.61.5052, or 46.61.5053~~) section 5 of this act shall be served consecutively unless suspended or deferred as otherwise provided by law.

Sec. 16. RCW 46.63.020 and 1994 c 275 s 33 and 1994 c 141 s 2 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381 (6) or (9) relating to unauthorized use or acquisition of a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.021 relating to driving without a valid driver's license;

(11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(16) RCW 46.25.170 relating to commercial driver's licenses;

(17) Chapter 46.29 RCW relating to financial responsibility;

(18) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(19) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(21) RCW 46.48.175 relating to the transportation of dangerous articles;

(22) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(28) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

(30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(31) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(33) RCW 46.61.500 relating to reckless driving;

(34) RCW 46.61.502((;)) and 46.61.504((, 46.61.5051, 46.61.5052, and 46.61.5053)) relating to persons under the influence of intoxicating liquor or drugs;

(35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(36) RCW 46.61.522 relating to vehicular assault;

(37) RCW 46.61.525 relating to negligent driving;

(38) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(39) RCW 46.61.530 relating to racing of vehicles on highways;

(40) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(41) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(43) Chapter 46.65 RCW relating to habitual traffic offenders;

(44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(46) Chapter 46.80 RCW relating to motor vehicle wreckers;

(47) Chapter 46.82 RCW relating to driver's training schools;

(48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 17. RCW 46.04.015 and 1994 c 275 s 1 are each amended to read as follows:

"Alcohol concentration" means (1) grams of alcohol per two hundred ten liters of a person's breath, or (2) ~~((the percent by weight of alcohol in))~~ grams of alcohol per one hundred milliliters of a person's blood.

Sec. 18. RCW 46.61.506 and 1994 c 275 s 26 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.10, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic or drug content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

NEW SECTION. **Sec. 19.** A new section is added to chapter 46.04 RCW to read as follows:

"Reasonable grounds," when used in the context of a law enforcement officer's decision to make an arrest, means probable cause.

NEW SECTION. **Sec. 20.** RCW 46.20.309 is recodified as a section in chapter 46.61 RCW.

NEW SECTION. **Sec. 21.** The following acts or parts of acts are each repealed:

- (1) RCW 46.20.365 and 1994 c 275 s 12;
- (2) RCW 46.61.5051 and 1994 c 275 s 4;
- (3) RCW 46.61.5052 and 1994 c 275 s 5; and
- (4) RCW 46.61.5053 and 1994 c 275 s 6.

NEW SECTION. **Sec. 22.** 1994 c 275 s 44 (uncodified) is hereby repealed.

NEW SECTION. **Sec. 23.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 24.** This act shall take effect September 1, 1995, except for sections 13 and 22 of this act which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "drugs;" strike the remainder of the title and insert "amending RCW 46.20.308, 46.20.309, 46.20.355, 46.61.5058, 3.62.090, 35.21.165, 36.32.127, 46.04.480, 46.20.311, 46.20.391, 46.61.5054, 46.61.5056, 46.61.5151, 46.04.015, and 46.61.506; reenacting and amending RCW 46.63.020; adding a new section to chapter 46.20 RCW; adding new sections to chapter 46.61 RCW; adding a new section to chapter 46.04 RCW; recodifying RCW 46.20.309; repealing RCW 46.20.365, 46.61.5051, 46.61.5052, and 46.61.5053; repealing 1994 c 275 s 44 (uncodified); prescribing penalties; providing an effective date; and declaring an emergency."

Representatives Robertson and Appelwick spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Robertson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5141 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5141 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Substitute Senate Bill No. 5141, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5529 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative B. Thomas, the rules were suspended, and Engrossed Senate Bill No. 5529 was returned to second reading for the purpose of an amendment.

ENGROSSED SENATE BILL NO. 5529, by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley; by request of Office of Financial Management

Changing school district levy provisions.

The bill was read the second time.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Set aside all previous amendments and on page 3, line 24, after "levies" insert "approved before June 30, 1995, and"

Representatives B. Thomas, Brumsickle, Horn and Dyer spoke in favor of the adoption of the amendment.

Representatives Cole, Carlson, Hargrove, Ebersole and Hickel spoke against the adoption of the amendment.

Representative B. Thomas again spoke in favor of the adoption of the amendment.

POINT OF INQUIRY

Representative B. Thomas yielded to a question by Representative McMahan.

Representative McMahan: I would like to ask how many of the School Districts on the sheet we were given and actually going to have Levies that are going to take them over the 20 % LID, present LID?

Representative B. Thomas: I do not know, we went through a few of them, it appeared that about 1/4 of these may. We tried to look at the authorization and I can't recall exactly which ones but there are about five or six of them definitely, and a couple maybe. We didn't have time to go through this, perhaps the lady from the 3rd District knows, she handed the sheet out, but I cannot tell you exactly which ones. I can tell you that some of them will be affected.

Representative K. Schmidt demanded the previous question and the demand was sustained.

A division was called. The Speaker called on the House to divide. The results of the division was: 56-YEAS, 37-NAYS. The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5529 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5529 as amended by the House, and the bill passed the House by the following vote: Yeas - 78, Nays - 16, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Grant, Hankins, Hatfield, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Mason, Mastin, Mielke, Morris, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sommers, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 78.

Voting nay: Representatives Carlson, Crouse, Goldsmith, Hargrove, Hickel, Honeyford, Lisk, McMahan, McMorris, Mitchell, Mulliken, Ogden, Pennington, Sherstad, Sterk and Thibaudeau - 16.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Senate Bill No. 5529, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate insists on its position regarding the House amendments to SENATE BILL NO. 5544 and again asks the House to recede therefrom.

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Buck moved that the House adhere to its position on Senate Bill No. 5544.

MOTION

Representative Basich moved that the House recede from its position and pass Senate Bill No. 5544 without the House amendments.

Representative Regala demanded an electronic roll call vote on the motion and the demand was sustained.

Representative Basich spoke in favor of the motion to recede from its position and Representative Buck spoke against the motion.

ROLL CALL

The Clerk called the roll on the motion to recede from its position and pass Senate Bill No. 5544 and the motion was not adopted by the following vote: Yeas - 37, Nays - 57, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Cooke, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 37.

Voting nay: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Crouse, Delvin, Dyer, Elliot, Foreman, Goldsmith, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 57.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Representative Buck spoke in favor of the motion to adhere to its position of Senate Bill No. 5544 and the motion was carried.

There being no objection, the House resumed consideration of Engrossed Substitute House Bill No. 1589.

Representatives Backlund and Dellwo spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Mielke.

Representative Mielke: In Section 8, subsection 2.C. Health Care providers are allowed to collectively negotiate the terms and conditions of contracts with certified Health plans, since we no longer have certified Health plans as the result of the passage of House Bill No. 1046 are these providers now allowed collectively negotiate those terms and conditions with Health Insurance carriers and Health maintenance organizations?

Representative Dyer: Yes, Representative Mielke, as refined to in subsection 1 of this section these contracts would include Health care facilities, Health care providers, or other persons and organizations involved in the development, deliver or the marketing of Health care services or financing.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1589 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1589 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott,

Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representative Lambert - 1.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Substitute House Bill No. 1589, as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative Van Luven: Having voted on the prevailing side moved that the House immediately reconsider the vote on Engrossed Substitute House Bill No. 1589.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1589 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1589 on reconsideration, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Engrossed Substitute House Bill No. 1589 on reconsideration, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5574 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Buck, the rules were suspended, and Second Substitute Senate Bill No. 5574 was returned to second reading for the purpose of an amendment.

SECOND SUBSTITUTE SENATE BILL NO. 5574, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, A. Anderson, Snyder, McDonald, Owen, Long, Rasmussen, Swecker, Heavey, Morton, Deccio, Johnson, Loveland, Hale, Sutherland, Strannigan, Palmer, Moyer, Hochstatter, West, Drew, Haugen, Quigley, Bauer and Roach)

Concerning the return of state forest board transfer land.

The bill was read the second time.

Representative Buck moved adoption of the following amendment by Representative Buck:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that in the early 1900's and up through the 1930's, counties took possession of a number of forest land parcels as a result of tax delinquencies. In many cases, the timber had already been harvested from these lands prior to the forfeiture of the property to the counties. Since that time, the department of natural resources has reforested and managed these lands in conjunction with the state trust lands. Given changes in forest practices, recent fluctuation in income from the forest board lands, and questions about the management of the department of natural resources, the legislature directs that a study of the policies and an analysis of economic elements of the management of state forest board lands be conducted by the legislative budget committee, in consultation with the Washington state members of western states legislatures forestry task force and the chairs of the senate and house of representatives committees on natural resources.

NEW SECTION. **Sec. 2.** The study under section 1 of this act shall include elements such as the following:

- (1) The role of forest board lands in the state's sustained yield calculations and the effect of removing all or part of those lands on income, yield, and management policies;
- (2) The economic and forest practice implications of separating the forest board lands from the total lands managed by the department of natural resources;
- (3) The effects of a transfer on public access, recreation, and the management of other public and private lands;
- (4) A comparison of forest management procedures and costs between Grays Harbor county and similar forest board and state trust lands; and
- (5) An examination of the best possible methods and procedures to transfer board lands to the counties.

NEW SECTION. **Sec. 3.** The findings of the study, along with recommendations to the legislature, shall be submitted to the appropriate standing committees of the legislature by December 31, 1996.

NEW SECTION. **Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act is null and void."

Representative Buck spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Second Substitute Senate Bill No. 5574 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5574 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Fisher, G., Fuhrman and Patterson - 4.

Second Substitute Senate Bill No. 5574, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1117,
SECOND ENGROSSED HOUSE BILL NO. 1130,
HOUSE BILL NO. 1193,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1209,
SUBSTITUTE HOUSE BILL NO. 1237,
SUBSTITUTE HOUSE BILL NO. 1336,
SUBSTITUTE HOUSE BILL NO. 1383,
HOUSE BILL NO. 1725,
SUBSTITUTE HOUSE BILL NO. 1756,
ENGROSSED HOUSE BILL NO. 1770,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1922,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5244, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5652, and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

On motion of Representative Cooke, the rules were suspended, and Senate Bill No. 5652 was returned to second reading for the purpose of an amendment.

SENATE BILL NO. 5652, by Senators Gaspard, McDonald, Smith, Quigley, Wojahn, Hargrove, Heavey, Winsley, Sheldon, Fraser, Loveland, Fairley, Oke, McAuliffe, Spanel, Kohl, Franklin, Drew, Haugen, Owen, Bauer, Snyder, Deccio and Rasmussen

Temporarily prohibiting public assistance payments for willful violators of public assistance eligibility provisions.

The bill was read the second time.

Representative Boldt moved adoption of the following amendment by Representative Boldt:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that welfare fraud damages the state's ability to use its limited resources to help those in need who legitimately qualify for assistance. In addition, it affects the credibility and integrity of the system, promoting disdain for the law.

Persons convicted of committing such fraud should be barred, for a period of time, from receiving additional public assistance.

Sec. 2. RCW 74.08.290 and 1959 c 26 s 74.08.290 are each amended to read as follows:

The department is hereby authorized to suspend temporarily the public assistance granted to any person for any period during which such person is not in need thereof.

If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period of imprisonment.

If a recipient is convicted of unlawful practices under RCW 74.08.331, no payment shall be made for a period to be determined by the court, but in no event less than six months upon the first conviction and no less than twelve months for a second or subsequent violation. This suspension of public assistance shall apply regardless of whether the recipient is subject to complete or partial confinement upon conviction, or incurs some lesser penalty.

Sec. 3. RCW 74.04.062 and 1973 c 152 s 2 are each amended to read as follows:

Upon written request of a person who has been properly identified as an officer of the law with a felony arrest warrant or a properly identified United States immigration official with a warrant for an illegal alien the department shall disclose to such officer the current address and location of the person properly described in the warrant. However, this rule does not restrict in any manner whatsoever the disclosure of address and location information by the department pursuant to its implementation of the federal "systematic alien verification for entitlements" program or pursuant to section 4 of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 74.08 RCW to read as follows:

The department shall implement the federal "systematic alien verification for entitlements" program, the "SAVE" program. The department shall:

(1) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(2) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements program is in use in the office; and

(3) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

NEW SECTION. **Sec. 5.** The department shall have the SAVE program in full force and effect by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program."

On page 1, line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 74.08.290 and 74.04.062; adding a new section to chapter 74.08 RCW; and creating new sections."

Representatives Boldt and Thibaudeau spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 5652 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5652 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk,

Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Fisher, G., Fuhrman and Patterson - 4.

Senate Bill No. 5652, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate once again refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5739, and again asks the House to recede therefrom

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Schoesler moved that the House adhere to its position on Substitute Senate Bill No. 5739. The motion was carried.

MESSAGE FROM THE SENATE

April 22, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE JOINT MEMORIAL NO. 8019 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Pennington moved that the House adhere to its position on Substitute Senate Joint Memorial No. 8019.

MOTION

Representative Basich moved that the House recede from its position and pass Substitute Senate Joint Memorial No. 8019 without the House amendments.

Representative Basich spoke in favor of the motion.

Representative Brown demanded an electronic roll call vote on the motion and the demand was sustained.

MOTIONS

On motion of Representative Brown, Representatives Dellwo and Sheldon were excused.

On motion of Representative Talcott, Representative Elliot and were excused.

ROLL CALL

The Clerk called the roll on the motion to recede in its position and pass Substitute Senate Joint Memorial No. 8019 without the House amendments and the motion failed by the following vote: Yeas - 32, Nays - 58, Absent - 1, Excused - 7.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Voting nay: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Foreman, Goldsmith, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Absent: Representative Carrell - 1.

Excused: Representatives Beeksma, Dellwo, Elliot, Fisher, G., Fuhrman, Patterson and Sheldon - 7.

The motion to adhere to its position to Substitute Senate Joint Memorial No. 8019 was carried.

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8407 was advanced to second reading.

SENATE CONCURRENT RESOLUTION NO. 8407, by Senator Gaspard

Presenting the Washington Performance Partnership statement of strategic intent.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representatives Ebersole, Backlund and Conway spoke in favor of adoption of the resolution.

The Speaker stated the question before the House to be final adoption of Senate Joint Resolution No. 8407.

Senate Concurrent Resolution No. 8407 was adopted.

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SENATE AMENDMENTS TO HOUSE BILL

April 22, 1995

Mr. Speaker:

Under suspension of rules, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107 was returned to second reading. The Senate further amended the Senate Committee on Government Operations striking amendments adopted April 13, 1995 by adopting floor amendment #417, and passed the bill with the attached Government Operations Committee amendments as amended:

Strike everything after the enacting clause and insert the following:

"PART 1
LAW REVISION COMMISSION

NEW SECTION. **Sec. 101.** The following acts or parts of acts are each repealed:

- (1) RCW 1.30.010 and 1982 c 183 s 1;
- (2) RCW 1.30.020 and 1982 c 183 s 2;
- (3) RCW 1.30.030 and 1982 c 183 s 3;
- (4) RCW 1.30.040 and 1987 c 505 s 2 & 1982 c 183 s 4;
- (5) RCW 1.30.050 and 1982 c 183 s 5; and
- (6) RCW 1.30.060 and 1982 c 183 s 9.

PART 2
JUDICIAL COUNCIL

NEW SECTION. **Sec. 201.** The following acts or parts of acts are each repealed:

- (1) RCW 2.52.010 and 1994 c 32 s 1, 1987 c 322 s 1, 1977 ex.s. c 112 s 1, 1973 c 18 s 1, 1971 c 40 s 1, 1967 c 124 s 1, 1961 c 271 s 1, 1955 c 40 s 1, & 1925 ex.s. c 45 s 1;
- (2) RCW 2.52.020 and 1925 ex.s. c 45 s 2;
- (3) RCW 2.52.030 and 1987 c 322 s 2 & 1925 ex.s. c 45 s 3;
- (4) RCW 2.52.035 and 1987 c 322 s 4;
- (5) RCW 2.52.040 and 1977 ex.s. c 112 s 2 & 1925 ex.s. c 45 s 4; and
- (6) RCW 2.52.050 and 1987 c 322 s 3 & 1981 c 260 s 1.

PART 3
JUVENILE DISPOSITION STANDARDS COMMISSION

NEW SECTION. **Sec. 301.** A new section is added to chapter 9.94A RCW to read as follows:

(1) The juvenile disposition standards commission is hereby abolished and its powers, duties, and functions are hereby transferred to the sentencing guidelines commission. All references to the director or the juvenile disposition standards commission in the Revised Code of Washington shall be construed to mean the director or the sentencing guidelines commission.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the juvenile disposition standards commission shall be delivered to the custody of the sentencing guidelines commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the juvenile disposition standards commission shall be made available to

the sentencing guidelines commission. All funds, credits, or other assets held by the juvenile disposition standards commission shall be assigned to the sentencing guidelines commission.

(b) Any appropriations made to the juvenile disposition standards commission shall, on the effective date of this section, be transferred and credited to the sentencing guidelines commission.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the juvenile disposition standards commission are transferred to the jurisdiction of the sentencing guidelines commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the sentencing guidelines commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the juvenile disposition standards commission shall be continued and acted upon by the sentencing guidelines commission. All existing contracts and obligations shall remain in full force and shall be performed by the sentencing guidelines commission.

(5) The transfer of the powers, duties, functions, and personnel of the juvenile disposition standards commission shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 302. RCW 13.40.025 and 1986 c 288 s 8 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

(6) The commission shall ~~((meet at least once every three months))~~ cease to exist on June 30, 1997, and its powers and duties shall be transferred to the sentencing guidelines commission established under RCW 9.94A.040.

Sec. 303. RCW 9.94A.040 and 1994 c 87 s 1 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

(7) The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

(8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

(9) The commission may (a) serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local sentencing practices; (b) develop and maintain a computerized sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (c) conduct ongoing research regarding sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the criminal justice system.

(10) The staff and executive officer of the commission may provide staffing and services to the juvenile disposition standards commission, if authorized by RCW 13.40.025 and 13.40.027. The commission may conduct joint meetings with the juvenile disposition standards commission.

(11) The commission shall assume the powers and duties of the juvenile disposition standards commission after June 30, 1997.

(12) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

PART 4

COSMETOLOGY, BARBERING, ESTHETICS, AND MANICURING ADVISORY BOARD

NEW SECTION. Sec. 401. The legislature finds that the economic opportunities for cosmetologists, barbers, estheticians, and manicurists have deteriorated in this state as a result of the lack of skilled practitioners, inadequate licensing controls, and inadequate enforcement of health standards. To increase the opportunities for individuals to earn viable incomes in these professions and to protect the general health of the public, the state cosmetology, barbering, esthetics, and manicuring advisory board should be reconstituted and given a new charge to develop appropriate responses to this situation, including legislative proposals.

Sec. 402. RCW 18.16.050 and 1991 c 324 s 3 are each amended to read as follows:

(1) There is created a state cosmetology, barbering, esthetics, and manicuring advisory board consisting of ~~((five))~~ seven members appointed by the ~~((governor who shall advise the director concerning the administration of this chapter))~~ director. ~~((Four))~~ These seven members of the board shall include ~~((a minimum of two instructors))~~ a representative of a private cosmetology school and a representative of a public vocational technical school involved in cosmetology training, with the balance made up of currently practicing licensees who have been engaged in the practice of manicuring, esthetics, barbering, or cosmetology for at least three years. One member of the board shall be a consumer who is unaffiliated with the cosmetology, barbering, esthetics, or manicuring industry. The term of office for all board members ~~((is three years))~~ serving as of the effective date of this section expires June 30, 1995. On June 30, 1995, the director shall appoint seven new members to the board. These new members shall serve a term of two years, at the conclusion of which the board shall cease to exist. Any members serving on the advisory board as of the effective date of this section are eligible to be reappointed. Any board member may be removed for just cause. The director may appoint a new member to fill any vacancy on the ((committee)) board for the remainder of the unexpired term. ((No board member may serve more than two consecutive terms, whether full or partial.))

(2) The board appointed on June 30, 1995, together with the director or the director's designee, shall conduct a thorough review of educational requirements, licensing requirements, and enforcement and health standards for persons engaged in cosmetology, barbering, esthetics, or manicuring and shall prepare a report to be delivered to the governor, the director, and the chairpersons of the governmental operations committees of the house of representatives and the senate. The report must summarize their findings and make recommendations, including, if appropriate, recommendations for legislation reforming and restructuring the regulation of cosmetology, barbering, esthetics, and manicuring.

(3) Board members shall be entitled to compensation pursuant to RCW 43.03.240 for each day spent conducting official business and to reimbursement for travel expenses as provided by RCW 43.03.050 and 43.03.060.

PART 5

SHORTHAND REPORTERS ADVISORY BOARD

Sec. 501. RCW 18.145.030 and 1989 c 382 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of licensing.

- (2) "Director" means the director of licensing.
(3) "Shorthand reporter" and "court reporter" mean an individual certified under this chapter.
~~((4) "Board" means the Washington state shorthand reporter advisory board.))~~

Sec. 502. RCW 18.145.050 and 1989 c 382 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the director may:

- (1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;
- (2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;
- (3) Establish the forms and procedures necessary to administer this chapter;
- (4) Issue a certificate to any applicant who has met the requirements for certification;
- (5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;
- (6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05 RCW;
- (7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;
- (8) Maintain the official departmental record of all applicants and certificate holders;
- (9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;
- (10) Prepare and administer or approve the preparation and administration of examinations for certification;
- (11) Establish by rule the procedures for an appeal of a failure of an examination;
- (12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification;
- (13) Establish ad hoc advisory committees whose membership shall include representatives of professional court reporting and stenomasking associations and representatives from accredited schools offering degrees in court reporting or stenomasking to advise the director on testing procedures, professional standards, disciplinary activities, or any other matters deemed necessary.

Sec. 503. RCW 18.145.070 and 1989 c 382 s 8 are each amended to read as follows:

The director(~~(, members of the board,))~~ and individuals acting on ~~((their))~~ the director's behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

Sec. 504. RCW 18.145.080 and 1989 c 382 s 9 are each amended to read as follows:

- (1) The department shall issue a certificate to any applicant who, as determined by the director ~~((upon advice of the board)),~~ has:
- (a) Successfully completed an examination approved by the director;
- (b) Good moral character;
- (c) Not engaged in unprofessional conduct; and
- (d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.
- (2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be no more difficult than the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

NEW SECTION. **Sec. 505.** RCW 18.145.060 and 1989 c 382 s 7 are each repealed.

PART 6
MARITIME BICENTENNIAL ADVISORY COMMITTEE

NEW SECTION. **Sec. 601.** RCW 27.34.300 and 1989 c 82 s 2 are each repealed.

PART 7
CENTENNIAL COMMISSION

NEW SECTION. **Sec. 701.** The following acts or parts of acts are each repealed:

- (1) RCW 27.60.010 and 1982 c 90 s 1;
- (2) RCW 27.60.020 and 1985 c 291 s 1, 1984 c 120 s 1, & 1982 c 90 s 2;
- (3) RCW 27.60.030 and 1982 c 90 s 3;
- (4) RCW 27.60.040 and 1987 c 195 s 1, 1985 c 291 s 2, & 1982 c 90 s 4;
- (5) RCW 27.60.050 and 1982 c 90 s 5;
- (6) RCW 27.60.070 and 1985 c 291 s 4;
- (7) RCW 27.60.090 and 1986 c 157 s 2; and
- (8) RCW 27.60.900 and 1989 c 82 s 3, 1985 c 268 s 3, & 1982 c 90 s 6.

PART 8
STUDENT FINANCIAL AID POLICY STUDY ADVISORY COMMITTEE

Sec. 801. RCW 28B.10.804 and 1969 ex.s. c 222 s 10 are each amended to read as follows:
The commission shall be cognizant of the following guidelines in the performance of its duties:

(1) The commission shall be research oriented, not only at its inception but continually through its existence.

(2) The commission shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The commission shall take the initiative and responsibility for coordinating all federal student financial aid programs to insure that the state recognizes the maximum potential effect of these programs, and shall design the state program which complements existing federal, state and institutional programs.

(4) Counseling is a paramount function of student financial aid, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the commission, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

~~(5) ((In the development of any new program, the commission shall seek advice from and consultation with the institutions of higher learning, state agencies, industry, labor, and such other interested groups as may be able to contribute to the effectiveness of program development and implementation.~~

~~(6))~~ The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptual element of the state's involvement.

PART 9
ADVISORY COMMITTEE ON ACCESS TO EDUCATION
FOR STUDENTS WITH DISABILITIES

NEW SECTION. **Sec. 901.** The following acts or parts of acts are each repealed:

- (1) RCW 28B.80.550 and 1991 c 228 s 7; and

(2) RCW 28B.80.555 and 1991 c 228 s 8.

PART 10
ADVISORY COMMITTEE FOR PROGRAM FOR
DISLOCATED FOREST PRODUCTS WORKERS

Sec. 1001. RCW 28B.80.575 and 1991 c 315 s 19 are each amended to read as follows:

The board shall administer a program designed to provide upper division higher education opportunities to dislocated forest products workers, their spouses, and others in timber impact areas. In administering the program, the board shall have the following powers and duties:

(1) Distribute funding for institutions of higher education to service placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average; and

~~(2) ((Appoint an advisory committee to assist the board in program design and future project selection;~~

~~(3))) Monitor the program and report on student progress and outcome((; and~~

~~(4) Report to the legislature by December 1, 1993, on the status of the program)).~~

PART 11
STATE FIRE DEFENSE BOARD AND
FIRE PROTECTION POLICY BOARD

Sec. 1101. RCW 38.54.030 and 1992 c 117 s 11 are each amended to read as follows:

~~((There is created the state fire defense board consisting of the state fire marshal, a representative from the department of natural resources appointed by the commissioner of public lands, the assistant director of the emergency management division of the department of community development, and one representative selected by each regional fire defense board in the state. Members of the state fire defense board shall select from among themselves a chairperson. Members serving on the board do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.))~~

The state fire ~~((defense board shall develop and maintain))~~ protection policy board shall review and make recommendations to the director on the refinement and maintenance of the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. In carrying out this duty, the fire protection policy board shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The director shall review the fire services mobilization plan as submitted by the state fire defense board and after consultation with the fire protection policy board, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

It is the responsibility of the director to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

PART 12
EMERGENCY MANAGEMENT COUNCIL AND RELATED BOARDS

Sec. 1201. RCW 38.52.030 and 1991 c 322 s 20 and 1991 c 54 s 2 are each reenacted and amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) ~~((The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee))~~ The emergency management council shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility

for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

Sec. 1202. RCW 38.52.040 and 1988 c 81 s 18 are each amended to read as follows:

(1) There is hereby created the emergency management council (hereinafter called the council), to consist of not ~~((less than seven nor))~~ more than seventeen members who shall be appointed by the governor. ~~((The council shall advise the governor and the director on all matters pertaining to emergency management and shall advise the chief of the Washington state patrol on safety in the transportation of hazardous materials described in RCW 46.48.170.))~~ The membership of the council shall include, but not be limited to, representatives of city and county governments, sheriffs and police chiefs, the Washington state patrol, the military department, the department of ecology, state and local fire chiefs, seismic safety experts, state and local emergency management directors, search and rescue volunteers, medical professions who have expertise in emergency medical care, building officials, and private industry~~((, and local fire chiefs))~~. The representatives of private industry shall include persons knowledgeable in ~~((the handling and transportation of hazardous materials))~~ emergency and hazardous materials management. The council members shall elect a chairman from within the council membership. The members of the council shall serve without compensation, but may be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The emergency management council shall advise the governor and the director on all matters pertaining to state and local emergency management. The council may appoint such ad hoc committees, subcommittees, and working groups as are required to develop specific recommendations for the improvement of emergency management practices, standards, policies, or procedures. The council shall ensure that the governor receives an annual assessment of state-wide emergency preparedness including, but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards, and coordination of hazardous materials planning and response activities. The council or a subcommittee thereof shall periodically convene in special session and serve during those sessions as the state emergency response commission required by P.L. 99-499, the emergency planning and community right-to-know act. When sitting in session as the state emergency response commission, the council shall confine its deliberations to those items specified in federal statutes and state administrative rules governing the coordination of hazardous materials policy. The council shall review administrative rules governing state and local emergency management practices and recommend necessary revisions to the director.

NEW SECTION. **Sec. 1203.** By July 1, 1995, the director of community, trade, and economic development shall terminate the state emergency response commission, the disaster assistance council, the hazardous materials advisory committee, the hazardous materials transportation act grant review committee, the flood damage reduction committee, and the hazard mitigation grant review committee. The director shall ensure that the responsibilities of these committees are carried out by the emergency management council or subcommittees thereof.

OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
ADVISORY COMMITTEE

NEW SECTION. **Sec. 1301.** RCW 39.19.040 and 1985 c 466 s 45 & 1983 c 120 s 4 are each repealed.

NEW SECTION. **Sec. 1302.** A new section is added to chapter 39.19 RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to assist in the development of policies to carry out the purposes of this chapter.

PART 14
SUPPLY MANAGEMENT ADVISORY BOARD

Sec. 1401. RCW 43.19.190 and 1994 c 138 s 1 are each amended to read as follows:

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by the legislature: PROVIDED, That any agency may purchase material, supplies, services, and equipment for which the agency has notified the purchasing and material control director that it is more cost-effective for the agency to make the purchase directly from the vendor: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935: PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029;

(3) ~~((Provide the required staff assistance for the state supply management advisory board through the division of purchasing;~~

~~(4)) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies(:(~~PROVIDED, That~~)). Acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through 43.19.1939, or from policies established by the director (~~after consultation with the state supply management advisory board: PROVIDED FURTHER, That~~)). Also, delegation of such authorization~~

to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

~~((5))~~ (4) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

~~((6))~~ (5) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

~~((7))~~ (6) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

~~((8))~~ (7) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

~~((9))~~ (8) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications ~~((after receiving the recommendation of the supply management advisory board))~~;

~~((10))~~ (9) Provide for the maintenance of inventory records of supplies, materials, and other property;

~~((11))~~ (10) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

~~((12))~~ (11) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

~~((13))~~ (12) Advise state agencies, including educational institutions, regarding compliance with established purchasing and material control policies under existing statutes.

Sec. 1402. RCW 43.19.1905 and 1993 sp.s. c 10 s 3 are each amended to read as follows:

The director of general administration ~~((, after consultation with the supply management advisory board))~~ shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;

(7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions ~~((under the provisions of RCW 43.19.510))~~, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

(8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters (~~(referred to him by a member of the advisory board)~~) which require the establishment of overall state-wide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002).

Sec. 1403. RCW 43.19.19052 and 1986 c 158 s 9 are each amended to read as follows:

Initial policy determinations for the functions described in RCW 43.19.1905 shall be developed and published within the 1975-77 biennium by the director(~~(, after consultation with the supply management advisory board)~~) for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director(~~(, after consultation with the advisory board,)~~) in future biennia as required to maintain an efficient and up-to-date state supply management system. The director shall transmit to the governor and the legislature in June 1976 and June 1977 a progress report which indicates the degree of accomplishment of each of these assigned duties, and which summarizes specific achievements obtained in increased effectiveness and dollar savings or cost avoidance within the overall state purchasing and material control system. The second progress report in June 1977 shall include a comprehensive supply management plan which includes the recommended organization of a state-wide purchasing and material control system and development of an orderly schedule for implementing such recommendation. In the interim between these annual progress reports, the director shall furnish periodic reports to the office of financial management for review of progress being accomplished in achieving increased efficiencies and dollar savings or cost avoidance.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director, (~~(in consultation with the supply management advisory board, and)~~) through the state purchasing and material control director, shall

have the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

Sec. 1404. RCW 43.19.1906 and 1994 c 300 s 1 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars (~~with the approval of at least ten of the members of the state supply management advisory board~~), if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand

dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

Sec. 1405. RCW 43.19.1937 and 1975-'76 2nd ex.s. c 21 s 13 are each amended to read as follows:

No (~~member of the state supply management advisory board or~~) state employee whose duties performed for the state include:

- (1) Advising on or drawing specifications for supplies, equipment, commodities, or services;
- (2) Suggesting or determining vendors to be placed upon a bid list;
- (3) Drawing requisitions for supplies, equipment, commodities, or services;
- (4) Evaluating specifications or bids and suggesting or determining awards; or
- (5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts;

shall accept or receive, directly or indirectly, a personal financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

Sec. 1406. RCW 43.19A.020 and 1991 c 297 s 3 are each amended to read as follows:

(1) The director shall adopt standards specifying the minimum content of recycled materials in products or product categories. The standards shall:

(a) Be consistent with the USEPA product standards, unless the director finds that a different standard would significantly increase recycled product availability or competition;

(b) Consider the standards of other states, to encourage consistency of manufacturing standards;

(c) Consider regional product manufacturing capability;

(d) Address specific products or classes of products; and

(e) Consider postconsumer waste content and the recyclability of the product.

(2) The director shall consult with the (~~supply management board and~~) department of ecology prior to adopting the recycled content standards.

(3) The director shall adopt recycled content standards for at least the following products by the dates indicated:

(a) By July 1, 1992:

(i) Paper and paper products;

(ii) Organic recovered materials; and

(iii) Latex paint products;

(b) By July 1, 1993:

(i) Products for lower value uses containing recycled plastics;

(ii) Retread and remanufactured tires;

(iii) Lubricating oils;

- (iv) Automotive batteries; and
- (v) Building insulation.

(4) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

NEW SECTION. Sec. 1407. RCW 43.19.1904 and 1979 c 88 s 2, 1975-'76 2nd ex.s. c 21 s 4, 1967 ex.s. c 104 s 4, & 1965 c 8 s 43.19.1904 are each repealed.

PART 15
PRESCRIPTION DRUG PROGRAM ADVISORY COMMITTEE

NEW SECTION. Sec. 1501. By July 1, 1995, the secretary of the department of social and health services shall abolish the prescription drug program advisory committee.

PART 16
TELECOMMUNICATIONS RELAY SERVICE PROGRAM
ADVISORY COMMITTEE

NEW SECTION. Sec. 1601. RCW 43.20A.730 and 1992 c 144 s 4, 1990 c 89 s 4, & 1987 c 304 s 4 are each repealed.

PART 17
LABORATORY ACCREDITATION ADVISORY COMMITTEE

NEW SECTION. Sec. 1701. By July 1, 1995, the director of the department of ecology shall abolish the laboratory accreditation advisory committee.

PART 18
METALS MINING ADVISORY GROUP

NEW SECTION. Sec. 1801. 1994 c 232 s 27 (uncodified) is repealed.

PART 19
ECONOMIC RECOVERY COORDINATION BOARD

Sec. 1901. RCW 43.20A.750 and 1993 c 280 s 38 are each amended to read as follows:

(1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force (~~and in consultation with the economic recovery coordination board,~~) and, where appropriate, under an interagency agreement with the department of community, trade, and economic development, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling

which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means:

~~((a))~~ A county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: ~~((i))~~ (a) A lumber and wood products employment location quotient at or above the state average; ~~((ii))~~ (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or ~~((iii))~~ (c) an annual unemployment rate twenty percent or more above the state average.

~~(b) Additional communities as the economic recovery coordinating board, established in RCW 43.31.631, designates based on a finding by the board that each designated community is socially and economically integrated with areas that meet the definition of a timber impact area under (a) of this subsection).~~

NEW SECTION. Sec. 1902. RCW 43.31.631 and 1993 c 316 s 3 & 1991 c 314 s 6 are each repealed.

PART 20 JOINT OPERATING AGENCY EXECUTIVE COMMITTEE

NEW SECTION. Sec. 2001. RCW 43.52.373 and 1982 1st ex.s. c 43 s 6 & 1965 c 8 s 43.52.373 are each repealed.

PART 21 OFFICE OF CRIME VICTIMS ADVOCACY ADVISORY COMMITTEE

NEW SECTION. Sec. 2101. By July 1, 1995, the director of the department of community, trade, and economic development shall abolish the office of crime victims advocacy advisory committee.

NEW SECTION. Sec. 2102. A new section is added to chapter 43.63A RCW to read as follows:

The director of the department of community, trade, and economic development may establish ad hoc advisory committees, as necessary, to obtain advice and guidance regarding the office of crime victims advocacy program.

PART 22 HEALTH CARE ACCESS AND COST CONTROL COUNCIL

Sec. 2201. RCW 43.70.010 and 1994 sp.s. c 7 s 206 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "Assessment" means the regular collection, analysis, and sharing of information about health conditions, risks, and resources in a community. Assessment activities identify trends in illness,

injury, and death and the factors that may cause these events. They also identify environmental risk factors, community concerns, community health resources, and the use of health services. Assessment includes gathering statistical data as well as conducting epidemiologic and other investigations and evaluations of health emergencies and specific ongoing health problems;

(2) "Board" means the state board of health;

(3) (~~"Council" means the health care access and cost control council;~~

~~4))~~) "Department" means the department of health;

~~5))~~) (4) "Policy development" means the establishment of social norms, organizational guidelines, operational procedures, rules, ordinances, or statutes that promote health or prevent injury, illness, or death; and

~~6))~~) (5) "Secretary" means the secretary of health.

Sec. 2202. RCW 43.70.070 and 1989 1st ex.s. c 9 s 109 are each amended to read as follows:

The department shall evaluate and analyze readily available data and information to determine the outcome and effectiveness of health services, utilization of services, and payment methods. This section should not be construed as allowing the department access to proprietary information.

(1) The department shall make its evaluations available to the board (~~and the council~~) for use in preparation of the state health report required by RCW 43.20.050, and to consumers, purchasers, and providers of health care.

(2) The department(~~, with advice from the council~~) shall use the information to:

(a) Develop guidelines which may be used by consumers, purchasers, and providers of health care to encourage necessary and cost-effective services; and

(b) Make recommendations to the governor on how state government and private purchasers may be prudent purchasers of cost-effective, adequate health services.

Sec. 2203. RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each amended to read as follows:

As used in this chapter:

(1) (~~"Council" means the health care access and cost control council created by this chapter.~~

~~2))~~) "Department" means department of health.

~~3))~~) (2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

~~4))~~) (3) "Secretary" means secretary of health.

~~5))~~) (4) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the department.

~~6))~~) (5) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.

~~7))~~) (6) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

NEW SECTION. **Sec. 2204.** The following acts or parts of acts are each repealed:

(1) RCW 70.170.030 and 1989 1st ex.s. c 9 s 503; and

(2) RCW 70.170.040 and 1989 1st ex.s. c 9 s 504.

PART 23

COUNCIL ON VOLUNTEERISM AND CITIZEN SERVICE

Sec. 2301. RCW 43.150.030 and 1992 c 66 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer" means a person who is willing to work without expectation of salary or financial reward and who chooses where he or she provides services and the type of services he or she provides.

(2) "Center" means the state center for volunteerism and citizen service.

~~((3) "Council" means the Washington state council on volunteerism and citizen service.))~~

NEW SECTION. Sec. 2302. RCW 43.150.060 and 1992 c 66 s 6, 1987 c 505 s 39, 1985 c 110 s 1, & 1982 1st ex.s. c 11 s 6 are each repealed.

PART 24
COMMISSION ON EFFICIENCY AND ACCOUNTABILITY
IN GOVERNMENT

NEW SECTION. Sec. 2401. The following acts or parts of acts are each repealed:

(1) RCW 43.17.260 and 1987 c 480 s 1;

(2) RCW 43.17.270 and 1987 c 480 s 2;

(3) RCW 43.17.280 and 1987 c 480 s 3;

(4) RCW 43.17.290 and 1987 c 480 s 4;

(5) RCW 43.17.300 and 1987 c 480 s 5; and

(6) 1991 c 53 s 1 & 1987 c 480 s 6 (uncodified).

PART 25
TECHNICAL ADVISORY COMMITTEE ON PUPIL TRANSPORTATION

Sec. 2501. RCW 46.61.380 and 1984 c 7 s 70 are each amended to read as follows:

The state superintendent of public instruction (~~(, by and with the advice of the state department of transportation and the chief of the Washington state patrol,))~~ shall adopt and enforce rules not inconsistent with the law of this state to govern the design, marking, and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children. Those rules shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district is subject to such rules. It is unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such rules.

PART 26
TRANSPORTATION IMPROVEMENT BOARD AND
MULTIMODAL TRANSPORTATION PROGRAMS
AND PROJECTS SELECTION COMMITTEE

Sec. 2601. RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee created in RCW 47.66.020))~~

transportation improvement board to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the ~~((department of))~~ transportation improvement board and allocated by the ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.

Sec. 2602. RCW 81.104.090 and 1993 c 393 s 2 are each amended to read as follows:

The department of transportation shall be responsible for distributing amounts appropriated from the high capacity transportation account, which shall be allocated by the ~~((multimodal transportation programs and projects selection committee))~~ department of transportation based on criteria in subsection (2) of this section. The department shall assemble and participate in a committee comprised of transit agencies eligible to receive funds from the high capacity transportation account for the purpose of reviewing fund applications.

(1) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts.

(2) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

- (a) Conformance with the designated regional transportation planning organization's regional transportation plan;
- (b) Local matching funds;
- (c) Demonstration of projected improvement in regional mobility;
- (d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and
- (e) Establishment, through interlocal agreements, of a joint regional policy committee as defined in RCW 81.104.030 or 81.104.040.

(3) The department of transportation shall provide general review and monitoring of the system and project planning process prescribed in RCW 81.104.100.

Sec. 2603. RCW 47.26.121 and 1994 c 179 s 13 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of ~~((eighteen))~~ twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) ~~((the assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (c) the assistant secretary for local programs of))~~ two representatives from the

department of transportation; ~~((d-a))~~ (c) two representatives of ((a)) public transit systems; ~~((e))~~ (d) a private sector representative; ~~((and (f) a public member))~~ (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.

(7) The port member shall be a commissioner or senior staff person of a public port.

(8) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.

(9) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.

(10) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, ~~((and))~~ the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector ~~((and))~~, public, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, special needs transportation, or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office

completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, special needs transportation, or public member resigns or is unable or unwilling to serve.

~~((8))~~ (11) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

~~((9))~~ (12) The board shall elect a chair from among its members for a two-year term.

~~((10))~~ (13) Expenses of the board shall be paid in accordance with RCW 47.26.140.

~~((11))~~ (14) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, public transportation benefit area, or regional transit authority.

Sec. 2604. RCW 47.66.030 and 1993 c 393 s 5 are each amended to read as follows:

(1)(a) The ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board is authorized and responsible for the final selection of programs and projects funded from the central Puget Sound public transportation account; public transportation systems account; high capacity transportation account; and the intermodal surface transportation and efficiency act of 1991, surface transportation program, state-wide competitive.

(b) The ~~((committee))~~ board may establish subcommittees ~~((of the full committee))~~ as well as technical advisory committees to carry out the mandates of this chapter.

(2)~~((a))~~ Expenses of the ~~((committee))~~ board, including administrative expenses for managing the program, shall be paid ~~((from the transportation fund))~~ in accordance with RCW 47.26.140.

~~((b) Members of the committee shall receive no compensation for their services on the committee, but shall be reimbursed for travel expenses incurred while attending meetings of the committee or while engaged on other business of the committee when authorized by the committee in accordance with RCW 43.03.050 and 43.03.060.))~~

Sec. 2605. RCW 47.26.140 and 1994 c 179 s 14 are each amended to read as follows:

The transportation improvement board shall appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board, and may employ additional staff as it deems appropriate. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the urban arterial trust account, small city account, city hardship assistance account, transportation fund, and the transportation improvement account in the motor vehicle fund as determined by the biennial appropriation.

Sec. 2606. RCW 47.66.040 and 1993 c 393 s 6 are each amended to read as follows:

(1) The ~~((multimodal transportation programs and projects selection committee))~~ transportation improvement board shall select programs and projects based on a competitive process consistent with the mandates governing each account or source of funds. The competition shall be consistent with the following criteria:

(a) Local, regional, and state transportation plans;

(b) Local transit development plans; and

(c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the ~~((committee))~~ board in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by this ~~((committee))~~ board, and safety and security issues.

(3) The ~~((committee))~~ board shall determine the appropriate level of local match required for each program and project based on the source of funds.

Sec. 2607. RCW 47.26.160 and 1994 c 179 s 15 are each amended to read as follows:

The transportation improvement board shall:

- (1) Adopt rules necessary to implement the provisions of chapter 47.66 RCW and this chapter relating to the allocation of funds;
- (2) Adopt reasonably uniform design standards for city and county arterials.

NEW SECTION. **Sec. 2608.** The following acts or parts of acts are each repealed:

- (1) RCW 47.66.020 and 1993 c 393 s 4;
- (2) RCW 47.66.050 and 1993 c 393 s 7; and
- (3) RCW 47.66.060 and 1993 c 393 s 8.

PART 27

OVERSIGHT COMMITTEE ON LONGSHOREMAN'S AND HARBOR WORKER'S COMPENSATION COVERAGE

NEW SECTION. **Sec. 2701.** The following acts or parts of acts are each repealed:

- (1) RCW 48.22.071 and 1992 c 209 s 3; and
- (2) RCW 48.22.072 and 1993 c 177 s 2 & 1992 c 209 s 4.

PART 28

BOARD OF ADVISORS FOR SOLID WASTE INCINERATOR AND LANDFILL OPERATOR CERTIFICATION

Sec. 2801. RCW 70.95D.010 and 1989 c 431 s 65 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

~~(1) ("Board" means the board of advisors for solid waste incinerator and landfill operator certification established by RCW 70.95D.050.~~

~~(2))~~ (2) "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) "Department" means the department of ecology.

~~((4))~~ (3) "Director" means the director of ecology.

~~((5))~~ (4) "Incinerator" means a facility which has the primary purpose of burning or which is designed with the primary purpose of burning solid waste or solid waste derived fuel, but excludes facilities that have the primary purpose of burning hog fuel.

~~((6))~~ (5) "Landfill" means a landfill as defined under RCW 70.95.030.

~~((7))~~ (6) "Owner" means, in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee; in the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee; in the case of a privately owned landfill or incinerator, the legal owner.

~~((8))~~ (7) "Solid waste" means solid waste as defined under RCW 70.95.030.

Sec. 2802. RCW 70.95D.060 and 1989 c 431 s 70 are each amended to read as follows:

(1) The director may ~~((, with the recommendation of the board and after a hearing before the board,))~~ revoke a certificate:

- (a) If it were found to have been obtained by fraud or deceit;
- (b) For gross negligence in the operation of a solid waste incinerator or landfill;
- (c) For violating the requirements of this chapter or any lawful rule or order of the department;

or

(d) If the facility operated by the certified employee is operated in violation of state or federal environmental laws.

(2) A person whose certificate is revoked under this section shall not be eligible to apply for a certificate for one year from the effective date of the final order (~~(or of)~~) of revocation.

NEW SECTION. **Sec. 2803.** RCW 70.95D.050 and 1989 c 431 s 69 are each repealed.

NEW SECTION. **Sec. 2804.** A new section is added to chapter 70.95D RCW to read as follows:

The director may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance on the certification of solid waste incinerator and landfill operators.

PART 29
WATER AND WASTEWATER OPERATOR CERTIFICATION
BOARD OF EXAMINERS

Sec. 2901. RCW 70.95B.020 and 1987 c 357 s 1 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) (~~"Board" means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.~~)

~~(4))~~ (4) "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((5))~~ (4) "Wastewater treatment plant" means a facility used to treat any liquid or waterborne waste of domestic origin or a combination of domestic, commercial or industrial origin, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence, septic tanks with subsoil absorption, industrial wastewater treatment plants, or wastewater collection systems.

~~((6))~~ (5) "Operator in responsible charge" means an individual who is designated by the owner as the person on-site in responsible charge of the routine operation of a wastewater treatment plant.

~~((7))~~ (6) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((8))~~ (7) "Wastewater collection system" means any system of lines, pipes, manholes, pumps, liftstations, or other facilities used for the purpose of collecting and transporting wastewater.

~~((9))~~ (8) "Operating experience" means routine performance of duties, on-site in a wastewater treatment plant, that affects plant performance or effluent quality.

~~((10))~~ (9) "Owner" means in the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated pursuant to a lease or contract; in the case of a county, the chairman of the county legislative authority or the chairman's designee; in the case of a sewer district, board of public utilities, association, municipality or other public body, the president or chairman of the body or the president's or chairman's designee; in the case of a privately owned wastewater treatment plant, the legal owner.

~~((11))~~ (10) "Wastewater certification program coordinator" means an employee of the department (~~(who is appointed by the director to serve on the board and)~~) who administers the wastewater treatment plant operators' certification program.

Sec. 2902. RCW 70.95B.040 and 1987 c 357 s 3 are each amended to read as follows:

The director(~~(, with the approval of the board,)~~) shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall

include, but not be limited to, provisions for the qualification and certification of operators for different classifications of wastewater treatment plants.

Sec. 2903. RCW 70.95B.100 and 1973 c 139 s 10 are each amended to read as follows:

The director may, ~~((with the recommendation of the board and after a hearing before the same))~~ after conducting a hearing, revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

Sec. 2904. RCW 70.119.020 and 1991 c 305 s 2 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

~~(1) ("Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.~~

~~(2))~~ (2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ (2) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~((4))~~ (3) "Department" means the department of health.

~~((5))~~ (4) "Distribution system" means that portion of a public water system which stores, transmits, pumps and distributes water to consumers.

~~((6))~~ (5) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

~~((7))~~ (6) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

~~((8))~~ (7) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((9))~~ (8) "Public water system" means any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

~~((10))~~ (9) "Purification plant" means that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((11))~~ (10) "Secretary" means the secretary of the department of health.

~~((12))~~ (11) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

~~((13))~~ (12) "Surface water" means all water open to the atmosphere and subject to surface runoff.

Sec. 2905. RCW 70.119.050 and 1983 c 292 s 4 are each amended to read as follows:

The secretary shall adopt~~((, with the approval of the board,))~~ such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.05 RCW.

Sec. 2906. RCW 70.119.110 and 1991 c 305 s 7 are each amended to read as follows:

The secretary may~~((, with the recommendation of the board and after hearing before the same,))~~ after conducting a hearing revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation.

NEW SECTION. **Sec. 2907.** The following acts or parts of acts are each repealed:

(1) RCW 70.95B.070 and 1984 c 287 s 106, 1975-'76 2nd ex.s. c 34 s 161, & 1973 c 139 s 7;
and

(2) RCW 70.119.080 and 1983 c 292 s 6 & 1977 ex.s. c 99 s 8.

NEW SECTION. **Sec. 2908.** A new section is added to chapter 70.95B RCW to read as follows:

The director, in cooperation with the secretary of health, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the examination and certification of operators of wastewater treatment plants.

NEW SECTION. **Sec. 2909.** A new section is added to chapter 70.119 RCW to read as follows:

The secretary, in cooperation with the director of ecology, may establish ad hoc advisory committees, as necessary, to obtain advice and technical assistance regarding the development of rules implementing this chapter and on the examination and certification of operators of water systems.

PART 30
TWIN RIVERS CORRECTIONS CENTER
VOLUNTEER ADVISORY COMMITTEE

NEW SECTION. **Sec. 3001.** By July 1, 1995, the secretary of the department of corrections shall abolish the twin rivers corrections center volunteer advisory committee.

PART 31
SEA URCHIN AND SEA CUCUMBER ADVISORY REVIEW BOARDS

Sec. 3101. RCW 75.30.050 and 1994 sp.s. c 9 s 807 and 1994 c 260 s 18 are each reenacted and amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The commercial crab fishing industry in cases involving Dungeness crab—Puget Sound fishery licenses;

- (b) The commercial herring fishery in cases involving herring fishery licenses;
- (c) The commercial sea urchin and sea cucumber fishery in cases involving sea urchin and sea cucumber dive fishery licenses;
- (d) ~~((The commercial sea cucumber fishery in cases involving sea cucumber dive fishery licenses;~~
- ~~(e))~~ (e) The commercial ocean pink shrimp industry (*Pandalus jordani*) in cases involving ocean pink shrimp delivery licenses; and
- ~~((f))~~ (e) The commercial coastal crab fishery in cases involving Dungeness crab—coastal fishery licenses and Dungeness crab—coastal class B fishery licenses. The members shall include one person from the commercial crab processors, one Dungeness crab—coastal fishery license holder, and one citizen representative of a coastal community.
- (2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 43.03.065.

PART 32
ADVISORY BOARD FOR THE PURCHASE OF
FISHING VESSELS AND LICENSES

Sec. 3201. RCW 75.44.140 and 1983 1st ex.s. c 46 s 159 are each amended to read as follows:

The director shall adopt rules for the administration of the program. To assist the department in the administration of the program, the director may contract with persons not employed by the state and may enlist the aid of other state agencies.

~~((The director shall appoint an advisory board composed of five individuals who are knowledgeable of the commercial fishing industry to advise the director concerning the values of licenses and permits. Advisory board members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.))~~

PART 33
RAIL DEVELOPMENT COMMISSION

NEW SECTION. **Sec. 3301.** The following acts or parts of acts are each repealed:

- (1) RCW 81.62.010 and 1987 c 429 s 1;
- (2) RCW 81.62.020 and 1987 c 429 s 2;
- (3) RCW 81.62.030 and 1987 c 429 s 3;
- (4) RCW 81.62.040 and 1987 c 429 s 4;
- (5) RCW 81.62.050 and 1987 c 429 s 5;
- (6) RCW 81.62.060 and 1987 c 429 s 6;
- (7) RCW 81.62.900 and 1987 c 429 s 7; and
- (8) RCW 81.62.901 and 1987 c 429 s 8.

PART 34
MARINE OVERSIGHT BOARD

NEW SECTION. **Sec. 3401.** RCW 90.56.450 and 1992 c 73 s 40 & 1991 c 200 s 501 are each repealed.

PART 35
INTERAGENCY COORDINATING COMMITTEE FOR PUGET SOUND
AMBIENT MONITORING PROGRAM

Sec. 3501 RCW 90.70.065 and 1994 c 264 s 98 are each amended to read as follows:

(1) In addition to other powers and duties specified in this chapter, the authority shall ensure implementation and coordination of the Puget Sound ambient monitoring program established in the plan under RCW 90.70.060(12). The program shall:

(a) Develop a baseline and examine differences among areas of Puget Sound, for environmental conditions, natural resources, and contaminants in seafood, against which future changes can be measured;

(b) Take measurements relating to specific program elements identified in the plan;

(c) Measure the progress of the ambient monitoring programs implemented under the plan;

(d) Provide a permanent record of significant natural and human-caused changes in key environmental indicators in Puget Sound; and

(e) Help support research on Puget Sound.

(2) ~~((To ensure proper coordination of the ambient monitoring program, the authority may establish an interagency coordinating committee consisting of representatives from the departments of ecology, fish and wildlife, natural resources, and health, and such federal, local, tribal, and other organizations as are necessary to implement the program.~~

(3)) Each state agency with responsibilities for implementing the Puget Sound ambient monitoring program, as specified in the plan, shall participate in the program.

PART 36 MISCELLANEOUS

NEW SECTION. **Sec. 3601.** Part headings as used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 3602.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 3603.** Section 301 of this act shall take effect June 30, 1997.

NEW SECTION. **Sec. 3604.** Sections 101, 201, 302, 303, 401, 402, 501 through 505, 601, 701, 801, 901, 1001, 1101, 1201 through 1203, 1301, 1302, 1401 through 1407, 1501, 1601, 1701, 1801, 1901, 1902, 2001, 2101, 2102, 2201 through 2204, 2301, 2302, 2401, 2501, 2601 through 2608, 2701, 2801 through 2804, 2901 through 2909, 3001, 3101, 3201, 3301, 3401, and 3501 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 13.40.025, 9.94A.040, 18.16.050, 18.145.030, 18.145.050, 18.145.070, 18.145.080, 28B.10.804, 28B.80.575, 38.54.030, 38.52.040, 43.19.190, 43.19.1905, 43.19.19052, 43.19.1906, 43.19.1937, 43.19A.020, 43.20A.750, 43.70.010, 43.70.070, 70.170.020, 43.150.030, 46.61.380, 81.104.090, 47.26.121, 47.66.030, 47.26.140, 47.66.040, 47.26.160, 70.95D.010, 70.95D.060, 70.95B.020, 70.95B.040, 70.95B.100, 70.119.020, 70.119.050, 70.119.110, 75.44.140, and 90.70.065; reenacting and amending RCW 38.52.030, 82.44.180, and 75.30.050; adding a new section to chapter 9.94A RCW; adding a new section to chapter 39.19 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 70.95D RCW; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating new sections; repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 2.52.010, 2.52.020, 2.52.030, 2.52.035, 2.52.040, 2.52.050, 18.145.060, 27.34.300, 27.60.010, 27.60.020, 27.60.030, 27.60.040, 27.60.050, 27.60.070, 27.60.090, 27.60.900, 28B.80.550, 28B.80.555, 39.19.040, 43.19.1904, 43.20A.730, 43.31.631, 43.52.373, 70.170.030, 70.170.040, 43.150.060, 43.17.260, 43.17.270, 43.17.280, 43.17.290, 43.17.300, 47.66.020, 47.66.050, 47.66.060, 48.22.071, 48.22.072, 70.95D.050, 70.95B.070, 70.119.080, 81.62.010, 81.62.020, 81.62.030, 81.62.040, 81.62.050,

81.62.060, 81.62.900, 81.62.901, and 90.56.450; repealing 1994 c 232 s 27 (uncodified); repealing 1991 c 53 s 1 and 1987 c 480 s 6 (uncodified); providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Reams moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1107 and pass the bill as amended by the Senate. The motion was carried.

Representatives Reams and Rust spoke in favor of passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1107 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1107 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Beeksmas, Dellwo, Fisher, G., Fuhrman and Patterson - 5.

Engrossed Substitute House Bill No. 1107, as amended by the Senate, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

ESB 5873 Date: April 23, 1995

Includes "new item": YES

Mr. Speaker:
Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5873, raising the fine for parking in places reserved for physically handicapped persons, have had the same under consideration and we recommend that the House amendments not be adopted and the bill be amended as follows:

On page 3, strike lines 32 and 33 and insert:

"(7) It is a (~~traffic~~) parking infraction, with a monetary penalty of (~~fifty~~) one hundred seventy-five dollars for any person to park a vehicle in a parking"

On page 4, strike lines 4 through 6 and insert:

"(8) The (~~portion of a~~) penalty imposed under subsection (7) of this section (~~that is retained by a local jurisdiction under RCW 3.46.120, 3.50.100, 3.62.020, 3.62.040, or 35.20.220~~) shall be used by that local"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Fairley, Sellar, Smith; Representatives Sheahan, Costa.

MOTION

Representative Sheahan moved that the House adopt the Report of the Conference Committee on Engrossed Senate Bill No. 5873 and pass the bill as recommended by the Conference Committee.

Representatives Sheahan and Costa spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5873 as recommended by the Conference Committee.

Representatives Brown and Benton spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5873 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Voloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representative Van Luven - 1.

Excused: Representatives Beeksma, Dellwo, Fisher, G., Fuhrman and Patterson - 5.

Engrossed Senate Bill No. 5873, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 1173,
HOUSE BILL NO. 1225,
SUBSTITUTE HOUSE BILL NO. 1250,
HOUSE BILL NO. 1359,
SUBSTITUTE HOUSE BILL NO. 1434,
HOUSE BILL NO. 1445,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,
HOUSE BILL NO. 1495,
SUBSTITUTE HOUSE BILL NO. 1560,
SUBSTITUTE HOUSE BILL NO. 1669,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,
SUBSTITUTE HOUSE BILL NO. 1871,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941,
ENGROSSED HOUSE BILL NO. 2057,
HOUSE CONCURRENT RESOLUTION NO. 4408,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5169,
SENATE BILL NO. 5990,

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5770, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5885, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House reverted to the fourth order of business.

There being no objection, House Concurrent Resolution No. 4414 was read the first time.

MOTION

On motion of Representative Foreman, the rules were suspended and House Concurrent Resolution No. 4414 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4414, by Representative Foreman

Extending cut-off for SB 5776.

The resolution was read the second time.

Representative Foreman moved adoption of the resolution and spoke in favor of it.

House Resolution No. 4414 was adopted.

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5873, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

CONFERENCE COMMITTEE REPORT

SSB 5516 Date: April 23, 1995

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5516, providing for drug-free workplaces, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the striking amendment by the Conference Committee (see attached H-3167.1/95) be adopted, and that the Conference Committee striking amendment (H-3167.1/95) be amended as follows:

On page 15, line 12 of the striking amendment, after "exceed" strike "five" and insert "three"

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to promote drug-free workplaces to improve the safety of the workplace, protect the health of workers, and afford employers in this state the opportunity to maximize their levels of productivity, enhance their competitive positions in the marketplace, and reach their desired levels of success without experiencing the costs, delays, and tragedies associated with work-related accidents resulting from substance abuse by employees.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(2) "Alcohol test" means a chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of alcohol within an individual's body systems.

(3) "Chain of custody" means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition for all specimens and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

(4) "Collection site" means a place where individuals present themselves for the purpose of providing a urine, breath, or other specimen to be analyzed for the presence of drugs or alcohol.

(5) "Confirmation test," "confirmed test," or "confirmed substance abuse test" means a second analytical procedure used to identify the presence of a specific drug or metabolic in a specimen. Drug tests must be confirmed as specified in section 6(5) of this act. Alcohol tests must be confirmed by a second breath test or as specified for drug tests.

(6) "Department" means the department of social and health services.

(7) "Drug" means amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or a metabolite of any such substances.

(8) "Drug test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites within the sample.

(9) "Employee" means a person who is employed for salary, wages, or other remuneration by an employer.

(10) "Employee assistance program" means a program designed to assist in the identification and resolution of job performance problems associated with employees impaired by personal concerns. A minimum level of core services must include: Consultation and professional, confidential, appropriate, and timely problem assessment services; short-term problem resolution; referrals for appropriate diagnosis, treatment, and assistance; follow-up and monitoring; employee education; and supervisory training.

(11) "Employer" means an employer subject to Title 51 RCW but does not include the state or any department, agency, or instrumentality of the state; any county; any city; any county or independent school system or municipal corporation; or any employer that is self-insured for purposes of Title 51 RCW.

(12) "Initial test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. An initial drug test must use an immunoassay procedure or an equivalent procedure or must use a more accurate scientifically accepted method approved by the national institute on drug abuse as more accurate technology becomes available in a cost-effective form.

(13) "Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result and occurring from without, and such physical conditions as result therefrom.

(14) "Job applicant" means a person who has applied for employment with an employer and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.

(15) "Last-chance agreement" means a notice to an employee who is referred to the employee assistance program due to a verified positive alcohol or drug test or for violating an alcohol or drug-related employer rule that states the terms and conditions of continued employment with which the employee must comply.

(16) "Medical review officer" means a licensed physician trained in the field of drug testing who provides medical assessment of positive test results, requests reanalysis if necessary, and makes a determination whether or not drug misuse has occurred.

(17) "Nonprescription medication" means a drug or medication authorized under federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.

(18) "Prescription medication" means a drug or medication lawfully prescribed by a physician, or other health care provider licensed to prescribe medication, for an individual and taken in accordance with the prescription.

(19) "Rehabilitation program" means a program approved by the department that is capable of providing expert identification, assessment, and resolution of employee drug or alcohol abuse in a confidential and timely service. Any rehabilitation program under this chapter must contain a two-year continuing care component.

(20) "Specimen" means breath or urine. "Specimen" may include other products of the human body capable of revealing the presence of drugs or their metabolites or of alcohol, if approved by the United States department of health and human services and permitted by rules adopted under section 13 of this act.

(21) "Substance" means drugs or alcohol.

(22) "Substance abuse test" or "test" means a chemical, biological, or physical instrumental analysis administered on a specimen sample for the purpose of determining the presence or absence of a drug or its metabolites or of alcohol within the sample.

(23) "Threshold detection level" means the level at which the presence of a drug or alcohol can be reasonably expected to be detected by an initial and confirmation test performed by a laboratory meeting the standards specified in this chapter. The threshold detection level indicates the level at which a valid conclusion can be drawn that the drug or alcohol is present in the employee's specimen.

(24) "Verified positive test result" means a confirmed positive test result obtained by a laboratory meeting the standards specified in this chapter that has been reviewed and verified by a medical review officer in accordance with medical review officer guidelines promulgated by the United States department of health and human services.

NEW SECTION. Sec. 3. (1) An employer implementing a drug-free workplace program in accordance with section 4 of this act, shall qualify for a five percent premium discount under the employer's workers' compensation insurance policy as provided under chapter 51.16 RCW upon certification by the division of alcohol and substance abuse of the department as provided in section 13 of this act.

(2) The premium discount must remain in effect as long as the employer is certified under section 13 of this act, up to a maximum of three years from the date of certification.

(3) A certified employer may discontinue operating a drug-free workplace program at any time. The qualification for a premium discount shall expire in accordance with decertification rules adopted by the department under section 13 of this act.

(4) An employer whose substance abuse testing program reasonably meets, as of July 1, 1995, the requirements for the premium discount provided in this section is not eligible for certification.

(5) Nothing in this chapter creates or alters an obligation on the part of an employer seeking to participate in this program to bargain with a collective bargaining representative of its employees.

(6) An employer may not receive premium discounts from the department of labor and industries under more than one premium discount program. An employer participating in and meeting all of the requirements for the discount provided in this section and also participating in another premium discount program offered by the department of labor and industries is only entitled to the premium discount that is the highest.

NEW SECTION. Sec. 4. (1) A drug-free workplace program established under this chapter must contain the following elements:

(a) A written policy statement as provided in section 5 of this act;

(b) Substance abuse testing as provided in section 6 of this act;

(c) An employee assistance program as provided in accordance with section 7 of this act;

(d) Employee education as provided in section 9 of this act; and

(e) Supervisor training in accordance with section 10 of this act.

(2) In addition to the requirements of subsection (1) of this section, a drug-free workplace program established under this chapter must be implemented in compliance with the confidentiality standards provided in section 12 of this act.

NEW SECTION. Sec. 5. (1) An alcohol and drug-free workplace program established under this chapter must contain a written substance abuse policy statement in order to qualify for the premium discount provided under section 3 of this act. The policy must:

(a) Notify employees that the use or being under any influence of alcohol during working hours is prohibited;

(b) Notify employees that the use, purchase, possession, or transfer of drugs or having illegal drugs in their system is prohibited and that prescription or nonprescription medications are not prohibited when taken in accordance with a lawful prescription or consistent with standard dosage recommendations;

(c) Identify the types of testing an employee or job applicant may be required to submit to or other basis used to determine when such a test will be required;

(d) Identify the actions the employer may take against an employee or job applicant on the basis of a verified positive test result;

(e) Contain a statement advising an employee or job applicant of the existence of this chapter;

(f) Contain a general statement concerning confidentiality;

(g) Identify the consequences of refusing to submit to a drug test;

(h) Contain a statement advising an employee of the employee assistance program;

(i) Contain a statement that an employee or job applicant who receives a verified positive test result may contest or explain the result to the employer within five working days after receiving written notification of the positive test result;

(j) Contain a statement informing an employee of the provisions of the federal drug-free workplace act, if applicable to the employer; and

(k) Notify employees that the employer may discipline an employee for failure to report an injury in the workplace.

(2) An employer not having a substance abuse testing program in effect on July 1, 1995, shall ensure that at least sixty days elapse between a general one-time notice to all employees that a substance abuse testing program is being implemented and the beginning of the actual testing. An employer having a substance abuse testing program in place before July 1, 1995, is not required to provide a sixty-day notice period.

(3) An employer shall include notice of substance abuse testing to all job applicants. A notice of the employer's substance abuse testing policy must also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy must be made available for inspection by the employees or job applicants of the employer during regular business hours in the employer's personnel office or other suitable locations. An employer with employees or job applicants who have trouble communicating in English shall make reasonable efforts to help the employees understand the policy statement.

NEW SECTION. Sec. 6. (1) Substance abuse testing conducted under this chapter must be conducted in conformity with the standards and procedures established in this chapter and all applicable rules adopted by the department under this chapter. If an employer fails to maintain an alcohol and drug-free workplace program in accordance with the standards, procedures, and rules established under this chapter, the employer shall not qualify for the workers' compensation premium discount provided under section 3 of this act.

(2) To qualify for the premium discount under section 3 of this act, an employer shall:

(a) Be in good standing and remain in good standing with the department of labor and industries with respect to the employer's workers' compensation premium obligations;

(b) Require job applicants to submit to a drug test after extending an offer of employment. The employer may use a refusal to submit to a drug test or a verified positive test as a basis for not hiring the job applicant;

(c) Investigate each workplace injury that results in a worker needing off-site medical attention and require an employee to submit to drug and alcohol tests if the employer reasonably believes the employee has caused or contributed to an injury which resulted in off-site medical attention. Under this chapter, a first-time verified positive test result may not be used as a basis to terminate an employee's employment. However, an employee may be terminated for independent reasons, such as a violation of a safety rule or regulation;

(d) If the employee in the course of employment is referred to the employee assistance program by the employer as a result of a verified positive drug or alcohol test or an alcohol or drug-related incident in violation of employer rules, require the employee to submit to drug and alcohol testing in conjunction with any recommended rehabilitation program. If the employee assistance program determines that the employee does not require treatment services, the employee must still be required to participate in follow-up testing. However, if an employee voluntarily enters an employee assistance program, without a verified positive drug or alcohol test or a violation of any drug or alcohol related employer rule, follow-up testing is not required. If follow-up testing is conducted, the frequency of the testing shall be at least four times a year for a two-year period after completion of the rehabilitation program and advance notice of the testing date may not be given. A verified positive follow-up test result shall normally require termination of employment.

(3) Specimen collection and substance abuse testing under this section must be performed in accordance with regulations and procedures approved by the United States department of health and human services and the United States department of transportation regulations for alcohol and drug testing and must include testing for marijuana, cocaine, amphetamines, opiates, and phencyclidine. Employers may test for any drug listed in section 2(7) of this act.

(a) A specimen must be collected with due regard to the privacy of the individual providing the specimen and in a manner reasonably calculated to prevent substitution or contamination of the specimen.

(b) Specimen collection and analysis must be documented. The documentation procedures must include:

(i) Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results; and

(ii) An opportunity for the employee or job applicant to provide to a medical review officer information the employee or applicant considers relevant to the drug test, including identification of currently or recently used prescription or nonprescription medication or other relevant medical information.

(c) Specimen collection, storage, and transportation to the testing site must be performed in a manner that reasonably precludes specimen contamination or adulteration.

(d) An initial and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, must be conducted by a laboratory as described in subsection (4) of this section.

(e) A specimen for a test may be taken or collected by any of the following persons:

(i) A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment;

(ii) A qualified person certified or employed by a laboratory certified by the substance abuse and mental health administration or the college of American pathologists; or

(iii) A qualified person certified or employed by a collection company using collection procedures adopted by the United States department of health and human services and the United States department of transportation for alcohol collection.

(f) Within five working days after receipt of a verified positive test result from the laboratory, an employer shall inform an employee or job applicant in writing of the positive test result, the consequences of the result, and the options available to the employee or job applicant.

(g) The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(h) An initial test having a positive result must be verified by a confirmation test.

(i) An employer who performs drug testing or specimen collection shall use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of all specimens to be tested.

(j) An employer shall pay the cost of all drug or alcohol tests, initial and confirmation, that the employer requires of employees.

(k) An employee or job applicant shall pay the cost of additional tests not required by the employer.

(4)(a) A laboratory may not analyze initial or confirmation drug specimens unless:

(i) The laboratory is approved by the substance abuse and mental health administration or the college of American pathologists;

(ii) The laboratory has written procedures to ensure the chain of custody; and

(iii) The laboratory follows proper quality control procedures including, but not limited to:

(A) The use of internal quality controls including the use of samples of known concentrations that are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy;

(B) An internal review and certification process for test results, conducted by a person qualified to perform that function in the testing laboratory;

(C) Security measures implemented by the testing laboratory to preclude adulteration of specimens and test results; and

(D) Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(b) A laboratory shall disclose to the employer a written test result report within seven working days after receipt of the sample. A laboratory report of a substance abuse test result must, at a minimum, state:

(i) The name and address of the laboratory that performed the test and the positive identification of the person tested;

(ii) Positive results on confirmation tests only, or negative results, as applicable;

(iii) A list of the drugs for which the drug analyses were conducted; and

(iv) The type of tests conducted for both initial and confirmation tests and the threshold detection levels of the tests.

A report may not disclose the presence or absence of a drug other than a specific drug and its metabolites listed under this chapter.

(c) A laboratory shall provide technical assistance through the use of a medical review officer to the employer, employee, or job applicant for the purpose of interpreting a positive confirmed drug test result that could have been caused by prescription or nonprescription medication taken by the employee or job applicant. The medical review officer shall interpret and evaluate the laboratory's positive drug test result and eliminate test results that could have been caused by prescription medication or other medically documented sources in accordance with the United States department of health and human services medical review officer manual.

(5) A positive initial drug test must be confirmed using the gas chromatography/mass spectrometry method or an equivalent or more accurate scientifically accepted method approved by the substance abuse and mental health administration as the technology becomes available in a cost-effective form.

(6) A workplace safety committee established according to the standards for safety committees under chapter 49.17 RCW shall monitor the ongoing effectiveness of the substance abuse testing program established by the employer under this chapter and shall, at reasonable intervals established by the committee but not less than annually, make recommendations for improving the program.

NEW SECTION. Sec. 7. (1) The employee assistance program required under this chapter shall provide the employer with a system for dealing with employees whose job performances are declining due to unresolved problems, including alcohol or other drug-related problems, marital problems, or legal or financial problems.

(2) To ensure appropriate assessment and referral to treatment:

(a) The employer must notify the employees of the benefits and services of the employee assistance program;

(b) The employer shall publish notice of the employee assistance program in conspicuous places and explore alternative routine and reinforcing means of publicizing the services; and

(c) The employer shall provide the employee with notice of the policies and procedures regarding access to and use of the employee assistance program.

(3) A list of approved employee assistance programs must be provided by the department according to recognized program standards.

NEW SECTION. Sec. 8. (1)(a) Rehabilitation of employees suffering from either or both alcohol or drug addiction shall be a primary focus of an employee assistance program.

(b) Under any program under this chapter, the employer may not use a first-time verified positive drug or alcohol test as the basis for termination of an employee. After a first-time verified positive test result, the employee must be given an opportunity to keep his or her job through the use of a last-chance agreement. The last-chance agreement shall require an employee to:

- (i) Submit to an employee assistance program evaluation for chemical dependency;
- (ii) Comply with any treatment recommendations;
- (iii) Be subject to follow-up drug and alcohol testing for two years;
- (iv) Meet the same standards of performance and conduct that are set for other employees; and
- (v) Authorize the employer to receive all relevant information regarding the employee's progress in treatment, if applicable.

Failure to comply with all the terms of this agreement normally will result in termination of employment.

(2) When substance abuse treatment is necessary, employees must use treatment services approved by the department, which include a continuing care component lasting for two years.

(a) The employee assistance program shall monitor the employee's progress while in treatment, including the two-year continuing care component, and notify the employer when an employee is not complying with the programs's treatment recommendations.

(b) The employer shall monitor job performance and conduct follow-up testing.

(3) An employer may terminate an employee for the following reasons:

- (a) Refusal to submit to a drug or alcohol test;
- (b) Refusal to agree to or failure to comply with the conditions of a last-chance agreement;
- (c) A second verified positive drug or alcohol test result; or
- (d) After the first verified positive drug or alcohol test, any violation of employer rules pertaining to alcohol and drugs.

(4) Nothing in this chapter limits the right of any employer who participates in the worker's compensation premium discount program under this chapter to terminate employment for any other reason.

NEW SECTION. Sec. 9. As part of a program established under this chapter, an employer shall provide all employees with an annual education program on substance abuse, in general, and its effects on the workplace, specifically. An employer with employees who have trouble communicating in English shall make reasonable efforts to help the employees understand the substance of the education program. An education program for a minimum of one hour should include but is not limited to the following information:

- (1) The explanation of the disease model of addiction for alcohol and drugs;
- (2) The effects and dangers of the commonly abused substances in the workplace; and
- (3) The employer's policies and procedures regarding substance abuse in the workplace and how employees who wish to obtain substance abuse treatment can do so.

NEW SECTION. Sec. 10. In addition to the education program provided in section 9 of this act, an employer shall provide all supervisory personnel with a minimum of two hours of supervisor training, that should include but is not limited to the following information:

- (1) How to recognize signs of employee substance abuse;
- (2) How to document and collaborate signs of employee substance abuse;

- (3) How to refer employees to the employee assistance program or proper treatment providers;
and
(4) Circumstances and procedures for postinjury testing.

NEW SECTION. Sec. 11. (1) A physician-patient relationship is not created between an employee or job applicant and an employer, medical review officer, or person performing or evaluating a drug or alcohol test solely by the establishment, implementation, or administration of a drug or alcohol testing program.

(2) This chapter may not be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

(3) This chapter may not be construed to operate retroactively. This chapter does not abrogate the right of an employer under state or federal law to conduct drug or alcohol tests or implement employee drug or alcohol testing programs. However, only those programs that meet the criteria outlined in this chapter qualify for workers' compensation insurance premiums discounts.

(4) This chapter may not be construed to prohibit an employer from conducting medical screening or other tests required, permitted, or not disallowed by a statute or rule for the purpose of monitoring exposure of employees to toxic or other unhealthy materials in the workplace or in the performance of job responsibilities. The screening or tests must be limited to testing for the specific material expressly identified in the statute or rule, unless prior written consent of the employee is obtained for other tests.

(5) This chapter does not establish a legal duty for employers to conduct alcohol or drug tests of employees or job applicants. A cause of action may not arise in favor of a person based upon the failure of an employer to establish or conduct a program or policy for substance abuse testing or to conduct a program or policy in conformance with the standards and procedures established in this chapter. This chapter does not create individual rights of action and may be enforced only by the department by denial of the workers' compensation premium discount provided in section 3 of this act.

NEW SECTION. Sec. 12. Confidentiality standards that apply to substance abuse testing programs implemented under this chapter include the following:

(1) Information, interviews, reports, statements, memoranda, and test results, written or otherwise, received through a substance abuse testing program are confidential communications, and may not be used or received in evidence, obtained in discovery, or disclosed in a civil or administrative proceeding, except as provided in subsection (5) of this section.

(2) An employer, laboratory, medical review officer, employee assistance program, drug or alcohol rehabilitation program, and their agents who receive or have access to information concerning test results shall keep the information confidential, except as provided in subsection (5) of this section.

(3) Any release of the information must be pursuant to a written consent form that complies with RCW 70.02.030 and is signed voluntarily by the person tested, unless the release is compelled by the division of alcohol and substance abuse of the department or a court of competent jurisdiction in accordance with state and federal confidentiality laws, or unless required by a professional or occupational licensing board in a related disciplinary proceeding. Any disclosure by any agency approved by the department must be in accordance with RCW 70.96A.150. The consent form must contain at a minimum:

- (a) The name of the person who is authorized to obtain the information;
- (b) The purpose of the disclosure;
- (c) The precise information to be disclosed;
- (d) The duration of the consent; and
- (e) The signature of the person authorizing release of the information.

(4) Information on test results may not be released or used in a criminal proceeding against the employee or job applicant. Information released contrary to this subsection is inadmissible as evidence in a criminal proceeding.

(5) Nothing in this chapter prohibits:

(a) An employer from using information concerning an employee or job applicant's substance abuse test results in a lawful manner with respect to that employee or applicant; or

(b) An entity that obtains the information from disclosing or using the information in a lawful manner as part of a matter relating to the substance abuse test, the test result, or an employer action with respect to the job applicant or employee.

NEW SECTION. **Sec. 13.** The department shall adopt by rule procedures and forms for the certification of employers who establish and maintain a drug-free workplace that complies with this chapter. The department shall adopt by rule procedures for the decertification of employers formally certified for the workers' compensation premium discount provided under this chapter. The department may charge a fee for the certification of a drug-free workplace program in an amount that must approximate its administrative costs related to the certification. Certification of an employer is required for each year in which a premium discount is granted. The department may adopt any other rules necessary for the implementation of this chapter.

NEW SECTION. **Sec. 14.** (1) The department of labor and industries may adopt rules necessary for the implementation of this chapter including but not limited to provisions for penalties and repayment of premium discounts by employers that are decertified by the department of social and health services under section 13 of this act.

(2) The department of labor and industries shall conduct an evaluation of the effect of the premium discount provided for under section 3 of this act on workplace safety and the state of Washington industrial insurance fund. The department of labor and industries shall report its preliminary findings to the appropriate committees of the legislature on September 1 of 1996 and 1997 and shall issue a comprehensive final report on December 1, 1998.

NEW SECTION. **Sec. 15.** Notwithstanding any other provisions of this chapter, the total premium discounts available under section 3 of this act shall not exceed five million dollars during any fiscal year.

NEW SECTION. **Sec. 16.** Sections 1 through 15 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION. **Sec. 17.** Sections 1 through 15 of this act shall expire January 1, 2001.

NEW SECTION. **Sec. 18.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "workplaces;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; providing an effective date; providing an expiration date; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Owen, Newhouse; Representatives Lisk, Elliot.

MOTION

Representative Elliot moved that the House adopt the Report of the Conference Committee on Substitute Senate Bill No. 5516 and pass the bill as recommended by the Conference Committee.

Representative Elliot spoke in favor of the motion.

Representatives Conway, Cody, Romero, Dickerson, Costa, Mason, Cole, spoke against the motion.

The Speaker called on Representative Horn to preside.

MOTION

Representative Ebersole moved that the House defer further consideration of Substitute Senate Bill No. 5516.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: 58-YEAS, 36-NAYS. The motion was not adopted.

Representatives Hatfield, Veloria and Chopp spoke against the motion to adopt the report of the Conference Committee.

The motion to adopt the report of the Conference Committee was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY THE CONFERENCE COMMITTEE

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5516 as recommended by the Conference Committee.

Representative Elliot again spoke in favor of passage of the bill.

Representatives Conway, Romero, Campbell, Basich, Cody, Quall, Dickerson and Mason spoke against passage of the bill.

Representative Elliot spoke in favor of passage of the bill.

Representative Conway again spoke against passage of the bill.

Representative K. Schmidt demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5516 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas - 53, Nays - 41, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Blanton, Boldt, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Reams, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 53.

Voting nay: Representatives Appelwick, Basich, Benton, Brown, Brumsickle, Campbell, Chappell, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Grant, Hargrove, Hatfield, Jacobsen, Kessler, Mason, Morris, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Scott, Smith, Sommers, Sterk, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 41.

Excused: Representatives Beeksmas, Dellwo, Fisher, G. and Patterson - 4.

Substitute Senate Bill No. 5516, as recommended by the Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, Substitute Senate Bill No. 5516 was immediately transmitted to the Senate.

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The President ruled the House amendments to SUBSTITUTE SENATE BILL NO. 5606 beyond the scope and object of the bill. The Senate refuses to concur in the House amendments and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Chandler moved that the House recede from its position and pass Substitute Senate Bill No. 5606 without the House amendments.

Representative Chandler spoke in favor of the motion and it was carried.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5606 without the House amendments.

Representative Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5606 without the House amendments, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Dellwo, Fisher, G. and Patterson - 4.

Substitute Senate Bill No. 5606, without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 5529 and asks the House to recede therefrom.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative B. Thomas moved that the House adhere to its position on Engrossed Senate Bill No. 5529. The motion was carried.

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate insists on its position regarding its amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724 and again asks the House to concur therein.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Mielke moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1724 and pass the bill as amended by the Senate.

Representatives Reams and Rust spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1724 as amended by the Senate.

Representatives Reams and Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1724 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Dellwo, Fisher, G. and Patterson - 4.

Engrossed Substitute House Bill No. 1724, as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5141,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5466,
SENATE BILL NO. 5544,
SUBSTITUTE SENATE BILL NO. 5551,
SECOND SUBSTITUTE SENATE BILL NO. 5574,
SENATE BILL NO. 5652,
SENATE BILL NO. 5655,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5684,
SUBSTITUTE SENATE BILL NO. 5800,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5943,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4414,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1173,
HOUSE BILL NO. 1225,
SUBSTITUTE HOUSE BILL NO. 1250,
HOUSE BILL NO. 1359,
HOUSE BILL NO. 1445,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,
HOUSE BILL NO. 1495,
SUBSTITUTE HOUSE BILL NO. 1560,
SUBSTITUTE HOUSE BILL NO. 1669,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,
SUBSTITUTE HOUSE BILL NO. 1871,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941,
ENGROSSED HOUSE BILL NO. 2057,
HOUSE CONCURRENT RESOLUTION NO. 4408,

and the same are herewith transmitted.

Marty Brown, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107,
SECOND SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589,

MESSAGE FROM THE SENATE

April 23, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5776,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, Engrossed Senate Bill No. 5776 was read the first time.

There being no objection, the rules were suspended and Engrossed Senate Bill No. 5776 was advanced to second reading and read the second time in full.

ENGROSSED SENATE BILL NO. 5776, by Senator Fraser

Integrating water resources and growth management.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Representative Reams yielded to a question by Representative Elliot.

Representative Elliot: What is the purpose of the sections 11 & 12 concerning wetlands?

Representative Reams: The purpose is to establish consistency and use the 1987 U. S. Army Corp of Engineers Wetlands delineation manual. This applies to all counties, cities and towns in the state.

Representatives Reams and Rust spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5776.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5776, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksmas, Dellwo, Fisher, G. and Patterson - 4.

Engrossed Senate Bill No. 5776, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5141,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5466,
SENATE BILL NO. 5544,
SUBSTITUTE SENATE BILL NO. 5551,
SECOND SUBSTITUTE SENATE BILL NO. 5574,
SENATE BILL NO. 5652,
SENATE BILL NO. 5655,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5684,
SUBSTITUTE SENATE BILL NO. 5800,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5943,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8008,
SENATE CONCURRENT RESOLUTION NO. 8407,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8410,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5011,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5244,
SUBSTITUTE SENATE BILL NO. 5365,
SENATE BILL NO. 5434,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5448,
ENGROSSED SENATE BILL NO. 5770,
SUBSTITUTE SENATE BILL NO. 5854,
ENGROSSED SENATE BILL NO. 5873,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5885,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5606,

and the same is herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8409,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107,
SECOND SUBSTITUTE HOUSE BILL NO. 1524,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4414,
ENGROSSED SENATE BILL NO. 5011,
SUBSTITUTE SENATE BILL NO. 5127,
SUBSTITUTE SENATE BILL NO. 5141,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5244,
SUBSTITUTE SENATE BILL NO. 5365,
SENATE BILL NO. 5434,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5439,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5448,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5466,
SENATE BILL NO. 5544,
SUBSTITUTE SENATE BILL NO. 5551,
SECOND SUBSTITUTE SENATE BILL NO. 5574,
SENATE BILL NO. 5652,
SENATE BILL NO. 5655,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5684,
ENGROSSED SENATE BILL NO. 5770,
SUBSTITUTE SENATE BILL NO. 5800,
SUBSTITUTE SENATE BILL NO. 5854,
ENGROSSED SUBSTITUTE BILL NO. 5873,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5885,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5943,
SUBSTITUTE SENATE BILL NO. 8008,
SENATE CONCURRENT RESOLUTION NO. 8407,

SPEAKER'S PRIVILEGE

The Speaker is pleased to announce the following appointments:

Statute Law Committee

Representative Larry Sheahan
Representative Tim Hickel
Representative Marlin Appelwick

Council for the Prevention of Child Abuse and Neglect

Representative Julia Patterson
Representative GiGi Talcott (will continue to serve)

Student Learning Improvement Committee of the State Board

Representative Renee Radcliff

Legislative Budget Committee

Representative Jean Silver
Representative Val Stevens
Representative Kathy McMorris
Representative Gary Chandler
Representative Debbie Regala
Representative Val Ogden
Representative Helen Sommers
Representative Georgette Valle

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2097 by Representatives Dyer, Campbell, Foreman, Casada, Hymes, L. Thomas, D. Schmidt, Mulliken, Crouse, Carrell, Boldt, Lisk, Lambert, Johnson, Hankins, Ballasiotes, Pelesky, Sterk, Silver, Radcliff, Mitchell, Robertson, Skinner, Pennington, Clements, Chandler, Blanton, Carlson, Schoesler, Smith, Brumsickle, Hargrove, B. Thomas, Koster, Goldsmith, McMorris, Basich, Sehlin, Morris, Ebersole, Conway, Stevens, Kremen, Chappell, Huff, Talcott, Kessler, Dickerson, Grant, Cody, Hatfield, Cooke, Sheldon, Thompson, Cairnes, McMahan, Van Luven, Costa, Delvin, Benton and Mason

AN ACT Relating to basic health plan services; and amending RCW 70.47.060.

Referred to Committee on Health Care.
Held on first reading from 4/21/95

HB 2098 by Representatives Clements, Skinner, Foreman, Appelwick, Hankins, Sheahan, Huff, Lisk, Honeyford, Elliot, Thompson, Brumsickle, Mulliken, Boldt, Mitchell, McMahan, Radcliff, D. Schmidt, Delvin, Backlund, Smith, Kremen, Pennington, Chandler, Sheldon, Horn, Silver, Beeksma, Blanton, Campbell, G. Fisher, Conway, Ebersole, Costa, Dickerson, Kessler, Johnson, Benton and Chappell

AN ACT Relating to the swift and certain punishment of individuals convicted of committing a terrorist act that results in the death of an innocent person; amending RCW 9A.32.030, 9A.32.050, 10.95.020, and 10.95.030; adding a new section to chapter 9A.32 RCW; adding new sections to chapter 10.95 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Law & Justice.
Held on first reading from 4/22/95

HB 2099 by Representatives Silver, Foreman, Horn, Robertson, Radcliff, Skinner, D. Schmidt, Pennington, Sterk, Campbell, Blanton, Smith, Hickel, Pelesky, Elliot, Beeksma, Sehlin, Johnson, Cooke, Benton, Thompson, L. Thomas, Honeyford and Huff

AN ACT Relating to common school construction funding; amending 1994 c 308 s 74 (uncodified); making appropriations; and declaring an emergency.

Referred to the Rules Committee.

HB 2100 by Representatives B. Thomas, Dyer, Carlson, Cooke, Radcliff, L. Thomas and Huff

AN ACT Relating to regulation of private property; and adding a new chapter to Title 64 RCW.

Referred to Committee on Government Operations.

HCR 4409 by Representatives Carrell, B. Thomas, Mulliken, Brumsickle, Sheldon, Morris, Talcott, Benton, Honeyford, Ballasiotes, Horn, Pelesky, Mitchell, Lambert, Romero, Hatfield, Dickerson, Pennington, Backlund, Crouse, Smith, Boldt, Tokuda, Casada, Hymes, Van Luven, McMahan, Regala, Stevens, Wolfe, Kessler, Thibaudeau, Mielke, Campbell, Costa, Quall, McMorris, Cairnes, Schoesler, Delvin, Buck, Mason, Huff, Chappell, Elliot, Conway, Cody, Dellwo, Johnson, Thompson, Hargrove, Basich, L. Thomas, Kremen, D. Schmidt, Cooke, Koster, Dyer, Hankins, Blanton, Chandler, Skinner and Clements

Forming a joint select committee on property tax reform.

Referred to Committee on Finance.
Held on first reading from 4/19/95.

HCR 4410 by Representatives Ebersole, Appelwick, Brown and Grant

Adopting the joint rules.

Held on first reading from 4/20/95.

HCR 4411 by Representatives Lambert, Costa, Koster, McMorris, Mulliken, Campbell, Smith, Morris, Backlund, Scott, Patterson, Johnson, Sheldon, Thompson, Hargrove, Basich, McMahan, Pelesky, L. Thomas, Kremen, D. Schmidt, Hankins, Blanton, Chappell, Stevens, Chandler, Kessler, Cooke and Benton

Calling for a study to reduce the size of the Revised Code of Washington.

Referred to Committee on Government Operations.
Held on first reading from 4/20/95

HCR 4412 by Representatives Boldt, Mulliken, Pennington, Carrell, Chandler, Elliot, Thompson, Sheldon, Benton, McMahan and L. Thomas

Creating a joint select committee on business tax reform.

Referred to Committee on Finance.
Held on first reading from 4/22/95

HCR 4413 by Representatives Wolfe, Carrell, Brown, Foreman, Appelwick, Hickel, Mitchell, Sheahan, Talcott, Lambert, Campbell, Morris, Patterson, McMahan, Chappell, Scott, Costa, Conway, Hankins, Delvin, Ballasiotes, Hymes, Thibaudeau, Sommers, Valle, Dickerson, Tokuda, Chopp, K. Schmidt, Smith, Fuhrman, Basich, Regala, Cole, Cody, Poulsen, Radcliff, D. Schmidt, Kremen, Koster, Hargrove, G. Fisher, Hatfield, Romero, Goldsmith, Cooke, Ebersole, Mastin, Buck, Pelesky, Sheldon, Robertson, Mason, L. Thomas, Boldt, B. Thomas, Huff, Sherstad, Rust, Ogden, Thompson and Kessler

Resolving to create a joint task force to review the child support schedule.

Referred to Committee on Law & Justice.

SCR 8407 by Senator Gaspard

Presenting the Washington Performance Partnership statement of strategic intent.

Referred to the Committee on Government Operations.

There being no objection, the bills and resolutions listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

INTRODUCTIONS AND FIRST READING SUPPLEMENTAL

SCR 8409 by Senators Gaspard and McDonald

Adjourning Sine Die.

SCR 8410 by Senators Gaspard and McDonald

Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

MOTION

On motion of Representative Foreman, the rules were suspended, and Senate Concurrent Resolution No. 8410 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators Gaspard and McDonald

Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

The resolution was read the second time.

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the resolution was advanced to final adoption.

Senate Concurrent Resolution No. 8410 was adopted.

MOTION

On motion of Representative Foreman, the rules were suspended, and Senate Concurrent Resolution No. 8409 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Gaspard and McDonald

Adjourning Sine Die.

The resolution was read the second time.

MOTION

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Senate Concurrent Resolution No. 8409 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5606,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724,

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1724,

and the same is herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5776,

and the same is herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8409,

and the same is herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4414,

and the same is herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8410,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE BILL NO. 5776,
SENATE CONCURRENT RESOLUTION NO. 8409,
SENATE CONCURRENT RESOLUTION NO. 8410,

MESSAGES FROM THE SENATE

April 23, 1995

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8410, the Senate returned the following House Bills to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1008,
HOUSE BILL NO. 1019,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1021,
HOUSE BILL NO. 1023,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1024,
HOUSE BILL NO. 1029,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030,
SUBSTITUTE HOUSE BILL NO. 1032,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1036,
SECOND SUBSTITUTE HOUSE BILL NO. 1044,
HOUSE BILL NO. 1048,
HOUSE BILL NO. 1051,
HOUSE BILL NO. 1052,
ENGROSSED HOUSE BILL NO. 1055,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1065,
SUBSTITUTE HOUSE BILL NO. 1066,
SECOND SUBSTITUTE HOUSE BILL NO. 1078,
SUBSTITUTE HOUSE BILL NO. 1083,
SUBSTITUTE HOUSE BILL NO. 1084,
SUBSTITUTE HOUSE BILL NO. 1090,
SUBSTITUTE HOUSE BILL NO. 1093,
SUBSTITUTE HOUSE BILL NO. 1097,
ENGROSSED HOUSE BILL NO. 1099,
HOUSE BILL NO. 1102,
SUBSTITUTE HOUSE BILL NO. 1111,
HOUSE BILL NO. 1113,
HOUSE BILL NO. 1115,
ENGROSSED HOUSE BILL NO. 1132,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1135,
HOUSE BILL NO. 1142,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147,
HOUSE BILL NO. 1151,
ENGROSSED HOUSE BILL NO. 1155,
HOUSE BILL NO. 1174,
HOUSE BILL NO. 1180,
SUBSTITUTE HOUSE BILL NO. 1182,
SUBSTITUTE HOUSE BILL NO. 1187,
SUBSTITUTE HOUSE BILL NO. 1200,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1203,
SECOND SUBSTITUTE HOUSE BILL NO. 1214,
SUBSTITUTE HOUSE BILL NO. 1221,
SUBSTITUTE HOUSE BILL NO. 1236,
HOUSE BILL NO. 1238,
HOUSE BILL NO. 1251,
HOUSE BILL NO. 1256,
SUBSTITUTE HOUSE BILL NO. 1259,
ENGROSSED HOUSE BILL NO. 1271,
SUBSTITUTE HOUSE BILL NO. 1272,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1274,
HOUSE BILL NO. 1275,
SUBSTITUTE HOUSE BILL NO. 1276,
SUBSTITUTE HOUSE BILL NO. 1278,
SUBSTITUTE HOUSE BILL NO. 1279,
SECOND SUBSTITUTE HOUSE BILL NO. 1286,
SUBSTITUTE HOUSE BILL NO. 1289,
SUBSTITUTE HOUSE BILL NO. 1292,
SECOND SUBSTITUTE HOUSE BILL NO. 1313,
SECOND SUBSTITUTE HOUSE BILL NO. 1318,
ENGROSSED HOUSE BILL NO. 1322,
ENGROSSED HOUSE BILL NO. 1323,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
SUBSTITUTE HOUSE BILL NO. 1327,

SUBSTITUTE HOUSE BILL NO. 1328,
SUBSTITUTE HOUSE BILL NO. 1329,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1330,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331,
SUBSTITUTE HOUSE BILL NO. 1337,
HOUSE BILL NO. 1349,
HOUSE BILL NO. 1351,
SUBSTITUTE HOUSE BILL NO. 1354,
HOUSE BILL NO. 1361,
SUBSTITUTE HOUSE BILL NO. 1364,
HOUSE BILL NO. 1370,
HOUSE BILL NO. 1371,
HOUSE BILL NO. 1373,
HOUSE BILL NO. 1374,
SUBSTITUTE HOUSE BILL NO. 1375,
SUBSTITUTE HOUSE BILL NO. 1399,
SECOND SUBSTITUTE HOUSE BILL NO. 1400,
HOUSE BILL NO. 1412,
SUBSTITUTE HOUSE BILL NO. 1413,
HOUSE BILL NO. 1415,
ENGROSSED HOUSE BILL NO. 1416,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1417,
SUBSTITUTE HOUSE BILL NO. 1418,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1421,
HOUSE BILL NO. 1424,
SUBSTITUTE HOUSE BILL NO. 1440,
SUBSTITUTE HOUSE BILL NO. 1447,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1451,
HOUSE BILL NO. 1456,
SUBSTITUTE HOUSE BILL NO. 1459,
HOUSE BILL NO. 1460,
SUBSTITUTE HOUSE BILL NO. 1473,
SUBSTITUTE HOUSE BILL NO. 1476,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1481,
SUBSTITUTE HOUSE BILL NO. 1484,
SUBSTITUTE HOUSE BILL NO. 1491,
SUBSTITUTE HOUSE BILL NO. 1508,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510,
SUBSTITUTE HOUSE BILL NO. 1514,
SUBSTITUTE HOUSE BILL NO. 1522,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
SUBSTITUTE HOUSE BILL NO. 1536,
SECOND SUBSTITUTE HOUSE BILL NO. 1537,
SUBSTITUTE HOUSE BILL NO. 1540,
HOUSE BILL NO. 1542,
HOUSE BILL NO. 1545,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1546,
SUBSTITUTE HOUSE BILL NO. 1548,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555,
HOUSE BILL NO. 1562,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566,
HOUSE BILL NO. 1567,
SUBSTITUTE HOUSE BILL NO. 1573,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1574,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1594,
SUBSTITUTE HOUSE BILL NO. 1597,
HOUSE BILL NO. 1607,
ENGROSSED HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1625,
HOUSE BILL NO. 1627,
SUBSTITUTE HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1639,
SUBSTITUTE HOUSE BILL NO. 1648,
SUBSTITUTE HOUSE BILL NO. 1649,
SUBSTITUTE HOUSE BILL NO. 1654,
ENGROSSED HOUSE BILL NO. 1659,
HOUSE BILL NO. 1662,
HOUSE BILL NO. 1663,
SUBSTITUTE HOUSE BILL NO. 1665,
HOUSE BILL NO. 1667,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1704,
SUBSTITUTE HOUSE BILL NO. 1705,
HOUSE BILL NO. 1707,
HOUSE BILL NO. 1709,
ENGROSSED HOUSE BILL NO. 1710,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719,
HOUSE BILL NO. 1727,
ENGROSSED HOUSE BILL NO. 1729,
SUBSTITUTE HOUSE BILL NO. 1733,
SUBSTITUTE HOUSE BILL NO. 1736,
SUBSTITUTE HOUSE BILL NO. 1738,
SUBSTITUTE HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1741,
HOUSE BILL NO. 1742,
ENGROSSED HOUSE BILL NO. 1749,
SUBSTITUTE HOUSE BILL NO. 1750,
SUBSTITUTE HOUSE BILL NO. 1758,
SUBSTITUTE HOUSE BILL NO. 1769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1774,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1775,
SUBSTITUTE HOUSE BILL NO. 1788,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1791,
HOUSE BILL NO. 1792,
SUBSTITUTE HOUSE BILL NO. 1813,
SECOND SUBSTITUTE HOUSE BILL NO. 1814,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1837,
HOUSE BILL NO. 1843,
HOUSE BILL NO. 1851,
SUBSTITUTE HOUSE BILL NO. 1857,
SUBSTITUTE HOUSE BILL NO. 1878,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,
SUBSTITUTE HOUSE BILL NO. 1880,
SECOND SUBSTITUTE HOUSE BILL NO. 1882,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1890,
HOUSE BILL NO. 1891,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1903,
SUBSTITUTE HOUSE BILL NO. 1910,

SUBSTITUTE HOUSE BILL NO. 1091,
HOUSE BILL NO. 1096,
SUBSTITUTE HOUSE BILL NO. 1100,
HOUSE BILL NO. 1104,
SUBSTITUTE HOUSE BILL NO. 1133,
SUBSTITUTE HOUSE BILL NO. 1183,
SUBSTITUTE HOUSE BILL NO. 1185,
HOUSE BILL NO. 1228,
SUBSTITUTE HOUSE BILL NO. 1229,
SUBSTITUTE HOUSE BILL NO. 1230,
HOUSE BILL NO. 1302,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357,
SUBSTITUTE HOUSE BILL NO. 1446,
SECOND SUBSTITUTE HOUSE BILL NO. 1539,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1556,
HOUSE BILL NO. 1601,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1604,
SUBSTITUTE HOUSE BILL NO. 1643,
SUBSTITUTE HOUSE BILL NO. 1645,
HOUSE BILL NO. 1647,
HOUSE BILL NO. 1712,
SUBSTITUTE HOUSE BILL NO. 1776,
SUBSTITUTE HOUSE BILL NO. 1802,
SUBSTITUTE HOUSE BILL NO. 1818,
ENGROSSED HOUSE BILL NO. 1835,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1860,
SUBSTITUTE HOUSE BILL NO. 1862,
SUBSTITUTE HOUSE BILL NO. 1921,
SUBSTITUTE HOUSE BILL NO. 1938,
SECOND SUBSTITUTE HOUSE BILL NO. 2004,
HOUSE JOINT MEMORIAL NO. 4001,
HOUSE JOINT MEMORIAL NO. 4003,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4012,

and the same are herewith transmitted.

Marty Brown, Secretary

April 23, 1995

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8410, the senate returned the following House Bills to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,
SUBSTITUTE HOUSE BILL NO. 1129,
HOUSE BILL NO. 1296,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,
HOUSE BILL NO. 1436,
SUBSTITUTE HOUSE BILL NO. 1630,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1967,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080,

and the same are herewith transmitted.

Marty Brown, Secretary

Mr. President:

Under the provisions of Senate Concurrent Resolution No. 8410, the following Senate bills were returned to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5000,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
SUBSTITUTE SENATE BILL NO. 5002,
SUBSTITUTE SENATE BILL NO. 5013,
SUBSTITUTE SENATE BILL NO. 5021,
SUBSTITUTE SENATE BILL NO. 5024,
SENATE BILL NO. 5030,
SUBSTITUTE SENATE BILL, NO. 5031,
SENATE BILL NO. 5032,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5033,
SENATE BILL NO. 5041,
SUBSTITUTE SENATE BILL NO. 5053,
SENATE BILL NO. 5054,
SENATE BILL NO. 5055,
SENATE BILL NO. 5065,
SUBSTITUTE SENATE BILL NO. 5066,
ENGROSSED SENATE BILL NO. 5070,
ENGROSSED SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5076,
SECOND SUBSTITUTE SENATE BILL NO. 5082,
SENATE BILL NO. 5091,
SUBSTITUTE SENATE BILL NO. 5097,
SUBSTITUTE SENATE BILL NO. 5103,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,
SENATE BILL NO. 5124,
SUBSTITUTE SENATE BILL NO. 5126,
SENATE BILL NO. 5128,
SENATE BILL NO. 5130,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5131,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5139,
SUBSTITUTE SENATE BILL NO. 5140,
SECOND SUBSTITUTE SENATE BILL NO. 5159,
SUBSTITUTE SENATE BILL NO. 5167,
SUBSTITUTE SENATE BILL NO. 5170,
SENATE BILL NO. 5173,
SUBSTITUTE SENATE BILL NO. 5175,
SENATE BILL NO. 5176,
ENGROSSED SENATE BILL NO. 5194,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5199,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5201,
SENATE BILL NO. 5202,
ENGROSSED SENATE BILL NO. 5204,
SUBSTITUTE SENATE BILL NO. 5207,

SENATE BILL NO. 5208,
SUBSTITUTE SENATE BILL NO. 5211,
ENGROSSED SENATE BILL NO. 5213,
SECOND SUBSTITUTE SENATE BILL NO. 5216,
SENATE BILL NO. 5229,
SECOND SUBSTITUTE SENATE BILL NO. 5236,
SENATE BILL NO. 5238,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5247,
SENATE BILL NO. 5256,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5258,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5262,
SENATE BILL NO. 5268,
SENATE BILL NO. 5272,
SENATE BILL NO. 5273,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5280,
SUBSTITUTE SENATE BILL NO. 5281,
SENATE BILL NO. 5286,
SENATE BILL NO. 5291,
SUBSTITUTE SENATE BILL NO. 5305,
SENATE BILL NO. 5310,
SUBSTITUTE SENATE BILL NO. 5322,
SUBSTITUTE SENATE BILL NO. 5331,
SUBSTITUTE SENATE BILL NO. 5336,
SUBSTITUTE SENATE BILL NO. 5343,
ENGROSSED SENATE BILL NO. 5344,
SUBSTITUTE SENATE BILL NO. 5350,
SUBSTITUTE SENATE BILL NO. 5359,
ENGROSSED SENATE BILL NO. 5361,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5375,
SUBSTITUTE SENATE BILL NO. 5377,
SUBSTITUTE SENATE BILL NO. 5393,
SUBSTITUTE SENATE BILL NO. 5404,
SUBSTITUTE SENATE BILL NO. 5407,
ENGROSSED SENATE BILL NO. 5409,
SENATE BILL NO. 5429,
SUBSTITUTE SENATE BILL NO. 5431,
SUBSTITUTE SENATE BILL NO. 5442,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5447,
SUBSTITUTE SENATE BILL NO. 5449,
SENATE BILL NO. 5465,
SUBSTITUTE SENATE BILL NO. 5467,
SUBSTITUTE SENATE BILL NO. 5469,
SUBSTITUTE SENATE BILL NO. 5472,
SENATE BILL NO. 5474,
SECOND SUBSTITUTE SENATE BILL NO. 5476,
SUBSTITUTE SENATE BILL NO. 5477,
SENATE BILL NO. 5488,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5491,
SECOND SUBSTITUTE SENATE BILL NO. 5497,
SENATE BILL NO. 5500,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5502,
SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5513,
SUBSTITUTE SENATE BILL NO. 5521,

SUBSTITUTE SENATE BILL NO. 5522,
SENATE BILL NO. 5524,
SENATE BILL NO. 5525,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5530,
SENATE BILL NO. 5538,
SUBSTITUTE SENATE BILL NO. 5540,
SUBSTITUTE SENATE BILL NO. 5545,
ENGROSSED SENATE BILL NO. 5546,
SENATE BILL NO. 5548,
ENGROSSED SENATE BILL NO. 5555,
SUBSTITUTE SENATE BILL NO. 5556,
SECOND SUBSTITUTE SENATE BILL NO. 5557,
SUBSTITUTE SENATE BILL NO. 5568,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5576,
SENATE BILL NO. 5581,
SUBSTITUTE SENATE BILL NO. 5588,
SENATE BILL NO. 5590,
SUBSTITUTE SENATE BILL NO. 5591,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5605,
SENATE BILL NO. 5614,
SENATE BILL NO. 5615,
SENATE BILL NO. 5626,
SENATE BILL NO. 5627,
SUBSTITUTE SENATE BILL NO. 5628,
SENATE BILL NO. 5641,
SENATE BILL NO. 5642,
SUBSTITUTE SENATE BILL NO. 5644,
SUBSTITUTE SENATE BILL NO. 5648,
SUBSTITUTE SENATE BILL NO. 5669,
SUBSTITUTE SENATE BILL NO. 5676,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5690,
ENGROSSED SENATE BILL NO. 5691,
SENATE BILL NO. 5698,
SENATE BILL NO. 5705,
SUBSTITUTE SENATE BILL NO. 5725,
SUBSTITUTE SENATE BILL NO. 5727,
SUBSTITUTE SENATE BILL NO. 5743,
SUBSTITUTE SENATE BILL NO. 5747,
SENATE BILL NO. 5758,
SENATE BILL NO. 5759,
SENATE BILL NO. 5760,
ENGROSSED SENATE BILL NO. 5768,
SENATE BILL NO. 5787,
SUBSTITUTE SENATE BILL NO. 5797,
SENATE BILL NO. 5802,
SUBSTITUTE SENATE BILL NO. 5818,
SENATE BILL NO. 5819,
SENATE BILL NO. 5824,
SUBSTITUTE SENATE BILL NO. 5825,
SENATE BILL NO. 5830,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5831,
ENGROSSED SENATE BILL NO. 5837,
ENGROSSED SENATE BILL NO. 5841,
ENGROSSED SENATE BILL NO. 5852,

SUBSTITUTE SENATE BILL NO. 5858,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5875,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5877,
SENATE BILL NO. 5879,
SUBSTITUTE SENATE BILL NO. 5884,
SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5899,
SENATE BILL NO. 5900,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5901,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5916,
ENGROSSED SENATE BILL NO. 5920,
SUBSTITUTE SENATE BILL NO. 5947,
SENATE BILL NO. 5986,
SUBSTITUTE SENATE BILL NO. 5993,
SUBSTITUTE SENATE BILL NO. 6000,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6009,
SENATE BILL NO. 6020,
ENGROSSED SENATE BILL NO. 6034,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6044,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6047,
ENGROSSED SENATE JOINT MEMORIAL NO. 8000,
SENATE JOINT MEMORIAL NO. 8001,
SENATE JOINT MEMORIAL NO. 8017,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8020,
SENATE CONCURRENT RESOLUTION NO. 8400,
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8404,

The following bills were returned to the Rules Committee:

SUBSTITUTE HOUSE BILL NO. 1231,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,
HOUSE BILL NO. 1461,
SUBSTITUTE HOUSE BILL NO. 1630,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1821,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1941,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080,
HOUSE JOINT MEMORIAL NO. 4030,

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Foreman, the 1995 Regular Session of the Fifty-Fourth Legislature was adjourned Sine Die.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

ONE HUNDRED-FIFTH DAY, APRIL 23, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST DAY

FIRST SPECIAL SESSION

MORNING SESSION

House Chamber, Olympia, Monday, April 24, 1995

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Janna Schneider and Emily Laine. Prayer was offered by Representative Hargrove.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 1995 regular session of the legislature adjourned April 23, 1995, the 105th day of the session, without completing its work; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purpose of addressing matters related to the Budgets, the Puget Sound Water Quality Authority, Juvenile Justice reform, Personnel System reform, and the Presidential Primary;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7, of the Washington State Constitution, do hereby convene the Legislature of the State of Washington on Monday, the 24th day of April, 1995 at 10:00 a.m. in Special Session in the Capitol at Olympia for the purpose stated herein.

IN WITNESS whereof, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 23rd day of April, A.D., nineteen hundred and ninety-five.
(Seal)

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

April 24, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8411,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 24, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8412,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SCR 8411 by Senators Gaspard and McDonald

Concerning the status of bills, memorials, and resolutions for the 1995 first special session of the fifty-fourth legislature.

SCR 8412 by Senators Gaspard and McDonald

Limiting the measures to be considered in the 1995 first special session of the Fifty-fourth Legislature.

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8411 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Gaspard and McDonald

Concerning the status of bills, memorials, and resolutions for the 1995 first special session of the fifty-fourth legislature.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Senate Concurrent Resolution No. 8411 was adopted.

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8412 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8412, by Senators Gaspard and McDonald

Limiting the measures to be considered in the 1995 first special session of the Fifty-fourth Legislature.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Senate Concurrent Resolution No. 8412 was adopted.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Foreman, the House adjourned until 10:00 a.m., Tuesday, April 25, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIRST DAY, APRIL 24, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

SECOND DAY

FIRST SPECIAL SESSION

MORNING SESSION

House Chamber, Olympia, Tuesday, April 25, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melissa Hays and Molly Moore. Prayer was offered by Representative D. Schmidt.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

April 24, 1995

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8411,
SENATE CONCURRENT RESOLUTION NO. 8412,

and the same are herewith transmitted.

Marty Brown, Secretary

April 25, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5103,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 95-4671, by Representatives Conway, D. Schmidt, Benton, Brown, Jacobsen, Hatfield, Romero, Chappell, Kremen, Dickerson, Grant, Quall, Morris, Radcliff, Delvin, Poulsen, Wolfe, Chopp, Ogden, Valle, Sommers, Patterson, Appelwick, Costa, Basich, Clements, Cairnes, Scott, Cole, G. Fisher, Reams, Ebersole, Cody, Mason, Thibaudeau, Voloria, Regala, R. Fisher, Kessler, Honeyford, Huff, Brumsickle, Robertson, Sheldon and Carrell

WHEREAS, Franklin Delano Roosevelt, the thirty-second President of the United States of America, hailed as the greatest president of the Twentieth Century, died on this day fifty years ago; and

WHEREAS, As president, Franklin Delano Roosevelt led this nation out of the Great Depression, exhorting Americans that "The only thing we have to fear, is fear itself -- nameless, unreasoning, unjustified terror, which paralyzes needed efforts to convert retreat into advance"; and

WHEREAS, Franklin Delano Roosevelt promised and delivered a "New Deal," providing family-wage jobs to working-class Americans, Social Security to older Americans, and an end to soup kitchens, disillusionment, and lost dreams; and

WHEREAS, Franklin Delano Roosevelt, as Commander-in-Chief, rallied this nation and the world through four years of the Second World War, working relentlessly, at the expense of his health, toward an Allied victory he would never see; and

WHEREAS, Franklin Delano Roosevelt overcame the challenge of physical disability to lead his nation and the world through the worst crises in modern history;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and commemorate the life of Franklin Delano Roosevelt, a great American, and president, whose achievements and sacrifice left this nation and this world a better place for all.

Representative Conway moved adoption of the resolution.

Representatives Conway, Campbell, Basich, Ebersole, Pennington, Valle, Sherstad, Smith, Thibaudeau, Pelesky, Quall and Stevens spoke in favor of adoption of the resolution.

House Resolution No. 4671 was adopted.

HOUSE RESOLUTION NO. 95-4685, by Representatives Smith, McMahan, Lambert, Hymes, Clements, Cairnes, Thompson, Schoesler, Hankins, Honeyford, D. Schmidt, Casada, Pelesky, Fuhrman, Radcliff, Sherstad, Delvin, Koster, Van Luven, Buck, Blanton, Reams, Carrell, Mulliken, Horn, Campbell, Robertson, Sehlin, Sheahan, Chandler, Lisk, L. Thomas, K. Schmidt, Talcott, Beekma, Skinner, Mitchell, Ballasiotes, Huff, Goldsmith, Hickel, Johnson, Hargrove, Carlson, Pennington, McMorris, Sterk, Boldt, Silver and Elliot

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Ronald Wilson Reagan, our fortieth President of these United States, has demonstrated the very highest excellence in selfless services to the citizens of the great state of Washington and these United States; and

WHEREAS, Former President Reagan was born on February 6, 1911, in Tampico, Illinois, to John and Nellie Reagan; and

WHEREAS, Former President Reagan received degrees in Economics and Sociology from Eureka College in 1932 and later moved to California where he pursued a career in motion pictures; and

WHEREAS, Former President Reagan valiantly and proudly served his country in the Armed Forces of the United States, to wit., having served during World War II in the Army Air Corp; and

WHEREAS, Former President Reagan and Nancy Davis were married in 1952 and raised their two children, Patricia Ann and Ronald Prescott, in addition to Michael, who has a well-received radio program, and Maureen, who has successfully served as Cochair of the Republican National Committee; and

WHEREAS, Former President Reagan began his distinguished and selfless public service in 1966 wherein he served as Governor of the state of California, being elected by nearly a million vote margin, and wherein the citizens of the state of California overwhelmingly again elected him to a second term in 1970; and

WHEREAS, Former President Reagan was first elected to the Presidency of the United States in 1980, and again in 1984, during which time he demonstrated, unfaltering, visionary, and courageous leadership of this nation and the free world; and

WHEREAS, Former President Reagan's accomplishments as President of these United States, which overcame untold domestic and international challenges, were manifestly historical for which the nation and the world not only benefit today but will endure for future generations; and

WHEREAS, It is with deep regret that Former President Reagan recently advised the nation and the world that he was diagnosed with the debilitating Alzheimer's disease, for which currently there is no known cure; and

WHEREAS, Ronald Wilson Reagan unabashedly and boldly confronts this personal challenge with the same trust in God and selfless service for others that exemplify his public service;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the excellence in service to the citizens of the great state of Washington and these United States as living inspiration to all those in the world who seek freedom as their way of life; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Former President Reagan, his wife Nancy, and the Presidential Library in California.

Representative Smith moved adoption of the resolution.

Representatives Smith, Ebersole, Beeksma, Ogden, Reams, Hatfield, Campbell, Kessler, Conway, Carrell, Thibaudeau, and Elliot spoke in favor of adoption of the resolution.

House Resolution No. 4685 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8411,
SENATE CONCURRENT RESOLUTION NO. 8412,

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, April 26, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SECOND DAY, APRIL 25, 1995

JOURNAL OF THE HOUSE

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THIRD DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Wednesday, April 26, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Pranett Ung and Christi Vital. Prayer was offered by Representative Dickerson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Thursday, April 27, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

THIRD DAY, APRIL 26, 1995

JOURNAL OF THE HOUSE

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FOURTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Thursday, April 27, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Adrian Person and Daniel Krenelka. Prayer was offered by Representative Ogden.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Friday, April 28, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

FOURTH DAY, APRIL 27, 1995

JOURNAL OF THE HOUSE

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FIFTH DAY

FIRST SPECIAL SESSION

MORNING SESSION

House Chamber, Olympia, Friday, April 28, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Monday, May 1, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

FIFTH DAY, APRIL 28, 1995

JOURNAL OF THE HOUSE

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EIGHTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Monday, May 1, 1995

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Doug Follett and Dave Mangino. Prayer was offered by Representative Regala.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

April 27, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HJM 4033 by Representatives Koster, Stevens, McMorris, Crouse, Campbell, Sherstad, Beeksma, D. Schmidt, Lambert, Smith, Thompson, Fuhrman, Backlund, Pelesky, L. Thomas, Boldt, Johnson, Casada, Hargrove, Sterk, Goldsmith, Mulliken, Hymes, McMahan, Talcott and Carrell

Requesting the U.S. Senate to reject adoption of the Convention of the Rights of the Child.

Referred to Committee on Children & Family Services.

HCR 4415 by Representatives Jacobsen, Carlson, Mason and Basich

Honoring the accomplishments of Professor Emeritus Hugh Alvin Bone, Jr.

Referred to the Committee on Rules.

ESSB 5103 by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart and West; by request of Office of Financial Management)

Making supplemental appropriations for the 1993-95 biennium.

Held on First Reading from April 26, 1995.

ESSB 5408 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Johnson, Quigley and Long; by request of Office of Financial Management)

Changing school bus purchasing procedures.

There being no objection, the bills, memorial and resolution listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 5408 was advanced to second reading and read the second time in full.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408, by Senators McAuliffe, Johnson, Quigley and Long; by request of Office of Financial Management

Changing school bus purchasing procedures.

The bill was read the second time.

There being no objection, the House deferred further consideration of Engrossed Substitute Senate Bill No. 5408.

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 5103 was advanced to second reading and read the second time in full.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5103, by Senate Committee on Ways & Means (originally sponsored by Senators Rinehart and West; by request of Office of Financial Management)

Making supplemental appropriations for the 1993-95 biennium.

The bill was read the second time.

With the consent of the House, amendment number 920 to Engrossed Substitute Senate Bill No. 5103 was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Representative Veloria, Representatives Rust, Grant and Brown were excused.

On motion of Representative Chopp, Representatives Patterson, G. Fisher and Chappell were excused.

Representatives Silver, Sommers, Foreman, Conway, Sheldon and Cole spoke in favor of passage of the bill.

Representative Kessler spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5103.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5103, and the bill passed the House by the following vote: Yeas - 86, Nays - 2, Absent - 1, Excused - 9.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 86.

Voting nay: Representatives Kessler and Thibaudeau - 2.

Absent: Representative Mastin - 1.

Excused: Representatives Brown, Chandler, Chappell, Dyer, Fisher, G., Grant, Lisk, Patterson and Rust - 9.

Engrossed Substitute Senate Bill No. 5103, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I would have voted YEA on Engrossed Substitute Senate Bill No. 5103.

JULIA PATTERSON, 33rd District

MOTION FOR RECONSIDERATION

Representative Mielke: Having voted on the prevailing side moved that the House immediately reconsider the vote on Engrossed Substitute Senate Bill No. 5103.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5103 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5103 on reconsideration, and the bill passed the House by the following vote: Yeas - 88, Nays - 2, Absent - 1, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beekma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Kessler and Thibaudeau - 2.

Absent: Representative Mastin - 1.

Excused: Representatives Brown, Chandler, Chappell, Fisher, G., Grant, Patterson and Rust - 7.

Engrossed Substitute Senate Bill No. 5103 on reconsideration, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House resumed consideration of Engrossed Substitute Senate Bill No. 5408.

With the consent of the House, amendment number 924 to Engrossed Substitute Senate Bill No. 5408 was withdrawn.

Representative Brumsickle moved adoption of the following amendment by Representative Brumsickle:

On page 1, line 8, after "instruction" insert ",in consultation with the regional transportation coordinators of the educational service districts,"

On page 1, line 11, after "superintendent" insert "'in consultation with the regional transportation coordinators of the educational service districts,"

On page 1, line 12, after "bus." insert "The categories shall be developed to produce minimum long range operating costs, including costs of equipment and all costs in operating the vehicles. The categories, for purposes of comparative studies, will be at a minimum the same as those in the beginning of the 1994-95 school year."

On page 1, line 15, after "superintendent" insert "in consultation with the regional transportation coordinators of the educational service districts"

On page 6, line 24, after "1995," insert "the legislative budget committee in consultation with"

On page 6, line 25, after "instruction" insert ", "

Representative Sommers moved adoption of the following amendment to the amendment by Representative Sommers:

On page 1, beginning on line 18 of the amendment, strike all material through the end of line 20 and insert the following:

"On page 6, line 24, after "December 15," strike "1995" and insert "1996"

On page 6, line 25, after "instruction" insert ", in consultation with the legislative budget committee,""

Representatives Sommers and Brumsickle spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives Brumsickle and Cole spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Brumsickle and Cole spoke in favor of passage of the bill.

Representative Carlson spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5408 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5408 as amended by the House, and the bill passed the House by the following vote: Yeas - 83, Nays - 6, Absent - 2, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 83.

6. Voting nay: Representatives Beeksma, Brumsickle, Carlson, Dyer, Kremen and Thomas, B. -

Absent: Representatives Mastin and Tokuda - 2.

7. Excused: Representatives Brown, Chandler, Chappell, Fisher, G., Grant, Patterson and Rust -

Engrossed Substitute Senate Bill No. 5408, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Foreman, the House adjourned until 10:00 a.m., Tuesday, May 2, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

EIGHTH DAY, MAY 1, 1995

JOURNAL OF THE HOUSE

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NINTH DAY

First Special Session

—————
MORNING SESSION
—————

House Chamber, Olympia, Tuesday, May 2, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Cullen and David Nelson. Prayer was offered by Representative Quall.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

May 1, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5103,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5103,

The Speaker called on Representative Horn to preside.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, May 3, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

NINTH DAY, MAY 2, 1995

JOURNAL OF THE HOUSE

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TENTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Wednesday, May 3, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tory Tjersland and Kenneth Dunn. Prayer was offered by Representative Kessler.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

MESSAGES FROM THE SENATE

May 2, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5408 and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 2, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6073,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 2, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8414,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Thursday, May 4, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

TENTH DAY, MAY 3, 1995

JOURNAL OF THE HOUSE

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ELEVENTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Thursday, May 4, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bill Baxter and Doug Follett. Prayer was offered by Representative Kremen.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Friday, May 5, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

ELEVENTH DAY, MAY 4, 1995

JOURNAL OF THE HOUSE

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TWELFTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Friday, May 5, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Mangino and Tory Tjersland. Prayer was offered by Representative Basich.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:30 a.m., Monday, May 8, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWELFTH DAY, MAY 5, 1995

JOURNAL OF THE HOUSE

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FIFTIETH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Tuesday, May 8, 1995

The House was called to order at 9:30 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Nelson and John Cullen. Prayer was offered by Representative Pennington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Tuesday, May 9, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

FIFTIETH DAY, MAY 8, 1995

JOURNAL OF THE HOUSE

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SIXTEENTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Tuesday, May 9, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Anderson and Christian McCabe. Prayer was offered by Representative Talcott.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Wednesday, May 10, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SIXTIETH DAY, MAY 9, 1995

JOURNAL OF THE HOUSE

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SEVENTEENTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Wednesday, May 10, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ken Dunn and Scott Hillwick. Prayer was offered by Representative Johnson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

May 9, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5231,
SUBSTITUTE SENATE BILL NO. 5568,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 3, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5408,

and the same is herewith transmitted.

Marty Brown, Secretary

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Thursday, May 11, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SEVENTIETH DAY, MAY 10, 1995

JOURNAL OF THE HOUSE

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EIGHTEENTH DAY

First Special Session

—————
MORNING SESSION
—————

House Chamber, Olympia, Thursday, May 11, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bill Baxter and David Nelson. Prayer was offered by Representative Sherstad.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Friday, May 12, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

EIGHTEENTH DAY, MAY 11, 1995

JOURNAL OF THE HOUSE

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NINETEENTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Friday, May 12, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Doug Follett and David Mangino. Prayer was offered by Representative Lambert.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Monday, May 15, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

NINETEENTH DAY, MAY 12, 1995

JOURNAL OF THE HOUSE

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TWENTY-SECOND DAY

First Special Session

—————
MORNING SESSION
—————

House Chamber, Olympia, Monday, May 15, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bill Baxter and Scott Hillwick. Prayer was offered by Representative Thompson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Tuesday, May 16, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-SECOND DAY, MAY 15, 1995

JOURNAL OF THE HOUSE

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TWENTY-THIRD DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Tuesday, May 16, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn) presiding. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Cullen and Dave Mangino. Prayer was offered by Representative Backlund.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Wednesday, May 17, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

TWENTY-THIRD DAY, MAY 16, 1995

JOURNAL OF THE HOUSE

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TWENTY-FOURTH DAY

First Special Session

—————
MORNING SESSION

—————
House Chamber, Olympia, Wednesday, May 17, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tory Tjersland and Ken Dunn. Prayer was offered by Representative Cooke.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

May 16, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6010,
SUBSTITUTE SENATE BILL NO. 6058,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8404,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5408,

There being no objection, the Rules Committee was relieved of Engrossed Substitute House Bill No. 1317, House Bill No. 1016 and Substitute House Bill No. 1093 and the bills were placed on third reading.

MOTION

On motion of Representative Patterson, Representatives Chappell, Dellwo, Ogden, Scott and Tokuda were excused.

There being no objection, the rules were suspended, and House Bill No. 1016 was returned to second reading for the purpose of an amendment.

HOUSE BILL NO. 1016, by Representatives K. Schmidt and Kremen

Exempting state and county ferry fuel sales and use tax.

The bill was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.38.030 and 1989 c 193 s 3 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate computed in the manner provided in RCW 82.36.025 per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use of special fuel in any motor vehicle, or a ferry owned or operated by the state of Washington or one of its political subdivisions, operated upon the highways or waterways of this state during the fiscal year for which such rate is applicable.

(2) The tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser is not the holder of a valid special fuel license issued pursuant to this chapter allowing the purchase of untaxed special fuel, except sales of special fuel for export. To claim an exemption on account of sales by a licensed special fuel dealer for export, the purchaser shall obtain from the selling special fuel dealer, and such selling special fuel dealer must furnish the purchaser, an invoice giving such details of the sale for export as the director may require, copies of which shall be furnished the department and the entity of the state or foreign jurisdiction of destination which is charged by the laws of that state or foreign jurisdiction with the control or monitoring or both, of the sales or movement of special fuel in that state or foreign jurisdiction.

(3) The tax shall be paid over to the department by the special fuel user as hereinafter provided with respect to the taxable use of special fuel upon which the tax has not previously been imposed.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

Sec. 2. RCW 82.36.410 and 1973 c 95 s 5 are each amended to read as follows:

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. All revenues from fuel purchased for marine use by the state ferry system shall be credited to the Puget Sound ferry operations account created under RCW 47.60.530. All revenues from fuel purchased for marine use by Pierce, Skagit, and Whatcom counties for county ferry operations shall be credited to the motor vehicle fund and distributed under RCW 46.68.100(3) and allocated according to RCW 47.56.725. All revenues from fuel purchased by Wahkiakum county for

county ferry operations shall be directly reimbursed by the state treasurer to the Wahkiakum county treasurer.

Sec. 3. RCW 47.56.725 and 1991 c 310 s 1 are each amended to read as follows:

(1) The department is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the department shall, from time to time, direct the distribution to each of the counties the amounts authorized in subsection (2) of this section in accordance with RCW 46.68.100.

(2) The department is authorized to include in each agreement a provision for the distribution of funds to each county to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by the county. The total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed one million dollars in any biennium. Refunds of motor vehicle fuel taxes for county ferry operations shall not be considered in the amount to be reimbursed. Each county agreement shall contain a requirement that the county shall maintain tolls on its ferries at least equal to tolls in place on January 1, 1990.

(3) The annual fiscal year operating and maintenance deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the department. The annual fiscal year operating and maintenance deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the department. Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be directed by the department upon the receipt of properly executed vouchers from each county.

(4) The county road administration board may evaluate requests by Pierce, Skagit, Wahkiakum, and Whatcom counties for county ferry capital improvement funds. The board shall evaluate the requests and, if approved by a majority of the board, submit the requests to the legislature for funding out of the amounts available under RCW 46.68.100(3). Any county making a request under this subsection shall first seek funding through the public works trust fund, or any other available revenue source, where appropriate."

On page 1, line 1 of the title, after "ferries;" strike the remainder of the title and insert "and amending RCW 82.38.030, 82.36.410, and 47.56.725."

Representative K. Schmidt spoke in favor of the adoption of the amendment.

MOTION

On motion of Representative Patterson, Representatives Brown and Morris were excused.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and R. Fisher spoke in favor of passage of the bill.

MOTION

On motion of Representative Talcott, Representative Horn was excused.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1016.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1016, and the bill passed the House by the following vote: Yeas - 74, Nays - 15, Absent - 0, Excused - 9.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven, Wolfe and Mr. Speaker - 74.

Voting nay: Representatives Casada, Chopp, Cody, Cole, Dickerson, Fisher, G., Mason, Patterson, Pelesky, Poulsen, Rust, Sommers, Thibaudeau, Valle and Veloria - 15.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Ebersole, Horn, Morris, Ogden and Tokuda - 9.

Engrossed House Bill No. 1016, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, and Substitute House Bill No. 1093 was returned to second reading for the purpose of an amendment.

SUBSTITUTE HOUSE BILL NO. 1093, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Johnson, Romero and Wolfe; by request of Department of General Administration)

Revising bidding procedures for public agencies.

The bill was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.56.030 and 1977 ex.s. c 151 s 66 are each amended to read as follows:

The department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof. The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law. The department shall have full charge of design of all toll facilities. The department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(1) When the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals

solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(2) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(a) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(c) Whether the proposer can perform the contract within the time specified;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the proposer with laws relating to the contract or services;

(f) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(g) Such other information as may be secured having a bearing on the decision to award the contract.

When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

(3) The legislative transportation committee shall review the secretary's use of the request for proposals solicitation for Washington state ferries projects to determine if the process established under this act is appropriate. The results of the review, including recommendations for modification of the request for proposal process, shall be reported to the house of representatives and senate transportation committees by January 1, 1997.

Sec. 2. RCW 47.60.140 and 1987 c 69 s 1 are each amended to read as follows:

(1) The department is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue-producing and self-liquidating undertaking. The department has full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation, and maintenance of the ferry system, including toll bridges, approaches, and roadways incidental thereto that may be authorized by the department, including the collection of tolls and other charges for the services and facilities of the undertaking. The department has the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches, and landings, but, except as provided in subsection (2) of this section, no such leases or contracts may be entered into for more than ~~((five years, nor without public advertisement for bids as may be prescribed by the department. However, except as provided in subsection (2) of this section, the Colman Dock facilities may be leased for a period not to exceed))~~ ten years, nor without a competitive contract process, except as otherwise provided in this section. The competitive process shall be either an invitation for bids in accordance with the process established by chapter 43.19 RCW, or a request for proposals in accordance with the process established by RCW 47.56.030.

(2) As part of a joint development agreement under which a public or private developer constructs or installs improvements on ferry system property, the department may lease all or part of such property and improvements to such developers for that period of time, not to exceed fifty-five years, or not to exceed thirty years for those areas located within harbor areas, which the department determines is necessary to allow the developer to make reasonable recovery on its initial investment.

Any lease entered into as provided for in this subsection that involves state aquatic lands shall conform with the Washington state Constitution and applicable statutory requirements as determined by the department of natural resources. That portion of the lease rate attributable to the state aquatic lands shall be distributed in the same manner as other lease revenues derived from state aquatic lands as provided in RCW 79.24.580.

NEW SECTION. **Sec. 3.** The following acts or parts of acts are each repealed:

- (1) RCW 47.60.651 and 1987 c 183 s 1;
- (2) RCW 47.60.653 and 1987 c 183 s 2;
- (3) RCW 47.60.655 and 1987 c 183 s 3;
- (4) RCW 47.60.657 and 1987 c 183 s 4;
- (5) RCW 47.60.659 and 1987 c 183 s 5; and
- (6) RCW 47.60.661 and 1987 c 183 s 6.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "ferries;" strike the remainder of the title and insert "amending RCW 47.56.030 and 47.60.140; repealing RCW 47.60.651, 47.60.653, 47.60.655, 47.60.657, 47.60.659, and 47.60.661; and declaring an emergency."

Representative K. Schmidt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1093.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1093, and the bill passed the House by the following vote: Yeas - 89, Nays - 0, Absent - 0, Excused - 9.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 89.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Ebersole, Horn, Morris, Ogden and Tokuda - 9.

Engrossed Substitute House Bill No. 1093, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SSB 5231 by Senate Committee on Transportation (originally sponsored by Senators Owen and Prince; by request of Department of Transportation)

Separating payment of transportation agency tort liabilities.

SB 6073 by Senators Smith and Schow

Amending RCW 46.63.020 to include reference to section 5 of Substitute Senate Bill No. 5141.

There being no objection, the rules were suspended, and Substitute Senate Bill No. 5231 and Senate Bill No. 6073 were advanced to second reading and read the second time in full.

SUBSTITUTE SENATE BILL NO. 5231, by Senate Committee on Transportation (originally sponsored by Senators Owen and Prince; by request of Department of Transportation)

Separating payment of transportation agency tort liabilities.

The bill was read the second time.

There being no objection, the House deferred further consideration of Substitute Senate Bill No. 5231 and the bill held it's place on the second reading calendar.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House resumed consideration of Substitute Senate Bill No. 5231.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5231.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5231, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Morris, Ogden, Thompson and Tokuda - 8.

Substitute Senate Bill No. 5231, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6073, by Senators Smith and Schow

Amending RCW 46.63.020 to include reference to section 5 of Substitute Senate Bill No. 5141.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 6073.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6073, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Morris, Ogden, Thompson and Tokuda - 8.

Senate Bill No. 6073, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended, and Engrossed Substitute House Bill No. 1317 was returned to second reading for the purpose of an amendment.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, by House Committee on Transportation (originally sponsored by Representatives Robertson, Cairnes, B. Thomas, Mitchell, Van Luven, Dyer, Lambert, Radcliff, D. Schmidt, Backlund, Cooke, Reams, Campbell, Stevens, L. Thomas and Koster)

Revising the selection process for transportation systems and facilities demonstration projects.

The bill was read the second time.

With the consent of the House, amendment number 930 to Engrossed Substitute House Bill No. 1317 was withdrawn.

Representative R. Fisher moved adoption of the following amendment by Representative R. Fisher:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

- (1) RCW 47.46.010 and 1993 c 370 s 1;
- (2) RCW 47.46.020 and 1993 c 370 s 2;
- (3) RCW 47.46.030 and 1993 c 370 s 3;
- (4) RCW 47.46.040 and 1993 c 370 s 4;

- (5) RCW 47.46.050 and 1993 c 370 s 5; and
(6) RCW 47.46.900 and 1993 c 370 s 7.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

NEW SECTION. Sec. 3. The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program should be implemented in cooperation and consultation with affected local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

NEW SECTION. Sec. 4. As used in this chapter, "transportation systems and facilities" means capital-related improvements and additions to the state's transportation infrastructure, including but not limited to highways, roads, bridges, vehicles, and equipment, marine-related facilities, vehicles, and equipment, park and ride lots, transit stations and equipment, transportation management systems, and other transportation-related investments.

NEW SECTION. Sec. 5. The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiative program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. The commission shall approve each of the selected projects.

Proposals and demonstration projects may be selected by the public and private sectors at their discretion. All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

NEW SECTION. Sec. 6. Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services under the agreement may be entered into with any qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans. Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

NEW SECTION. Sec. 7. The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied to payment of the private entity's capital outlay costs for the project, including interest expense, the costs associated with operations, toll collection, maintenance and administration of the facility, reimbursement to the state for the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. The use of any excess toll revenues or user fees may be negotiated between the parties.

After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.

NEW SECTION. Sec. 8. Sections 3 through 7 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof. The ballot title for this referendum measure is as follows:

"Shall the state supplement state revenue by authorizing private sector financing for the construction of unfunded transportation systems and facilities through user fees or tolls?"

NEW SECTION. Sec. 9. Sections 3 through 7 of this act are each added to chapter 47.46 RCW."

Fix the title accordingly.

Representative R. Fisher spoke in favor of the adoption of the amendment.

Representative Robertson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Robertson moved adoption of the following amendment by Representative Robertson:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.46.010 and 1993 c 370 s 1 are each amended to read as follows:

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and

project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program should be implemented in cooperation and consultation with affected local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

Agreements negotiated under the public-private initiative's program should establish the conditions under which the private developer may secure the approval necessary to develop and operate the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; and ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable standards and policies of the department of transportation.

The legislature finds that the Puget Sound congestion pricing project, selected under this chapter, raises major transportation policy, economic, and equity concerns. These relate to the integrity of the state's high-occupancy vehicle program; the cost-effective movement of freight and goods; the diversion of traffic to local streets and arterials; and possible financial hardship to commuters. The legislature further finds that these potential economic and social impacts require comprehensive legislative review prior to advancement of the project and directs that the secretary not proceed with the implementation of the project without prior approval of the legislature.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

Sec. 2. RCW 47.46.030 and 1993 c 370 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiative program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. ~~((The commission shall approve each of the selected projects.~~

~~Proposals and demonstration projects may be selected by the public and private sectors at their discretion. All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.~~

~~The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.)~~ (2) If projects selected prior to September 1, 1994, are terminated by the public or private sectors, no other projects shall be selected as replacement projects until the department develops a public involvement process to identify prospective projects.

The public involvement process for replacement projects shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) have the capability of receiving more than one proposal from private entities to ensure greater competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

The department shall develop a public involvement plan for identifying replacement projects and the cost of the plan by January 1, 1997, and shall submit the plan to the legislative transportation committee for review. Project selections for replacement projects made after September 1, 1994, shall be carried out utilizing the public involvement process developed by the department and reviewed by the legislative transportation committee. Projects that meet the criteria established under this section shall be submitted for review by the Washington state transportation commission. The commission shall submit a list of eligible projects to the legislative transportation committee for its consideration. If within forty-five calendar days of submission the legislative transportation committee has not adopted a resolution recommending that the secretary reject an eligible project, the secretary is authorized to solicit proposals for the eligible project.

(3) The department shall require projects selected by the department prior to and after September 1, 1994, except as provided for in subsection (12) of this section, to comply with the requirements of subsections (4) through (11) of this section.

(4) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project selected before or after September 1, 1994, except as provided for in subsection (12) of this section, the department shall require an advisory vote as mandated under subsections (5) through (11) of this section.

(5)(a) Prior to conducting the advisory vote, the department shall establish a committee comprised of individuals who represent cities and counties in the vicinity of the project; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the county or counties in which the project is located; (ii) an elected official from each county in which the project is located; (iii) two persons from each county in which the project is located who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county in which the project is located who represent an organization formed to oppose the project, if the organization exists; and (v) two public members active in a state-wide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city and county legislative authorities of each city and county in which the project is located. The county legislative authority of each county in which the project is located shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than August 1, 1995. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b) of this subsection for each position on the committee.

(6) In preparing for the advisory vote the department and the local involvement committee shall conduct a comprehensive analysis of traffic patterns and economic impact to determine and define the geographical boundary of the project area that is most affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department and the local involvement committee shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of and impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic

impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

(7) After a determination and definition by the department and the local involvement committee of the affected project area, the department and the local involvement committee shall conduct a minimum thirty-day public comment period. The department and the local involvement committee may make adjustments to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department and the local involvement committee shall establish the boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.

If after establishing the boundaries of the affected project area, the department and the local involvement committee determine that the membership of the local involvement committee requires modification, the department and the committee shall submit recommendations for modification to the legislative transportation committee for consideration by the house of representatives and senate transportation committees during the next succeeding legislative session.

(8) The department and the local involvement committee shall develop a project description for selected projects, using project proposals submitted as a result of solicitations by the department for proposals, technical evaluations of project proposals, and any other salient information. After developing the project description, the department and the local involvement committee shall conduct a thirty-day public comment period. The department and the local involvement committee may make adjustments to the project description based on comments received from the public. Within fourteen calendar days after the public comment period, the department and the local involvement committee shall transmit a copy of the map depicting the affected project area and the project description and characteristics to the county auditor of the county in which any portion of the affected project area, as defined by the department and the local involvement committee, is located.

(9) The department and the local involvement committee shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and project description and characteristics.

(10) Upon receipt of the map and the project description and characteristics, the county auditor shall, within sixty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after the receipt of the final map and project description and characteristics by the auditor. The department shall pay the cost of an election held under this section.

(11) The department and the local involvement committee shall submit the results of the advisory vote on any project selected under this chapter, along with any other pertinent information, to the legislative transportation committee within seven calendar days of certification of the vote. No later than thirty days prior to the next legislative session, the legislative transportation committee shall adopt a resolution making a recommendation to the department regarding the disposition of the project proposals.

(12) Subsections (5) through (11) of this section shall not apply to projects selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of petitions bearing at least five thousand signatures opposing the project, collected after September 1, 1994, and by thirty calendar days after the effective date of this act.

Sec. 3. RCW 47.46.040 and 1993 c 370 s 4 are each amended to read as follows:

(1) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(2) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(3) Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(4) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. ~~Agreements for police services for projects, involving state highway routes, developed under ((the agreement may))~~ agreements shall be entered into with ((any qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency)) the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(5) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(6) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(7) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(8) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(9) Agreements shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(10)(a) In carrying out the public involvement process required in subsection (9) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates overall public support among: Users of the

project, residents of communities in the vicinity of the project, and residents of communities impacted by the project. The public involvement process shall provide opportunities for users and residents to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(b) The private entity shall cause to be conducted on one or more occasions, a comprehensive inventory of public positions of users and of residents of communities in the affected project area. If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of and impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area under the terms and conditions established for the vote in RCW 47.46.030(5) through (10), except that the private entity shall pay all costs associated with the advisory vote.

The comprehensive inventory of public positions shall be conducted by an independent accountant or other independent professional jointly selected and supervised by the private entity and the department in consultation with the local involvement committee and the legislative transportation committee. The independent accountant or other independent professional must have a proven history and expertise in assessing public opinion and shall not have a direct or indirect interest in such project. The results of the inventory of public positions shall be made available for public review and comment.

(c) In seeking public participation, the private entity shall involve the local involvement committee established under RCW 47.46.030. If no local involvement committee has been established for the project prior to entering into the agreement, the private entity shall, at a minimum, establish the committee as required under the specifications of RCW 47.46.030(5) (b) and (c). Additions to the committee may be made as a result of defining the affected project area as required under subsection (10)(b) of this section.

(d) The local involvement committee shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(e) The department and the private entity shall provide the legislative transportation committee and the local involvement committee with progress reports on the status of the public involvement process and the inventory of public positions. The results of the inventory of public positions, including public comment on such inventory of public positions, shall be forwarded to the legislative transportation committee and the local involvement committee for their review.

(11) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

Sec. 4. RCW 47.46.050 and 1993 c 370 s 5 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to

the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including project development costs, interest expense, the costs associated with design, construction, operations, toll collection, maintenance and administration of the ((facility)) project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. ~~((The use of any excess toll revenues or user fees may be negotiated between the parties.~~

~~After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.))~~ A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050; and declaring an emergency."

Representatives Robertson, Chopp and K. Schmidt spoke in favor of the adoption of the amendment.

Representative R. Fisher spoke against the adoption of the amendment.

POINT OF INQUIRY

Representative Robertson yielded to a question by Representative K. Schmidt.

Representative K. Schmidt: Is it the intent of Engrossed Substitute House Bill No. 1317 that the signatures (opposing a particular project) collected under the requirements of Section 2, Subsection (12) of the bill, be collected in the locality in the proximate vicinity of such project?

Representative Robertson: Yes, that is the intent; and it is in keeping with the requirements that the advisory vote be in the affected project area.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Robertson and D. Schmidt spoke in favor of passage of the bill.

Representative R. Fisher spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1317.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1317, and the bill passed the House by the following vote: Yeas - 79, Nays - 12, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Van Luven, Wolfe and Mr. Speaker - 79.

Voting nay: Representatives Casada, Cody, Fisher, R., Hargrove, Mason, Mielke, Regala, Romero, Silver, Sommers, Valle and Veloria - 12.

Excused: Representatives Brown, Chandler, Chappell, Dellwo, Morris, Thompson and Tokuda - 7.

Second Engrossed Substitute House Bill No. 1317, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Engrossed Substitute House Bill No. 1317.

CATHY WOLFE, 22nd District

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 10:00 a.m., Thursday, May 18, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-FOURTH DAY, MAY 17, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

TWENTY-FIFTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Thursday, May 18, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Doug Follett and David Mangino. Prayer was offered by Representative Hankins.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MOTION FOR RECONSIDERATION

Representative Ebersole: Having voted on the prevailing side of Second Engrossed Substitute House Bill No. 1317, moved that the House immediately reconsider the vote.

Representative Robertson spoke in favor of passage of the bill.

Representative R. Fisher spoke against passage of the bill.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1317 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1317 on reconsideration, and the bill passed the House by the following vote: Yeas - 67, Nays - 21, Absent - 7, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Clements, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins,

Hatfield, Hickel, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mitchell, Ogden, Pennington, Poulsen, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 67.

Voting nay: Representatives Brown, Casada, Cody, Cole, Conway, Ebersole, Fisher, R., Hargrove, Mason, Mielke, Pelesky, Quall, Regala, Romero, Rust, Silver, Sommers, Tokuda, Valle, Veloria and Wolfe - 21.

Absent: Representatives Chappell, Chopp, Dellwo, Fisher, G., Kessler, Morris and Patterson - 7.

Excused: Representatives Honeyford, Horn and Mulliken - 3.

Second Engrossed Substitute House Bill No. 1317, on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration on Engrossed Second Substitute House Bill No. 2010 and the bill was placed on third reading.

There being no objection, the rules were suspended and Engrossed Second Substitute House Bill No. 2010 was returned to second reading for the purpose of an amendment.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010, by House Committee on Appropriations (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton)

Revising corrections provisions.

Second Substitute House Bill No. 2010 was read the second time.

Representative Ballasiotes moved adoption of the following amendment by Representative Ballasiotes:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds the increasing number of inmates incarcerated in state correctional institutions, and the expenses associated with their incarceration, require expanded efforts to contain corrections costs. Cost containment requires improved planning and oversight, and increased accountability and responsibility on the part of inmates and the department.

The legislature further finds motivating inmates to participate in meaningful education and work programs in order to learn transferable skills and earn basic privileges is an effective and efficient way to meet the pedological objectives of the corrections system.

The purpose of this act is to assure that the department fulfills its mission to reduce offender recidivism, to mirror the values of the community by clearly linking inmate behavior to receipt of privileges, and to prudently manage the resources it receives through tax dollars. This purpose is accomplished through the implementation of specific cost-control measures and creation of a planning and oversight process that will improve the department's effectiveness and efficiencies.

Sec. 2. RCW 72.09.010 and 1981 c 136 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The system should ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

~~((4))~~ (5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all ~~((citizens))~~ individuals should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

~~((Providing tangible rewards for accomplishment.))~~ Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

~~((5))~~ (6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since ~~((virtually all))~~ most offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

~~((6))~~ (7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

~~((7))~~ (8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units of government must meet their responsibilities to make the corrections system effective.

~~((8))~~ (9) The system should meet those national standards which the state determines to be appropriate.

Sec. 3. RCW 72.09.015 and 1987 c 312 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) ~~(("Department" means the department of corrections.~~

~~((2) "Secretary" means the secretary of corrections.~~

~~((3) "County" refers to a county or combination of counties.~~

~~((4))~~ "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(2) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(3) "County" means a county or combination of counties.

(4) "Department" means the department of corrections.

(5) "Earned early release" means earned early release as authorized by RCW 9.94A.150.

(6) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(7) "Good conduct" means compliance with department rules and policies.

(8) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

(9) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(10) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

(11) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

(12) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

(13) "Secretary" means the secretary of corrections or his or her designee.

(14) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

(15) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1) An inmate shall not be denied access to services or supplies required by state or federal law solely on the basis of his or her inability to pay for them.

(2) The department shall record all lawfully authorized assessments for services or supplies as a debt to the department and shall recoup the assessments when the inmate's institutional account exceeds the indigency standard.

NEW SECTION. Sec. 5. A new section is added to chapter 72.09 RCW to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted under subsection (3) of this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges. The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

(2) The department shall, to the extent possible and considering all available funds, prioritized its resources to meet the following goals for inmates in the order listed:

(a) Achievement of basic academic skills through obtaining a high school diploma or its equivalent and achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

(b) Additional work and education programs based on assessments and placements under subsection (4) of this section; and

(c) Other work and education programs as appropriate.

(3) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(4) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the

first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors:

(i) An inmate's release date and custody level, except an inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

(c) Performance and goals. The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(e) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

(i) Shall not be required to participate in education programming; and

(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.

If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.

(5) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.

(6) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.

(7) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.

(8) Following completion of the review required by section 27(3) of this act the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release.

Sec. 6. RCW 72.09.130 and 1981 c 136 s 17 are each amended to read as follows:

(1) The department shall adopt, by rule, a system (~~(providing incentives for good conduct and disincentives for poor conduct)~~) that clearly links an inmate's behavior and participation in available education and work programs with the receipt or denial of earned early release days and other privileges. The system (~~(may)~~) shall include increases or decreases in the degree of liberty granted the inmate within the programs operated by the department, access to or withholding of privileges available within correctional institutions, and recommended increases or decreases in the number of earned early release days that an inmate can earn for good conduct and good performance.

(2) Earned early release days shall be recommended by the department as a (~~(form of tangible)~~) reward for accomplishment. The system shall be fair, measurable, and understandable to offenders, staff, and the public. At least once in each twelve-month period, the department shall inform the offender in writing as to his or her conduct and performance. This written evaluation shall include reasons for awarding or not awarding recommended earned early release days for good conduct and good performance. (~~(The term "good performance" as used in this section means successfully performing a work, work training, or educational task to levels of expectation as specified in writing by the department. The term "good conduct" as used in this section refers to compliance with department rules.~~

~~Within one year after July 1, 1981, the department shall adopt, and provide a written description of, the system.)~~ An inmate is not eligible to receive earned early release days during any time in which he or she refuses to participate in an available education or work program into which he or she has been placed under section 5 of this act.

(3) The department shall provide (~~(a copy of this description to)~~) each offender in its custody a written description of the system created under this section.

NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW to read as follows:

To the greatest extent practical, all inmates shall contribute to the cost of privileges. The department shall establish standards by which inmates shall contribute a portion of the department's capital costs of providing privileges, including television cable access, extended family visitation, weight lifting, and other recreational sports equipment and supplies. The standards shall also require inmates to contribute a significant portion of the department's operating costs directly associated with providing privileges, including staff and supplies. Inmate contributions may be in the form of individual user fees assessed against an inmate's institution account, deductions from an inmate's gross wages or gratuities, or inmates' collective contributions to the institutional welfare/betterment fund. The department shall make every effort to maximize individual inmate contributions to payment for privileges. The department shall not limit inmates' financial support for privileges to contributions from the institutional welfare/betterment fund. The standards shall consider the assets available to the inmates, the cost of administering compliance with the contribution requirements, and shall promote a responsible work ethic.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

When an inmate receives any funds in addition to his or her wages or gratuities, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall establish a uniform policy on the privilege of extended family visitation. Not fewer than sixty days before making any changes in any policy on extended family visitation, the department shall: (a) Notify the appropriate legislative committees of the proposed

change; and (b) notify the committee created under section 23 of this act of the proposed change. The department shall seek the advice of the committee established under section 23 of this act and other appropriate committees on all proposed changes and shall, before the effective date of any change, offer the committees an opportunity to provide input on proposed changes.

(2) In addition to its duties under chapter 34.05 RCW, the department shall provide the committee established under section 23 of this act and other appropriate committees of the legislature a written copy of any proposed adoption, revision, or repeal of any rule relating to extended family visitation. Except for adoption, revision, or repeal of a rule on an emergency basis, the copy shall be provided not fewer than thirty days before any public hearing scheduled on the rule.

NEW SECTION. Sec. 10. A new section is added to chapter 72.09 RCW to read as follows:

An inmate found by the superintendent in the institution in which the inmate is incarcerated to have committed an aggravated assault against another person, under rules adopted by the department, is prohibited from participating in weight lifting for a period of two years from the date the finding is made. At the conclusion of the two-year period the superintendent shall review the inmate's infraction record to determine if additional weight-lifting prohibitions are appropriate. If, based on the review, it is determined by the superintendent that the inmate poses a threat to the safety of others or the order of the facility, or otherwise does not meet requirements for the weight-lifting privilege, the superintendent may impose an additional reasonable restriction period.

NEW SECTION. Sec. 11. A new section is added to chapter 72.09 RCW to read as follows:

Purchases of recreational equipment following the effective date of this act shall be cost-effective and, to the extent possible, minimize an inmate's ability to substantially increase muscle mass. Dietary supplements made for the sole purpose of increasing muscle mass shall not be available for purchase by inmates unless prescribed by a physician for medical purposes or for inmates officially competing in department-sanctioned competitive weight lifting.

NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW to read as follows:

No inmate may acquire or possess a television for personal use for at least sixty days following completion of his or her intake and evaluation process at the Washington Corrections Center or the Washington Corrections Center for Women.

NEW SECTION. Sec. 13. A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall, in consultation with the attorney general, adopt by rule a uniform policy that prohibits receipt or possession of anything that is determined to be contraband. The rule shall provide consistent maximum protection of legitimate pedagogical interests, including prison security and order and deterrence of criminal activity. The rule shall protect the legitimate interests of the public and inmates in the exchange of ideas. The secretary shall establish a method of reviewing all incoming and outgoing material, consistent with constitutional constraints, for the purpose of confiscating anything determined to be contraband. The secretary shall consult regularly with the committee created under section 23 of this act on the development of the policy and implementation of the rule.

Sec. 14. RCW 4.24.130 and 1995 c 246 s 34 are each amended to read as follows:

(1) Any person desiring a change of his or her name or that of his or her child or ward, may apply therefor to the district court of the judicial district in which he or she resides, by petition setting forth the reasons for such change; thereupon such court in its discretion may order a change of the name and thenceforth the new name shall be in place of the former.

(2) An offender under the jurisdiction of the department of corrections who applies to change his or her name under subsection (1) of this section shall submit a copy of the application to the department of corrections not fewer than five days before the entry of an order granting the name change. No offender under the jurisdiction of the department of corrections at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate pedagogical interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. An offender under the jurisdiction of the department of corrections who receives an order changing his or

her name shall submit a copy of the order to the department of corrections within five days of the entry of the order. Violation of this subsection is a misdemeanor.

(3) The district court shall collect the fees authorized by RCW 36.18.010 for filing and recording a name change order, and transmit the fee and the order to the county auditor. The court may collect a reasonable fee to cover the cost of transmitting the order to the county auditor.

~~((2))~~ (4) Name change petitions may be filed and shall be heard in superior court when the person desiring a change of his or her name or that of his or her child or ward is a victim of domestic violence as defined in RCW 26.50.010(1) and the person seeks to have the name change file sealed due to reasonable fear for his or her safety or that of his or her child or ward. Upon granting the name change, the superior court shall seal the file if the court finds that the safety of the person seeking the name change or his or her child or ward warrants sealing the file. In all cases filed under this subsection, whether or not the name change petition is granted, there shall be no public access to any court record of the name change filing, proceeding, or order, unless the name change is granted but the file is not sealed.

NEW SECTION. Sec. 15. A new section is added to chapter 72.09 RCW to read as follows:

The department may require an offender who obtains an order under RCW 4.24.130 to use the name under which he or she was committed to the department during all official communications with department personnel and in all matters relating to the offender's incarceration or community supervision. An offender officially communicating with the department may also use his or her new name in addition to the name under which he or she was committed. Violation of this section is a misdemeanor.

Sec. 16. RCW 72.10.010 and 1989 c 157 s 2 are each amended to read as follows:

As used in this chapter:

- (1) "Department" means the department of corrections.
- (2) "Health care practitioner" means an individual or firm licensed or certified to actively engage in a regulated health profession.
- (3) "Health profession" means ~~((and includes))~~ those licensed or regulated professions set forth in RCW 18.120.020(4).
- (4) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility ~~((federally approved under 42 CFR 405.2100))~~, or federally approved blood bank ~~((federally licensed under 21 CFR 607))~~.
- (5) "Health care services" means ~~((and includes))~~ medical, dental, and mental health care services.
- (6) "Secretary" means the secretary of the department ~~((of corrections))~~.
- (7) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the department, or his or her designee.

Sec. 17. RCW 72.10.020 and 1989 c 157 s 3 are each amended to read as follows:

(1) Upon entry into the correctional system, offenders shall receive an initial medical examination. The department shall prepare a health profile for each offender that includes at least the following information: (a) An identification of the offender's serious medical and dental needs; (b) an evaluation of the offender's capacity for work and recreation; and (c) a financial assessment of the offender's ability to pay for all or a portion of his or her health care services from personal resources or private insurance.

(2)(a) The department may develop and implement a ~~((health services))~~ plan for the delivery of health care services and personal hygiene items to ~~((inmates))~~ offenders in the department's ~~((custody))~~ correctional facilities, at the discretion of the secretary, and in conformity with federal law.

(b) To discourage unwarranted use of health care services caused by unnecessary visits to health care providers, offenders shall participate in the costs of their health care services by paying a nominal amount of no less than three dollars per visit, as determined by the secretary. Under the authority granted in RCW 72.01.050(2), the secretary may authorize the superintendent to collect this amount directly from an offender's institution account. All copayments collected from offenders' institution accounts shall be deposited into the general fund.

(c) Offenders are required to make copayments for initial health care visits that are offender initiated and, by rule adopted by the department, may be charged a copayment for subsequent visits related to the medical condition which caused the initial visit. Offenders are not required to pay for emergency treatment or for visits initiated by health care staff or treatment of those conditions that constitute a serious health care need.

(d) No offender may be refused any health care service because of indigence.

(e) At no time shall the withdrawal of funds for the payment of a medical service copayment result in reducing an offender's institution account to an amount less than the level of indigency as defined in chapter 72.09 RCW.

(3)(a) The department shall report annually to the legislature the following information for the fiscal year preceding the report: (i) The total number of health care visits made by offenders; (ii) the total number of copayments assessed; (iii) the total dollar amount of copayments collected; (iv) the total number of copayments not collected due to an offender's indigency; and (v) the total number of copayments not assessed due to the serious or emergent nature of the health care treatment or because the health care visit was not offender initiated.

(b) The first report required under this section shall be submitted not later than October 1, 1996, and shall include, at a minimum, all available information collected through the second half of fiscal year 1996. This subsection (3)(b) shall expire December 1, 1996.

(4)(a) The secretary shall adopt, by rule, a uniform policy relating to the distribution and replenishment of personal hygiene items for inmates incarcerated in all department institutions. The policy shall provide for the initial distribution of adequate personal hygiene items to inmates upon their arrival at an institution.

(b) The acquisition of replenishment personal hygiene items is the responsibility of inmates, except that indigent inmates shall not be denied adequate personal hygiene items based on their inability to pay for them.

(c) The policy shall provide that the replenishment personal hygiene items be distributed to inmates only in authorized quantities and at intervals that reflect prudent use and customary wear and consumption of the items.

(5) The following become a debt and are subject to section 4 of this act:

(a) All copayments under subsection (2) of this section that are not collected when the visit occurs; and

(b) All charges for replenishment personal hygiene items that are not collected when the item is distributed.

NEW SECTION. Sec. 18. The department shall adopt rules to implement RCW 72.10.020.

NEW SECTION. Sec. 19. The office of financial management shall contract with a private research company to conduct a review of the department of corrections health services delivery and administration to determine whether alternative methods, including other organizational models of service delivery and administration, could be more efficiently achieved by contracting with private vendors and whether there are more cost-efficient methods of providing nonprescription medications. The study shall include an analysis of the impact expanded privatization of administration or delivery of the services would have on the quality of health services and on critical components of the system including but not limited to eye and dental care and laboratory services. The study shall be submitted to the legislature by December 1, 1996. The decision to implement any recommendations made in the report shall be made by the legislature.

Sec. 20. RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read as follows:

(1)(a) An offender is eligible to be sentenced to a work ethic camp if the offender:

~~((a))~~ (i) Is sentenced to a term of total confinement of not less than ~~((twenty-two))~~ sixteen months or more than thirty-six months~~((;~~

~~((b))~~ Is between the ages of eighteen and twenty-eight years~~); and~~

~~((c))~~ (ii) Has no current or prior convictions for any sex offenses or for violent offenses other than drug offenses for manufacturing, possession, delivery, or intent to deliver a controlled substance.

(b) The length of the work ethic camp shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.

(2) If the sentencing judge determines that the offender is eligible for the work ethic camp and is likely to qualify under subsection (3) of this section, the judge shall impose a sentence within the standard range and may recommend that the offender serve the sentence at a work ethic camp. The sentence shall provide that if the offender successfully completes the program, the department shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp confinement to three days of total standard confinement. ~~((The court shall also provide that upon completion of the work ethic camp program, the offender shall be released on community custody for any remaining time of total confinement.))~~ In sentencing an offender to the work ethic camp, the court shall specify: (a) That upon completion of the work ethic camp the offender shall be released on community custody for any remaining time of total confinement; (b) the applicable conditions of supervision on community custody status as required by RCW 9.94A.120(9)(b) and authorized by RCW 9.94A.120(9)(c); and (c) that violation of the conditions may result in a return to total confinement for the balance of the offender's remaining time of confinement.

(3) The department shall place the offender in the work ethic camp program, subject to capacity, unless: (a) The department determines that the offender has physical or mental impairments that would prevent participation and completion of the program~~((-));~~; (b) the department determines that the offender's custody level prevents placement in the program; or (c) the offender refuses to agree to the terms and conditions of the program.

(4) An ~~((inmate))~~ offender who fails to complete the work ethic camp program, who is administratively terminated from the program, or who otherwise violates any conditions of supervision, as defined by the department, shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing judge and shall be subject to all rules relating to earned early release time.

(5) ~~((The length of the work ethic camp program shall be at least one hundred twenty days and not more than one hundred eighty days. Because of the conversion ratio, earned early release time shall not accrue to offenders who successfully complete the program.~~

~~((6))~~ During the last two weeks prior to release from the work ethic camp program the department shall provide the offender with comprehensive transition training.

NEW SECTION. Sec. 21. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department is authorized to establish a camp for alien offenders and shall be ready to assign offenders to the camp not later than January 1, 1997. The secretary shall locate the camp within the boundaries of an existing department facility.

(2) The secretary, in consultation with the committee established in section 23 of this act, shall prepare a report to the legislature by December 1, 1995, on an implementation plan for the camp. The plan shall include recommendations on meeting the following goals: (a) Expedited deportation of alien offenders; (b) reduced daily costs of incarceration; (c) enhanced public benefit through an emphasis on inmate work and exemption from education programs other than those programs necessary for offenders to understand and follow directions; (d) minimum access to privileges; and (e) maximized use of nonstate resources for the costs of incarceration.

(3) In preparing the plan, the secretary shall address at least the following: (a) Eligibility criteria for prompt admission to the camp; (b) whether to have a minimum and maximum length of stay in the camp; (c) operational elements including residential arrangements, inmate conduct and programming standards, and achieving maximum cooperation with the United States government to expedite deportation of alien offenders and reduce the likelihood that alien offenders who complete the camp will avoid deportation; (d) mitigating adverse impacts the camp may have on other offender programs; (e) meeting the goals set forth in this section; and (f) any state law and fiscal issues that are necessary for implementation of the camp.

(4) The department shall consult with all appropriate public safety organizations and the committee created under section 23 of this act in developing the plan.

NEW SECTION. Sec. 22. A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary shall establish, at each institution with an inmate population of more than one hundred, a corrections advisory team. The team shall consist of two representatives from management personnel, two representatives from personnel represented by an exclusive bargaining unit selected by those personnel, and not more than three persons from among the education or work programs operating within the institution. The secretary shall invite other groups to select a representative to serve on the team, including but not limited to, the following:

- (a) The superior court judges in the county in which the institution is located;
 - (b) The prosecuting attorney for the county in which the institution is located;
 - (c) An organization whose primary purpose is legal representation of persons accused or convicted of crimes;
 - (d) A sheriff or police chief whose jurisdiction includes, or is in close proximity to the institution; and
 - (e) An organization whose primary purpose is advocacy of the interests of crime victims.
- (2) The teams shall meet at least quarterly and have the following duties:
- (a) Review existing or proposed work and education programs for the purpose of commenting on the program's cost-effectiveness and impact on recidivism;
 - (b) Suggest revisions in existing, or addition of new, programs in the institution; and
 - (c) Identify cost-saving opportunities in institution operations.
- (3) The superintendent of each institution that meets the criteria in this section shall annually prepare a report to the secretary on the work of the team in his or her institution. The report shall include the superintendent's response to recommendations made by the team. The secretary shall collect and forward the reports to the legislature not later than December 1 of each year, together with such recommendations as the secretary finds appropriate.
- (4) The secretary shall provide reasonably necessary support, within available funds, for the teams to carry out their duties under this section.
- (5) Members of a team shall be eligible for travel expenses and per diem under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 23. A new section is added to chapter 72.09 RCW to read as follows:

- (1) There is created a joint committee on corrections cost-efficiencies oversight. The committee shall consist of: (a) Three members of the senate appointed by the president of the senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party; and (b) three members of the house of representatives, appointed by the speaker of the house of representatives, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.
- (2) The committee shall elect a chair and vice-chair. The chair shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years.
- (3) The committee shall:
- (a) Review all reports required under sections 25 and 26 of this act;
 - (b) Review all reports required and recommendations submitted by the teams under section 22 of this act;
 - (c) Initiate or review studies relevant to the issues of corrections cost-efficiencies and programmatic improvements;
 - (d) Review all rules proposed by the department to ensure consistency with the purpose of chapter..., Laws of 1995 (this act);
 - (e) Periodically make recommendations to the legislature regarding corrections cost-efficiencies and programmatic improvements; and
 - (f) By December 1, 1996, report to the legislature the amount of actual and projected cost savings within the department during the 1995-97 biennium and report its further recommendations to address expenditure growth in the department.
- (4) This section expires July 1, 1997.

NEW SECTION. Sec. 24. A new section is added to chapter 43.17 RCW to read as follows:

- (1) Through June 30, 1997, moneys shall not be appropriated or expended for acquisition of works of art under this chapter to be placed integral to, attached to, or detached within or outside a building or structure owned or operated by the department of corrections if the building or structure is not in existence or under construction as of the effective date of this act.
- (2) The Washington state arts commission and the department of corrections shall prepare and deliver a report to the legislature by July 1, 1996, on the feasibility of creating class I or class II correctional industries for the creation of works of art created by resident Washington state artists and funded under this chapter for placement integral to, attached to, or detached within or outside buildings and structures owned or operated by the department of corrections.

(3) The report shall include, but not be limited to, a review of and recommendations on: (a) Whether to provide preferences or incentives to units of government other than the state to acquire works of art created by artists and produced in the department of corrections; (b) the size of a market for public and private sales of art produced in the department of corrections; (c) the appropriate process for selection of works of art to be produced in the department of corrections; and (d) the appropriate work and education skills that would be achieved by inmates engaged in the production of art.

(4) This section expires June 30, 1997.

NEW SECTION. Sec. 25. The department of corrections shall conduct the following reviews and prepare the following reports:

(1) The secretary shall seek federal funding for the incarceration of undocumented felons. The secretary shall pursue amendments to the federal transfer treaty program to facilitate deportation of undocumented alien offenders, specifically current treaties that require voluntary participation by the offender and loss of jurisdiction by the sending agency. The secretary shall seek enforcement of, and pursue amendments to, current federal sanctions for alien reentry, specifically amendments to the allowance of at least two prior felony convictions and at least two prior deportations before indictment for reentry is considered. By December 1, 1995, the secretary shall submit a report on progress on these matters to the legislature and the committee created under section 23 of this act.

(2) The secretary shall review current perimeter security technologies and designs that could minimize or eliminate the need for staffed perimeter guard towers at medium, close, and maximum custody correctional institutions. By December 1, 1995, the secretary shall complete the review and submit a report, including recommendations, to the legislature and the committee created under section 23 of this act.

(3) The secretary shall review the feasibility and desirability of implementing a system to allow prison beds to be used on a rotational basis. The review shall include at least the following: (a) A fiscal analysis of the capital and operating costs of implementing a twelve-hour scheduled rotation in which each prison cell and bed could be used by multiple inmates; and (b) an analysis of how the department would address safety issues that might arise from a rotation system that increases the amount of time inmates would spend out of their cells. By December 1, 1995, the secretary shall submit a report, including recommendations, to the legislature and the committee created under section 23 of this act.

(4) The secretary shall prepare and provide to the legislature by July 1, 1996, a report on the implementation of the administrative and programmatic changes required by sections 5 through 8, 17, and 22 of this act. The report shall provide a comparative measure of the total number and percentages of inmates who obtain a composite eighth grade level of basic academic skills after implementation of chapter . . . , Laws of 1995 (this act).

NEW SECTION. Sec. 26. The department of corrections shall cooperate in the preparation of the following reviews and reports:

(1) The office of the state auditor shall review the department's budgeting process and operating budget request to the governor for the 1995-97 biennium. By December 1, 1995, the office of the state auditor shall submit a report of its findings and recommendations to the legislature and the secretary of corrections.

(2) The department of transportation shall review the feasibility and desirability of privatizing the department of corrections marine fleet, operation, or both. The review shall include a comparison of department of corrections employee salaries with equivalent private marine positions salaries. By December 1, 1995, the department of transportation shall submit its report, including recommendations, to the secretary of corrections, the legislature, and the committee created under section 23 of this act.

(3) The office of financial management and the department of general administration shall jointly review the food planning model developed by the department of corrections for possible expansion to a uniform, state-wide planning, purchasing, and distribution of food products for state institutions, including but not limited to prisons, juvenile correctional institutions, and state hospitals. By December 1, 1995, the office of financial management and the department of general administration shall submit their report, including recommendations, to the secretary of corrections, the legislature, and the committee created under section 23 of this act.

(4) The printing and duplicating management center in the department of general administration shall review the feasibility and desirability of establishing a class II correctional industry within one or more correctional institutions, a print shop, and printers apprentice program. By December 1, 1995, the center shall submit its report, including recommendations, to the secretary of corrections, the legislature, and the committee created by section 23 of this act.

NEW SECTION. Sec. 27. (1)(a) In addition to the requirements of section 24 of this act, the correctional industries board of directors shall review the following options for expanding work programs, as defined in section 3 of this act: (i) Recycling of inorganic materials within or without the facilities; (ii) redesigning and refabrication of industrial products; (iii) data management services; (iv) industrial food services; (v) expanded opportunities for construction and maintenance of state adult and juvenile correctional institutions; (vi) construction of migrant farmworker housing using state and federal housing funds; (vii) opportunities for support staffing in recreation and fitness programs within institutions; (viii) use of the Airway Heights prison kitchen to prepare kosher meals for correctional facilities inside and outside Washington state; and (ix) horticulture specialty crops. The board shall consider the cost of the studies in determining the order of conducting the studies.

(b) The board shall examine at least the following in preparing its report: (i) The existence and sustainability of a public and private market for the item; (ii) the impact development of an option would have on private and public competitors producing the same item; (iii) demands on the resources of the department, including transportation and security costs; (iv) the number of job opportunities likely to be created; (v) requirements for staff training; and (vi) the costs and benefits of each option.

(2) The board shall report its findings and recommendations to the secretary and the committee created under section 23 of this act by June 30, 1996.

(3) The correctional industries board of directors and the secretary of corrections shall jointly review all current and proposed education and vocational training programs. The review shall identify whether the curriculum corresponds to current and proposed correctional industries jobs and whether the curriculum teaches skills relevant to employment opportunities inmates may qualify for after they are released. Upon completion of the review, the board and the secretary shall submit a joint report of their findings and recommendations to the legislature by December 1, 1995.

NEW SECTION. Sec. 28. (1) The secretary of corrections shall seek to expand the use of, and opportunities at, the correctional facility at McNeil Island. To accomplish this the secretary shall, among other things, make a formal request to the appropriate federal agencies for a waiver of environmental impact restrictions in order to increase the agricultural yield on McNeil Island. Additionally, the secretary shall seek authorization from the appropriate federal agencies to expand the acreage available for use at McNeil Island. The secretary shall initiate the request for waivers by August 1, 1995, and shall advise the committee created under section 23 of this act of the waiver request and any response to the request.

(2) If there are state statutory or regulatory constraints which operate to impede expanding the opportunities at, or size of, the facility at McNeil Island, the secretary shall inform the legislature and recommend any appropriate revisions.

Sec. 29. RCW 9.95.210 and 1995 c 33 s 6 are each amended to read as follows:

(1) In granting probation, the court may suspend the imposition or the execution of the sentence and may direct that the suspension may continue upon such conditions and for such time as it shall designate, not exceeding the maximum term of sentence or two years, whichever is longer.

(2) In the order granting probation and as a condition thereof, the court may in its discretion imprison the defendant in the county jail for a period not exceeding one year and may fine the defendant any sum not exceeding the statutory limit for the offense committed, and court costs. As a condition of probation, the court shall require the payment of the penalty assessment required by RCW 7.68.035. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary: ~~((1))~~ (a) To comply with any order of the court for the payment of family support~~((2))~~; (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement~~((3))~~; (c) to pay such fine as may be imposed

and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required(~~(, (4))~~); (d) following consideration of the financial condition of the person subject to possible electronic monitoring, to pay for the costs of electronic monitoring if that monitoring was required by the court as a condition of release from custody or as a condition of probation(~~(, (5))~~); (e) to contribute to a county or interlocal drug fund(~~(, (6))~~); and (f) to make restitution to a public agency for the costs of an emergency response under RCW 38.52.430, and may require bonds for the faithful observance of any and all conditions imposed in the probation.

(3) The court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of imposition of the sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(4) In granting probation, the court (~~shall~~) may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow (~~implicitly~~) the instructions of the secretary.

(5) If the probationer has been ordered to make restitution and the court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made. If the court has ordered supervision and restitution has not been made as ordered, the officer shall inform the prosecutor of that violation of the terms of probation not less than three months prior to the termination of the probation period. The secretary of corrections will promulgate rules and regulations for the conduct of the person during the term of probation. For defendants found guilty in district court, like functions as the secretary performs in regard to probation may be performed by probation officers employed for that purpose by the county legislative authority of the county wherein the court is located.

Sec. 30. RCW 9.92.060 and 1987 c 202 s 142 are each amended to read as follows:

(1) Whenever any person (~~shall be~~) is convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, (~~car~~~~nal~~ ~~knowledge~~) rape of a (~~female~~) child (~~under the age of ten years~~), or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a (~~parole or peace officer during the term of such suspension~~) community corrections officer employed by the department of corrections upon such terms as the court may determine(~~(, PROVIDED, That)~~).

(2) As a condition to suspension of sentence, the court shall require the payment of the penalty assessment required by RCW 7.68.035(~~(, PROVIDED FURTHER, That as a condition to suspension of sentence)~~). In addition, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (~~(4)~~): (a) To comply with any order of the court for the payment of family support(~~(, (2))~~); (b) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement(~~(, (3))~~); (c) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required(~~(, (4))~~); and (d) to contribute to a county or interlocal drug fund. (~~In no case shall a sentence be suspended under the provisions of this section unless the person if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced: PROVIDED, That persons convicted in district court may be placed under supervision of a probation officer employed for that purpose.~~)

(3) As a condition of the suspended sentence, the court may order the probationer to report to the secretary of corrections or such officer as the secretary may designate and as a condition of the probation to follow the instructions of the secretary.

(4) If restitution to the victim has been ordered under subsection (2)(b) of this section and the court has ordered supervision, the officer supervising the probationer shall make a reasonable effort to

ascertain whether restitution has been made as ordered. If the court has ordered supervision and restitution has not been made, the officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence.

NEW SECTION. Sec. 31. A new section is added to chapter 9.95 RCW to read as follows:

(1) The Washington state law and justice advisory council, appointed under RCW 72.09.300(7), shall by October 1, 1995, develop proposed standards for the supervision of misdemeanor probationers sentenced by superior courts under RCW 9.92.060 or 9.95.210. In developing the standards, the council shall consider realistic current funding levels or reasonable expansions thereof, the recommendations of the department of corrections, county probation departments, superior and district court judges, and the misdemeanor corrections association. The supervision standards shall establish classifications of misdemeanor probationers based upon the seriousness of the offense, the perceived risks to the community, and other relevant factors. The standards may provide discretion to officials supervising misdemeanor probationers to adjust the supervision standards, for good cause, based upon individual circumstances surrounding the probationer. The supervision standards shall include provisions for reciprocal supervision of offenders who are sentenced in counties other than their counties of residence.

(2) The department of corrections shall report to the legislature by December 1, 1995, the estimated cost of fully implementing the proposed standards. The report shall rank by relative costs each of the elements of the proposed standards and shall identify the total daily supervision cost per offender. The report shall also include an accounting of the amount of supervision fees assessed and collected by the department under section 32 of this act.

NEW SECTION. Sec. 32. A new section is added to chapter 9.95 RCW to read as follows:

Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by the department of corrections, the department may assess and collect from the defendant for the duration of the term of supervision a monthly assessment not to exceed one hundred dollars per month. This assessment shall be paid to the department and shall be applied, along with funds appropriated by the legislature, toward the payment or part payment of the cost of supervising the defendant.

Sec. 33. RCW 72.09.100 and 1994 c 224 s 1 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) **CLASS I: FREE VENTURE INDUSTRIES.** The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

Subject to approval of the correctional industries board, provisions of RCW 41.06.380 prohibiting contracting out work performed by classified employees shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

NEW SECTION. Sec. 34. The legislature requires reductions in department of corrections staffing levels appropriated by the 1995-97 omnibus appropriations act be implemented so as to preserve the safe and orderly operation of the institutions, including the safety of staff, visitors, and inmates and to protect public safety. To accomplish this, the department shall target staff reductions in: (1) Exempt positions within the department's headquarters and division of prisons such as assistant secretaries, assistants to the secretary, superintendents, associate superintendents, and federal and state liaisons; and (2) management positions of lieutenant and above as classified by the department of personnel.

NEW SECTION. Sec. 35. A new section is added to chapter 72.09 RCW to read as follows: The ratio of recreational leader positions 2, 3, and 4 to average daily inmate population within the department shall be maintained as established pursuant to the 1995 omnibus appropriations act.

NEW SECTION. Sec. 36. RCW 72.09.020 and 1988 c 153 s 7 & 1981 c 136 s 7 are each repealed.

NEW SECTION. Sec. 37. This act shall be known as the department of corrections cost-efficiency and inmate responsibility omnibus act.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. If specific funding for the purpose of this act, referencing this act by bill number, is not provided by June 30, 1995, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 40. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "corrections;" strike the remainder of the title and insert "amending RCW 72.09.010, 72.09.015, 72.09.130, 4.24.130, 72.10.010, 72.10.020, 9.94A.137, 9.95.210, 9.92.060, and 72.09.100; adding new sections to chapter 72.09 RCW; adding a new section to chapter 43.17 RCW; adding new sections to chapter 9.95 RCW; creating new sections; repealing RCW 72.09.020; prescribing penalties; and declaring an emergency."

Representative Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schoesler, Quall and Ballasiotes spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representatives Chappell, Chopp, Dellwo and Kessler were excused.

The Speaker stated the question before the House to be final passage of Second Engrossed Second Substitute House Bill No. 2010.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 2010, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Chappell, Chopp, Dellwo, Honeyford, Horn, Kessler, Mulliken and Patterson - 8.

Second Engrossed Second Substitute House Bill No. 2010, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

May 17, 1995

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6074,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 17, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049,
SENATE BILL NO. 6077,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 18, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6073,
SUBSTITUTE SENATE BILL NO. 5231,

and the same are herewith transmitted.

Marty Brown, Secretary

May 17, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8416,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SINGED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 6073,
SUBSTITUTE SENATE BILL NO. 5231,

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the Rules Committee was relieved of further consideration of House Bill No. 1908 and the bill was placed on second reading.

HOUSE BILL NO. 1908, by House Committee on Health Care (originally sponsored by Representatives Dyer, Cooke, Ballasiotes, Stevens, Elliot, Talcott, Cairnes, Lambert, Pelesky, Hymes, Robertson, Mielke, Carrell, Backlund and L. Thomas)

Modifying long-term care provisions.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1908 was substituted for House Bill No. 1908 and the second substitute bill was placed on second reading.

Second Substitute House Bill No. 1908 was read the second time.

With the consent of the House, amendment number 932 to Second Substitute House Bill No. 1908 was withdrawn.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.39A RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a facility licensed under chapter 70.128 RCW.

(2) "Adult residential care" means personal care services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under section 15 of this act.

(3) "Aging and adult services administration" means the aging and adult services administration of the department.

(4) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 and the resident is housed in a private apartment-like unit.

(5) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(6) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

(7) "Department" means the department of social and health services.

(8) "Home and community services" means assisted living services, enhanced adult residential care, adult residential care, adult family homes, in-home services, and other services administered by the aging and adult services administration of the department directly or through contract with area agencies on aging.

(9) "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

(10) "Enhanced adult residential care" means personal care services and limited nursing services, as defined by the department of health in rule, which services are provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under section 15 of this act.

(11) "Nursing facility" means a nursing facility as defined in section 1919(a) of the federal social security act and regulations adopted thereunder.

(12) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(13) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent of available funding, the department shall expand cost-effective options for home and community services for consumers for whom the state participates in the cost of their care.

(2) In expanding home and community services, the department shall: (a) Take full advantage of federal funding available under Title XVIII and Title XIX of the federal social security act, including home health, adult day care, waiver options, and state plan services; and (b) be authorized to use funds available under its community options program entry system waiver granted under section 1915(c) of the federal social security act to expand the availability of in-home, adult residential care, adult family homes, enhanced adult residential care, and assisted living services. By June 30, 1997, the department shall undertake to reduce the nursing home medicaid census by at least one thousand six hundred by assisting individuals who would otherwise require nursing facility services to obtain services of their choice, including assisted living services, enhanced adult residential care, and other home and community services. If a resident, or his or her legal representative, objects to a discharge decision initiated by the department, the resident shall not be discharged if the resident has been assessed and determined to require nursing facility services. In contracting with nursing homes and boarding homes for enhanced adult residential care placements, the department shall not require, by contract or through other means, structural modifications to existing building construction.

(3)(a) The department shall by rule establish payment rates for home and community services that support the provision of cost-effective care.

(b) The department may authorize an enhanced adult residential care rate for nursing homes that temporarily or permanently convert their bed use for the purpose of providing enhanced adult residential care under chapter 70.38 RCW, when the department determines that payment of an enhanced rate is cost-effective and necessary to foster expansion of contracted enhanced adult residential care services. As an incentive for nursing homes to permanently convert a portion of its nursing home bed capacity for the purpose of providing enhanced adult residential care, the department may authorize a supplemental add-on to the enhanced adult residential care rate.

(c) The department may authorize a supplemental assisted living services rate for up to four years for facilities that convert from nursing home use and do not retain rights to the converted nursing home beds under chapter 70.38 RCW, if the department determines that payment of a supplemental rate is cost-effective and necessary to foster expansion of contracted assisted living services.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.41 RCW to read as follows:

(1)(a) The department of social and health services, in consultation with hospitals and acute care facilities, shall promote the most appropriate and cost-effective use of long-term care services by developing and distributing to hospitals and other appropriate health care settings information on the various chronic long-term care programs that it administers directly or through contract. The information developed by the department of social and health services shall, at a minimum, include the following:

(i) An identification and detailed description of each long-term care service available in the state;

(ii) Functional, cognitive, and medicaid eligibility criteria that may be required for placement or admission to each long-term care service; and

(iii) A long-term care services resource manual for each hospital, that identifies the long-term care services operating within each hospital's patient service area. The long-term care services resource manual shall, at a minimum, identify the name, address, and telephone number of each entity known to be providing long-term care services; a brief description of the programs or services provided by each of the identified entities; and the name or names of a person or persons who may be contacted for further information or assistance in accessing the programs or services at each of the identified entities.

(b) The information required in (a) of this subsection shall be periodically updated and distributed to hospitals by the department of social and health services so that the information reflects current long-term care service options available within each hospital's patient service area.

(2) To the extent that a patient will have continuing care needs, once discharged from the hospital setting, hospitals shall, during the course of the patient's hospital stay, promote each patient's family member's and/or legal representative's understanding of available long-term care service discharge options by, at a minimum:

(a) Discussing the various and relevant long-term care services available, including eligibility criteria;

(b) Making available, to patients, their family members, and/or legal representative, a copy of the most current long-term care services resource manual;

(c) Responding to long-term care questions posed by patients, their family members, and/or legal representative;

(d) Assisting the patient, their family members, and/or legal representative in contacting appropriate persons or entities to respond to the question or questions posed; and

(e) Linking the patient and family to the local, state-designated aging and long-term care network to ensure effective transitions to appropriate levels of care and ongoing support.

NEW SECTION. **Sec. 4.** A new section is added to chapter 70.41 RCW to read as follows: "Cost-effective care" and "long-term care services," where used in sections 3 and 5 of this act, shall have the same meaning as that given in section 1 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 70.41 RCW to read as follows:

(1) Hospitals and acute care facilities shall:

(a) Work cooperatively with the department of social and health services, area agencies on aging, and local long-term care information and assistance organizations in the planning and implementation of patient discharges to long-term care services.

(b) Establish and maintain a system for discharge planning and designate a person responsible for system management and implementation.

(c) Establish written policies and procedures to:

(i) Identify patients needing further nursing, therapy, or supportive care following discharge from the hospital;

(ii) Develop a documented discharge plan for each identified patient, including relevant patient history, specific care requirements, and date such follow-up care is to be initiated;

(iii) Coordinate with patient, family, caregiver, and appropriate members of the health care team;

(iv) Provide any patient, regardless of income status, written information and verbal consultation regarding the array of long-term care options available in the community, including the relative cost, eligibility criteria, location, and contact persons;

(v) Promote an informed choice of long-term care services on the part of patients, family members, and legal representatives; and

(vi) Coordinate with the department and specialized case management agencies, including area agencies on aging and other appropriate long-term care providers, as necessary, to ensure timely transition to appropriate home, community residential, or nursing facility care.

(d) Work in cooperation with the department which is responsible for ensuring that patients eligible for medicaid long-term care receive prompt assessment and appropriate service authorization.

(2) In partnership with selected hospitals, the department of social and health services shall develop and implement pilot projects in up to three areas of the state with the goal of providing information about appropriate in-home and community services to individuals and their families early during the individual's hospital stay.

The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options.

The department shall by December 12, 1995, report to the house of representatives health care committee and the senate health and long-term care committee regarding the progress and results of the pilot projects along with recommendations regarding continuation or modification of the pilot projects.

In conducting the pilot projects, the department shall:

(a) Assess and offer information regarding appropriate in-home and community services to individuals who are medicaid clients or applicants; and

(b) Offer assessment and information regarding appropriate in-home and community services to individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility.

NEW SECTION. Sec. 6. A new section is added to chapter 74.39A RCW to read as follows:

The department shall work in partnership with hospitals in assisting patients and their families to find long-term care services of their choice. The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options to individuals who are hospitalized and likely to need long-term care.

(1) To the extent of available funds, the department shall assess individuals who:

(a) Are medicaid clients, medicaid applicants, or eligible for both medicare and medicaid; and

(b) Apply or are likely to apply for admission to a nursing facility.

(2) For individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility, the department shall, to the extent of available funds, offer an assessment and information regarding appropriate in-home and community services.

(3) When the department finds, based on assessment, that the individual prefers and could live appropriately and cost-effectively at home or in some other community-based setting, the department shall:

- (a) Advise the individual that an in-home or other community service is appropriate;
- (b) Develop, with the individual or the individual's representative, a comprehensive community service plan;
- (c) Inform the individual regarding the availability of services that could meet the applicant's needs as set forth in the community service plan and explain the cost to the applicant of the available in-home and community services relative to nursing facility care; and
- (d) Discuss and evaluate the need for on-going involvement with the individual or the individual's representative.

(4) When the department finds, based on assessment, that the individual prefers and needs nursing facility care, the department shall:

- (a) Advise the individual that nursing facility care is appropriate and inform the individual of the available nursing facility vacancies;
- (b) If appropriate, advise the individual that the stay in the nursing facility may be short term; and
- (c) Describe the role of the department in providing nursing facility case management.

NEW SECTION. Sec. 7. A new section is added to chapter 74.42 RCW to read as follows:

A nursing facility shall not admit any individual who is medicaid eligible unless that individual has been assessed by the department. Appropriate hospital discharge shall not be delayed pending the assessment.

To ensure timely hospital discharge of medicaid eligible persons, the date of the request for a department long-term care assessment, or the date that nursing home care actually begins, whichever is later, shall be deemed the effective date of the initial service and payment authorization. The department shall respond promptly to such requests.

A nursing facility admitting an individual without a request for a department assessment shall not be reimbursed by the department and shall not be allowed to collect payment from a medicaid eligible individual for any care rendered before the date the facility makes a request to the department for an assessment. The date on which a nursing facility makes a request for a department long-term care assessment, or the date that nursing home care actually begins, whichever is later, shall be deemed the effective date of initial service and payment authorization for admissions regardless of the source of referral.

A medicaid eligible individual residing in a nursing facility who is transferred to an acute care hospital shall not be required to have a department assessment under this section prior to returning to the same or another nursing facility.

NEW SECTION. Sec. 8. A new section is added to chapter 74.42 RCW to read as follows:

If a nursing facility has reason to know that a resident is likely to become financially eligible for medicaid benefits within one hundred eighty days, the nursing facility shall notify the patient or his or her representative and the department. The department may:

- (1) Assess any such resident to determine if the resident prefers and could live appropriately at home or in some other community-based setting; and
- (2) Provide case management services to the resident.

NEW SECTION. Sec. 9. A new section is added to chapter 74.42 RCW to read as follows:

(1) To the extent of available funding, the department shall provide case management services to assist nursing facility residents, in conjunction and partnership with nursing facility staff. The purpose of the case management services is to assist residents and their families to assess the appropriateness and availability of home and community services that could meet the resident's needs so that the resident and family can make informed choices.

(2) To the extent of available funding, the department shall provide case management services to nursing facility residents who are:

- (a) Medicaid funded;
- (b) Dually medicaid and medicare eligible;
- (c) Medicaid applicants; and

(d) Likely to become financially eligible for medicaid within one hundred eighty days, pursuant to section 8 of this act.

Sec. 10. RCW 74.39.005 and 1989 c 427 s 2 are each amended to read as follows:

The purpose of this chapter is to:

(1) Establish a balanced range of ~~((community-based))~~ health, social, and supportive services that deliver long-term care services to chronically, functionally disabled persons of all ages;

(2) Ensure that functional ~~((disability))~~ ability shall be the determining factor in defining long-term care service needs and that these needs will be determined by a uniform system for comprehensively assessing functional disability;

(3) Ensure that services are provided in the most independent living situation consistent with individual needs;

(4) Ensure that long-term care service options shall be developed and made available that enable functionally disabled persons to continue to live in their homes or other community residential facilities while in the care of their families or other volunteer support persons;

(5) Ensure that long-term care services are coordinated in a way that minimizes administrative cost, eliminates unnecessarily complex organization, minimizes program and service duplication, and maximizes the use of financial resources in directly meeting the needs of persons with functional limitations;

(6) Develop a systematic plan for the coordination, planning, budgeting, and administration of long-term care services now fragmented between the division of developmental disabilities, division of mental health, aging and adult services administration, division of children and family services, division of vocational rehabilitation, office on AIDS, division of health, and bureau of alcohol and substance abuse;

(7) Encourage the development of a state-wide long-term care case management system that effectively coordinates the plan of care and services provided to eligible clients;

(8) Ensure that individuals and organizations affected by or interested in long-term care programs have an opportunity to participate in identification of needs and priorities, policy development, planning, and development, implementation, and monitoring of state supported long-term care programs;

(9) Support educational institutions in Washington state to assist in the procurement of federal support for expanded research and training in long-term care; and

(10) Facilitate the development of a coordinated system of long-term care education that is clearly articulated between all levels of higher education and reflective of both in-home care needs and institutional care needs of functionally disabled persons.

Sec. 11. RCW 74.39.040 and 1989 c 427 s 13 are each amended to read as follows:

~~((1) A long term care commission is created. It shall consist of:~~

~~(a) Four legislators who shall serve on the executive committee, one from each of the two largest caucuses in the house of representatives and the senate who shall be selected by the president of the senate and the speaker of the house of representatives;~~

~~(b) Six members, to be selected by the executive committee, who shall be authorities in gerontology, developmental disabilities, neurological impairments, physical disabilities, mental illness, nursing, long term care service delivery, long term care service financing, systems development, or systems analysis;~~

~~(c) Three members, to be selected by the executive committee, who represent long term care consumers, services providers, or advocates;~~

~~(d) Two members, to be selected by the executive committee, who represent county government;~~

~~(e) One member, to be selected by the secretary of social and health services, to represent the department of social and health services long term care programs, including at least developmental disabilities, mental health, aging and adult services, AIDS, children's services, alcohol and substance abuse, and vocational rehabilitation; and~~

~~(f) Two members, to represent the governor, who shall serve on the executive committee.~~

~~The legislative members shall select a chair from the membership of the commission.~~

~~The commission shall be staffed, to the extent possible, by staff from the appropriate senate and house of representatives committees.~~

~~The commission may form technical advisory committees to assist it with any particular matters deemed necessary by the commission.~~

~~The commission and technical advisory committee members shall receive no compensation, but except for publicly funded agency staff, shall, to the extent funds are available, be reimbursed for their expenses while attending any meetings in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.~~

~~The commission may receive appropriations, grants, gifts, and other payments from any governmental or other public or private entity or person which it may use to defray the cost of its operations or to contract for technical assistance, with the approval of the senate committee on facilities and operations and the house of representatives executive rules committee.~~

~~(2) The long term care commission shall develop legislation and recommend administrative actions necessary to achieve the following long term care reforms:~~

~~(a) The systematic coordination, planning, budgeting, and administration of long term care services currently administered by the department of social and health services, division of developmental disabilities, aging and adult services administration, division of vocational rehabilitation, office on AIDS, division of health, and the bureau of alcohol and substance abuse;~~

~~(b)) The legislature finds the intent of the 1989 legislature to reform statutory provisions of long-term care for persons of all ages with chronic functional disability, although not enacted, continues to be applicable. The need to streamline the current bureaucratic fragmentation of chronic health services for the person with functional disabilities and facilitate the development of client centered, accessible, high quality, cost-effective, and appropriate long-term care services options for persons with functional disabilities is even more pressing today. The legislature further finds that if we are going to meet the significant and growing chronic care needs in the next two decades, rapid fundamental changes will need to take place in the way we finance, organize, and provide long-term care services to the functionally disabled. The public demands, and it is the intent of the legislature to reduce the cost and size of government and provide efficient and effective public service to the persons most impaired by chronic functional disability.~~

~~To realize the need for a cost-effective, uniform, and fully integrated long-term care system while simultaneously reducing the size and cost of government, the legislative budget committee, in coordination with the Washington health care policy board, shall develop a working plan for long-term care reform, including recommendations and statutory changes, by December 12, 1995, to accomplish the following:~~

~~(1) Reorganize and consolidate, on a noncategorical basis, all disease or age-specific (categorical) organizational entities of state administration and their regional elements pertaining to chronic care services to persons with functional mental and physical disabilities, including but not limited to: In the department of social and health services: Health and rehabilitative services and aging and adult services; in the department of health: Aids chronic care and boarding homes; the department of services to the blind; in the department of veterans affairs: Nursing facilities; and in all other state agencies that provide chronic long-term health care services;~~

~~(2) Implement a streamlined client centered administrative and delivery system for long-term care services state-wide that incorporates all long-term care services for the person with functional disabilities to include the functionally disabled, developmentally disabled, mentally ill, traumatically brain injured, and others with chronic functional disabilities. The system shall be a single point entry system administered at the local level that allows the person with functional disabilities to obtain needs determination, eligibility screening, priority setting, and services information and assistance. The system shall be designed so that acute health care services are effectively coordinated with long-term care services. The system shall recognize and respect the individuality and dignity of all functionally disabled individuals and promote self-reliance and the preference for the assistance and comfort provided by families, friends, and community volunteers. It shall also recognize the importance of community organizations and the public and private infrastructure in the delivery of care and support. All major points of access into the long-term care system shall be identified and integrated into the system to insure that clients are fully informed of the most appropriate least expensive care options;~~

~~(3) Provision of long-term care services to persons based on their functional disabilities noncategorically and in the most independent living situation consistent with the person's needs and preferences;~~

~~((e))~~ (4) A consistent definition of appropriate roles and responsibilities for state and local government, regional organizations, and private organizations in the planning, administration, financing, and delivery of long-term care services;

~~((d))~~ (5) Technical assistance to enable local communities to have greater participation and control in the planning, administration, and provision of long-term care services;

~~((e))~~ (6) A case management system that coordinates an appropriate and cost-effective plan of care and services for eligible functionally disabled persons based on their individual needs and preferences;

~~((f))~~ (7) A sufficient supply of quality institutional and noninstitutional residential alternatives for functionally disabled persons, and supports for the providers of such services;

~~((g))~~ (8) Public and private alternative funding for long-term care services, ~~((such as federal Title XIX funding of personal care services through the limited casualty program for the medically needy and other optional services))~~ that includes the promotion of affordable stand alone long-term care insurance options or as part of overall health care insurance benefits, a uniform fee copayment scale for client participation in state-funded, long-term care programs, and private, long-term care insurance;

~~((h))~~ (9) A systematic and balanced long-term care services payment and reimbursement system, including a case mix nursing home reimbursement, that will provide access to needed services while controlling the rate of cost increases for such services;

~~((i))~~ (10) Active involvement of volunteers and advocacy groups;

~~((j))~~ (11) An integrated data base that provides long-term care client tracking;

~~((k))~~ (12) A coordinated education system for long-term care to insure client safety and quality of services; ~~(and~~

~~((l))~~ (13) Administratively separate the nonmeans tested economic and social welfare and advocacy programs of the older Americans act, 42 U.S.C. Chap 35 and 45 C.F.R. 1321 et seq. from the need and means tested programs for persons with functional disabilities;

(14) Review all activities mandated and expenditures authorized by the senior citizens services act, chapter 74.38 RCW; and identify which funds are being used for functionally disabled seniors and identify how these senior citizens services act funds can be directed to programs serving the most disabled elderly; and

(15) Other issues deemed appropriate by the ~~((implementation team))~~ joint committee on health systems oversight.

The ~~((commission))~~ legislative budget committee shall report to the legislature with its findings, recommendations, and proposed legislation by December ~~((1, 1990))~~ 12, 1995.

NEW SECTION. Sec. 12. A new section is added to chapter 74.39A RCW to read as follows:

The department's system of quality improvement for long-term care services shall be guided by the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be consumer centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers.

(3) Providers should be supported in their efforts to improve quality through training, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints.

(6) Providers generally should be assisted in addressing identified problems initially through consultation and technical assistance. Enforcement remedies shall be available for problems that are serious, recurring, or that have been uncorrected.

NEW SECTION. Sec. 13. A new section is added to chapter 74.39A RCW to read as follows:

(1) The aging and adult services administration of the department shall establish and maintain a toll-free telephone number for receiving complaints regarding a facility that the administration licenses or with which it contracts for long-term care services.

(2) All facilities that are licensed by, or that contract with the aging and adult services administration to provide long-term care services shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number.

(3) The aging and adult services administration shall investigate complaints if the subject of the complaint is within its authority unless the department determines that: (a) The complaint is intended to willfully harass a licensee or employee of the licensee; (b) there is no reasonable basis for investigation; or (c) corrective action has been taken.

(4) The aging and adult services administration shall refer complaints to appropriate state agencies, law enforcement agencies, the attorney general, the long-term care ombudsman, or other entities if the department lacks authority to investigate.

(5) The department may not provide the substance of the complaint to the licensee or contractor before the completion of the investigation by the department. Neither the substance of the complaint provided to the licensee or contractor nor any copy of the complaint or related report published, released, or made otherwise available shall disclose the name, title, or identity of any complainant, or other person mentioned in the complaint, except that the department may disclose the identity of the complainant if such disclosure is requested in writing by the complainant.

(6) A facility that provides long-term care services shall not discriminate or retaliate in any manner against a resident on the basis or for the reason that such resident or any other person made a complaint to the department or the long-term care ombudsman or cooperated with the investigation of such a complaint. The department may impose a civil penalty of not more than three thousand dollars for a violation of this subsection and require the facility to mitigate any damages incurred by the resident.

Sec. 14. RCW 74.39A.010 and 1993 c 508 s 3 are each amended to read as follows:

(1) To the extent of available funding, the department of social and health services may contract with licensed boarding homes under chapter 18.20 RCW and tribally licensed boarding homes for assisted living services and enhanced adult residential care. The department shall develop rules for facilities that contract with the department for assisted living services or enhanced adult residential care to establish:

(a) Facility service standards consistent with the principles in section 12 of this act and consistent with chapter 70.129 RCW;

(b) Standards for resident living areas consistent with section 2 of this act;

(c) Training requirements for providers and their staff.

(2) The department's rules shall provide that (~~ensure that the contracted~~) services in assisted living and enhanced adult residential care:

~~((1))~~ (a) Recognize individual needs, privacy, and autonomy;

~~((2))~~ (b) Include, but not be limited to, personal care, nursing services, medication administration, and supportive services that promote independence and self-sufficiency;

~~((3))~~ (c) Are of sufficient scope to assure that each resident who chooses to remain in the assisted living or enhanced adult residential care may do so, (~~unless nursing care needs exceed the level of care defined by the department~~) to the extent that the care provided continues to be cost-effective and safe and promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice;

~~((4))~~ (d) Are directed first to those persons most likely, in the absence of enhanced adult residential care or assisted living services, to need hospital, nursing facility, or other out-of-home placement; and

~~((5))~~ (e) Are provided in compliance with applicable (~~department of health~~) facility and professional licensing laws and rules.

(3) When a facility contracts with the department for assisted living services or enhanced adult residential care, only services and facility standards that are provided to or in behalf of the assisted living services or enhanced adult residential care client shall be subject to the department's rules.

NEW SECTION. Sec. 15. A new section is added to chapter 74.39A RCW to read as follows:

(1) To the extent of available funding, the department of social and health services may contract for adult residential care and enhanced adult residential care.

(2) The department shall, by rule, develop terms and conditions for facilities that contract with the department for adult residential care and enhanced adult residential care to establish:

(a) Facility service standards consistent with the principles in section 12 of this act and consistent with chapter 70.129 RCW; and

(b) Training requirements for providers and their staff.

(3) The department shall, by rule, provide that services in adult residential care and enhanced adult residential care facilities:

(a) Recognize individual needs, privacy, and autonomy;

(b) Include personal care and limited nursing services and other services that promote independence and self-sufficiency and aging in place;

(c) Are directed first to those persons most likely, in the absence of adult residential care and enhanced adult residential care services, to need hospital, nursing facility, or other out-of-home placement; and

(d) Are provided in compliance with applicable facility and professional licensing laws and rules.

(4) When a facility contracts with the department for adult residential care and enhanced adult residential care, only services and facility standards that are provided to or in behalf of the adult residential care or the enhanced adult residential care client shall be subject to the adult residential care or enhanced adult residential care rules.

(5) To the extent of available funding, the department may also contract under this section with a tribally licensed boarding home for the provision of services of the same nature as the services provided by adult residential care facilities. The provisions of subsections (2) (a) and (b) and (3) (a) through (d) of this section apply to such a contract.

NEW SECTION. **Sec. 16.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall, by rule, establish reasonable minimum qualifications and training requirements to assure that assisted living service, enhanced adult residential care service, and adult residential care providers with whom the department contracts are capable of providing services consistent with this chapter. The rules shall apply only to residential capacity for which the state contracts.

(2) The department shall not contract for assisted living, enhanced adult residential care, or adult residential care services with a provider if the department finds that the provider or any partner, officer, director, managerial employee, or owner of five percent or more of the provider has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

NEW SECTION. **Sec. 17.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a provider of assisted living services or enhanced adult residential care services has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a contract;

(b) Impose reasonable conditions on a contract, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a contract; or

(e) Suspend admissions to the facility by imposing stop placement on contracted services.

(3) When the department orders stop placement, the facility shall not admit any person admitted by contract until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing contracts suspension, stop placement, or conditions for continuation of a contract are effective immediately upon notice and shall continue pending any hearing.

NEW SECTION. Sec. 18. A new section is added to chapter 18.20 RCW to read as follows:

(1) The department of health is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that a boarding home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated a boarding home without a license or under a revoked license;

(c) Knowingly, or with reason to know, made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

(e) Suspend admissions to the boarding home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any new resident until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue pending any hearing.

Sec. 19. RCW 70.128.007 and 1989 c 427 s 15 are each amended to read as follows:

The purposes of this chapter are to:

(1) Encourage the establishment and maintenance of adult family homes that provide a humane, safe, and homelike environment for persons with functional limitations who need personal and special care;

(2) Establish standards for regulating adult family homes that adequately protect residents ~~((, but are consistent with the abilities and resources of an adult family home so as not to discourage individuals from serving as adult family home providers; and))~~;

(3) Encourage consumers, families, providers, and the public to become active in assuring their full participation in development of adult family homes that provide high quality and cost-effective care;

(4) Provide for appropriate care of residents in adult family homes by requiring that each resident have a care plan that promotes the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice; and

(5) Accord each resident the right to participate in the development of the care plan and in other major decisions involving the resident and their care.

Sec. 20. RCW 70.128.057 and 1991 c 40 s 2 are each amended to read as follows:

Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, upon the advice of the attorney general who shall represent the department in the

proceedings, maintain an action in the name of the state for an injunction, civil penalty, or other process against a person to restrain or prevent the operation or maintenance of an adult family home without a license under this chapter.

NEW SECTION. Sec. 21. A new section is added to chapter 70.128 RCW to read as follows:

The legislature finds that the operation of an adult family home without a license in violation of this chapter is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Operation of an adult family home without a license in violation of this chapter is not reasonable in relation to the development and preservation of business. Such a violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Sec. 22. RCW 70.128.070 and 1989 c 427 s 22 are each amended to read as follows:

- (1) A license shall be valid for one year.
- (2) At least ~~((ninety))~~ sixty days prior to expiration of the license, the provider shall submit an application for renewal of a license. The department shall send the provider an application for renewal prior to this time. The department shall have the authority to investigate any information included in the application for renewal of a license.
- (3)(a) Homes applying for a license shall be inspected at the time of licensure.
- (b) Homes licensed by the department shall be inspected at least every eighteen months, subject to available funds.
- (c) ~~((Licensed homes where a complaint has been received by the department may be inspected at any time.))~~ The department may make an unannounced inspection of a licensed home at any time to assure that the home and provider are in compliance with this chapter and the rules adopted under this chapter.
- (4) If the department finds that the home is not in compliance with this chapter, it shall require the home to correct any violations as provided in this chapter. If the department finds that the home is in compliance with this chapter and the rules adopted under this chapter, the department shall renew the license of the home.

Sec. 23. RCW 70.128.080 and 1989 c 427 s 21 are each amended to read as follows:

An adult family home shall have readily available for review by the department, residents, and the public:

- (1) Its license to operate; and
- (2) A copy of each inspection report received by the home from the department for the past three years.

Sec. 24. RCW 70.128.090 and 1989 c 427 s 30 are each amended to read as follows:

- (1) During inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide care or support to residents, including residents' records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department also shall have the authority to interview the provider and residents of an adult family home.
- (2) Whenever an inspection is conducted, the department shall prepare a written report that summarizes all information obtained during the inspection, and if the home is in violation of this chapter, serve a copy of the inspection report upon the provider at the same time as a notice of violation. If the home is not in violation of this chapter, a copy of the inspection report shall be mailed to the provider within ten days of the inspection of the home. All inspection reports shall be made available to the public at the department during business hours.
- (3) ~~((The inspection report shall describe any corrective measures on the part of the provider necessary to pass a reinspection. If the department finds upon reinspection of the home that the corrective measures have been satisfactorily implemented, the department shall cease any actions taken against the home. Nothing in this section shall require the department to license or renew the license of a home where serious physical harm or death has occurred to a resident.))~~ The provider shall develop corrective measures for any violations found by the department's inspection. The department may provide consultation and technical assistance to assist the provider in developing effective corrective

measures. The department shall include a statement of the provider's corrective measures in the department's inspection report.

NEW SECTION. Sec. 25. A new section is added to chapter 70.128 RCW to read as follows:

The legislature recognizes that adult family homes located within the boundaries of a federally recognized Indian reservation may be licensed by the Indian tribe. The department may pay for care for persons residing in such homes, if there has been a tribal or state criminal background check of the provider and any staff, and the client is otherwise eligible for services administered by the department.

Sec. 26. RCW 70.128.140 and 1989 c 427 s 27 are each amended to read as follows:

Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family residence. It is the responsibility of the home to check with local authorities to ensure all local codes are met.

Sec. 27. RCW 70.128.150 and 1989 c 427 s 28 are each amended to read as follows:

Whenever possible adult family homes are encouraged to contact and work with local quality assurance projects such as the volunteer ombudsman with the goal of assuring high quality care is provided in the home.

An adult family home may not willfully interfere with a representative of the long-term care ombudsman program in the performance of official duties. The department shall impose a penalty of not more than one thousand dollars for any such willful interference.

Sec. 28. RCW 70.128.160 and 1989 c 427 s 31 are each amended to read as follows:

(1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of not more than one hundred dollars per day per violation;

(d) Suspend, revoke, or refuse to renew a license; or

~~((e))~~ (e) Suspend admissions to the adult family home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any person until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement when: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain adequate care and service.

(4) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue in effect pending any hearing.

Sec. 29. RCW 70.128.175 and 1989 1st ex.s. c 9 s 815 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, these definitions shall apply throughout this section and RCW 35.63.140, 35A.63.149, 36.70.755, 35.22.680, and 36.32.560~~((, and 70.128.180))~~:

(a) "Adult family home" means a ~~((facility licensed pursuant to chapter 70.128 RCW or the))~~ regular family abode of a person or persons ~~((who are))~~ providing personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

(b) "Residential care facility" means a facility that cares for at least five, but not more than fifteen functionally disabled persons, that is not licensed pursuant to chapter 70.128 RCW.

(c) "Department" means the department of social and health services.

(2) An adult family home shall be considered a residential use of property for zoning purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings.

NEW SECTION. Sec. 30. A new section is added to chapter 70.128 RCW to read as follows:

(1) The department shall maintain a toll-free telephone number for receiving complaints regarding adult family homes.

(2) An adult family home shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number.

(3) No adult family home shall discriminate or retaliate in any manner against a resident on the basis or for the reason that such resident or any other person made a complaint to the department or the long-term care ombudsman or cooperated with the investigation of such a complaint.

NEW SECTION. Sec. 31. RCW 70.128.180 and 1989 c 427 s 41 are each repealed.

Sec. 32. RCW 43.190.020 and 1991 sp.s. c 8 s 3 are each amended to read as follows:

As used in this chapter, "long-term care facility" means any of the following (~~which provide services to persons sixty years of age and older and is~~):

(1) A facility which:

(a) Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism;

(b) Provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates twenty-four hour services including board, room, personal care, and intermittent nursing care. "Long-term health care facility" includes nursing homes and nursing facilities, but does not include acute care hospital or other licensed facilities except for that distinct part of the hospital or facility which provides nursing facility services.

(2) Any family home, group care facility, or similar facility determined by the secretary, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(3) Any swing bed in an acute care facility.

Sec. 33. RCW 43.190.060 and 1987 c 158 s 3 are each amended to read as follows:

A long-term care ombudsman shall:

(1) Investigate and resolve complaints made by or on behalf of (~~older individuals who are~~) residents of long-term care facilities relating to administrative action which may adversely affect the health, safety, welfare, and rights of these individuals;

(2) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to long-term care facilities in this state;

(3) Provide information as appropriate to public agencies regarding the problems of individuals residing in long-term care facilities; and

(4) Provide for training volunteers and promoting the development of citizen organizations to participate in the ombudsman program. A volunteer long-term care ombudsman shall be able to identify and resolve problems regarding the care of residents in long-term care facilities and to assist such residents in the assertion of their civil and human rights. However, volunteers shall not be used for complaint investigations but may engage in fact-finding activities to determine whether a formal complaint should be submitted to the department.

NEW SECTION. Sec. 34. RCW 74.08.530, 74.08.560, 74.08.570, 74.08.545, and 74.08.550 are each recodified in chapter 74.39A RCW.

NEW SECTION. Sec. 35. RCW 74.08.541 and 1989 c 427 s 4, 1986 c 222 s 1, 1983 1st ex.s. c 41 s 39, & 1981 1st ex.s. c 6 s 17 are each repealed.

Sec. 36. RCW 74.08.545 and 1989 c 427 s 5 are each amended to read as follows:

It is the intent of the legislature that chore services be provided to eligible persons within the limits of funds appropriated for that purpose. Therefore, the department shall provide services only to those persons identified as at risk of being placed in a long-term care facility in the absence of such services. The department shall not provide chore services to any individual who is eligible for, and whose needs can be met by another community service administered by the department. Chore services shall be provided to the extent necessary to maintain a safe and healthful living environment. It is the policy of the state to encourage the development of volunteer chore services in local communities as a means of meeting chore care service needs and directing financial resources. In determining eligibility for chore services, the department shall consider the following:

- (1) The kind of services needed;
- (2) The degree of service need, and the extent to which an individual is dependent upon such services to remain in his or her home or return to his or her home;
- (3) The availability of personal or community resources which may be utilized to meet the individual's need; and
- (4) Such other factors as the department considers necessary to insure service is provided only to those persons whose chore service needs cannot be met by relatives, friends, nonprofit organizations, ~~((or))~~ other persons, or by other programs or resources.

In determining the level of services to be provided under this chapter, ~~((the))~~ the client shall be assessed using an instrument designed by the department to determine the level of functional disability, the need for service and the person's risk of long-term care facility placement.

NEW SECTION. **Sec. 37.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall establish a monthly dollar lid for each region on chore services expenditures within the legislative appropriation. Priority for services shall be given to the following situations:

- (a) People who were receiving chore personal care services as of June 30, 1995;
- (b) People for whom chore personal care services are necessary to return to the community from a nursing home;
- (c) People for whom chore personal care services are necessary to prevent unnecessary nursing home placement; and
- (d) People for whom chore personal care services are necessary as a protective measure based on referrals resulting from an adult protective services investigation.

(2) The department shall require a client to participate in the cost of chore services as a necessary precondition to receiving chore services paid for by the state. The client shall retain an amount equal to one hundred percent of the federal poverty level, adjusted for household size, for maintenance needs. The department shall consider the remaining income as the client participation amount for chore services except for those persons whose participation is established under RCW 74.08.570.

(3) The department shall establish, by rule, the maximum amount of resources a person may retain and be eligible for chore services.

NEW SECTION. **Sec. 38.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The legislature intends that any staff reassigned by the department as a result of shifting of the reauthorization responsibilities by contract outlined in this section shall be dedicated for discharge planning and assisting with discharge planning and information on existing discharge planning cases. Discharge planning, as directed in this section, is intended for residents and patients identified for discharge to long-term care pursuant to sections 5, 6, and 9 of this act. The purpose of discharge planning is to protect residents and patients from the financial incentives inherent in keeping residents or patients in a more expensive higher level of care and shall focus on care options that are in the best interest of the patient or resident.

(2) The department shall contract with area agencies on aging:

- (a) To provide case management services to individuals receiving home and community services in their own home; and

(b) To reassess and reauthorize home and community services in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive home and community services; and

(ii) Who, at the time of reassessment and reauthorization, are receiving home and community services in their own home.

(3) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract to provide these services, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

Sec. 39. RCW 74.09.520 and 1994 c 21 s 4 are each amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) nursing facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a child by a school district in a manner consistent with the requirements of this chapter. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be (~~approved and~~) reviewed by a nurse.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

(6) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds.

(7) For Title XIX personal care services administered by aging and adult services administration of the department, the department shall contract with area agencies on aging:

(a) To provide case management services to individuals receiving Title XIX personal care services in their own home; and

(b) To reassess and reauthorize Title XIX personal care services or other home and community services as defined in section 1 of this act in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive Title XIX personal care services or other home and community services as defined in section 1 of this act; and

(ii) Who, at the time of reassessment and reauthorization, are receiving such services in their own home.

(8) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract to provide these services, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

Sec. 40. RCW 74.08.550 and 1989 c 427 s 6 are each amended to read as follows:

(1) The department is authorized to develop a program to provide for ~~((those))~~ chore services ~~((enumerated in RCW 74.08.541))~~ under this chapter.

(2) The department may provide assistance in the recruiting of providers of the services enumerated in ~~((RCW 74.08.541))~~ section 37 of this act and seek to assure the timely provision of services in emergency situations.

(3) The department shall assure that all providers of the chore services ~~((enumerated in RCW 74.08.541))~~ under this chapter are compensated for the delivery of the services on a prompt and regular basis.

Sec. 41. RCW 74.08.570 and 1989 c 427 s 7 are each amended to read as follows:

(1) An otherwise eligible disabled person shall not be deemed ineligible for chore services under this chapter if the person's gross income from employment, adjusted downward by the cost of the chore services to be provided and the disabled person's work expenses, does not exceed the maximum eligibility standard established by the department for such chore services. The department shall establish a ~~((sliding scale fee schedule for))~~ methodology for client participation that allows such disabled persons~~((, taking into consideration the person's ability to pay and work expenses))~~ to be employed.

(2) If a disabled person arranges for chore services through an individual provider arrangement, the client's contribution shall be counted as first dollar toward the total amount owed to the provider for chore services rendered.

(3) As used in this section:

(a) "Gross income" means total earned wages, commissions, salary, and any bonus;

(b) "Work expenses" includes:

(i) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(ii) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(iii) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job;

(c) "Employment" means any work activity for which a recipient receives monetary compensation;

(d) "Disabled" means:

(i) Permanently and totally disabled as defined by the department and as such definition is approved by the federal social security administration for federal matching funds;

(ii) Eighteen years of age or older;

(iii) A resident of the state of Washington; and

(iv) Willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

Sec. 42. RCW 18.51.091 and 1987 c 476 s 24 are each amended to read as follows:

The department shall make or cause to be made at least one inspection of each nursing home ~~((prior to license renewal and shall inspect community-based services as part of the licensing renewal survey))~~ at least every eighteen months, except that the department may not inspect a facility that was citation-free at the previous inspection sooner than twelve months after the date of the previous inspection. The inspection shall be made without providing advance notice of it. Every inspection may include an inspection of every part of the premises and an examination of all records, methods of

administration, the general and special dietary and the stores and methods of supply. Those nursing homes that provide community-based care shall establish and maintain separate and distinct accounting and other essential records for the purpose of appropriately allocating costs of the providing of such care: PROVIDED, That such costs shall not be considered allowable costs for reimbursement purposes under chapter 74.46 RCW. Following such inspection or inspections, written notice of any violation of this law or the rules and regulations promulgated hereunder, shall be given the applicant or licensee and the department. The notice shall describe the reasons for the facility's noncompliance. The department may prescribe by regulations that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit its plans and specifications therefor to the department for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized.

Sec. 43. RCW 18.51.140 and 1995 c . . . s 6 (Engrossed Substitute Senate Bill No. 5093) are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the chief of the Washington state patrol, through the director of fire protection, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the chief of the Washington state patrol, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the chief of the Washington state patrol, through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the chief of the Washington state patrol, through the director of fire protection, upon completion of any requirements made by him or her, and the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least ~~((annually))~~ every eighteen months.

In cities which have in force a comprehensive building code, the provisions of which are determined by the chief of the Washington state patrol, through the director of fire protection, to be equal to the minimum standards of the code for nursing homes adopted by the chief of the Washington state patrol, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the chief of the Washington state patrol, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 44. RCW 18.51.300 and 1981 1st ex.s. c 2 s 24 are each amended to read as follows:

Unless specified otherwise by the department, a nursing home shall retain and preserve all records which relate directly to the care and treatment of a patient for a period of no less than ~~((ten))~~ eight years following the most recent discharge of the patient; except the records of minors, which shall be retained and preserved for a period of no less than three years following attainment of the age of eighteen years, or ten years following such discharge, whichever is longer.

If a nursing home ceases operations, it shall make immediate arrangements, as approved by the department, for preservation of its records.

The department shall by regulation define the type of records and the information required to be included in the records to be retained and preserved under this section; which records may be retained in photographic form pursuant to chapter 5.46 RCW.

NEW SECTION. Sec. 45. A new section is added to chapter 18.88A RCW to read as follows:

The legislature recognizes that nurses have been successfully delegating nursing care tasks to family members and auxiliary staff for many years. The opportunity for a nurse to delegate to nursing assistants qualifying under section 46 of this act may enhance the viability and quality of care in community health settings for long-term care services and to allow citizens to live as independently as possible with maximum safeguards.

NEW SECTION. Sec. 46. A new section is added to chapter 18.88A RCW to read as follows:

(1) A nurse may delegate specific care tasks to nursing assistants meeting the requirements of this section and who provide care to individuals in community residential programs for the developmentally disabled certified by the department of social and health services under chapter 71A.12 RCW, to individuals residing in adult family homes licensed under chapter 70.128 RCW, and to individuals residing in boarding homes licensed under chapter 18.20 RCW contracting with the department of social and health services to provide assisted living services pursuant to RCW 74.39A.010.

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must (a) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core training as provided in this section, (b) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and (c) meet any additional training requirements identified by the nursing care quality assurance commission and authorized by this section.

(4) A nurse may delegate the following care tasks:

- (a) Oral and topical medications and ointments;
- (b) Nose, ear, eye drops, and ointments;
- (c) Dressing changes and catheterization using clean techniques as defined by the nursing care quality assurance commission;
- (d) Suppositories, enemas, ostomy care;
- (e) Blood glucose monitoring;
- (f) Gastrostomy feedings in established and healed condition.

(5) On or before September 1, 1995, the nursing care quality assurance commission, in conjunction with the professional nursing organizations, shall develop rules for nurse delegation protocols and by December 5, 1995, identify training beyond the core training that is deemed necessary for the delegation of complex tasks and patient care.

(6) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and profession may rely and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task. Protocols shall include at least the following:

(a) Ensure that determination of the appropriateness of delegation of a nursing task is at the discretion of the nurse;

(b) Allow delegation of a nursing care task only for patients who have a stable and predictable condition. "Stable and predictable condition" means a situation, as defined by rule by the nursing care quality assurance commission, in which the patient's clinical and behavioral status is known and does not require frequent presence and evaluation of a registered nurse;

(c) Assure that the delegations of nursing tasks pursuant to this chapter have the written informed consent of the patient consistent with the provisions for informed consent under chapter 7.70 RCW, as well as with the consent of the delegating nurse and nursing assistant. The delegating nurse shall inform patients of the level of training of all care providers in the setting;

(d) Verify that the nursing assistant has completed the core training;

(e) Require assessment by the nurse of the ability and willingness of the nursing assistant to perform the delegated nursing task in the absence of direct nurse supervision and to refrain from delegation if the nursing assistant is not able or willing to perform the task;

(f) Require the nurse to analyze the complexity of the nursing task that is considered for delegation and determine the appropriate level of training and any need of additional training for the nursing assistant;

(g) Require the teaching of the nursing care task to the nursing assistant including return demonstration under observation while performing the task;

(h) Require a plan of nursing supervision and reevaluation of the delegated nursing task. "Nursing supervision" means that the registered nurse monitors by direct observation the skill and ability of the nursing assistant to perform delegated nursing tasks. Frequency of supervision is at the discretion of the registered nurse but shall occur at least every sixty days;

(i) Require instruction to the nursing assistant that the delegated nursing task is specific to a patient and is not transferable;

(j) Require documentation and written instruction related to the delegated nursing task be provided to the nursing assistant and a copy maintained in the patient record;

(k) Ensure that the nursing assistant is prepared to effectively deal with the predictable outcomes of performing the nursing task;

(l) Include in the delegation of tasks an awareness of the nature of the condition requiring treatment, risks of the treatment, side effects, and interaction of prescribed medications;

(m) Require documentation in the patient's record of the rationale for delegating or not delegating nursing tasks.

(7) A basic core training curriculum on providing care for individuals in community residential programs for the developmentally disabled certified by the department of social and health services under chapter 71A.12 RCW shall be in addition to the training requirements specified in subsection (5) of this section. Basic core training shall be developed and adopted by rule by the secretary of the department of social and health services. The department of social and health services shall appoint an advisory panel to assist in the development of core training comprised of representatives of the following:

(a) The division of developmental disabilities;

(b) The nursing care quality assurance commission;

(c) Professional nursing organizations;

(d) A state-wide organization of community residential service providers whose members are programs certified by the department under chapter 71A.12 RCW.

(8) A basic core training curriculum on providing care to residents in residential settings licensed under chapter 70.128 RCW, or in assisted living pursuant to RCW 74.39A.010 shall be mandatory for nursing assistants prior to assessment by a nurse regarding the ability and willingness to perform a delegated nursing task. Core training shall be developed and adopted by rule by the secretary of the department of social and health services, in conjunction with an advisory panel. The advisory panel shall be comprised of representatives from, at a minimum, the following:

(a) The nursing care quality assurance commission;

(b) Professional nurse organizations;

(c) A state-wide association of community residential service providers whose members are programs certified by the department under chapter 71A.12 RCW;

(d) Aging consumer groups;

(e) Associations representing homes licensed under chapters 70.128 and 18.20 RCW; and

(f) Associations representing home health, hospice, and home care agencies licensed under chapter 70.127 RCW.

NEW SECTION. Sec. 47. A new section is added to chapter 18.88A RCW to read as follows:

On or before December 1, 1995, the department of health and the department of social and health services, in consultation with the nursing care quality assurance commission, shall develop and clarify program and reimbursement policies, as well as clarify barriers to current delegation, relating to the ability and authority of a nurse to delegate care tasks in the programs and services operating under their authority.

The nursing care quality assurance commission shall develop model forms that will assist in standardizing the practice of delegation.

NEW SECTION. Sec. 48. A new section is added to chapter 18.88A RCW to read as follows:

(1) The nurse and nursing assistant shall be accountable for their own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority shall be immune from liability for any action performed in the course of their delegation duties. Nursing assistants following written delegation instructions from registered nurses performed in the course of their accurately written, delegated duties shall be immune from liability.

(2) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the Washington nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety. Nursing assistants shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to accept delegation of a nursing task. No community residential program, adult family home, or boarding home contracting to provide assisted-living services may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the investigation of a complaint.

(3) The department of social and health services shall impose a civil fine of not less than two hundred fifty dollars nor more than one thousand dollars on a community residential program, adult family home, or boarding home under this act that knowingly permits an employee to perform a nursing task except as delegated by a nurse pursuant to this act.

NEW SECTION. Sec. 49. A new section is added to chapter 18.88A RCW to read as follows:

The aging and adult services administration of the department of social and health services shall establish a toll-free telephone number for receiving complaints regarding delegation of specific nursing tasks to nursing assistants, in conjunction with any other such system maintained for long-term care services. Complaints specifically related to nurse-delegation shall be referred to the nursing care quality assurance commission for appropriate disposition in accordance with established procedures.

Sec. 50. RCW 18.79.040 and 1994 sp.s. c 9 s 404 are each amended to read as follows:

(1) "Registered nursing practice" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in either:

(a) The observation, assessment, diagnosis, care or counsel, and health teaching of the ill, injured, or infirm, or in the maintenance of health or prevention of illness of others;

(b) The performance of such additional acts requiring education and training and that are recognized by the medical and nursing professions as proper and recognized by the commission to be performed by registered nurses licensed under this chapter and that are authorized by the commission through its rules;

(c) The administration, supervision, delegation, and evaluation of nursing practice. However, nothing in this subsection affects the authority of a hospital, hospital district, medical clinic, or office, concerning its administration and supervision;

(d) The teaching of nursing;

(e) The executing of medical regimen as prescribed by a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner.

(2) Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

(3) This section does not prohibit (a) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a registered nurse, ~~((b))~~ (b) the practice of licensed practical nursing by a licensed practical nurse, or (c) the practice of a nursing assistant, providing delegated nursing tasks under chapter 18.88A RCW.

Sec. 51. RCW 18.79.260 and 1995 c 295 s 1 are each amended to read as follows:

A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in RCW 18.79.270 and section 46 of this act:

(1) At or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice;

(2) Delegate to other persons (~~(engaged in nursing,)~~) the functions outlined in subsection (1) of this section in accordance with chapter 18.88A RCW;

(3) Instruct nurses in technical subjects pertaining to nursing;

(4) Hold herself or himself out to the public or designate herself or himself as a registered nurse.

Sec. 52. RCW 18.88A.030 and 1994 sp.s. c 9 s 709 are each amended to read as follows:

(1) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

(2) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

(3) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

(4) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

(5) The commission may adopt rules to implement the provisions of this chapter.

NEW SECTION. Sec. 53. The secretary of health in consultation with the Washington nursing care quality assurance commission and the department of social and health services shall monitor the implementation of sections 45 through 54 of this act and shall make an interim report by December 31, 1996, and a final report by December 31, 1997, to the legislature with any recommendations for improvements. As part of the monitoring process, the secretary of health and the secretary of social and health services, in consultation with the University of Washington school of nursing, shall conduct a study to be completed by September 30, 1997, which shall be a part of the final report to be submitted to the legislature by December 31, 1997. The study shall include consideration of the protection of health and safety of persons with developmental disabilities and residents of adult family homes and boarding homes providing assisted living services, including the appropriateness of the tasks allowed for delegation, level and type of training and regulation of nursing assistants. The report shall include direct observation, documentation, and interviews, and shall specifically include data on the following:

- (1) Patient, nurse, and nursing assistant satisfaction;
- (2) Medication errors, including those resulting in hospitalization;
- (3) Compliance with required training;
- (4) Compliance with nurse delegation protocols;
- (5) Incidence of harm to patients, including abuse and neglect;
- (6) Impact on access to care;
- (7) Impact on patient quality of life; and
- (8) Incidence of coercion in the nurse-delegation process.

NEW SECTION. Sec. 54. A special legislative task force is established to monitor implementation of sections 45 through 53 of this act. The task force shall consist of four members from the house of representatives, no more than two of whom shall be members of the same caucus, who shall be appointed by the speaker of the house of representatives, and four members from the senate, no more than two of whom shall be members of the same caucus, who shall be appointed by the president of the senate. The task force shall:

(1) Review the proposed nurse delegation protocols developed by the nursing care quality assurance commission;

(2) Review the proposed core and specialized training curricula developed by the department of social and health services and by the nursing care quality assurance commission;

(3) Review the program and reimbursement policies, and the identified barriers to nurse delegation, developed by the department of health and department of social and health services;

(4) Submit an interim report of its findings and recommendations on the above actions to the legislature by January 1, 1996;

(5) During 1996, conduct hearings to assess the effectiveness with which the delegation protocols, the core training, and nurse oversight are being implemented, and their impact on patient care and quality of life;

(6) Review and approve the proposed study designs;

(7) By February 1, 1997, recommend to the legislature a mechanism and time frame for extending nurse delegation provisions similar to those described in this act to persons residing in their own homes;

(8) During 1997, receive interim reports on the findings of the studies conducted in accordance with this act, and conduct additional fact-finding hearings on the implementation and impact of the nurse delegation provisions of sections 45 through 53 of this act.

The office of program research and senate committee services shall provide staff support to the task force. The department of health, the department of social and health services, and the nursing care quality assurance commission shall provide technical support as needed. The task force shall cease to exist on January 1, 1998, unless extended by act of the legislature.

NEW SECTION. Sec. 55. A new section is added to chapter 74.39A RCW to read as follows:

(1) A person who receives an asset from an applicant for or recipient of long-term care services for less than fair market value shall be subject to a civil fine payable to the department if:

(a) The applicant for or recipient of long-term care services transferred the asset for the purpose of qualifying for state or federal coverage for long-term care services and the person who received the asset was aware, or should have been aware, of this purpose;

(b) Such transfer establishes a period of ineligibility for such service under state or federal laws or regulations; and

(c) The department provides coverage for such services during the period of ineligibility because the failure to provide such coverage would result in an undue hardship for the applicant or recipient.

(2) The civil fine imposed under this section shall be imposed in a judicial proceeding initiated by the department and shall equal (a) up to one hundred fifty percent of the amount the department expends for the care of the applicant or recipient during the period of ineligibility attributable to the amount transferred to the person subject to the civil fine plus (b) the department's court costs and legal fees.

(3) Transfers subject to a civil fine under this section shall be considered null and void and a fraudulent conveyance as to the department. The department shall have the right to petition a court to set aside such transfers and require all assets transferred returned to the applicant or recipient.

NEW SECTION. Sec. 56. A new section is added to chapter 74.39A RCW to read as follows:

(1) All payments made in state-funded long-term care shall be recoverable as if they were medical assistance payments subject to recovery under 42 U.S.C. Sec. 1396p and chapter 43.20B RCW, but without regard to the recipient's age.

(2) In determining eligibility for state-funded long-term care services programs, the department shall impose the same rules with respect to the transfer of assets for less than fair market value as are imposed under 42 U.S.C. 1396p with respect to nursing home and home and community services.

NEW SECTION. Sec. 57. A new section is added to chapter 74.39A RCW to read as follows:

Notwithstanding any other provision of law:

(1) In order to facilitate and ensure compliance with the federal social security act, Title XIX, as now existing or hereafter amended, later enactment to be adopted by reference by the director by rule, and other state laws mandating recovery of assets from estates of persons receiving long-term care services, the secretary of the department, with the approval of the office of the attorney general, may pay the reasonable and proper fees of attorneys admitted to practice before courts of this state, and associated professionals such as guardians, who are engaged in probate practice for the purpose of maintaining actions under Title 11 RCW, to the end that assets are not wasted, but are rather collected and preserved, and used for the care of the client or the reimbursement of the department pursuant to this chapter or chapter 43.20B RCW.

(2) The department may hire such other agencies and professionals on a contingency basis or otherwise as are necessary and cost-effective to collect bad debts owed to the department for long-term care services.

Sec. 58. RCW 11.40.010 and 1994 c 221 s 25 are each amended to read as follows:

Every personal representative shall, after appointment and qualification, give a notice to the creditors of the deceased, stating such appointment and qualification as personal representative and requiring all persons having claims against the deceased to serve the same on the personal representative or the estate's attorney of record, and file an executed copy thereof with the clerk of the court, within four months after the date of the first publication of such notice described in this section or within four months after the date of the filing of the copy of such notice with the clerk of the court, whichever is the later, or within the time otherwise provided in RCW 11.40.013. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of such notice with the clerk of the court is referred to in this chapter as the "four-month time limitation." Such notice shall be given as follows:

(1) The personal representative shall give actual notice, as provided in RCW 11.40.013, to such creditors who become known to the personal representative within such four-month time limitation;

(2) The personal representative shall cause such notice to be published once in each week for three successive weeks in the county in which the estate is being administered; ~~(and)~~

(3) The personal representative shall file a copy of such notice with the clerk of the court; and

(4) The personal representative shall mail a copy of the notice, including the decedent's social security number, to the state of Washington, department of social and health services, office of financial recovery.

Except as otherwise provided in RCW 11.40.011 or 11.40.013, any claim not filed within the four-month time limitation shall be forever barred, if not already barred by any otherwise applicable statute of limitations. This bar is effective as to claims against both the decedent's probate assets and nonprobate assets as described in RCW 11.18.200. Proof by affidavit of the giving and publication of such notice shall be filed with the court by the personal representative.

Acts of a notice agent in complying with chapter 221, Laws of 1994 may be adopted and ratified by the personal representative as if done by the personal representative in complying with this chapter, except that if at the time of the appointment and qualification of the personal representative a notice agent had commenced nonprobate notice to creditors under chapter 11.42 RCW, the personal representative shall give published notice as provided in RCW 11.42.180.

Sec. 59. RCW 11.42.020 and 1994 c 221 s 32 are each amended to read as follows:

(1) The notice agent may give nonprobate notice to the creditors of the decedent if:

(a) As of the date of the filing of a copy of the notice with the clerk of the superior court for the notice county, the notice agent has no knowledge of the appointment and qualification of a personal representative in the decedent's estate in the state of Washington or of another person becoming a notice agent; and

(b) According to the records of the clerk of the superior court for the notice county as of 8:00 a.m. on the date of the filing, no personal representative of the decedent's estate had been appointed and qualified and no cause number regarding the decedent had been issued to any other notice agent by the clerk under RCW 11.42.010.

(2) The notice must state that all persons having claims against the decedent shall: (a) Serve the same on the notice agent if the notice agent is a resident of the state of Washington upon whom service of all papers may be made, or on the nonprobate resident agent for the notice agent, if any, or

on the attorneys of record of the notice agent at their respective address in the state of Washington; and (b) file an executed copy of the notice with the clerk of the superior court for the notice county, within: (i)(A) Four months after the date of the first publication of the notice described in this section; or (B) four months after the date of the filing of the copy of the notice with the clerk of the superior court for the notice county, whichever is later; or (ii) the time otherwise provided in RCW 11.42.050. The four-month time period after the later of the date of the first publication of the notice to creditors or the date of the filing of the notice with the clerk of the court is referred to in this chapter as the "four-month time limitation."

(3) The notice agent shall declare in the notice in affidavit form or under the penalty of perjury under the laws of the state of Washington as provided in RCW 9A.72.085 that: (a) The notice agent is entitled to give the nonprobate notice under subsection (1) of this section; and (b) the notice is being given by the notice agent as permitted by this section.

(4) The notice agent shall sign the notice and file it with the clerk of the superior court for the notice county. The notice must be given as follows:

(a) The notice agent shall give actual notice as to creditors of the decedent who become known to the notice agent within the four-month time limitation as required in RCW 11.42.050;

(b) The notice agent shall cause the notice to be published once in each week for three successive weeks in the notice county; (~~and~~)

(c) The notice agent shall file a copy of the notice with the clerk of the superior court for the notice county; and

(d) The notice agent shall mail a copy of the notice, including the decedent's social security number, to the state of Washington, department of social and health services, office of financial recovery.

(5) A claim not filed within the four-month time limitation is forever barred, if not already barred by an otherwise applicable statute of limitations, except as provided in RCW 11.42.030 or 11.42.050. The bar is effective to bar claims against both the probate estate of the decedent and nonprobate assets that were subject to satisfaction of the decedent's general liabilities immediately before the decedent's death. If a notice to the creditors of a decedent is published by more than one notice agent and the notice agents are not acting jointly, the four-month time limitation means the four-month time limitation that applies to the notice agent who first publishes the notice. Proof by affidavit or perjury declaration made under RCW 9A.72.085 of the giving and publication of the notice must be filed with the clerk of the superior court for the notice county by the notice agent.

Sec. 60. RCW 11.62.010 and 1993 c 291 s 1 are each amended to read as follows:

(1) At any time after forty days from the date of a decedent's death, any person who is indebted to or who has possession of any personal property belonging to the decedent or to the decedent and his or her surviving spouse as a community, which debt or personal property is an asset which is subject to probate, shall pay such indebtedness or deliver such personal property, or so much of either as is claimed, to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by said person which meets the requirements of subsection (2) of this section.

(2) An affidavit which is to be made pursuant to this section shall state:

(a) The claiming successor's name and address, and that the claiming successor is a "successor" as defined in RCW 11.62.005;

(b) That the decedent was a resident of the state of Washington on the date of his or her death;

(c) That the value of the decedent's entire estate subject to probate, not including the surviving spouse's community property interest in any assets which are subject to probate in the decedent's estate, wherever located, less liens and encumbrances, does not exceed sixty thousand dollars;

(d) That forty days have elapsed since the death of the decedent;

(e) That no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent including funeral and burial expenses have been paid or provided for;

(g) A description of the personal property and the portion thereof claimed, together with a statement that such personal property is subject to probate;

(h) That the claiming successor has given written notice, either by personal service or by mail, identifying his or her claim, and describing the property claimed, to all other successors of the decedent, and that at least ten days have elapsed since the service or mailing of such notice; and

(i) That the claiming successor is either personally entitled to full payment or delivery of the property claimed or is entitled to full payment or delivery thereof on the behalf and with the written authority of all other successors who have an interest therein.

(3) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to be the successor with respect to such security upon the presentation of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section. Any governmental agency required to issue certificates of ownership or of license registration to personal property shall issue a new certificate of ownership or of license registration to a person claiming to be a successor of the decedent upon receipt of proof of death and of an affidavit made by such person which meets the requirements of subsection (2) of this section.

(4) No release from any Washington state or local taxing authority may be required before any assets or debts are paid or delivered to a successor of a decedent as required under this section.

(5) A copy of the affidavit, including the decedent's social security number, shall be mailed to the state of Washington, department of social and health services, office of financial recovery.

Sec. 61. RCW 11.28.120 and 1994 c 221 s 23 are each amended to read as follows:

Administration of an estate if the decedent died intestate or if the personal representative or representatives named in the will declined or were unable to serve shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

(1) The surviving spouse, or such person as he or she may request to have appointed.

(2) The next of kin in the following order: (a) Child or children; (b) father or mother; (c) brothers or sisters; (d) grandchildren; (e) nephews or nieces.

(3) The trustee named by the decedent in an inter vivos trust instrument, testamentary trustee named in the will, guardian of the person or estate of the decedent, or attorney in fact appointed by the decedent, if any such a fiduciary controlled or potentially controlled substantially all of the decedent's probate and nonprobate assets.

(4) One or more of the beneficiaries or transferees of the decedent's probate or nonprobate assets.

(5)(a) The director of revenue, or the director's designee, for those estates having property subject to the provisions of chapter 11.08 RCW; however, the director may waive this right.

(b) The secretary of the department of social and health services for those estates owing debts for long-term care services as defined in section 1 of this act; however the secretary may waive this right.

(6) One or more of the principal creditors.

(7) If the persons so entitled shall fail for more than forty days after the death of the decedent to present a petition for letters of administration, or if it appears to the satisfaction of the court that there is no next of kin, as above specified eligible to appointment, or they waive their right, and there are no principal creditor or creditors, or such creditor or creditors waive their right, then the court may appoint any suitable person to administer such estate.

Sec. 62. RCW 18.39.250 and 1989 c 390 s 3 are each amended to read as follows:

(1) Any funeral establishment selling funeral merchandise or services by prearrangement funeral service contract and accepting moneys therefore shall establish and maintain one or more prearrangement funeral service trusts under Washington state law with two or more designated trustees, for the benefit of the beneficiary of the prearrangement funeral service contract or may join with one or more other Washington state licensed funeral establishments in a "master trust" provided that each member of the "master trust" shall comply individually with the requirements of this chapter.

(2) Up to ten percent of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment unless otherwise provided in this chapter. If the prearrangement funeral service contract is canceled within thirty calendar days of its signing, then the purchaser shall receive a full refund of all moneys paid under the contract.

(3) At least ninety percent of the cash purchase price of each prearrangement funeral service contract, paid in advance, excluding sales tax, shall be placed in the trust established or utilized by the funeral establishment. Deposits to the prearrangement funeral service trust shall be made not later than the twentieth day of the month following receipt of each payment made on the last ninety percent of each prearrangement funeral service contract, excluding sales tax.

(4) All prearrangement funeral service trust moneys shall be deposited in an insured account in a qualified public depository or shall be invested in instruments issued or insured by any agency of the federal government if these securities are held in a public depository. The account shall be designated as the prearrangement funeral service trust of the funeral establishment for the benefit of the beneficiaries named in the prearrangement funeral service contracts. The prearrangement funeral service trust shall not be considered as, nor shall it be used as, an asset of the funeral establishment.

(5) After deduction of reasonable fees for the administration of the trust, taxes paid or withheld, or other expenses of the trust, all interest, dividends, increases, or accretions of whatever nature earned by a trust shall be kept unimpaired and shall become a part of the trust. Adequate records shall be maintained to allocate the share of principal and interest to each contract. Fees deducted for the administration of the trust shall not exceed one percent of the face amount of the prearrangement funeral service contract per annum. In no instance shall the administrative charges deducted from the prearrangement funeral service trust reduce, diminish, or in any other way lessen the value of the trust so that the services or merchandise provided for under the contract are reduced, diminished, or in any other way lessened.

(6) Except as otherwise provided in this chapter, the trustees of a prearrangement funeral service trust shall permit withdrawal of all funds deposited under a prearrangement funeral service contract, plus accruals thereon, under the following circumstances and conditions:

(a) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(b) If the funeral establishment files a verified statement with the trustees that the prearrangement funeral merchandise and services covered by the contract have been canceled in accordance with its terms.

(7) Subsequent to the thirty calendar day cancellation period provided for in this chapter, any purchaser or beneficiary who has a revocable prearrangement funeral service contract has the right to demand a refund of the amount in trust.

(8) Prearrangement funeral service contracts which have or should have an account in a prearrangement funeral service trust may be terminated by the board if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, has its prearrangement funeral service certificate of registration revoked, or for any other reason is unable to fulfill the obligations under the contract. In such event, or upon demand by the purchaser or beneficiary of the prearrangement funeral service contract, the funeral establishment shall refund to the purchaser or beneficiary all moneys deposited in the trust and allocated to the contract unless otherwise ordered by a court of competent jurisdiction. The purchaser or beneficiary may, in lieu of a refund, elect to transfer the prearrangement funeral service contract and all amounts in trust to another funeral establishment licensed under this chapter which will agree, by endorsement to the contract, to be bound by the contract and to provide the funeral merchandise or services. Election of this option shall not relieve the defaulting funeral establishment of its obligation to the purchaser or beneficiary for any amounts required to be, but not placed, in trust.

(9) Prior to the sale or transfer of ownership or control of any funeral establishment which has contracted for prearrangement funeral service contracts, any person, corporation, or other legal entity desiring to acquire such ownership or control shall apply to the director in accordance with RCW 18.39.145. Persons and business entities selling or relinquishing, and persons and business entities purchasing or acquiring ownership or control of such funeral establishments shall each verify and attest to a report showing the status of the prearrangement funeral service trust or trusts on the date of the sale. This report shall be on a form prescribed by the board and shall be considered part of the application for a funeral establishment license. In the event of failure to comply with this subsection, the funeral establishment shall be deemed to have gone out of business and the provisions of subsection (8) of this section shall apply.

(10) Prearrangement funeral service trust moneys shall not be used, directly or indirectly, for the benefit of the funeral establishment or any director, officer, agent, or employee of the funeral

establishment including, but not limited to, any encumbrance, pledge, or other use of prearrangement funeral service trust moneys as collateral or other security.

(11)(a) If, at the time of the signing of the prearrangement funeral service contract, the beneficiary of the trust is a recipient of public assistance as defined in RCW 74.04.005, or reasonably anticipates being so defined, the contract may provide that the trust will be irrevocable. If after the contract is entered into, the beneficiary becomes eligible or seeks to become eligible for public assistance under Title 74 RCW, the contract may provide for an election by the beneficiary, or by the purchaser on behalf of the beneficiary, to make the trust irrevocable thereafter in order to become or remain eligible for such assistance.

(b) The department of social and health services shall notify the trustee of any prearrangement service trust that the department has a claim on the estate of a beneficiary for long-term care services. Such notice shall be renewed at least every three years. The trustees upon becoming aware of the death of a beneficiary shall give notice to the department of social and health services, office of financial recovery, who shall file any claim there may be within thirty days of the notice.

(12) Every prearrangement funeral service contract financed through a prearrangement funeral service trust shall contain language which:

(a) Informs the purchaser of the prearrangement funeral service trust and the amount to be deposited in the trust;

(b) Indicates if the contract is revocable or not in accordance with subsection (11) of this section;

(c) Specifies that a full refund of all moneys paid on the contract will be made if the contract is canceled within thirty calendar days of its signing;

(d) Specifies that, in the case of cancellation by a purchaser or beneficiary eligible to cancel under the contract or under this chapter, up to ten percent of the contract amount may be retained by the seller to cover the necessary expenses of selling and setting up the contract;

(e) Identifies the trust to be used and contains information as to how the trustees may be contacted.

Sec. 63. RCW 18.39.255 and 1989 c 390 s 4 are each amended to read as follows:

Prearranged funeral service contracts funded through insurance shall contain language which:

(1) States the amount of insurance;

(2) Informs the purchaser of the name and address of the insurance company through which the insurance will be provided, the policy number, and the name of the beneficiary; ~~((and))~~

(3) Informs the purchaser that amounts paid for insurance may not be refundable;

(4) Informs that any funds from the policy not used for services may be subject to a claim for reimbursement for long-term care services paid for by the state; and

(5) States that for purposes of the contract, the procedures in RCW 18.39.250(11)(b) shall control such recoupment.

Sec. 64. RCW 74.42.450 and 1979 ex.s. c 211 s 45 are each amended to read as follows:

(1) The facility shall admit as residents only those individuals whose needs can be met by:

(a) The facility;

(b) The facility cooperating with community resources; or

(c) The facility cooperating with other providers of care affiliated or under contract with the facility.

(2) The facility shall transfer a resident to a hospital or other appropriate facility when a change occurs in the resident's physical or mental condition that requires care or service that the facility cannot provide. The resident, the resident's guardian, if any, the resident's next of kin, the attending physician, and the department shall be consulted at least fifteen days before a transfer or discharge unless the resident is transferred under emergency circumstances. The department shall use casework services or other means to insure that adequate arrangements are made to meet the resident's needs.

(3) A resident shall be transferred or discharged only for medical reasons, the resident's welfare or request, the welfare of other residents, or nonpayment. A resident may not be discharged for nonpayment if the discharge would be prohibited by the medicaid program.

(4) If a resident chooses to remain in the nursing facility, the department shall respect that choice, provided that if the resident is a medicaid recipient, the resident continues to require a nursing facility level of care.

(5) If the department determines that a resident no longer requires a nursing facility level of care, the resident shall not be discharged from the nursing facility until at least thirty days after written notice is given to the resident, the resident's surrogate decision maker and, if appropriate, a family member or the resident's representative. A form for requesting a hearing to appeal the discharge decision shall be attached to the written notice. The written notice shall include at least the following:

(a) The reason for the discharge;

(b) A statement that the resident has the right to appeal the discharge; and

(c) The name, address, and telephone number of the state long-term care ombudsman.

(6) If the resident appeals a department discharge decision, the resident shall not be discharged without the resident's consent until at least thirty days after a final order is entered upholding the decision to discharge the resident.

Sec. 65. RCW 68.46.050 and 1973 1st ex.s. c 68 s 5 are each amended to read as follows:

(1) A bank, trust company, or savings and loan association designated as the depository of prearrangement funds shall permit withdrawal by a cemetery authority of all funds deposited under any specific prearrangement contract plus interest accrued thereon, under the following circumstances and conditions:

~~((1))~~ (a) If the cemetery authority files a verified statement with the depository that the prearrangement merchandise and services covered by a contract have been furnished and delivered in accordance therewith; or

~~((2))~~ (b) If the cemetery authority files a verified statement that a specific prearrangement contract has been canceled in accordance with its terms.

(2) The department of social and health services shall notify the cemetery authority maintaining a prearrangement trust fund regulated by this chapter that the department has a claim on the estate of a beneficiary for long-term care services. Such notice shall be renewed at least every three years. The cemetery authority upon becoming aware of the death of a beneficiary shall give notice to the department of social and health services, office of financial recovery, who shall file any claim there may be within thirty days of the notice.

Sec. 66. RCW 70.129.040 and 1994 c 214 s 5 are each amended to read as follows:

(1) The resident has the right to manage his or her financial affairs, and the facility may not require residents to deposit their personal funds with the facility.

(2) Upon written authorization of a resident, if the facility agrees to manage the resident's personal funds, the facility must hold, safeguard, manage, and account for the personal funds of the resident deposited with the facility as specified in this section.

~~((3))~~(a) The facility must deposit a resident's personal funds in excess of one hundred dollars in an interest-bearing account or accounts that is separate from any of the facility's operating accounts, and that credits all interest earned on residents' funds to that account. In pooled accounts, there must be a separate accounting for each resident's share.

(b) The facility must maintain a resident's personal funds that do not exceed one hundred dollars in a noninterest-bearing account, interest-bearing account, or petty cash fund.

~~((4))~~ (3) The facility must establish and maintain a system that assures a full and complete and separate accounting of each resident's personal funds entrusted to the facility on the resident's behalf.

(a) The system must preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident.

(b) The individual financial record must be available on request to the resident or his or her legal representative.

~~((5))~~ (4) Upon the death of a resident with a personal fund deposited with the facility the facility must convey within forty-five days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate; but in the case of a resident who received long-term care services paid for by the state, the funds and accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery. The department shall establish a release procedure for use for burial expenses.

Sec. 67. RCW 43.20B.080 and 1994 c 21 s 3 are each amended to read as follows:

(1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance correctly paid on behalf of an individual as required by this chapter and 42 U.S.C. Sec. 1396p.

(2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.

(3) In the case of an individual who was fifty-five years (~~or -of~~) of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005 except property passing through a community property agreement, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with the requirements of 42 U.S.C. Sec. 1396p.

~~((3))~~ (4)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.

~~((4))~~ (b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.

(5) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.

Sec. 68. RCW 74.42.020 and 1982 c 120 s 1 are each amended to read as follows:

The standards in RCW 74.42.030 through 74.42.570 are the minimum standards for facilities licensed under chapter 18.51 RCW: PROVIDED, HOWEVER, That RCW 74.42.040, 74.42.140 through 74.42.280, 74.42.300, 74.42.360, 74.42.370, 74.42.380, 74.42.420 (2), (4), (5), (6) and (7), 74.42.430(3), 74.42.450 (2) and (3), 74.42.520, 74.42.530, 74.42.540, 74.42.570, and 74.42.580 shall not apply to ~~((Christian Science sanatoria facilities operated and listed or certified by The First Church of Christ, Scientist, in Boston, Massachusetts))~~ any nursing home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination, or for any nursing home or institution operated for the exclusive care of members of a convent as defined in RCW 84.36.800 or rectory, monastery, or other institution operated for the care of members of the clergy.

NEW SECTION. **Sec. 69.** A new section is added to chapter 74.46 RCW to read as follows:

Upon the death of a resident with a personal fund deposited with the facility, the facility must convey within forty-five days the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate; but in the case of a resident who received long-term care services, the funds and accounting shall be sent to the state of Washington, department of social and health services, office of financial recovery. The department shall establish a release procedure for use for burial expenses.

Sec. 70. RCW 74.46.450 and 1993 sp.s. c 13 s 9 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the properly completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until adjusted or reset as provided in this chapter.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations and on costs and payment rates of the prior contractor, if any, or of other contractors in comparable circumstances.

(3) For nursing facilities receiving original certificate of need approval prior to June 30, 1988, and commencing operations on or after January 1, 1995, the department shall base initial nursing services, food, administrative, and operational rate components on such component rates immediately above the median for facilities in the same county. Property and return on investment rate components shall be established as provided in this chapter.

(4) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in

subsection (2) of this section. These preliminary rates will remain in effect until adjusted or reset as provided in this chapter.

~~((4))~~ (5) The department is authorized to develop policies and procedures in rule to address the computation of rates for the first and second fiscal years of each biennium, including steps necessary to prorate rate adjustments for economic trends and conditions as authorized in RCW 74.46.420, for contractors having less than twelve months of cost report data for the prior calendar year.

Sec. 71. RCW 70.38.111 and 1993 c 508 s 5 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which

was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements only to the offering of inpatient tertiary health services and then only to the extent that such offering is not exempt under the provisions of this section.

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care

facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed boarding home care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without ~~((being subject to the provisions of this chapter except under RCW 70.38.105(4)(d))~~ obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given no later than two years prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given no later than one year prior to the effective date of license modification reflecting the restored beds.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2)(a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

Sec. 72. RCW 70.38.115 and 1993 c 508 s 6 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The need that the population served or to be served by such services has for such services;

(b) The availability of less costly or more effective alternative methods of providing such services;

(c) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served;

(d) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(e) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project

reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(f) The special needs and circumstances of osteopathic hospitals, nonallopathic services and children's hospitals;

(g) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(h) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(i) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past;

(j) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the secretary; and

(k) In the case of nursing home applications:

(i) The availability of other nursing home beds in the planning area to be served; and

(ii) The availability of other services in the community to be served. Data used to determine the availability of other services will include but not be limited to data provided by the department of social and health services.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility, or any part thereof, with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) Until the final expiration of the state health plan as provided under RCW 70.38.919, the decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department

authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or its designee, shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10)(a) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked has the right to an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.

(b) Any health care facility or health maintenance organization that: (i) Provides services similar to the services provided by the applicant and under review pursuant to this subsection; (ii) is located within the applicant's health service area; and (iii) testified or submitted evidence at a public hearing held pursuant to subsection (9) of this section, shall be provided an opportunity to present oral or written testimony and argument in a proceeding under this subsection: PROVIDED, That the health care facility or health maintenance organization had, in writing, requested to be informed of the department's decisions.

(c) If the department desires to settle with the applicant prior to the conclusion of the adjudicative proceeding, the department shall so inform the health care facility or health maintenance organization and afford them an opportunity to comment, in advance, on the proposed settlement.

(11) An amended certificate of need shall be required for the following modifications of an approved project:

(a) A new service requiring review under this chapter;

(b) An expansion of a service subject to review beyond that originally approved;

(c) An increase in bed capacity;

(d) A significant reduction in the scope of a nursing home project without a commensurate reduction in the cost of the nursing home project, or a cost increase (as represented in bids on a nursing home construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the nursing home project with the review criteria pertaining to financial feasibility and cost containment.

(12) An application for a certificate of need for a nursing home capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

~~(13) ((In the case of an application for a certificate of need to replace existing nursing home beds, all criteria must be met on the same basis as an application for a certificate of need for a new nursing home, except that the need criteria shall be deemed met if the applicant is an existing licensee who proposes to replace existing beds that the licensee has operated for at least one year with the same or fewer number of beds in the same planning area))~~ (a) Replacement of existing nursing home beds in the same planning area by an existing licensee who has operated the beds for at least one year shall not require a certificate of need under this chapter. The licensee shall give written notice of its intent to replace the existing nursing home beds to the department and shall provide the department with information as may be required pursuant to rule. Replacement of the beds by a party other than the licensee is subject to certificate of need review under this chapter, except as otherwise permitted by subsection (14) of this section.

~~(b) When an entire nursing home ceases operation, ((its beds shall be treated as existing nursing home beds for purposes of replacement))~~ (b) the licensee or any other party who has secured an interest in the beds may reserve his or her interest in the beds for eight years or until a certificate of need to replace them is issued, whichever occurs first. However, the nursing home, licensee, or any other party who has secured an interest in the beds must give notice of its intent to retain the beds to the department of health no later than thirty days after the effective date of the facility's closure. Certificate of need review shall be required for any party who has reserved the nursing home beds except that the need criteria shall be deemed met when the applicant is the licensee who had operated

the beds for at least one year, who has operated the beds for at least one year immediately preceding the reservation of the beds, and who is replacing the beds in the same planning area.

(14) In the event that a licensee, who has provided the department with notice of his or her intent to replace nursing home beds under subsection (13)(a) of this section, engages in unprofessional conduct or becomes unable to practice with reasonable skill and safety by reason of mental or physical condition, pursuant to chapter 18.130 RCW, or dies, the building owner shall be permitted to complete the nursing home bed replacement project, provided the building owner has secured an interest in the beds.

Sec. 73. RCW 70.38.125 and 1989 1st ex.s. c 9 s 606 are each amended to read as follows:

(1) A certificate of need shall be valid for two years. One six-month extension may be made if it can be substantiated that substantial and continuing progress toward commencement of the project has been made as defined by regulations to be adopted pursuant to this chapter. An additional extension of up to sixty months shall be made if the project is located in an eligible area, as defined under RCW 82.60.020, or is located in an economically distressed area.

(2) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.

(3) The department shall monitor the approved projects to assure conformance with certificates of need that have been issued. Rules and regulations adopted shall specify when changes in the project require reevaluation of the project. The department may require applicants to submit periodic progress reports on approved projects or other information as may be necessary to effectuate its monitoring responsibilities.

(4) The secretary, in the case of a new health facility, shall not issue any license unless and until a prior certificate of need shall have been issued by the department for the offering or development of such new health facility.

(5) Any person who engages in any undertaking which requires certificate of need review without first having received from the department either a certificate of need or an exception granted in accordance with this chapter shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized undertaking occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.

(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

NEW SECTION. **Sec. 74.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 75.** The department of social and health services shall develop and pilot, for eighteen months, an on-line computer based information system consistent with the information needs outlined in section 3 of this act. The department shall, by December 1, 1996, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the success of the pilot in meeting the information requirements for hospitals outlined in this section.

Sec. 76. RCW 48.85.010 and 1993 c 492 s 458 are each amended to read as follows:

The department of social and health services shall ~~((from July 1, 1993, to July 1, 1998)), in conjunction with the office of the insurance commissioner, coordinate a ((pilot)) long-term care insurance program entitled the Washington long-term care partnership, whereby private insurance and medicaid funds shall be used to finance long-term care. ((This program must allow for the exclusion of~~

~~an individual's assets, as approved by the federal health care financing administration, in a determination of the individual's eligibility for medicaid; the amount of any medicaid payment; or any subsequent recovery by the state for a payment for medicaid services to the extent such assets are protected by a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter.)~~ For individuals purchasing a long-term care insurance policy or contract governed by chapter 48.84 RCW and meeting the criteria prescribed in this chapter, and any other terms as specified by the office of the insurance commissioner and the department of social and health services, this program shall allow for the exclusion of some or all of the individual's assets in determination of medicaid eligibility as approved by the federal health care financing administration.

Sec. 77. RCW 48.85.020 and 1993 c 492 s 459 are each amended to read as follows:

The department of social and health services shall seek approval ~~((and a waiver of appropriate federal medicaid regulations))~~ from the federal health care financing administration to allow the protection of an individual's assets as provided in this chapter. The department shall adopt all rules necessary to implement the Washington long-term care partnership program, which rules shall permit the exclusion of all or some of an individual's assets in a manner specified by the department in a determination of medicaid eligibility to the extent that private long-term care insurance provides payment or benefits for services ~~((that medicaid would approve or cover for medicaid recipients))~~.

Sec. 78. RCW 48.85.030 and 1993 c 492 s 460 are each amended to read as follows:

(1) The insurance commissioner shall adopt rules defining the criteria that long-term care insurance policies must meet to satisfy the requirements of this chapter. The rules shall provide that all long-term care insurance policies purchased for the purposes of this chapter:

(a) Be guaranteed renewable;

(b) Provide coverage for ~~((home and community based services and))~~ nursing home care and provide coverage for an alternative plan of care benefit as defined by the commissioner;

(c) Provide optional coverage for home and community-based services. Such home and community-based services shall be included in the coverage unless rejected in writing by the applicant;

(d) Provide automatic inflation protection or similar coverage for any policyholder through the age of seventy-nine and made optional at age eighty to protect the policyholder from future increases in the cost of long-term care;

~~((d))~~ (e) Not require prior hospitalization or confinement in a nursing home as a prerequisite to receiving long-term care benefits; and

~~((e))~~ (f) Contain at least a six-month grace period that permits reinstatement of the policy or contract retroactive to the date of termination if the policy or contract holder's nonpayment of premiums arose as a result of a cognitive impairment suffered by the policy or contract holder as certified by a physician.

(2) Insurers offering long-term care policies for the purposes of this chapter shall demonstrate to the satisfaction of the insurance commissioner that they:

(a) Have procedures to provide notice to each purchaser of the long-term care consumer education program;

(b) Offer case management services;

(c) Have procedures that provide for the keeping of individual policy records and procedures for the explanation of coverage and benefits identifying those payments or services available under the policy that meet the purposes of this chapter;

(d) Agree to provide the insurance commissioner, on or before September 1 of each year, an annual report containing ~~((the following))~~ information~~(:~~

~~(i) The number of policies issued and of the policies issued, that number sorted by issue age;~~

~~(ii) To the extent possible, the financial circumstance of the individuals covered by such policies;~~

~~(iii) The total number of claims paid; and~~

~~(iv) Of the number of claims paid, the number paid for nursing home care, for home care services, and community-based services))~~ derived from the long-term care partnership long-term care insurance uniform data set as specified by the office of the insurance commissioner.

Sec. 79. RCW 48.85.040 and 1993 c 492 s 461 are each amended to read as follows:

The insurance commissioner(~~(, in conjunction with)~~) shall, with the cooperation of the department of social and health services and members of the long-term care insurance industry, (~~shall~~) develop a consumer education program designed to educate consumers as to the need for long-term care, methods for financing long-term care, the availability of long-term care insurance, and the availability and eligibility requirements of the asset protection program provided under this chapter.

Sec. 80. RCW 48.85.050 and 1993 c 492 s 462 are each amended to read as follows:

By January 1 of each year until 1998, the insurance commissioner, in conjunction with the department of social and health services, shall report to the legislature on the progress of the asset protection program. The report shall include:

- (1) The success of the agencies in implementing the program;
- (2) The number of insurers offering long-term care policies meeting the criteria for asset protection;
- (3) The number, age, and financial circumstances of individuals purchasing long-term care policies meeting the criteria for asset protection;
- (4) The number of individuals seeking consumer information services;
- (5) The extent and type of benefits paid by insurers offering policies meeting the criteria for asset protection;
- (6) Estimates of the impact of the program on present and future medicaid expenditures;
- (7) The cost-effectiveness of the program; and
- (8) A determination regarding the appropriateness of continuing the program.

Sec. 81. RCW 74.09.585 and 1989 c 87 s 7 are each amended to read as follows:

(1) The department shall establish standards consistent with section 1917 of the social security act in determining the period of ineligibility for medical assistance due to the transfer of resources.

(2) There shall be no penalty imposed for the transfer of assets that are excluded in a determination of the individual's eligibility for medicaid to the extent such assets are protected by the long-term care insurance policy or contract pursuant to chapter 48.85 RCW.

(3) The department may waive a period of ineligibility if the department determines that denial of eligibility would work an undue hardship.

Sec. 82. RCW 74.34.010 and 1984 c 97 s 7 are each amended to read as follows:

The legislature finds that frail elders and vulnerable adults may be subjected to abuse, neglect, exploitation, or abandonment. The legislature finds that there are a number of adults sixty years of age or older who lack the ability to perform or obtain those services necessary to maintain or establish their well-being. The legislature finds that many frail elders and vulnerable adults have health problems that place them in a dependent position. The legislature further finds that a significant number of frail elders and vulnerable adults have mental and verbal limitations that leave them vulnerable and incapable of asking for help and protection.

It is the intent of the legislature to prevent or remedy the abuse, neglect, exploitation, or abandonment of persons sixty years of age or older who have a functional, mental, or physical inability to care for or protect themselves.

It is the intent of the legislature to assist frail elders and vulnerable adults by providing these persons with the protection of the courts and with the least-restrictive services, such as home care, and by preventing or reducing inappropriate institutional care. The legislature finds that it is in the interests of the public health, safety, and welfare of the people of the state to provide a procedure for identifying these vulnerable persons and providing the services and remedies necessary for their well-being.

Sec. 83. RCW 74.34.100 and 1986 c 187 s 4 are each amended to read as follows:

The legislature finds that frail elders and vulnerable adults (~~(, -)~~) who are (~~(physically or emotionally)~~) abused, neglected, abandoned, or (~~(financially)~~) exploited may need the protection of the courts. The legislature further finds that many of these elderly or vulnerable persons may be homebound or otherwise may be unable to represent themselves in court or to retain legal counsel in order to obtain the relief available to them under this chapter.

It is the intent of the legislature to improve access to the courts for victims of abuse, neglect, exploitation, and abandonment in order to better protect the state's frail elderly and vulnerable adults.

Sec. 84. RCW 74.34.020 and 1984 c 97 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means ~~((leaving a))~~ action or inaction by a person or entity with a duty of care for a frail elder or a vulnerable adult that leaves the vulnerable ~~((adult))~~ person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means ~~((an))~~ a nonaccidental act of physical or mental mistreatment or injury, or sexual mistreatment, which harms ~~((or threatens))~~ a person through action or inaction by another individual.

(3) "Consent" means express written consent granted after the person has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Exploitation" means the illegal or improper use of a frail elder or vulnerable adult or that ~~((adult's))~~ person's income or resources, including trust funds, for another person's profit or advantage.

(6) "Neglect" means a pattern of conduct ~~((resulting))~~ or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that results in the deprivation of care necessary to maintain ~~((minimum))~~ the vulnerable person's physical ~~((and))~~ or mental health.

(7) "Secretary" means the secretary of social and health services.

(8) "Frail elder or vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself. "Frail elder or vulnerable adult" shall include persons found incapacitated under chapter 11.88 RCW, or a person who has a developmental disability under chapter 71A.10 RCW, and persons admitted to any long-term care facility that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, or persons receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW.

NEW SECTION. **Sec. 85.** A new section is added to chapter 74.34 RCW to read as follows:

(1) In addition to other remedies available under the law, a frail elder or vulnerable adult or a person age eighteen or older who has been subjected to abuse, neglect, exploitation, or abandonment either while residing in a long-term care facility or in the case of a person in the care of a home health, hospice, or home care agency, residing at home, shall have a cause of action for damages on account of his or her injuries, pain and suffering, and loss of property sustained thereby. This action shall be available where the defendant is or was a corporation, trust, unincorporated association, partnership, administrator, employee, agent, officer, partner, or director of a long-term care facility, such as a nursing home or boarding home, that is licensed or required to be licensed under chapter 18.20, 18.51, 72.36, or 70.128 RCW, or of a home health, hospice, or home care agency licensed or required to be licensed under chapter 70.127 RCW, as now or subsequently designated.

(2) It is the intent of the legislature, however, that where there is a dispute about the care or treatment of a frail elder or vulnerable adult, the parties should use the least formal means available to try to resolve the dispute. Where feasible, parties are encouraged but not mandated to employ direct discussion with the health care provider, use of the long-term care ombudsman or other intermediaries, and, when necessary, recourse through licensing or other regulatory authorities.

(3) In an action brought under this section, a prevailing plaintiff shall be awarded his or her actual damages, together with the costs of the suit, including a reasonable attorney's fee. The term "costs" includes, but is not limited to, the reasonable fees for a guardian, guardian ad litem, and experts, if any, that may be necessary to the litigation of a claim brought under this section.

NEW SECTION. **Sec. 86.** A new section is added to chapter 74.34 RCW to read as follows:

A petition for an order for protection or an action for damages under this chapter may be brought by the plaintiff, or where necessary, by his or her family members and/or guardian or legal fiduciary, or as otherwise provided under this chapter. The death of the plaintiff shall not deprive the court of jurisdiction over a petition or claim brought under this chapter. Upon petition, after the death of the vulnerable person, the right to initiate or maintain the action shall be transferred to the executor or administrator of the deceased, for the benefit of the surviving spouse, child or children, or other heirs set forth in chapter 4.20 RCW.

Sec. 87. RCW 74.34.070 and 1984 c 97 s 13 are each amended to read as follows:

In responding to reports of abuse, exploitation, neglect, or abandonment under this chapter, the department shall provide information to the ~~((elderly person))~~ frail elder or vulnerable adult on protective services available to the person and inform the person of the right to refuse such services. The department shall develop cooperative agreements with community-based agencies servicing the abused elderly and vulnerable adults. The agreements shall cover such subjects as the appropriate roles and responsibilities of the department and community-based agencies in identifying and responding to reports of ~~((elderly))~~ abuse, the provision of case-management services, standardized data collection procedures, and related coordination activities.

Sec. 88. RCW 74.34.030 and 1986 c 187 s 1 are each amended to read as follows:

Any person, including but not limited to, financial institutions or attorneys, having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, or is otherwise in need of protective services may report such information to the department. Any police officer, social worker, employee of the department, a social service, welfare, mental health, or health agency, including but not limited to home health, hospice, and home care agencies licensed under chapter 70.127 RCW, congregate long-term care facility, including but not limited to adult family homes licensed under chapter 70.128 RCW, boarding homes licensed under chapter 18.20 RCW, and nursing homes licensed under chapter 18.51 RCW, or assisted living services pursuant to RCW 74.39A.010, or health care provider licensed under Title 18 RCW, including but not limited to doctors, nurses, psychologists, and pharmacists, having reasonable cause to believe that a vulnerable adult has suffered abuse, exploitation, neglect, or abandonment, shall make an immediate oral report of such information to the department and shall report such information in writing to the department within ten calendar days of receiving the information.

NEW SECTION. **Sec. 89.** RCW 74.34.100 is recodified as RCW 74.34.015.

Sec. 90. RCW 74.46.020 and 1993 sp.s. c 13 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(20) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

(21) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

(22) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(23) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(24) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(25) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(26) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

(27) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

(28) "Net book value" means the historical cost of an asset less accumulated depreciation.

(29) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the product of the per patient day rate multiplied by the prior calendar year reported total patient days of each contractor.

(30) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(31) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(32) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(33) "Patient day" or "~~(client)~~ resident day" means a calendar day of care provided to a nursing facility resident, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "client day" or "recipient day" means a calendar day of care provided to a medical care recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

(34) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(35) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW;

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and

(i) A respiratory care practitioner certified under chapter 18.89 RCW.

(36) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

(37) "Rebased rate" or "cost-rebased rate" means a facility-specific rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year.

(38) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((38))~~ (39) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((39))~~ (40) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((40))~~ (41) "Secretary" means the secretary of the department of social and health services.

~~((41))~~ (42) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

~~((42))~~ (43) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

Sec. 91. RCW 74.46.105 and 1985 c 361 s 10 are each amended to read as follows:

Cost reports and patient trust accounts of contractors shall be field audited by the department, either by department staff or by auditors under contract to the department, in accordance with the provisions of this chapter. The department when it deems necessary to assure the accuracy of cost reports may review any underlying financial statements or other records upon which the cost reports are based. The department shall have the authority to accept or reject audits which fail to satisfy the requirements of this section or which are performed by auditors who violate any of the rules of this section. Department audits of the cost reports and patient trust accounts shall be conducted as follows:

(1) Each year the department will provide for field audit of the cost report, statistical reports, and patient trust funds, as established by RCW 74.46.700, of all or a sample of reporting facilities selected by profiles of costs, exceptions, contract terminations, upon special requests or other factors determined by the department.

(2) Beginning with audits for calendar year ~~((1983, up to one hundred percent of contractors cost reports and patient care trust fund accounts shall be audited: PROVIDED, That each contractor shall be audited at least once in every three year period))~~ 1993, contractors' cost reports and resident care trust fund accounts shall be audited periodically as determined necessary by the department.

(3) Facilities ~~((shall be selected for sample audits within one hundred twenty days of submission of a correct and complete cost report, and))~~ shall be ~~((so))~~ informed of the department's

intent to audit at least ten working days before the commencement of an audit of a facility's cost report or resident trust fund accounts. ~~((Audits so scheduled shall be completed within one year of selection.))~~

(4) Where an audit for a recent reporting or trust fund period discloses material discrepancies, undocumented costs or mishandling of patient trust funds, auditors may examine prior unaudited periods, for indication of similar material discrepancies, undocumented costs or mishandling of patient trust funds for not more than two reporting periods preceding the facility reporting period selected in the sample.

(5) The audit will result in a schedule summarizing appropriate adjustments to the contractor's cost report. These adjustments will include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Patient trust fund audits shall be reported separately and in accordance with RCW 74.46.700.

(6) Audits shall meet generally accepted auditing standards as promulgated by the American institute of certified public accountants and the standards for audit of governmental organizations, programs, activities and functions as published by the comptroller general of the United States. Audits shall be supervised or reviewed by a certified public accountant.

(7) No auditor under contract with or employed by the department to perform audits in accordance with the provisions of this chapter shall:

(a) Have had direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during the period covered by the audits;

(b) Acquire or commit to acquire any direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during said auditor's employment or contract with the department;

(c) Accept as a client any nursing home in this state during or within two years of termination of said auditor's contract or employment with the department.

(8) Audits shall be conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants.

(9) All audit rules adopted after March 31, 1984, shall be published before the beginning of the cost report year to which they apply.

Sec. 92. RCW 74.46.115 and 1983 1st ex.s. c 67 s 6 are each amended to read as follows:

The office of the state auditor shall ~~((annually))~~ at least once in every three state fiscal years commencing July 1, 1995, review the performance of the department to ensure that departmental audits are conducted in accordance with generally accepted ~~((accounting principles and))~~ auditing standards.

Sec. 93. RCW 74.46.160 and 1985 c 361 s 12 are each amended to read as follows:

(1) Within one hundred twenty days after receipt of the proposed preliminary settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the proposed preliminary settlement.

(2) After completion of the audit process, including exhaustion or mutual termination of ~~((reviews and))~~ any administrative appeals ~~((of))~~ or exception procedure used by the contractor to contest audit findings or determinations, but not including any judicial review available to and commenced by the contractor, the department will submit a final settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the contractor's cost report. ~~((Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.))~~

Sec. 94. RCW 74.46.170 and 1983 1st ex.s. c 67 s 10 are each amended to read as follows:

(1) A contractor shall have ~~((thirty))~~ a period of days, to be established by the department in rule, after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under the administrative appeals or exception procedure established by the department pursuant to RCW 74.46.780. Any such administrative review of a settlement shall be limited to calculation of the settlement or the application of settlement principles and rules, or both, and shall not examine or reexamine payment rate or audit issues. After the ~~((thirty day))~~ period established by the department in rule has expired, a preliminary or final settlement will not be subject to review.

(2) A preliminary settlement report as issued by the department will become the final settlement report if no audit has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor.

(3) A settlement will be reopened if necessary to make adjustments for findings resulting from an audit performed pursuant to RCW 74.46.105(4).

Sec. 95. RCW 74.46.180 and 1993 sp.s. c 13 s 2 are each amended to read as follows:

(1) The ~~((state))~~ department shall make payment of any underpayments to which a contractor is entitled as determined by the department under the provisions of this chapter within ~~((thirty))~~ sixty days after the date the preliminary or final settlement report is submitted to the contractor and the department shall pay interest at the rate of one percent per month on any unpaid preliminary or final settlement balance still due the contractor after such time, accruing from sixty days after the preliminary or final settlement report is submitted to the contractor, and no interest shall accrue or be paid for any period prior to this date: PROVIDED, That any increase in a preliminary or final settlement amount due the contractor resulting from a final administrative or judicial decision shall also bear interest until paid at the rate of one percent per month, accruing from sixty days after the preliminary or final settlement was submitted to the contractor. The department shall pay no interest on amounts due a contractor other than amounts determined by preliminary or final settlement as provided in this subsection.

(2) A contractor found, under a preliminary or final settlement issued by the department, to have received either overpayments or erroneous payments ~~((under a preliminary or final settlement)),~~ to which the contractor is not entitled as determined by the department under the provisions of this chapter, shall refund such erroneous payments or overpayments to the ~~((state))~~ department within ~~((thirty))~~ sixty days after the date the preliminary or final settlement report is submitted to the contractor, subject to the provisions of subsections (3), (4), and ~~((7))~~ (6) of this section, PROVIDED, That for all preliminary or final settlements issued on and after July 1, 1995, regardless of what period a settlement covers, neither a timely filed request to pursue the department's administrative appeals or exception procedure nor commencement of judicial review, as may be available to the contractor in law, contesting the settlement, erroneous payments or overpayments shall delay recovery. A contractor shall pay interest at the rate of one percent per month on any unpaid preliminary or final settlement balance still due the department sixty days after the preliminary or final settlement report is submitted to the contractor, accruing from this date: PROVIDED Further, That the department shall refund interest collected for preliminary and settlement amounts the contractor was entitled to retain as subsequently determined by final administrative or judicial decision.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded to the department. However, in computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings. Not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center. There shall be no shifting out of nursing services, and savings in food shall be shifted only to cover deficits in the nursing services cost center. There shall be no shifting from the operational to the administrative cost center.

(4) Within the administrative and property cost centers, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective audited allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect, except that no savings may be retained if reported costs in the administrative and property cost centers exceed audited allowable costs in these cost areas by a total of ten cents or more per patient day. The secretary, by rule, shall establish the basis for the specific percentages of savings to the contractors. Such rules may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All return on investment rate payments provided by RCW 74.46.530 shall be retained by the contractor to the extent net invested funds are substantiated by department field audit. Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor to the extent that such dividend or premium discount is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:

(a) Deduct the amount of refund due the department, plus any interest accrued under ~~((RCW 43.20B.695))~~ subsection (2) of this section, from payment amounts due the contractor; or

(b) In the instance the contract has been terminated, (i) deduct the amount of refund due the department, plus interest assessed at the rate and in the manner provided in ~~((RCW 43.20B.695))~~ subsection (2) of this section, from any payments due; or (ii) recover the amount due, plus any interest assessed under ~~((RCW 43.20B.695,))~~ subsection (2) of this section from security posted with or otherwise obtained by the department or by any other lawful means.

(7) ~~((Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor.))~~ For all erroneous payments and overpayments determined by preliminary or final settlements issued before July 1, 1995, and not yet recovered by the department because they are specifically disputed by the contractor in a timely filed administrative or judicial review, if the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 96. RCW 74.46.190 and 1983 1st ex.s. c 67 s 12 are each amended to read as follows:

(1) The substance of a transaction will prevail over its form.

(2) All documented costs which are ordinary, necessary, related to care of medical care recipients, and not expressly unallowable, are to be allowable. Costs of providing ancillary care are allowable, subject to any applicable cost center limit contained in this chapter, provided documentation establishes the costs were incurred for medical care recipients and other sources of payment to which recipients may be legally entitled, such as private insurance or medicare, were first fully utilized.

(3) Costs applicable to services, facilities, and supplies furnished to the provider by related organizations are allowable but at the cost to the related organization, provided they do not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(4) Beginning January 1, 1985, the payment for property usage is to be independent of ownership structure and financing arrangements.

(5) Beginning July 1, 1995, allowable costs shall not include costs reported by a nursing care provider for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the nursing facility in the period to be covered by the rate.

Sec. 97. RCW 74.46.410 and 1993 sp.s. c 13 s 6 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after January 1, 1985;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

- (g) Costs in excess of limits or in violation of principles set forth in this chapter;
- (h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;
- (i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;
- (j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;
- (k) Charity and courtesy allowances;
- (l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;
- (m) Vending machine expenses;
- (n) Expenses for barber or beautician services not included in routine care;
- (o) Funeral and burial expenses;
- (p) Costs of gift shop operations and inventory;
- (q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;
- (r) Fund-raising expenses, except those directly related to the patient activity program;
- (s) Penalties and fines;
- (t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;
- (u) Federal, state, and other income taxes;
- (v) Costs of special care services except where authorized by the department;
- (w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;
- (x) Expenses of profit-sharing plans;
- (y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;
- (z) Personal expenses and allowances of owners or relatives;
- (aa) All expenses of maintaining professional licenses or membership in professional organizations;
- (bb) Costs related to agreements not to compete;
- (cc) Amortization of goodwill;
- (dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;
- (ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;
- (ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;
- (gg) Lease acquisition costs and other intangibles not related to patient care;
- (hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after January 1, 1985;
- (ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;
- (jj) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;

(kk) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions;

(ll) Costs reported by the contractor for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the contractor in the period to be covered by the rate.

NEW SECTION. Sec. 98. A new section is added to chapter 74.46 RCW to read as follows:

The legislature intends to adopt a new system for establishing nursing home payment rates no later than July 1, 1998. Any payments to nursing homes for services provided after June 30, 1998, shall be based on the new system. The system shall include case-mix reimbursement methods for paying for nursing services and shall match payments to patient care needs, while providing incentives for cost control and efficiency. To that end:

(1) In consultation with nursing facility provider associations, consumer groups, and the legislative budget committee, the department of social and health services shall design and develop alternative methods for matching nursing facility payments to patient care needs, while providing incentives for cost control and efficiency.

(2) The department shall report to the fiscal and health care policy committees of the legislature on the projected benefits and costs of these alternative methods by October 15th of 1995, 1996, and 1997. The October 1996 report shall additionally include a recommended time line for implementing the new payment system no later than July 1, 1998.

(3) The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

(a) RCW 74.46.420 and 1993 sp.s. c 13 s 7, 1985 c 361 s 18, 1983 1st ex.s. c 67 s 18, & 1980 c 177 s 42;

(b) RCW 74.46.430 and 1993 sp.s. c 13 s 8, 1987 2nd ex.s. c 1 s 2, 1987 c 476 s 2, 1983 1st ex.s. c 67 s 19, & 1980 c 177 s 43;

(c) RCW 74.46.440 and 1989 c 372 s 16 & 1980 c 177 s 44;

(d) RCW 74.46.450 and 1993 sp.s. c 13 s 9, 1983 1st ex.s. c 67 s 20, & 1980 c 177 s 45;

(e) RCW 74.46.460 and 1993 sp.s. c 13 s 10, 1987 c 476 s 3, 1985 c 361 s 15, 1983 1st ex.s. c 67 s 21, 1981 1st ex.s. c 2 s 5, & 1980 c 177 s 46;

(f) RCW 74.46.465 and 1987 c 476 s 8;

(g) RCW 74.46.470 and 1993 sp.s. c 13 s 11, 1987 c 476 s 4, 1983 1st ex.s. c 67 s 22, & 1980 c 177 s 47;

(h) RCW 74.46.481 and 1993 sp.s. c 13 s 12, 1991 sp.s. c 8 s 16, 1990 c 207 s 1, 1987 c 476 s 5, & 1983 1st ex.s. c 67 s 24;

(i) RCW 74.46.490 and 1993 sp.s. c 13 s 13, 1983 1st ex.s. c 67 s 25, 1981 1st ex.s. c 2 s 6, & 1980 c 177 s 49;

(j) RCW 74.46.500 and 1993 sp.s. c 13 s 14, 1992 c 182 s 1, & 1980 c 177 s 50;

(k) RCW 74.46.505 and 1993 sp.s. c 13 s 15;

(l) RCW 74.46.510 and 1993 sp.s. c 13 s 16 & 1980 c 177 s 51;

(m) RCW 74.46.530 and 1993 sp.s. c 13 s 17, 1991 sp.s. c 8 s 17, 1985 c 361 s 17, 1983 1st ex.s. c 67 s 28, 1981 1st ex.s. c 2 s 7, & 1980 c 177 s 53;

(n) RCW 74.46.540 and 1980 c 177 s 54;

(o) RCW 74.46.550 and 1983 1st ex.s. c 67 s 29 & 1980 c 177 s 55;

(p) RCW 74.46.560 and 1983 1st ex.s. c 67 s 30 & 1980 c 177 s 56;

(q) RCW 74.46.570 and 1983 1st ex.s. c 67 s 31 & 1980 c 177 s 57;

(r) RCW 74.46.580 and 1983 1st ex.s. c 67 s 32 & 1980 c 177 s 58; and

(s) RCW 74.46.590 and 1980 c 177 s 59.

Sec. 99. RCW 74.46.420 and 1993 sp.s. c 13 s 7 are each amended to read as follows:

The following principles are inherent in RCW 74.46.430 through 74.46.590:

(1) ~~((Reimbursement))~~ Effective July 1, 1995, through June 30, 1998, nursing facility payment rates will be set or adjusted for economic trends and conditions annually and prospectively on a per ~~((patient))~~ resident day basis ~~((on a two-year cycle corresponding to each state biennium; and))~~, in accordance with the principles and methods set forth in this chapter, to take effect July 1st of each year.

(2) ~~((The rates, in the nursing services, food, administrative, and operational cost centers, shall be adjusted downward or upward when set effective July 1 of the first fiscal year of the two year rate-setting cycle and adjusted again downward or upward effective July 1 of the second fiscal year of the rate setting cycle for economic trends and conditions))~~ July 1, 1995, component rates in the nursing services, food, administrative, and operational cost centers shall be cost-rebased utilizing desk-reviewed and adjusted costs reported for calendar year 1994, for all nursing facilities submitting at least six months of cost data. Such component rates for July 1, 1995, shall also be adjusted downward or upward for economic trends and conditions as provided in this section. Component rates in property and return on investment (ROI) shall be reset annually as provided in this chapter.

(3) ~~The July 1, 1995, component rates ((for the first year of each biennium)) in the nursing services, food, administrative, and operational cost centers shall be adjusted for economic trends and conditions by the change in the implicit price deflator for personal consumption expenditures index published by the bureau of labor statistics of the United States department of labor (IPD index). The period used to measure the IPD increase or decrease to be applied to these ((first year biennial)) July 1, 1995, rate(s) components shall be ((the)) calendar year ((preceding the July 1 commencement of the state biennium)) 1994.~~

(4) ~~((The July 1 rates for the second year of each biennium shall be adjusted)) July 1, 1996, component rates in the nursing services, food, administrative, and operational cost centers shall not be cost-rebased, but shall be the component rates assigned to each nursing facility in effect on June 30, 1996, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the health care financing administration of the department of health and human services((;)) (HCFA index((, however, any increase shall be multiplied by one and one-half))). The period to be used to measure the HCFA index increase ((to be multiplied by one and one-half and applied)) or decrease to be applied to these ((second year biennial)) June 30, 1996, component rates shall ((also)) be ((the)) calendar year ((preceding the July 1 commencement of the state biennium: PROVIDED, However, That in the event the change in the HCFA index measured over the following calendar year, the one terminating six months after the start of the state biennium, is twenty five percent greater or less than the change in the HCFA index measured over the calendar year preceding commencement of the state biennium, the department shall use the HCFA index increase multiplied by one and one-half or decrease in such following calendar year to inflate or decrease nursing facilities' nursing services, food, administrative, and operational rates for July 1 of the second biennial year)) 1994.~~

(5) July 1, 1997, component rates in the nursing services, food, administrative, and operational cost centers shall not be cost-rebased, but shall be the component rates assigned to each nursing facility in effect on June 30, 1997, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the health care financing administration of the department of health and human services (HCFA index), multiplied by a factor of 1.25. The period to be used to measure the HCFA increase or decrease to be applied to these rate components for July 1, 1997, rate setting shall be calendar year 1996.

(6) If either the implicit price deflator (IPD) index or the health care financing administration (HCFA) index specified in this section ceases to be published in the future, the department shall select ((by rule)) and use in its place or their place one or more measures of change from the same or an alternate source or sources ((for)) utilizing the same or comparable time periods specified in this section.

Sec. 100. RCW 74.46.430 and 1993 sp.s. c 13 s 8 are each amended to read as follows:

(1) The department, as provided by this chapter, will determine prospective ((cost-related reimbursement)) payment rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center and for return on investment for each ((patient)) resident day for such medical care recipient.

(2) ~~((As required,))~~ The department may modify such maximum per ((patient)) resident day rates, consistent with this chapter, pursuant to the administrative ((review provisions of)) appeals or exception procedure authorized by RCW 74.46.780.

(3) For July 1, 1995, and all following rates, the maximum prospective ((reimbursement)) component payment rates for the nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI) component rate for each nursing facility shall be

established based upon a minimum licensed bed facility occupancy level of ~~((eighty five))~~ ninety percent, except for rate adjustments as provided for in RCW 74.46.460(6).

(4) The minimum ninety percent facility occupancy shall be used to calculate individual rates, to calculate the median cost limits (MCLs) for the metropolitan statistical area (MSA) and nonmetropolitan statistical area (non-MSA) peer groups, and to array facilities by costs in calculating the variable return portion of the return on investment rate component (ROI).

(5) All contractors shall be required to adjust and maintain wages for all employees to a minimum hourly wage of four dollars and seventy-six cents per hour beginning January 1, 1988, and five dollars and fifteen cents per hour beginning January 1, 1989.

Sec. 101. RCW 74.46.450 and 1993 sp.s. c 13 s 9 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor, as defined by the department in rule, will be established within sixty days following receipt by the department of the properly completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until ~~((adjusted or))~~ the new contractor's rate in all cost areas can be reset ~~((as provided in this chapter))~~ effective July 1st using a cost report of that contractor containing at least six months' data from the prior calendar year, regardless of whether reported costs for other contractors for the prior calendar year in question will be used to rebase their July 1st rates.

(2) Such reimbursement rates will be based on ~~((the contractor's projected cost of operations and on costs and))~~ payment rates of the prior contractor, if any, or of other contractors in comparable circumstances.

(3) ~~((If a properly completed budget is not received at least sixty days prior to the effective date of the contract,))~~ The department will establish ~~((preliminary))~~ a new contractor's initial component rates based on the ~~((other))~~ factors specified in subsections (2) and (4) of this section. These ~~((preliminary))~~ initial rates will remain in effect until adjusted or reset as provided in this chapter.

(4) The department is authorized to develop policies and procedures in rule ~~((to address the computation of rates for the first and second fiscal years of each biennium, including steps necessary to prorate rate adjustments for economic trends and conditions as authorized in RCW 74.46.420, for contractors having less than twelve months of cost report data for the prior calendar year))~~ that comply with the policies and purposes of this chapter to establish factors by which a new contractor's rate will be set, for example, occupancy level or proration of rate adjustments for economic trends and conditions as authorized in RCW 74.46.420. However, a new contractor, whose medicaid contract was effective in calendar year 1994; and whose nursing facility occupancy during calendar year 1994 increased by at least five percent over that of the prior owner, shall have its July 1995 rate for nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI) based upon a minimum facility occupancy of eighty-five percent.

Sec. 102. RCW 74.46.460 and 1993 sp.s. c 13 s 10 are each amended to read as follows:

(1) Each contractor's ~~((reimbursement))~~ nursing services, food, administrative, and operational component payment rates will be ~~((determined or))~~ adjusted for economic trends and conditions prospectively at least once during each calendar year, as provided in this chapter, to be effective July 1st~~((-))~~: PROVIDED, That except for the rates of new contractors as defined by the department, a ~~((contractor's))~~ nursing facility's cost-rebased rate for ~~((the first fiscal year of each biennium))~~ July 1, 1995, must be established upon ~~((its))~~ the facility's own ~~((prior calendar period))~~ cost report of at least six months of adjusted and/or audited cost data from the calendar year 1994.

(2) Subject to the provisions of subsections (3) through (6) of this section, rates may be adjusted ~~((as determined))~~ by the department at the request of the nursing facility to cover the medicaid share of incremental costs necessary to address and take into account variations in the distribution of all medicaid and nonmedicaid patient classifications or changes in all medicaid or nonmedicaid patient characteristics from the prior reporting year, program changes required by the department, or changes in staffing levels at a facility required by the department. Rates may also be adjusted to cover costs associated with placing a nursing home in receivership which costs are not covered by the rate of the former contractor, including: Compensation of the receiver, reasonable expenses of receivership and transition of control, and costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found. Rates shall be adjusted as provided in this section for any capitalized additions or

replacements made as a condition for licensure or certification. Rates shall be adjusted as provided in this section for capitalized improvements done under RCW 74.46.465.

(3) Except for rate adjustments granted for economic trends and conditions as authorized in this chapter to be effective each July 1st, all rate adjustments granted by the department for any other purpose, including those granted for capitalized additions or replacements or for staffing, whether made or not made as a condition of licensure or certification, shall be limited in total amount each fiscal year to the total current legislative appropriation, if any, specifically made to fund the medicaid share of such adjustments for the fiscal year.

(4) The department is authorized to adopt rules to ensure that funding granted for additional staffing will be cost-effective in providing increased quantity and quality of services to nursing facility residents and to ensure that spending limitations will not be exceeded.

(5) Funds disbursed representing rate adjustments granted under authority of this section and not spent by the contractor for the purposes granted are subject to immediate recovery by the department by means of recoupment from current contract payments or any other means authorized by law and contractors shall pay interest on such unused or misused funds at the rate of one percent per month from the date of disbursement to the date of recovery. If a contractor requests an administrative review of a department recovery action under rules established under RCW 74.46.780, such request shall not stay recoupment from current facility contract payments or other recovery.

(6) All rate component adjustments to fund the medicaid share of nursing facility new construction or refurbishing projects costing in excess of one million two hundred thousand dollars, or projects requiring state or federal approval, shall be based upon a minimum facility occupancy of eighty-five percent for the nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI), during the initial rate period in which the adjustment is granted, and shall be based upon a minimum facility occupancy of ninety percent for the nursing services, food, administrative, operational, and property cost centers, and the return on investment (ROI), for all rate periods thereafter.

Sec. 103. RCW 74.46.470 and 1993 sp.s. c 13 s 11 are each amended to read as follows:

(1) A contractor's (~~reimbursement~~) nursing facility per resident day component rates for medical care recipients (~~will~~) shall be determined as provided in this chapter utilizing net invested funds and desk-reviewed cost report data within the following cost centers:

- (a) Nursing services;
- (b) Food;
- (c) Administrative;
- (d) Operational; and
- (e) Property.

(2) There shall be for the time period January 1988 through June 1990 only an enhancement cost center established to reimburse contractors for specific legislatively authorized enhancements for nonadministrative wages and benefits to ensure that such enhancements are used exclusively for the legislatively authorized purposes. For purposes of settlement, funds appropriated to this cost center shall only be used for expenditures for which the legislative authorization is granted. Such funds may be used only in the following circumstances:

(a) The contractor has increased expenditures for which legislative authorization is granted to at least the highest level paid in any of the last three cost years, plus, beginning July 1, 1987, any percentage inflation adjustment as was granted each year under RCW 74.46.495; and

(b) All funds shifted from the enhancement cost center are shown to have been expended for legislatively authorized enhancements.

(3) If the contractor does not spend the amount appropriated to this cost center in the legislatively authorized manner, then the amounts not appropriately spent shall be recouped at preliminary or final settlement pursuant to RCW 74.46.160.

(4) For purposes of this section, "nonadministrative wages and benefits" means wages and payroll taxes paid with respect to, and the employer share of the cost of benefits provided to, employees in job classes specified in an appropriation, which may not include administrators, assistant administrators, or administrators in training.

(5) Amounts expended in the enhancement cost center in excess of the minimum wage established under RCW 74.46.430 are subject to all provisions contained in this chapter.

Sec. 104. RCW 74.46.481 and 1993 sp.s. c 13 s 12 are each amended to read as follows:

(1) The nursing services cost center shall include for reporting and audit purposes all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel, and the cost of nursing supplies. The department shall adopt by administrative rule a definition of "related care". For rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter, shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(2) The department shall adopt through administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure. A regression calculated shall be effective for the entire biennium.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit. However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate only for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan. (5) ~~(Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day desk-reviewed, adjusted nursing services cost from the ~~((prior))~~ 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Nursing services component rates for facilities within each peer group ~~((for the first year of the biennium))~~ shall be set at the lower of the facility's desk-reviewed, adjusted per ~~((patient))~~ resident day nursing services cost from the ~~((prior))~~ 1994 report period or the median cost for the facility's peer group, utilizing the same calendar year report data plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420. However, the per patient day peer group median cost plus twenty-five percent limit shall not apply to the nursing services cost center reimbursement rate only for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan.

(6) ~~((If a nursing facility is impacted by the limit authorized in subsection (5) of this section, it shall not receive a prospective rate in nursing services for July 1, 1993, less than the same facility's prospective rate in nursing services as of June 30, 1993, adjusted by any increase in the implicit price deflator for personal consumption expenditures, IPD index, as measured over the period authorized by RCW 74.46.420(3).))~~

(7) For rates effective July 1, 1996, a nursing facility's noncost-rebased component rate in nursing services ~~((for the second year of each biennium))~~ shall be that facility's nursing services component rate ~~((as of July 1 of the first year of that biennium))~~ existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ~~((The alternating procedures prescribed in this section for a~~

~~facility's two July 1 nursing services rates occurring within each biennium shall be followed in the same order for each succeeding biennium.)~~ The July 1, 1996, nursing services component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective nursing services rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(7) For rates effective July 1, 1997, a nursing facility's noncost-rebased component rate in nursing services shall be that facility's nursing services component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, nursing services component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective nursing services rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

(8) Median cost((s)) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ~~((the most recent))~~ adjusted 1994 nursing services cost report information available to the department prior to the calculation of the new rates for July 1, 1995 ~~((of the first fiscal year of each biennium))~~, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ~~((of the first fiscal year of each biennium))~~, and shall apply retroactively to ~~((the prior))~~ July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost((s)) limits, once calculated using October 31, 1995, adjusted cost information shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose during the periods authorized by such appropriations or other laws and the increases shall be conditioned on specified improvements in patient care at such facilities.

(10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

(11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

(a) Increases in debility levels of contractors' residents determined in accordance with the department's assessment and reporting procedures and requirements utilizing the minimum data set;

(b) Staffing patterns for similar facilities in the same peer group;

(c) Physical plant of contractor; and

(d) Survey, inspection of care, and department consultation results.

Sec. 105. RCW 74.46.490 and 1993 sp.s. c 13 s 13 are each amended to read as follows:

(1) The food cost center shall include for reporting purposes all costs for bulk and raw food and beverages purchased for the dietary needs of medical care recipients.

(2) ~~((Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ~~((patient))~~ resident day desk-reviewed, adjusted food cost from the ~~((prior))~~ 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Food component rates for facilities within each peer group ~~((for the first year of the biennium))~~ shall be set at the lower of the facility's

desk-reviewed, adjusted per ((patient)) resident day food cost from the ((prior)) 1994 report period or the median cost for the facility's peer group, using the same calendar year report data, plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) For rates effective July 1, 1996, a nursing facility's noncost-rebased food component rate ((for the second year of each biennium)) shall be that facility's food component rate ((as of July 1 of the first year of that biennium)) existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ((The alternating procedures prescribed in this section for a facility's two July 1 food rates occurring within each biennium shall be followed in the same order for each succeeding biennium-)) The July 1, 1996, food component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective food component rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(4) For rates effective July 1, 1997, a nursing facility's noncost-rebased food component rate shall be that facility's food component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, food component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective food component rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

((4)) (5) Median cost((s)) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ((the most recent)) adjusted 1994 food cost report information available to the department prior to the calculation of the new rates for July 1, 1995 ((of the first fiscal year of each biennium)), regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ((of the first fiscal year of each biennium)), and shall apply retroactively to ((the prior)) July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost((s)) limits, once calculated utilizing October 31, 1995, adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

Sec. 106. RCW 74.46.500 and 1993 sp.s. c 13 s 14 are each amended to read as follows:

(1) The administrative cost center shall include for cost reporting purposes all administrative, oversight, and management costs whether facility on-site or allocated in accordance with a department-approved joint-cost allocation methodology. Such costs shall be identical to the cost report line item costs categorized under "general and administrative" in the "administration and operations" combined cost center existing prior to January 1, 1993, except for nursing supplies and purchased medical records.

(2) ~~((Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ((patient)) resident day desk-reviewed, adjusted administrative cost from the ((prior)) 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Administrative component rates for facilities within each peer group ((for the first year of the biennium)) shall be set at the lower of the facility's desk-reviewed, adjusted per ((patient)) resident day administrative cost from the ((prior)) 1994 report period or the median cost for the facility's peer group, utilizing the same calendar year report data, plus ten percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) For rates effective July 1, 1996, a nursing facility's noncost-rebased administrative component rate ((for the second year of each biennium)) shall be that facility's administrative component rate ((as of July 1 of the first year of that biennium)) existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ~~((The alternating procedures prescribed in this section for a facility's two July 1 administrative rates occurring within each biennium shall be followed in the same order for each succeeding biennium-))~~ The July 1, 1996, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(4) For rates effective July 1, 1997, a nursing facility's noncost-rebased administrative component rate shall be that facility's administrative component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

~~((4))~~ (5) Median cost(s) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ((the most recent)) adjusted 1994 administrative cost report information available to the department prior to the calculation of the new rates for July 1, 1995 ((of the first fiscal year of each biennium)), regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ((of the first fiscal year of each biennium)), and shall apply retroactively to ((the prior)) July 1, 1995, rates, regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median cost(s) limits, once calculated utilizing October 31, 1995, adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

Sec. 107. RCW 74.46.505 and 1993 sp.s. c 13 s 15 are each amended to read as follows:

(1) The operational cost center shall include for cost reporting purposes all allowable costs of the daily operation of the facility not included in nursing services and related care, food, administrative, or property costs, whether such costs are facility on-site or allocated in accordance with a department-approved joint-cost allocation methodology.

(2) ~~((Every two years when rates are set at the beginning of each new biennium))~~ For July 1, 1995, rate setting only, the department shall divide into two peer groups nursing facilities located in the state of Washington providing services to medicaid residents: (a) Those facilities located within a metropolitan statistical area as defined and determined by the United States office of management and budget or other applicable federal office (MSA) and (b) those not located in such an area (non-MSA). The facilities in each peer group shall then be arrayed from lowest to highest by magnitude of per ((patient)) resident day desk-reviewed, adjusted operational cost from the ((prior)) 1994 calendar report year, regardless of whether any such adjustments are contested by the nursing facility, and the median or fiftieth percentile cost for each peer group shall be determined. Operational component rates for facilities within each peer group ((for the first year of the biennium)) shall be set at the lower of the facility's desk-reviewed, adjusted per ((patient)) resident day operational cost from the ((prior)) 1994 report period or the median cost for the facility's peer group, utilizing the same calendar year report data, plus twenty-five percent. This rate shall be reduced or inflated as authorized by RCW 74.46.420.

(3) For rates effective July 1, 1996, a nursing facility's noncost-rebased operational component rate ((for the second year of each biennium)) shall be that facility's operational component rate ((as of July 1 of the first year of that biennium)) existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420. ((The alternating procedures prescribed in this section for a facility's two July 1 operational rates occurring within each biennium shall be followed in the same order for each succeeding biennium.)) The July 1, 1996, operational component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective operational component rate as of June 30, 1996, excluding any rate increases granted pursuant to RCW 74.46.460.

(4) For rates effective July 1, 1997, a nursing facility's noncost-rebased operational component rate shall be that facility's operational component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420. The July 1, 1997, operational component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective operational component rate as of June 30, 1997, excluding any rate increases granted pursuant to RCW 74.46.460.

~~((4))~~ (5) Median cost(s) limits for peer groups shall be calculated initially for July 1, 1995, rate setting as provided in this chapter on the basis of ((the most recent)) adjusted 1994 operational cost report information available to the department prior to the calculation of the new rate for July 1, 1995 ((of the first fiscal year of each biennium)), regardless of whether the adjustments are contested or subject to pending administrative or judicial review. Median costs for peer groups shall be recalculated as provided in this chapter on the basis of the most recent adjusted cost information available to the department on October 31, 1995 ((of the first fiscal year of each biennium)), and shall apply retroactively to ((the prior)) July 1, 1995, rates, regardless of whether the adjustments are contested or

subject to pending administrative or judicial review. Median cost~~(s)~~ limits, once calculated utilizing October 31, 1995, adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

Sec. 108. RCW 74.46.510 and 1993 sp.s. c 13 s 16 are each amended to read as follows:

(1) The property cost center rate for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation, subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, as provided in RCW 74.46.180, by the greater of a facility's total ~~(patient)~~ resident days for the facility in the prior period or resident days as calculated on ninety or eighty-five percent facility occupancy as applicable. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total ~~(patient)~~ resident days used in computing the property cost center rate shall be adjusted to anticipated ~~(patient)~~ resident day level.

(2) A nursing facility's property rate shall be rebased annually, effective July 1, in accordance with this section and this chapter ~~((regardless of whether the rate is for the first or second year of the biennium))~~.

(3) When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

Sec. 109. RCW 74.46.530 and 1993 sp.s. c 13 s 17 are each amended to read as follows:

(1) The department shall establish for each medicaid nursing facility a return on investment (ROI) rate composed of two parts: A financing allowance and a variable return allowance. The financing allowance part of a facility's return on investment component rate shall be rebased annually, effective July 1, in accordance with the provisions of this section and this chapter~~((regardless of whether the rate is for the first or second year of the biennium))~~.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .10, and dividing by the ~~((contractor's))~~ greater of a nursing facility's total ~~(patient)~~ resident days from the most recent cost report period or resident days calculated on ninety percent or eighty-five percent facility occupancy as applicable. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total ~~(patient)~~ resident days used in computing the financing and variable return allowances shall be adjusted to the anticipated ~~(patient)~~ resident day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing ~~(patient)~~ resident care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) ~~((Every two years at the start of each new biennium))~~ For July 1, 1995, rate setting only, the department, without utilizing peer groups, ~~((will))~~ shall first rank all facilities in numerical order from highest to lowest according to their per ~~(patient)~~ resident day adjusted or audited, or both, allowable costs for nursing services, food, administrative, and operational costs combined for the ~~((previous))~~ 1994 calendar year cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the sum of the facility's nursing services, food, administrative, and operational rate components. The percentage amounts will be based on groupings of facilities according to the rankings

prescribed in (i) of this subsection (1)(c). The percentages calculated and assigned will remain the same for the ~~((next))~~ variable return allowance paid in ~~((the second year of the biennium))~~ all July 1, 1996, and July 1, 1997, rates as well. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment rate for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total ~~((patient))~~ resident days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment rate determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total ~~((patient))~~ resident days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment rate.

(iii) The return on investment rate determined according to subsection (1)(d) of this section or the alternate return on investment rate, whichever is greater, shall be the return on investment rate for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment rates in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Sec. 110. RCW 74.46.560 and 1983 1st ex.s. c 67 s 30 are each amended to read as follows:

The department will notify each contractor in writing of its prospective ~~((reimbursement))~~ payment rates by the effective dates of the rates. Unless otherwise specified at the time it is issued, ~~((the))~~ a rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeals or exception procedure established in accordance with RCW 74.46.780, it will be effective as of the date the appealed rate became effective.

Sec. 111. RCW 74.46.570 and 1983 1st ex.s. c 67 s 31 are each amended to read as follows:

(1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by a certification signed by the licensed administrator of the nursing facility and a written

justification explaining why the amendment is necessary. The certification and justification shall meet such criteria as are adopted by the department. Such amendments may be used to revise a prospective rate but shall not be used to revise a settlement if submitted after commencement of the field audit. All changes determined to be material by the department shall be subject to field audit. If changes are found to be incorrect or otherwise unacceptable, any rate adjustment based thereon shall be null and void and resulting payments or payment increases shall be subject to refund.

(3) The contractor shall pay an amount owed the department resulting from an error or omission as determined by the department on or after July 1, 1995, or commence repayment in accordance with a schedule determined and agreed to in writing by the department, within sixty days after receipt of notification of the rate adjustment~~((, unless the contractor contests the department's determination in accordance with the procedures set forth in RCW 74.46.780. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings))~~. If a refund as determined by the department is not paid when due, the amount thereof may be deducted from current payments by the department. However, neither a timely filed request to pursue the department's administrative appeals or exception procedure nor commencement of judicial review, as may be available to the contractor in law, shall delay recovery.

(4) The department shall pay any amount owed the contractor as a result of a rate adjustment within thirty days after the contractor is notified of the rate adjustment.

(5) No adjustments will be made to a rate more than one hundred twenty days after the final audit narrative and summary for the period the rate was effective is sent to the contractor or, if no audit is held, more than one hundred twenty days after the preliminary settlement becomes the final settlement, except when a settlement is reopened as provided in RCW 74.46.170(3).

Sec. 112. RCW 74.46.640 and 1983 1st ex.s. c 67 s 34 are each amended to read as follows:

(1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extension. Payments will be released as soon as a properly completed report is received;

(b) State auditors, department auditors, or authorized personnel in the course of their duties are refused access to a nursing ~~((home))~~ facility or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided;

(c) A refund in connection with a preliminary or final settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund and any accumulated interest owed to the department as authorized by this chapter; ~~((and))~~

(d) Payment for the final ~~((thirty))~~ sixty days of service under a contract will be held in the absence of adequate alternate security acceptable to the department pending final settlement when the contract is terminated; and

(e) Payment for services at any time during the contract period in the absence of adequate alternate security acceptable to the department, if a contractor's net medicaid overpayment liability for one or more nursing facilities or other debt to the department, as determined by preliminary settlement, final settlement, civil fines imposed by the department, third-party liabilities or other source, reaches or exceeds fifty thousand dollars, whether subject to good faith dispute or not, and for each subsequent increase in liability reaching or exceeding twenty-five thousand dollars. Payments will be released as soon as practicable after acceptable security is provided or refund to the department is made.

(2) No payment will be withheld until written notification of the suspension is provided to the contractor, stating the reason ~~((therefor))~~ for the withholding, except that neither a request to pursue the administrative appeals or exception procedure established by the department in rule nor commencement of judicial review, as may be available to the contractor in law, shall delay suspension of payment.

Sec. 113. RCW 74.46.690 and 1985 c 361 s 3 are each amended to read as follows:

(1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by RCW 74.46.040.

(2) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for any

period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The reasonable estimate shall be based upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department. The department shall also determine and add in the total of all other debts owed to the department regardless of source, including, but not limited to, interest owed to the department as authorized by this chapter, civil fines imposed by the department, or third-party liabilities.

(3) The old contractor shall provide security, in a form deemed adequate by the department, ~~((it))~~ equal to the total amount of determined and estimated overpayments and all other debts from any source, whether or not the overpayments are the subject of good faith dispute. Security shall consist of:

- (a) Withheld payments due the contractor; or
- (b) A surety bond issued by a bonding company acceptable to the department; or
- (c) An assignment of funds to the department; or
- (d) Collateral acceptable to the department; or
- (e) A purchaser's assumption of liability for the prior contractor's overpayment; ~~((or))~~
- (f) A promissory note secured by a deed of trust; or
- (g) Any combination of (a), (b), (c), (d), ~~((or))~~ (e), or (f) of this subsection.

(4) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term, as determined by the department, sufficient to ensure effectiveness after final settlement and the exhaustion of any administrative appeals or exception procedure and judicial remedies, as may be available to and sought by the contractor, regarding payment, settlement, civil fine, interest assessment, or other debt issues: PROVIDED, That the bond or assignment shall initially be for a term of at least five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining combined overpayment ~~((in dispute))~~ and debt liability as determined by the department;

(d) Provide that the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and

(e) Provide that an amount equal to any recovery the department determines is due from the contractor ~~((at))~~ from settlement or from any other source of debt to the department, but not exceeding the amount of the bond and assignment, shall be paid to the department if the contractor does not pay the refund and debt within sixty days following receipt of written demand ~~((or the conclusion of administrative or judicial proceedings to contest settlement issues))~~ for payment from the department to the contractor.

(5) The department shall release any payment withheld as security if alternate security is provided under subsection (3) of this section in an amount equivalent to determined and estimated overpayments.

(6) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state and shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.

(7) The contractor shall file a properly completed final cost report in accordance with the requirements of this chapter, which shall be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process, including completion of any administrative appeals or exception procedure review of the audit requested by the contractor, but not including completion of any judicial review available to and commenced by the contractor.

(8) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after all overpayments, erroneous payments, and debts determined in connection with final settlement, or otherwise, including accumulated interest owed the department, have been paid by the contractor. ~~((If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department shall hold the security, not to exceed the amount of~~

~~estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.))~~

(9) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

~~(10) ((If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and security shall not be required))~~ Regardless of whether a contractor intends to terminate its medicaid contracts, if a contractor's net medicaid overpayments and erroneous payments for one or more settlement periods, and for one or more nursing facilities, combined with debts due the department, reaches or exceeds a total of fifty thousand dollars, as determined by preliminary settlement, final settlement, civil fines imposed by the department, third-party liabilities or by any other source, whether such amounts are subject to good faith dispute or not, the department shall demand and obtain security equivalent to the total of such overpayments, erroneous payments, and debts and shall obtain security for each subsequent increase in liability reaching or exceeding twenty-five thousand dollars. Such security shall meet the criteria in subsections (3) and (4) of this section, except that the department shall not accept an assumption of liability. The department shall withhold all or portions of a contractor's current contract payments or impose liens, or both, if security acceptable to the department is not forthcoming. The department shall release a contractor's withheld payments or lift liens, or both, if the contractor subsequently provides security acceptable to the department. This subsection shall apply to all overpayments and erroneous payments determined by preliminary or final settlements issued on or after July 1, 1995, regardless of what payment periods the settlements may cover and shall apply to all debts owed the department from any source, including interest debts, which become due on or after July 1, 1995.

Sec. 114. RCW 74.46.770 and 1983 1st ex.s. c 67 s 39 are each amended to read as follows:

(1) For all nursing facility medicaid payment rates effective on or after July 1, 1995, and for all settlements and audits issued on or after July 1, 1995, regardless of what periods the settlements or audits may cover, if a contractor wishes to contest the way in which a rule ~~((or contract provision))~~ relating to the ~~((prospective cost related reimbursement))~~ medicaid payment rate system was applied to the contractor by the department, it shall ~~((first))~~ pursue the ~~((administrative review process set forth in))~~ appeals or exception procedure established by the department in rule authorized by RCW 74.46.780.

(2) ~~((The administrative review and fair hearing process in RCW 74.46.780 need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, or contract provision.))~~ If a contractor wishes to challenge the legal validity of a statute, rule, or contract provision or wishes to bring a challenge based in whole or in part on federal law, including but not limited to issues of procedural or substantive compliance with the federal medicaid minimum payment standard for long-term care facility services, the appeals or exception procedure established by the department in rule may not be used for these purposes. This prohibition shall apply regardless of whether the contractor wishes to obtain a decision or ruling on an issue of validity or federal compliance or wishes only to make a record for the purpose of subsequent judicial review.

(3) If a contractor wishes to challenge the legal validity of a statute, rule, or contract provision relating to the medicaid payment rate system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.

Sec. 115. RCW 74.46.780 and 1989 c 175 s 159 are each amended to read as follows:

~~((1) Within twenty eight days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request in writing that the secretary review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for its contention that the determination was erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.~~

(2) After receiving a request meeting the above criteria, the secretary or his designee will contact the contractor to schedule a conference for the earliest mutually convenient time. The

conference shall be scheduled for no later than ninety days after a properly completed request is received unless both parties agree in writing to a specified later date.

~~(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall provide to the department in advance of the conference any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than twenty eight days after the initial session unless both parties agree in writing to a specific later date.~~

~~(4) A written decision by the secretary will be furnished to the contractor within sixty days after the conclusion of the conference.~~

~~(5) If the contractor desires review of an adverse decision of the secretary, it shall within twenty eight days following receipt of such decision file a written application for an adjudicative proceeding. The proceeding is governed by chapter 34.05 RCW, the Administrative Procedure Act.)~~
For all nursing facility medicaid payment rates effective on or after July 1, 1995, and for all audits completed and settlements issued on or after July 1, 1995, regardless of what periods the payment rates, audits, or settlements may cover, the department shall establish in rule, consistent with federal requirements for nursing facilities participating in the medicaid program, an appeals or exception procedure that allows individual nursing care providers an opportunity to submit additional evidence and receive prompt administrative review of payment rates with respect to such issues as the department deems appropriate.

Sec. 116. 1995 c 260 s 12 (uncodified) is amended to read as follows:
Sections 7 through 11 of this act shall take effect ~~((January))~~ July 1, 1996.

Sec. 117. RCW 70.128.120 and 1995 c 260 s 5 are each amended to read as follows:
An adult family home provider shall have the following minimum qualifications:

- (1) Twenty-one years of age or older;
- (2) Good moral and responsible character and reputation;
- (3) Literacy;
- (4) Management and administrative ability to carry out the requirements of this chapter;
- (5) Satisfactory completion of department-approved initial training and continuing education training as specified by the department in rule;
- (6) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;
- (7) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842; and
- (8) Effective July 1, 1996, registered with the department of health.

NEW SECTION. **Sec. 118.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 119.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 120.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 74.39.005, 74.39.040, 74.39A.010, 70.128.007, 70.128.057, 70.128.070, 70.128.080, 70.128.090, 70.128.140, 70.128.150, 70.128.160, 70.128.175, 43.190.020, 43.190.060, 74.08.545, 74.09.520, 74.08.550, 74.08.570, 18.51.091, 18.51.140, 18.51.300, 18.79.040,

18.79.260, 18.88A.030, 11.40.010, 11.42.020, 11.62.010, 11.28.120, 18.39.250, 18.39.255, 74.42.450, 68.46.050, 70.129.040, 43.20B.080, 74.42.020, 74.46.450, 70.38.111, 70.38.115, 70.38.125, 48.85.010, 48.85.020, 48.85.030, 48.85.040, 48.85.050, 74.09.585, 74.34.010, 74.34.100, 74.34.020, 74.34.070, 74.34.030, 74.46.020, 74.46.105, 74.46.115, 74.46.160, 74.46.170, 74.46.180, 74.46.190, 74.46.410, 74.46.420, 74.46.430, 74.46.450, 74.46.460, 74.46.470, 74.46.481, 74.46.490, 74.46.500, 74.46.505, 74.46.510, 74.46.530, 74.46.560, 74.46.570, 74.46.640, 74.46.690, 74.46.770, 74.46.780, and 70.128.120; amending 1995 c 260 s 12 (uncodified); adding new sections to chapter 74.39A RCW; adding new sections to chapter 70.41 RCW; adding new sections to chapter 74.42 RCW; adding a new section to chapter 18.20 RCW; adding new sections to chapter 70.128 RCW; adding new sections to chapter 18.88A RCW; adding new sections to chapter 74.46 RCW; adding new sections to chapter 74.34 RCW; creating new sections; recodifying RCW 74.08.530, 74.08.560, 74.08.570, 74.08.545, 74.08.550, and 74.34.100; repealing RCW 70.128.180, 74.08.541, 74.46.420, 74.46.430, 74.46.440, 74.46.450, 74.46.460, 74.46.465, 74.46.470, 74.46.481, 74.46.490, 74.46.500, 74.46.505, 74.46.510, 74.46.530, 74.46.540, 74.46.550, 74.46.560, 74.46.570, 74.46.580, and 74.46.590; prescribing penalties; providing an effective date; and declaring an emergency."

Representatives Dyer, Sommers and Huff spoke in favor of the adoption of the amendment.

POINT OF INQUIRY

Representative Dyer yielded to a question by Representative Huff.

Representative Huff: In Section 8, the Department of Social and Health Services is authorized to provide assessment and case management services to nursing home residents who may become eligible for medicaid within 180 days. Is it your understanding that this provision is only operative to the extent that nursing home residents are willing to voluntarily provide their personal financial information to the facility and that the nursing home resident chooses to ask for the department's services?

Representative Dyer: You are correct, Representative Huff. It is absolutely our intent to respect the privacy and individual choice of nursing home residents. We only want to offer an option for service to nursing home residents who choose to ask for it.

Representative Huff: Representative Dyer, in Section 94 of the bill it states that the Department will establish procedures to process administrative appeals. Is it your understanding that this will provide a one step review process beyond the Department and that the review will be conducted by an administrative law judge from the independent office of administrative hearings?

Representative Dyer: You are correct, Representative Huff. It is our intent that the appeal process be streamlined to provide a one step, impartial review with both the state and providers able to appeal to the courts as a last resort.

Representative Huff: Representative Dyer, Section 100 changes the minimum occupancy level for rate setting purposes to 90% and extends it to the nursing cost center. Am I correct that a facility may offset the impact of this change by reducing their licensed bed capacity.

Representative Dyer: Yes, you are correct, and it is our intent that the Department promptly process any such request for reduced capacity and that new patient rates be established as soon as reasonably possible.

Representative Huff: Will the provisions of section 102, the section referring to what is commonly called "current funding" require a change to current administrative rules?

Representative Dyer: No. It is the intent of this section to state clearly that the department is limited in the total amount, each fiscal year, it is to expend for "current funding" to that amount

provided in the legislative appropriation. It is not the intent to change any current administrative rules. Rules as currently written fulfill and comply with the provisions of the section.

Representative Huff: Will the provisions of sections 115 regarding the appeals process mean a denial of a fair hearing or compromise the rights of any nursing facility appealing a Department of Social and Health Services rate decision?

Representative Dyer: No. It is the intent of this section that the rules the Department of Social and Health Services establish in regards to appeals on rates, audits, and settlements be consistent with federal requirements for nursing facilities participating in the medicaid program and that the appeals or exceptions procedures established in rule do not deny a fair hearing or compromise the rights of any nursing facility. It is the intent of the Legislature that nursing facilities will have a hearing with an administrative law judge not under the direct employ of the Department of Social and Health Services. Further, it is not the intent of this section to limit the number of appeals any nursing facility may file.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 1908.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1908, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Huff, Hymes, Jacobsen, Johnson, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 90.

Excused: Representatives Chappell, Chopp, Dellwo, Honeyford, Horn, Kessler, Mulliken and Patterson - 8.

Engrossed Second Substitute House Bill No. 1908, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of House Concurrent Resolution No. 4407 and the resolution was placed on third reading.

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Chandler and Mastin

Establishing a task force on agricultural safety standards.

The resolution was read the third time.

The Speaker stated the question before the House to be final adoption of House Concurrent Resolution No. 4407.

Representatives Chandler, Mastin and Clements spoke in favor of adoption of the resolution.

Representatives Romero and Conway spoke against adoption of the resolution.

Representative Chandler again spoke in favor of adoption of the resolution.

ROLL CALL

The Clerk called the roll on the final adoption of House Concurrent Resolution No. 4407, and the resolution was adopted by the following vote: Yeas - 65, Nays - 25, Absent - 0, Excused - 8.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hickel, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 65.

Voting nay: Representatives Appelwick, Basich, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Jacobsen, Mason, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Voloria and Wolfe - 25.

Excused: Representatives Chappell, Chopp, Dellwo, Honeyford, Horn, Kessler, Mulliken and Patterson - 8.

House Concurrent Resolution No. 4407, having received the constitutional majority, was declared adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Representative Mielke demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll of the House.

MESSAGE FROM THE SERGEANT AT ARMS

The Sergeant at Arms of the House delivered a message to the Speaker of the excused members under the Call of the House. The excused members were: Representatives Chopp, Dellwo, Honeyford, Kessler, Mulliken and Patterson.

MOTION

Representative Mielke moved that the House excuse the absent members and proceed with business under the Call of the House.

There being no objection, the House reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

May 16, 1995

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 110, 112, 113, 114, 115, 116, 119, and 504, Engrossed Substitute House Bill No. 1010 entitled:

"AN ACT Relating to regulatory reform;"

Over the last few years, the issue of regulatory reform has generated spirited discussion and debate. I have come to the conclusion that, like beauty, regulatory reform is really in the eye of the beholder. While there is widespread agreement about the problems, there is less clarity regarding solutions. This bill represents a path to regulatory reform that I believe will make significant changes in the regulatory climate. We all must embark upon this path in a spirit of cooperation and with the firm resolve to work together to successfully implement this legislation. Everyone who is concerned with these issues must have a place at the table: the regulated community, state agencies, local governments, the environmental community, labor, and interested citizens groups. Without this cooperative spirit, it will be impossible to implement significant, long-term change.

On August 9, 1993, I signed Executive Order 93-06. The executive order directed state agencies to initiate several efforts to coordinate among themselves and to provide better and more useful information to the public. I stated three goals for regulatory reform in the executive order. They are:

- * To institute immediate management improvements in state regulatory functions, reducing inefficiencies, conflicts, and delays.

- * To develop long-term solutions to complex regulatory issues that, if left unresolved, could impede the orderly growth and sustained economic development of the state.

- * To ensure that any regulatory reform solutions designed to support economic benefits to the state also ensure continued protection of the environment, the health, and the safety of our citizens.

The Executive Order also created the Governor's Task Force on Regulatory Reform, composed of representatives from a cross-section of state citizens and interest groups. The task force established three subcommittees to address the major issue areas set forth in the executive order and made its interim recommendation in its December, 1993 report. The task force made its final recommendations in December, 1994.

Although this bill was not originally based on the task force recommendations, in its final form it has adopted many elements consistent with those recommendations, and I would like to applaud the legislature for incorporating those recommendations.

I want to focus first on the very significant positive steps in regulatory reform that are included in this bill. This bill represents what I hope will be meaningful change in the regulatory environment. At the same time, I believe that it meets the goals I set out when I established the task force: to establish long-term solutions to complex regulatory issues and to ensure that regulatory reform solutions ensure continued protection for the environment, the health, and the safety of our citizens.

I am signing the provisions of section 201 establishing new rule adoption criteria. These criteria were developed by the task force. The application of these criteria to the significant legislative rules of nine major agencies will result in detailed analyses of important factors in agency rulemaking. There are several changes made from the task force recommendations. The task force would have applied these criteria to a limited set of rules for a small number of agencies. It also established a sunset date to assure that the legislature would review these criteria and would determine their effectiveness. This bill expands both the rules and the agencies which must comply with these procedures. There is no sunset on these criteria, but I am hopeful that the legislature will evaluate the impact of these criteria over time. The Office of Financial Management will be reviewing and reporting to the governor and to the legislature on the impact of this section which will allow us to monitor its effects. I also have some reservations regarding the impact of this section in that these procedures may not result in better rules, but only in more litigation. However, I think we must go ahead and implement this section and all work together to make sure that this process does result in better rulemaking--not more delay and confusion.

I am also signing Part VI dealing with technical assistance in its entirety. These provisions will encourage cooperative relationships between agencies and the regulated community. It has always been my firm belief that people will comply with the rules as long as they understand them, and these provisions will make it easier to know how to comply.

I am also signing sections 901 through 905 which allow the recovery of reasonable attorney's fees from the state. The purpose of these sections is to allow individuals and small businesses access to the courts to challenge agency actions by authorizing courts to award attorney's fees when agency actions are successfully challenged. I believe it is important to allow access to our judicial system for those who may not have the necessary financial resources. I am concerned, however, that these provisions, in combination with the rule adoption criteria process in section 201, may create a significant incentive to challenge every agency rule and other agency actions in the hope of recovering attorney's fees. These challenges are likely to be fought out over procedural issues rather than policy issues, and the potential fiscal impact of these provisions are significant. This will have to be monitored over time to determine the effects of these sections.

I am signing provisions establishing a process for an appeal to the governor if an agency refuses to begin rule making proceedings, for a streamlined rule repeal process, and for simplification of rule making for less significant rules.

I am also signing provisions directing the Department of Licensing to establish pilot programs on combined state and local business licensing. This provision is real regulatory reform. These pilot programs will assist businesses in obtaining permits and licenses from multiple jurisdictions, thus addressing one of the major complaints of both small and large businesses.

I am signing section 802 which changes the standard of judicial review of agency rules from the current standard that the rule "could not conceivably have been the product of a rational decision maker" to "arbitrary and capricious." This appears to be consistent with the Washington Supreme Court decision in Neah Bay Chamber of Commerce v. Department of Fisheries, 119 W. 2nd 464 (1992). There is some language in the intent section that indicates that a different standard of review was intended. Consistent with the rationale of the Part I grants of authority sections, in which agencies are prohibited from relying on intent statements to develop substantive regulatory programs, the legislature cannot create a different standard of judicial review in an intent section than the standard created in the substantive section 802. Any other reading would suggest an amendment by reference of RCW 34.05.570. I am, therefore, approving section 802 with the understanding that the standard for review will be arbitrary and capricious as articulated by the Washington State Supreme Court.

Turning now to other provisions of the bill, Part I concerns the authority of some agencies to adopt rules. Many in the business community and in the legislature complain about the liberty they believe agencies take with their authority to implement legislation. This has led to an effort to modify what are referred to as "broad grants of rule making authority." The task force struggled with this issue and recommended a solution for future legislation. However, it was unable to find a solution for existing statutes that would not lead to unanticipated consequences. This legislation does not avoid those problems.

Upon careful consideration and after consulting with members of the legislature and with others, I have concluded that sections 101-109 and section 111 only limit the authority of an agency to adopt rules when there is no statutory authority, other than an intent section, for an agency to act. If an agency has been given authority to carry out specific statutory directives in a particular area, even though the statute does not prohibit an agency from adopting rules to implement the legislature's expressed intent that the agency carry out its statutory responsibilities. The language of these sections prohibits agencies from adopting rules solely in reliance on an intent section in combination with the statute establishing the agency. Intent sections should not be used by the agencies or by the legislature as the sole authority to create substantive rules or law.

Section 112 is similar to sections 101-111 except that it contains additional provisions intended to address the issue of prevailing wage. The Department of Labor and Industries' authority to adopt rules governing prevailing wage issues is under attack in the courts. The department is currently in litigation over its authority to adopt rules under the prevailing wage statute. This section includes language indicating it is the intent of the legislature to retain the status quo. This very statement recognizes the possibility that the department's authority is in doubt. This stands to undermine the department's position in ongoing litigation.

Sections 113-116 relate to the authority of the Insurance Commissioner. Unlike the language in sections 101-109 and section 111, these sections directly restrict the commissioner's use of specific

rulemaking authority to develop rules. For example, section 115 allows the commissioner to make rules regarding aspects of health care service contractor practices, including the maintenance of adequate insurance and cash deposits. It is the heart of the authority to regulate health care service contractors. The amendment would not allow the commissioner to rely on that section for rulemaking authority. Section 116 is the authority to regulate health maintenance organizations. This language provides that the commissioner may not rely on this specific authority. As I read this, it would leave the commissioner in the position where the commissioner's ability to regulate important aspects of the health insurance industry would be severely compromised. Removing this authority could create significant risk to consumers. Similarly, section 114 provides authority to regulate against unfair and deceptive practices. This is the heart of the commissioner's consumer protection authority. The commissioner must be able to act quickly as new circumstances arise to protect the public. I cannot sign sections that would significantly reduce the ability of the Insurance Commissioner to act for the public good.

It is important to note the difference in the language used in sections 101-111 and in sections 113-116 dealing with the Insurance Commissioner. In the commissioner's sections, the legislature clearly intended to limit the use of the grant of rule making authority. In sections 101-109 and section 111, however, there is no restriction on the use of the general grant of rule making authority in combination with other substantive provisions of law. It is because of this distinction that I am signing sections 101-109 and section 111.

Section 110 dealing with the Forest Practices Board creates problems due to the placement of the proviso language. This section is a specific grant of rule making authority (in the same manner as section 115 related to the Insurance Commissioner). It also contemplates that the board may specifically rely on RCW 76.09.010 which contains specific directives to the board regarding the development of comprehensive forest practices regulations as the basis for rules. This proviso, as placed, appears to give authority for rule making, then to take it away, then to give it back. It is so ambiguous as to create complete uncertainty for most of the board's regulations.

Section 119 exempts the agencies covered by sections 101 through 116 from the prospective grants of authority requirements of section 118 which apply to all agencies. We must ensure all agencies, including the Department Labor and Industries, the Insurance Commissioner, and the Forest Practices Board, will be subject to the prospective restrictions on grants of authority in section 118.

It is important to note that the very significant provisions of this bill related to technical assistance, rule adoptions criteria, and judicial review all apply to the Department of Labor and Industries, the Insurance Commissioner and the Forest Practices.

Section 504 gives the Joint Administrative Rules Review Committee (JARRC) the ability, by a majority vote, to establish a rebuttable presumption in judicial proceedings that a rule does not comply with the legislature's intent. The burden of proof to establish that a rule was within legislative intent would be shifted to the agency from the individual challenging the rule. This would mean that 5 legislators out of a total of 147 members could determine legislative intent, regardless of their participation in the policy committees that developed the underlying legislation upon which the rule is based.

I have serious concerns about the constitutionality of section 504. This section violates the provisions of the state constitution which require legislative acts be done by the entire legislature with presentment to the governor for approval. Moreover, this violates the separation of powers doctrine, in that it intrudes unduly into those constitutional powers reserved for the executive and judicial branches of government. This is based primarily on the decision of the United States Supreme Court in Immigration & Naturalization Service v. Chadha, 462 U.S. 919 (1983), and the analysis of the overwhelming majority of state and federal court opinions on the subject.

It is my hope that the legislature will work with all interested parties to develop an alternative model to assure the appropriate legislative, executive, and judicial branch roles in reviewing agency rules. I have signed Engrossed Substitute Senate Bill No. 6037 today which commits to study an independent rules review commission as a possible alternative to JARRC. I intend to work with the legislature in exploring this option. In addition, the legislature retains the right to reject an agency rule through a bill adopted by both the House of Representatives and the Senate which goes to the governor for approval. This is consistent with the inherent constitutional principles concerning the appropriate role of the three branches of government.

There are other provisions relating to JARRC which give me great concern for similar reasons. One is in section 201(5)(a)(ii) which purports to allow JARRC to require any agency rule to be bound

by the elaborate rule making criteria in section 201. This is not just for "significant legislative rules," as recommended by the task force, but for any rule. This includes interpretive and procedural rules which are within the unique province of agencies to adopt. However, because this provision is in section 201, I must either veto that entire section or allow this JARRC intrusion into executive branch affairs. I have reluctantly opted for the latter approach, in spite of the unconstitutional nature of this provision.

Section 404 allows JARRC to require agencies to prepare a small business economic impact statement when adopting rules to conform to federal law or regulation. This provision also raises constitutional questions; however, a veto of this section would result in the elimination of the underlying exemption from the automatic requirement for agencies to develop these statements. This would impose an unreasonable burden on state agencies. If JARRC seeks to implement this provision, I trust it will do so with appropriate restraint and with a view toward cooperation with the executive agencies. It is with that understanding, that I am approving this provision.

For these reasons, I have vetoed sections 110, 112, 113, 114, 115, 116, 119, and 504 of Engrossed Substitute House Bill No. 1010.

With the exception of sections 110, 112, 113, 114, 115, 116, 119, and 504, Engrossed Substitute House Bill No. 1010 is approved.

Respectfully submitted,
Mike Lowry, Governor

MOTION

Representative Reams moved that section 112 of Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto.

POINT OF PERSONAL PRIVILEGE

Representative Conway: Thank you Mr. Speaker. I would prefer to have these sections before us before we vote.

Mr. Speaker. Representative Conway, In the back of the room there are copies of the bill if you just open it to that section you will have them before you.

Representative Conway: Mr. Speaker, I don't think one copy back here is enough for the legislative body, I think we could refer a little bit here so we can have copies of this particular act and the proposed changes to this act before us before we do vote. There's a lot of confusion here over some of this language and I think it would be proper that we have it all before us before we're asked to vote on this. Thank you.

Mr. Speaker: Representative Conway, we'll deliver you a copy for your purposes.

POINT OF INQUIRY

Representative Reams yielded to a question by Representative Kremen.

Representative Kremen: Is there anything that we're voting on right now that changes the prevailing wage Law of Washington State.

Representative Reams: The best answer is "On page 9, New Section 112, provided that this section shall not apply to rules adopted pursuant to chapter 39.12 RCW. The answer is it does not affect it, In fact it specifically takes care of this problem.

Representatives Reams spoke in favor of the motion and Representatives Romero, Rust and Conway spoke against the motion.

Representative Mielke demand an oral roll call vote and the demand was sustained.

The Speaker stated the question before the House to be the final passage of section 112 of Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto.

ROLL CALL

The Clerk called the roll on the final passage of section 112 to Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto, and the section passed the House by the following vote: Yeas - 62, Nays - 30, Absent - 0, Excused - 6.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 62.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Mason, Morris, Ogden, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 30.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler, Mulliken and Patterson - 6.

Section 112 of Engrossed Substitute House Bill No. 1010, notwithstanding the Governor's veto, having received the constitutional majority, was declared passed.

Representative Campbell changed his vote from a NAY to a YEA.

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. The Rules of the House require all members present in the Bar of the House to vote on a pending action. Representative Patterson was clearly present and witnessed by all the members to be present before the Clerk called the roll. Mr. Speaker, I believe that closing the rules would have violated the House Rules and subjected the veto override to a legal challenge.

SPEAKER'S PRIVILEGE

Mr. Speaker: Also the Rules call that members excused and Representative Patterson and Representative Quall were excused. Representative Quall did vote while the vote count was going on; Representative Patterson was late.

POINT OF ORDER

Representative Appelwick: Thank you Mr. Speaker. As you hold the vote total open for Representative Campbell's change, Representative Patterson was clearly on the floor, fully observed. Clearly our request for a Point of Order and your attention to make sure that the Clerk register her presence and gave her a chance to vote were noted. This is an extraordinary and very disappointing miss-use of the Rules Mr. Speaker.

POINT OF ORDER

Representative Ebersole: Thank you Mr. Speaker. Just to register our view on the issue for future precedent we would that as long as a member is present on the floor before the vote total is announced in an Oral Roll Call they do have the right to vote in this case and in the future. Thank you for your consideration.

SPEAKER'S PRIVILEGE

The Speaker would like to attempt to clarify some of the discussions and happenings on the floor in the last few minutes. Whether or not a member who is excused can come onto the floor during the vote while they are excused without being recognized as not being excused creates a question.

Example, we are using electronic roll call and somebody walks onto the floor as the vote is being cast it's impossible for them to vote because the machine is locked open. However, in this case we were doing an oral roll call and so obviously the last member who appeared on the floor could have to a verbal response; voted yes or no. However, in this case, the outcome of the vote and passage of the motion would not have been affected. The motion still would have been adopted. Representative Patterson, if she wishes to put a note in the Journal explaining she was on the floor and because of this happening would have voted no; please do so.

There are a number of other things we have gone through in our Rules that leaves us in a gray area and could make a ruling either way.

There being no objection, Representative Patterson was no longer excused under the Call of the House.

MOTION

Representative Reams moved that section 113 of Engrossed Substitute House Bill No. 1010, do pass the House notwithstanding the Governor's veto.

Representative Reams spoke in favor of the motion and Representatives Rust and Cole spoke against the motion.

Representative Reams again spoke in favor of the motion.

The Speaker stated the question to be final passage of section 113 to Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto.

ROLL CALL

The Clerk called the roll on the final passage of section 113 to Engrossed Substitute House Bill No. 1010 do pass the House notwithstanding the Governor's veto, and the section passed the House by the following vote: Yeas - 64, Nays - 29, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Hankins, Hargrove, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Voting nay: Representatives Appelwick, Basich, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Mason, Morris, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 29.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler and Mulliken - 5.

Section 113 of Engrossed Substitute House Bill No. 1010, notwithstanding the Governor's veto, having received the constitutional majority, was declared passed.

MOTION

Representative Reams moved that section 504 to Engrossed Substitute House Bill No. 1010, do pass the House notwithstanding the Governor's veto.

Representatives Reams and Mastin spoke in favor of the motion and Representative Rust spoke against the motion.

The Speaker stated the question to be final passage of section 504 to Engrossed Substitute House Bill No. 1010 do pass the House not withstanding the Governor's veto.

ROLL CALL

The Clerk called the roll on the final passage of section 504 to Engrossed Substitute House Bill No. 1010 do pass the House not withstanding the Governor's veto, and the section passed the House by the following vote: Yeas - 69, Nays - 24, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 24.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler and Mulliken - 5.

Section 504 of Engrossed Substitute House Bill No. 1010, not withstanding the Governor's veto, having received the constitutional majority, was declared passed.

MOTION

Representative Reams moved that section 110 of Engrossed Substitute House Bill No. 1010, do pass the House not withstanding the Governor's veto.

Representative Reams spoke in favor of the motion and Representatives Rust and Regala spoke against the motion.

The Speaker stated the question to be final passage of section 110 to Engrossed Substitute House Bill No. 1010 do pass the House not withstanding the Governor's veto.

ROLL CALL

The Clerk called the roll on the final passage of section 110 to Engrossed Substitute House Bill No. 1010 do pass the House not withstanding the Governor's veto, and the section passed the House by the following vote: Yeas - 68, Nays - 25, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 25.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler and Mulliken - 5.

Section 110 of Engrossed Substitute House Bill No. 1010, not withstanding the Governor's veto, having received the constitutional majority, was declared passed.

MESSAGE FROM THE GOVERNOR

May 16, 1995

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1110 entitled:

"AN ACT Relating to the department of natural resources;"

Substitute House Bill No. 1110 amends Department of Natural Resources (DNR) statutes and the Budget and Accounting Act to require DNR to report to the legislature on the implementation of any long-term land management agreements -- such as a Habitat Conservation Plan -- between DNR and the federal government. The bill also requires DNR to provide specific information related to these agreements along with its biennial budget. This information would include expenditures during the previous biennium, an analysis of the impact of the agreement on state lands, and funding requirements to implement the agreement in the next biennium.

The specific information requested by this bill is unclear and is subject to misinterpretation and misunderstanding between DNR and the legislature. Rather than permanently amending the Budget and Accounting Act, the legislature can request that specific information be made available as part of the next biennial budget process. Although I am vetoing Substitute House Bill No. 1110, I request the legislature to include language clarifying its intent in the final DNR 1995-97 operating budget. This will provide the legislature with the information desired while avoiding a continuing requirement of DNR.

For these reasons, I have vetoed Substitute House Bill No. 1110 in its entirety.

Respectfully submitted,
Mike Lowry, Governor

MOTION

Representative Buck moved that Substitute House Bill No. 1110 do pass the House notwithstanding the Governor's veto.

Representatives Buck, Sheldon, Basich and Campbell spoke in favor of the motion and Representatives Jacobsen, Regala and Cole spoke against the motion.

Representative Jacobsen again spoke against the motion.

The Speaker stated the question to be final passage of Substitute House Bill No. 1110 do pass the House notwithstanding the Governor's veto.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1110 do pass the House notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas - 68, Nays - 25, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson,

Schmidt, D., Schmidt, K., Schoesler, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Brown, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Jacobsen, Mason, Ogden, Patterson, Poulsen, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 25.

Excused: Representatives Chopp, Dellwo, Honeyford, Kessler and Mulliken - 5.

Substitute House Bill No. 1110, notwithstanding the Governor's veto, having received the constitutional majority, was declared passed.

MOTION

Representative Mielke moved that the Call of the House be dissolved. The motion was carried.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Mielke, the House adjourned until 10:00 a.m., Friday, May 19, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-FIFTH DAY, MAY 18, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

TWENTY-SIXTH DAY

First Special Session

—————
MORNING SESSION
—————

House Chamber, Olympia, Friday, May 19, 1995

The House was called to order at 10:00 a.m. by the Speaker (Representative Hankins presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Cullen and Scott Hillwick. Prayer was offered by Representative Pelesky.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

Representative Horn assumed the chair.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

2ESSB 6049 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Finkbeiner, Snyder and Pelz)

Financing public stadiums used by sports teams.

SB 6077 by Senator Smith

Revising probationary licenses and reissue charges for alcohol-related offenses.

There being no objection, the rules were suspended and Senate Bill No. 6077 was advanced to second reading and read the second time in full.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6077, by Senator Smith

Revising probationary licenses and reissue charges for alcohol-related offenses.

The bill was read the second time.

Representative Appelwick moved adoption of the following amendment by Representative Appelwick:

On page 8, beginning on line 15, strike all of section 3

Renumber the remaining section and correct the title accordingly.

Representatives Appelwick and Sheahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sheahan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Senate Bill No. 6077 as amended by the House.

MOTION

On motion of Representative Brown, Representatives Chappell and Dellwo were excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6077 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Goldsmith, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Beeksmas, Carlson, Chappell, Dellwo, Dyer and Honeyford - 6.

Senate Bill No. 6077, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended and Second Engrossed Substitute Senate Bill No. 6049 was advanced to second reading and read the second time in full.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Finkbeiner, Snyder and Pelz)

Financing public stadiums used by sports teams.

The bill was read the second time.

Representative Van Luven moved adoption of the following amendment by Representative Van Luven:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.100.010 and 1995 c ... (Substitute Senate Bill No. 5127) s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county and shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has ~~((validated the creation of the public facilities district at a general or special election. A single ballot proposition may both authorize the creation of a public facilities district and the imposition of the sales and use tax under RCW 82.14.048 or both the creation of a public facilities district and the imposition of the excise tax under RCW 36.100.040))~~ approved such tax at a general or special election. A single ballot proposition may both validate the imposition of the sales and use tax under RCW 82.14.048 and the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) The county legislative authority may transfer property to the public facilities district as part of the process of creating the public facilities district under this chapter.

Sec. 2. RCW 36.100.020 and 1995 c ... (Substitute Senate Bill No. 5127) s 2 are each amended to read as follows:

(1) A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five members selected as follows: ~~((1))~~ (a) Two members appointed by the county legislative authority to serve for four-year staggered terms; ~~((2))~~ (b) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and ~~((3))~~ (c) one person to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district ~~((have))~~ has either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county. However, if the largest city in the county has a population of less than forty percent of the total county population, and the county operates under a county charter, which provides for an elected county executive, the members shall be appointed by the county executive subject to confirmation by the county legislative authority.

(2) At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

(3) Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

(4) A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(5) A director may be removed from office (~~(for cause)~~) by action of at least two-thirds of the members of the (~~county legislative~~) authority which made the appointment.

Sec. 3. RCW 36.100.030 and 1995 c ... (Substitute Senate Bill No. 5127) s 3 are each amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate sports facilities, entertainment facilities, or convention facilities, or any combination of such facilities, together with contiguous parking facilities. The taxes that are provided for in this chapter may only be imposed for these purposes.

(2) A public facilities district may enter into agreements under chapter 39.34 RCW for the joint provision and operation of such facilities and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract.

(3) Notwithstanding the establishment of a career, civil, or merit service system, a public facility district may contract with a public or private entity for the operation or management of its public facilities.

(4) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any of its public facilities.

(5) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations.

Sec. 4. RCW 36.100.060 and 1995 c ... (Substitute Senate Bill No. 5127) s 5 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to (~~(three-eighths)~~) one-half of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and shall be issued and sold in accordance with the provisions of chapter 39.46 RCW.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 shall terminate upon final payment of all bonded indebtedness for its public facilities.

NEW SECTION. Sec. 5. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the county legislative authority.

NEW SECTION. Sec. 6. (1) The governing board of a public facilities district may apply for deferral of taxes on the construction of buildings, site preparation, and the acquisition of related machinery and equipment for a new public facility. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding the location of the public facility, estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The

department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the public facility. The use of the certificate shall be governed by rules established by the department of revenue.

(3) The public facilities district shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the public facility is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the public facilities district.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the public facilities district.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

(7) As used in this section, "public facility" means a baseball stadium with a retractable roof or canopy and natural turf.

NEW SECTION. **Sec. 7.** A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a county with a population of one million or more operating under a county charter may impose a special stadium sales and use tax by resolution adopted on or before December 31, 1995, for collection following its approval by a majority of the voters in the county at a general or special election.

(2) The rate of the tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used in the case of a use tax. The tax imposed under this section shall not be credited against any other tax imposed upon the same taxable event.

(3) The revenue from the tax imposed under this section shall be used for the purpose of principal and interest payments on bonds issued by a public facilities district, created within the county under chapter 36.100 RCW, to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium with a retractable roof or canopy and natural turf. If the revenue from the tax imposed under this section exceeds the amount needed for such principal and interest payments in any year, the excess shall be used solely for either or both: (a) Early retirement of the bonds issued for the baseball stadium; or (b) retirement of bonds issued for expanding, remodeling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty-five thousand.

(4) The tax authorized under this section may be collected only after the county executive has certified to the department of revenue that a professional major league baseball team has made a binding and legally enforceable contractual commitment to:

(a) Play at least ninety percent of its home games in the stadium for a period of time not shorter than the term of the bonds issued to finance the initial construction of the stadium;

(b) Contribute principal of forty-five million dollars toward the bonded cost of construction of the stadium, which contribution shall be made during a term not to exceed the term of the bonds issued to finance the initial construction of the stadium. If all or part of the contribution is made after the date of issuance of the bonds, the team shall contribute an additional amount equal to the accruing interest on the deferred portion of the contribution, calculated at the interest rate on the bonds maturing in the year in which the deferred contribution is made; and

(c) Share a portion of the profits generated by the baseball team from the operation of the professional franchise for a period of time equal to the term of the bonds issued to finance the initial construction of the stadium, after offsetting any losses incurred by the baseball team after the effective date of this act. Such profits and the portion to be shared shall be defined by agreement between the public facilities district and the baseball team. The shared profits shall be used to retire the bonds issued to finance the initial construction of the stadium. If the bonds are retired before the expiration of their term, the shared profits shall be paid to the public facilities district.

(5) The tax imposed under this section shall expire when the bonds issued for the construction of the new public facilities are retired, but not later than twenty years after the tax is first collected.

Sec. 8. RCW 35.21.280 and 1965 c 7 s 35.21.280 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by county government or a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

Sec. 9. RCW 36.38.010 and 1963 c 4 s 36.38.010 are each amended to read as follows:

(1) Any county may by ordinance enacted by its (~~board of~~) county (~~commissioners~~) legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the (~~board of~~) county (~~commissioners~~), except that the legislative authority of a county with a population of one million or more may exclusively levy a tax on events in stadiums constructed on or after January 1, 1995, that are owned by county government or a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the rate of not more than one cent on twenty cents or fraction thereof.

(4) By contract, the county shall obligate itself to provide the revenue from the tax authorized by this section on events in stadia owned, managed, or operated by a public facilities district, having

seating capacities over forty thousand, and constructed on or after January 1, 1995, to the public facilities district.

Sec. 10. RCW 67.28.180 and 1995 c ... (Engrossed Substitute Senate Bill No. 5943) s 8 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: **PROVIDED**, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: **PROVIDED**, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in other counties, for county-owned facilities for agricultural promotion. A county is exempt under this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: **PROVIDED**, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums,

heritage museums, the arts, and the performing arts. Moneys spent under this subsection (3)(a)(i) shall be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

(ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium capital improvements, as defined in subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(b) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(b) must be financially stable and have at least the following:

(i) A legally constituted and working board of directors;

(ii) A record of artistic, heritage, or cultural accomplishments;

(iii) Been in existence and operating for at least two years;

(iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;

(v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and

(vi) Evidence that there has been independent financial review of the organization.

(c) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) School districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection.

(e) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(f) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(g) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(h) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(i) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired. This subsection (3)(i) does not apply in respect to a public stadium transferred to, owned by, or constructed by a public facilities district under chapter 36.100 RCW.

(j) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(j) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

NEW SECTION. **Sec. 11.** Sections 5 and 6 of this act are each added to chapter 36.100 RCW.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** (1) Sections 1 through 9 and 11 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

(2) Sections 10 and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "teams;" strike the remainder of the title and insert "amending RCW 36.100.010, 36.100.020, 36.100.030, 36.100.060, 35.21.280, 36.38.010, and 67.28.180; adding new sections to chapter 36.100 RCW; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency."

Representative B. Thomas moved adoption of the following amendment to the amendment by Representative B. Thomas:

On page 3, beginning on line 23, strike all of subsection (4) and renumber the remaining subsection consecutively.

Representative B. Thomas spoke in favor of the adoption of the amendment to the amendment.

Representatives Van Luven, Appelwick and Reams spoke against the adoption of the amendment to the amendment.

The amendment was not adopted.

Representatives Van Luven, D. Schmidt, Jacobsen, Appelwick and B. Thomas spoke in favor of the adoption of amendment to the striking amendment.

Representatives L. Thomas, Sheldon and Cairnes spoke against the adoption of the striking amendment.

The striking amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Luven, D. Schmidt, Tokuda, Brown, Basich, B. Thomas, Appelwick and Clements spoke in favor of passage of the bill.

Representatives Smith, Elliot, Sheldon and Campbell spoke against passage of the bill.

Representative Van Luven again spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Van Luven yielded to a question by Representative Benton.

Representative Benton: Is there any language in this bill that will allow the imposition of any tax on any of the citizens of this state without the opportunity of those citizens to vote on that issue.

Representative Van Luven: No.

Representative Benton: Is there any language in this bill that will cost the state one dime of tax dollars that currently come into the state confers.

Representative Van Luven: No.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 6049 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6049 as amended by the House, and the bill passed the House by the following vote: Yeas - 57, Nays - 34, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Boldt, Brown, Brumsickle, Chandler, Chopp, Clements, Cody, Cole, Costa, Delvin, Dickerson, Ebersole, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hatfield, Horn, Huff, Jacobsen, Kessler, Lisk, Mastin, McMorris, Mielke, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Reams, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Sommers, Sterk, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 57.

Voting nay: Representatives Benton, Buck, Cairnes, Campbell, Carrell, Casada, Conway, Cooke, Crouse, Elliot, Fisher, R., Goldsmith, Hargrove, Hickel, Hymes, Johnson, Koster, Kremen, Lambert, Mason, McMahan, Mitchell, Pelesky, Pennington, Regala, Robertson, Romero, Schmidt, K., Sheldon, Sherstad, Smith, Stevens, Talcott and Thomas, L. - 34.

Excused: Representatives Beeksma, Carlson, Chappell, Dellwo, Dyer, Honeyford and Mulliken - 7.

Second Substitute Senate Bill No. 6049, as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Monday, May 22, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

TWENTY-SIXTH DAY, MAY 19, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

TWENTY-NINTH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Monday, May 22, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding) presiding. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Doug Follett and Dave Mangino. Prayer was offered by Representative Carlson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

MESSAGES FROM THE SENATE

May 22, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to **SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049** and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 22, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1908,
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 22, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5201,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SSB 6058 by Committee on Ways & Means (originally sponsored by Senator Loveland)

Modifying local public health governance and financing.

There being no objection, the rules were suspended and Substitute Senate Bill No. 6058 was advanced to second reading and read the second time in full.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6058, by Senate Committee on Ways & Means (originally sponsored by Senator Loveland)

Modifying local public health governance and financing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dyer and Dellwo spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative G. Fisher was excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6058.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6058, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers,

Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Excused: Representatives Beeksmas, Fisher, G. and Goldsmith - 3.

Substitute Senate Bill No. 6058, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Tuesday, May 23, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

TWENTY-NINTH DAY, MAY 22, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

THIRTIETH DAY

First Special Session

MORNING SESSION

House Chamber, Olympia, Tuesday, May 23, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Nelson and Bill Baxter. Prayer was offered by Representative Dickerson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the Rules Committee was relieved of further consideration of Second Substitute House Bill No. 1318 and Second Substitute House Bill No. 1814 and the bills were placed on third reading.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 1318, by House Committee on Appropriations (originally sponsored by Representatives Carlson, Mulliken and Mastin; by request of Higher Education Coordinating Board)

Revising provisions for the Washington scholars program.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1318.

Representative Carlson spoke in favor of passage of the bill.

MOTION

On motion of Representative Brown, Representative Patterson was excused.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1318, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Beeksma, Goldsmith, Koster, Patterson, Reams and Stevens - 6.

Second Substitute House Bill No. 1318, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1814, by House Committee on Appropriations (originally sponsored by Representative Carlson)

Changing provisions relating to the Washington award for vocational excellence.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1814.

Representative Carlson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1814, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Excused: Representatives Beeksma, Goldsmith, Koster, Patterson, Reams and Stevens - 6.

Second Substitute House Bill No. 1814, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5364,
SUBSTITUTE SENATE BILL NO. 5739,
SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5325,
SECOND ENGROSSED SENATE BILL NO. 5529,
ENGROSSED SENATE BILL NO. 6079,

and the same are herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SENATE BILL NO. 5555,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HCR 4416 by Representative Foreman

Pertaining to convening special legislative sessions.

HCR 4417 by Representative Foreman

Adjourning Sine Die.

HCR 4418 by Representative Foreman

Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

2ESSB 5001 by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon, Snyder, Haugen, Winsley, Quigley, Franklin, Rasmussen and Prentice)

Affecting the property taxation of senior citizens and persons retired because of physical disabilities.

2ESSB 5201 by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Cantu, McAuliffe, Haugen, Winsley, Snyder, Loveland, Sheldon, Fairley, West, Long, Palmer, Schow, Moyer, Sellar, Rasmussen, Deccio, Heavey, Quigley, C. Anderson, Oke, Roach and Hale; by request of Governor Lowry)

Providing tax exemptions for manufacturing and processing.

ESSB 5325 by Senate Committee on Higher Education (originally sponsored by Senators Rinehart, Bauer, Prince, Pelz, Sheldon, Kohl, Drew and Wood)

Changing higher education fiscal provisions.

2ESB 5529 by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley; by request of Office of Financial Management

Changing school district levy provisions.

2ESB 5555 by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice and Moyer

Modifying taxation of massage services.

2ESB 5852 by Senators Drew, Sheldon, Wood, Prince, Oke and Winsley; by request of Secretary of State

Revising the presidential primary.

ESB 6079 by Senators Smith and Gaspard

Providing for the well-being of children.

SCR 8417 by Senators Snyder and McDonald

Creating the cigarette tax and revenue loss advisory committee.

There being no objection, Senate Bill No. 6010 was read the first time.

There being no objection, the rules were suspended and Senate Bill No. 6010 was advanced to second reading and read the second time in full.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6010, by Senators McAuliffe and Rinehart

Affecting the funding formula for the learning assistance program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cole, Brumsickle and Elliot spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 6010.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6010, and the bill passed the House by the following vote: Yeas - 82, Nays - 11, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Blanton, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 82.

Voting nay: Representatives Basich, Benton, Boldt, Campbell, Johnson, Quall, Robertson, Schmidt, K., Sheldon, Smith and Thomas, L. - 11.

Excused: Representatives Beeksmas, Goldsmith, Koster, Patterson and Stevens - 5.

Senate Bill No. 6010, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of House Concurrent Resolution No. 4409 and the resolution was placed on second reading.

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Carrell, B. Thomas, Mulliken, Brumsickle, Sheldon, Morris, Talcott, Benton, Honeyford, Ballasiotes, Horn, Pelesky, Mitchell, Lambert, Romero, Hatfield, Dickerson, Pennington, Backlund, Crouse, Smith, Boldt, Tokuda, Casada, Hymes, Van Luven, McMahan, Regala, Stevens, Wolfe, Kessler, Thibaudeau, Mielke, Campbell, Costa, Quall, McMorris, Cairnes, Schoesler, Delvin, Buck, Mason, Huff, Chappell, Elliot, Conway, Cody, Dellwo, Johnson, Thompson, Hargrove, Basich, L. Thomas, Kremen, D. Schmidt, Cooke, Koster, Dyer, Hankins, Blanton, Chandler, Skinner and Clements

Forming a joint select committee on property tax reform.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Carrell spoke in favor of passage of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Concurrent Resolution No. 4409.

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4409, and the resolution was adopted by the following vote: Yeas - 92, Nays - 0, Absent - 2, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen,

Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Absent: Representatives Chopp and Dellwo - 2.

Excused: Representatives Beeksma, Goldsmith, Koster and Stevens - 4.

House Concurrent Resolution No. 4409, having received the constitutional majority, was declared adopted.

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended and House Concurrent Resolution No. 4416 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4416, by Representative Foreman

Pertaining to convening special legislative sessions.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Mielke spoke in favor of adoption of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final adoption of House Concurrent Resolution No. 4416.

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4416, and the resolution was adopted by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Goldsmith, Koster and Stevens - 4.

House Concurrent Resolution No. 4416, having received the constitutional majority, was declared adopted.

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Second Substitute House Bill No. 1566 and placed on third reading.

There being no objection, the rules were suspended and Engrossed Second Substitute House Bill No. 1566 was returned to second reading for the purpose of an amendment.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566, by House Committee on Appropriations (originally sponsored by Representative Dyer; by request of Health Care Authority)

Modifying public employee health care coverage.

The bill was read the second time.

Representative Dyer moved adoption of the following amendment by Representative Dyer:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.400 RCW to read as follows:

(1) In a manner prescribed by the state health care authority, school districts and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements specified in this section shall not apply to employees of a school district or educational service district who receive insurance benefits through contracts with the health care authority.

Sec. 2. RCW 41.05.011 and 1994 c 153 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceutical, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW. ~~((On and after July 1, 1995, "insuring entity" means a certified health plan, as defined in RCW 43.72.010.))~~

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) ~~((By October 1, 1995, all employees of school districts and educational service districts. Between October 1, 1994, and September 30, 1995, "employee" includes employees of those school districts and educational service districts for whom the authority has undertaken the purchase of insurance benefits. The transition to insurance benefits purchasing by the authority may not disrupt existing insurance contracts between school district or educational service district employees and insurers. However, except to the extent provided in RCW 28A.400.200, any such contract that provides for health insurance benefits coverage after October 1, 1995, shall be void as of that date if the contract was entered into, renewed, or extended after July 1, 1993. Prior to October 1, 1994, "employee" includes employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority; (b)))~~ Employees of a county,

municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32 or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

Sec. 3. RCW 41.05.022 and 1994 c 153 s 3 are each amended to read as follows:

(1) The health care authority is hereby designated as the single state agent for purchasing health services.

(2) On and after January 1, 1995, at least the following state-purchased health services programs shall be merged into a single, community-rated risk pool: Health benefits for groups of employees of school districts and educational service districts that voluntarily purchase health benefits as provided in RCW 41.05.011; health benefits for state employees; health benefits for eligible retired or disabled school employees not eligible for parts A and B of medicare; and health benefits for eligible state retirees not eligible for parts A and B of medicare. ~~((Beginning July 1, 1995, the basic health plan shall be included in the risk pool. The administrator may develop mechanisms to ensure that the cost of comparable benefits packages does not vary widely across the risk pools before they are merged. At the earliest opportunity the governor shall seek necessary federal waivers and state legislation to place the medical and acute care components of the medical assistance program, the limited casualty program, and the medical care services program of the department of social and health services in this single risk pool. Long term care services that are provided under the medical assistance program shall not be placed in the single risk pool until such services have been added to the uniform benefits package. On or before January 1, 1997, the governor shall submit necessary legislation to place the purchasing of health benefits for persons incarcerated in institutions administered by the department of corrections into the single community rated risk pool effective on and after July 1, 1997.))~~

(3) At a minimum, and regardless of other legislative enactments, the state health services purchasing agent shall:

(a) Require that a public agency that provides subsidies for a substantial portion of services now covered under the basic health plan ~~((or a uniform benefits package as adopted by the Washington health services commission as provided in RCW 43.72.130 -))~~ use uniform eligibility processes, insofar as may be possible, and ensure that multiple eligibility determinations are not required;

(b) Require that a health care provider or a health care facility that receives funds from a public program provide care to state residents receiving a state subsidy who may wish to receive care from

them (~~consistent with the provisions of chapter 492, Laws of 1993~~), and that (~~a health maintenance organization, health care service contractor, insurer, or certified health plan~~) an insuring entity that receives funds from a public program accept enrollment from state residents receiving a state subsidy who may wish to enroll with them (~~under the provisions of chapter 492, Laws of 1993~~);

(c) Strive to integrate purchasing for all publicly sponsored health services in order to maximize the cost control potential and promote the most efficient methods of financing and coordinating services;

(d) (~~Annually suggest changes in state and federal law and rules to bring all publicly funded health programs in compliance with the goals and intent of chapter 492, Laws of 1993;~~

~~(e))~~ Consult regularly with the governor, the legislature, and state agency directors whose operations are affected by the implementation of this section; and

(e) Ensure the control of benefit costs under managed competition by adopting rules to prevent employers from entering into an agreement with employees or employee organizations when the agreement would result in increased utilization in public employees' benefits board plans or reduce the expected savings of managed competition.

Sec. 4. RCW 41.05.055 and 1994 c 36 s 1 are each amended to read as follows:

(1) The public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees (~~and school district employees~~).

(2) The board shall be composed of (~~nine~~) seven members appointed by the governor as follows:

(a) Two representatives of state employees, one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) (~~Two~~) One representative(~~s~~) of (~~school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents~~) an organized group of retired school employees;

(c) (~~Four~~) Three members with experience in health benefit management and cost containment; and

(d) The administrator.

(3) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair.

Sec. 5. RCW 41.05.065 and 1994 c 153 s 5 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state(~~ry~~). However, liability insurance shall not be made available to dependents.

(2) The (~~public employees' benefits~~) board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient

surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of ~~((standard))~~ public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. ~~((On and after July 1, 1995, the uniform benefits package shall constitute the minimum level of health benefits offered to employees.))~~ To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

~~(4) ((The board shall attempt to achieve enrollment of all employees and retirees in managed health care systems by July 1994.))~~

The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems.

(5) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(6) The board shall review plans proposed by ~~((insurance carriers))~~ insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by ~~((carriers))~~ insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

Sec. 6. RCW 47.64.270 and 1993 c 492 s 224 are each amended to read as follows:

~~((Until December 31, 1996,))~~ Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW; and the ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. ~~((On January 1, 1997, ferry employees shall enroll in certified health plans under the provisions of chapter 492, Laws of 1993.))~~ To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

Sec. 7. RCW 41.05.021 and 1994 c 309 s 1 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits((;)); administer the basic health plan pursuant to chapter 70.47 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality

health care~~(s)~~; and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150;

(g) To establish billing procedures and collect funds from school districts and educational service districts under RCW 28A.400.400 in a way that minimizes the administrative burden on districts; and

(h) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) ~~On and after ((July)) January 1, ((1995)) 1996, the public employees' benefits board ((shall)) may implement strategies to promote managed competition among employee health benefit plans ((in accordance with the Washington health services commission schedule of employer requirements)).~~ Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area~~((-- If the state's contribution is less than one hundred percent of the lowest priced qualified bid, employee financial contributions shall be structured on a sliding scale basis related to household income))~~;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.

(3) The health care authority shall, no later than July 1, 1996, submit to the appropriate committees of the legislature, proposed methods whereby, through the use of a voucher-type process, state employees may enroll with any health carrier to receive employee benefits. Such methods shall include the employee option of participating in a health care savings account, as set forth in Title 48 RCW.

(4) The Washington health care policy board shall study the necessity and desirability of the health care authority continuing as a self-insuring entity and make recommendations to the appropriate committees of the legislature by December 1, 1996.

Sec. 8. RCW 41.04.205 and 1993 c 386 s 3 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance or self-insurance program for employees administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines, subject to collective bargaining under applicable statutes, a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made. In the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976 to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members.

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state health care authority shall:

(a) ~~Establish the conditions ((under which the transfer may be made, which shall include the requirements that:~~

~~(i) All the eligible employees of the political subdivision transfer as a unit, and~~

~~(ii) The political subdivision involved obligate itself to make employer contributions in an amount at least equal to those provided by the state as employer)) for participation; and~~

~~(b) ((Hold public hearings on the application for transfer; and~~

~~(e))) Have the sole right to reject the application.~~

Approval of the application by the state health care authority shall effect a transfer of the employees involved to the insurance, self-insurance, or health care program applied for.

(3) Any application of this section to members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW is subject to chapter 41.56 RCW.

(4) ~~((The requirements in subsection (2)(a) (i) and (ii) of this section need not be applied to))~~ School districts may voluntarily transfer, except that all eligible employees in a bargaining unit of a school district may transfer only as a unit and all nonrepresented employees in a district may transfer only as a unit.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 41.05.200 and 1993 c 492 s 228;

(2) RCW 41.05.210 and 1993 c 492 s 229;

(3) RCW 41.05.240 and 1993 c 492 s 468; and

(4) RCW 43.72.230 and 1993 c 492 s 465.

NEW SECTION. Sec. 10. A new section is added to Title 28C RCW to read as follows:

Employees of vocational technical institutes who were members of the public employees' benefits trust and as a result of chapter 238, Laws of 1991, were required to enroll in public employees' benefits board-sponsored plans, must decide whether to reenroll in the trust by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees of a bargaining unit or administrative or managerial employees otherwise not included in a bargaining unit shall be required to transfer by group. Administrative or managerial employees shall transfer in accordance with rules established by the health care authority. If employee groups elect to transfer, they are eligible to reenroll in the public employees' benefits board-sponsored plans. This one-time reenrollment option in the public employees' benefits board sponsored plans is available to be exercised in January 2001, or only every five years thereafter, until exercised.

NEW SECTION. Sec. 11. A new section is added to chapter 41.05 RCW to read as follows:

(1) The state of Washington may enter into benefits contribution plans with employees of the state pursuant to the internal revenue code, 26 U.S.C. Sec. 125, for the purpose of making it possible for employees of the state to select on a "before-tax basis" certain taxable and nontaxable benefits pursuant to 26 U.S.C. Sec. 125. The purpose of the benefits contribution plan established in this chapter is to attract and retain individuals in governmental service by permitting them to enter into

agreements with the state to provide for benefits pursuant to 26 U.S.C. Sec. 125 and other applicable sections of the internal revenue code.

(2) Nothing in the benefits contribution plan constitutes an employment agreement between the participant and the state, and nothing contained in the participant's benefits contribution agreement, the plan, this section, or sections 12 through 17 of this act gives a participant any right to be retained in state employment.

NEW SECTION. Sec. 12. A new section is added to chapter 41.05 RCW to read as follows:

The authority shall have responsibility for the formulation and adoption of a plan, policies, and procedures designed to guide, direct, and administer the benefits contribution plan. For the plan year beginning January 1, 1996, the administrator may establish a premium only contribution plan. Expansion of the benefits contribution plan to a medical flexible spending arrangement or cafeteria plan during subsequent plan years shall be subject to approval by the director of the office of financial management.

(1) A plan document describing the benefits contribution plan shall be adopted and administered by the authority. The authority shall represent the state in all matters concerning the administration of the plan. The state, through the authority, may engage the services of a professional consultant or administrator on a contractual basis to serve as an agent to assist the authority or perform the administrative functions necessary in carrying out the purposes of this section and sections 11 and 13 through 16 of this act.

(2) The authority shall formulate and establish policies and procedures for the administration of the benefits contribution plan that are consistent with existing state law, the internal revenue code, and the regulations adopted by the internal revenue service as they may apply to the benefits offered to participants under the plan.

(3) Every action taken by the authority in administering this section and sections 11 and 13 through 16 of this act shall be presumed to be a fair and reasonable exercise of the authority vested in or the duties imposed upon it. The authority shall be presumed to have exercised reasonable care, diligence, and prudence and to have acted impartially as to all persons interested unless the contrary be proved by clear and convincing affirmative evidence.

NEW SECTION. Sec. 13. A new section is added to chapter 41.05 RCW to read as follows:

(1) Elected officials and all permanent employees of the state are eligible to participate in the benefits contribution plan and contribute amount(s) by agreement with the authority. The authority may adopt rules to permit participation in the plan by temporary employees of the state.

(2) Persons eligible under subsection (1) of this section may enter into benefits contribution agreements with the state.

(3)(a) In the initial year of the medical flexible spending arrangement or cafeteria plan, if authorized, an eligible person may become a participant after the adoption of the plan and before its effective date by agreeing to have a portion of his or her gross salary contributed and deposited into a health care and other benefits account to be used for reimbursement of expenses covered by the plan.

(b) After the initial year of the medical flexible spending arrangement or cafeteria plan, if authorized, an eligible person may become a participant for a full plan year, with annual benefit selection for each new plan year made before the beginning of the plan year, as determined by the authority, or upon becoming eligible.

(c) Once an eligible person elects to participate and the amount of gross salary that he or she shall contribute and the benefit for which the funds are to be used during the plan year is determined, the agreement shall be irrevocable and may not be amended during the plan year except as provided in (d) of this subsection. Prior to making an election to participate in the benefit contribution plan, the eligible person shall be informed in writing of all the benefits and contributions that will occur as a result of such election.

(d) The authority shall provide in the benefits contribution plan that a participant may enroll, terminate, or change his or her election after the plan year has begun if there is a significant change in a participant's status, as provided by 26 U.S.C. Sec. 125 and the regulations adopted under that section and defined by the authority.

(4) The authority shall establish as part of the benefits contribution plan the procedures for and effect of withdrawal from the plan by reason of retirement, death, leave of absence, or termination of

employment. To the extent possible under federal law, the authority shall protect participants from forfeiture of rights under the plan.

(5) Any contribution under the benefits contribution plan shall continue to be included as reportable compensation for the purpose of computing the state retirement and pension benefits earned by the employee pursuant to chapters 41.26, 41.32, 41.40, and 43.43 RCW.

NEW SECTION. **Sec. 14.** A new section is added to chapter 41.05 RCW to read as follows:

The authority shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of a benefits contribution plan created under section 11 of this act.

NEW SECTION. **Sec. 15.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The state may terminate the benefits contribution plan at the end of the plan year or upon notification of federal action affecting the status of the plan.

(2) The authority may amend the benefits contribution plan at any time if the amendment does not affect the rights of the participants to receive eligible reimbursement from the participants' benefits contribution accounts.

NEW SECTION. **Sec. 16.** A new section is added to chapter 41.05 RCW to read as follows:

The authority shall adopt rules necessary to implement sections 11 through 15 of this act.

NEW SECTION. **Sec. 17.** A new section is added to chapter 41.05 RCW to read as follows:

Sections 11 through 16 of this act shall be construed to effectuate the purposes of 26 U.S.C. Sec. 125 and other applicable sections of the internal revenue code as required.

Sec. 18. RCW 28A.400.350 and 1993 c 492 s 226 are each amended to read as follows:

(1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. ~~((Except for health benefits purchased with nonstate funds as provided in RCW 28A.400.200, effective on and after October 1, 1995, health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance shall be provided only by contracts with the state health care authority.))~~

(2) Whenever funds are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student. The school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district. The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the

insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

NEW SECTION. Sec. 19. A new section is added to chapter 28B.50 RCW to read as follows:

(1) In a manner prescribed by the state health care authority, technical colleges who have employees enrolled in a benefits trust shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements of this section do not apply to employees of a technical college who receive insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 20. A new section is added to Title 43 RCW to read as follows:

For the purpose of accurately describing professional health services purchased by the state, health-related state agencies may develop fee schedules based on billing codes and service descriptions published by the American medical association or the United States federal health care financing administration, or develop agency unique codes and service descriptions.

Sec. 21. RCW 41.04.230 and 1993 c 2 s 26 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: **PROVIDED**, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union. An agency may, in its own discretion, establish a minimum participation requirement of fewer than twenty-five employees.

(2) Parking fee deductions: **PROVIDED**, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: **PROVIDED**, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuition or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: **PROVIDED**, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: **AND PROVIDED, FURTHER**, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: **PROVIDED**, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: **PROVIDED, FURTHER**, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Insurance contributions to the authority for payment of premiums under contracts authorized by the state health care authority. However, enrollment or assignment by the state health care authority to participate in a health care benefit plan, as required by RCW 41.05.065(5), shall authorize a payroll deduction of premium contributions without a written consent under the terms and conditions established by the public employees benefits board.

(8) Deductions to a bank, savings bank, or savings and loan association if (a) the bank, savings bank, or savings and loan association is authorized to do business in this state; and (b) twenty-five or more employees of a single agency, or fewer, if a lesser number is established by such agency, or a total of one hundred or more state employees of several agencies have authorized a deduction for payment to the same bank, savings bank, or savings and loan association.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state health care authority.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

Sec 22. RCW 41.05.050 and 1994 c 309 s 2 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. Contributions to be paid by school districts or educational service districts shall be adjusted by the authority to reflect that retired school employees are covered under *RCW 41.05.250, and are not covered under RCW 41.05.080. All such contributions will be paid into the public employees' health insurance account.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270 (~~until December 31, 1996. On and after January 1, 1997, ferry employees shall enroll with certified health plans under chapter 492, Laws of 1993~~).

(3) The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Correct the title.

Representative Cody moved adoption of the following amendment to the amendment by Representative Cody:

Beginning on page 6, line 13, strike all of section 4 and insert

"**Sec. 4.** RCW 41.05.055 and 1994 c 36 s 1 are each amended to read as follows:

(1) The public employees' benefits board is created within the authority. The function of the board is to design and approve insurance benefit plans for state employees and school district employees.

(2) The board shall be composed of nine members appointed by the governor as follows:

(a) Two representatives of state employees, one of whom shall represent an employee union certified as exclusive representative of at least one bargaining unit of classified employees, and one of whom is retired, is covered by a program under the jurisdiction of the board, and represents an organized group of retired public employees;

(b) Two representatives of school district employees, one of whom shall represent an association of school employees and one of whom is retired, and represents an organized group of retired school employees;

(c) Four members with experience in health benefit management and cost containment; and

(d) The administrator.

(3) The member who represents an association of school employees and one member appointed pursuant to subsection (2)(c) of this section shall be non-voting members until such time that there are no less than twelve-thousand school district employee subscribers enrolled with the authority for health care coverage.

(4) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall serve as chair of the board. Meetings of the board shall be at the call of the chair."

Representatives Cody and Dyer spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representatives Dyer and Dellwo spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Second Substitute House Bill No. 1566.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1566, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Beeksma, Goldsmith, Koster and Stevens - 4.

Second Engrossed Second Substitute House Bill No. 1566, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049,
SUBSTITUTE SENATE BILL NO. 6058,

and the same are herewith transmitted.

Marty Brown, Secretary

There being no objection, all bills passed will be immediately transmitted to the Senate.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6049,
SUBSTITUTE SENATE BILL NO. 6058,

MESSAGE FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 6077 and passed the bill as amended by the House.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Substitute House Bill No. 1410 and placed on third reading.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, by House Committee on Appropriations (originally sponsored by Representatives Silver and Sommers; by request of Office of Financial Management)

Making appropriations for the 1995-97 biennium.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1410.

Representative Silver spoke in favor of passage of the bill.

Representative Sommers spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1410, and the bill passed the House by the following vote: Yeas - 58, Nays - 37, Absent - 0, Excused - 3.

Voting yea: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 58.

Voting nay: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Fisher, G., Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 37.

Excused: Representatives Beeksma, Ebersole and Goldsmith - 3.

Engrossed Substitute House Bill No. 1410, having received the constitutional majority, was declared passed.

The Speaker called on Representative Horn to preside.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1318,
SECOND SUBSTITUTE HOUSE BILL NO. 1814,

and the same are herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2010,

and the same is herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6010,
SENATE BILL NO. 6077,

and the same are herewith transmitted.

Marty Brown, Secretary

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended and Engrossed Senate Bill No. 6079 was advanced to second reading and read the second time in full.

ENGROSSED SENATE BILL NO. 6079, by Senators Smith and Gaspard

Providing for the well-being of children.

The bill was read the second time.

With the consent of the House, amendment number 957 to Engrossed Senate Bill No. 6079 was withdrawn.

Representative McMahan moved adoption of the following amendment by Representative McMahan:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. As used in sections 1 through 6 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Minor" means any person under the age of eighteen years.

(2) "Harmful to minors" means any matter or live performance:

(a) That the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and

(b) That explicitly depicts or describes, by prevailing standards in the adult community with respect to what is suitable for minors, patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, lewd exhibition of the genitals or genital area, sexually explicit conduct, sexual excitement, or sexually explicit nudity; or

(iii) Sexual acts that are violent or destructive, including but not limited to human or animal mutilation, dismemberment, rape, or torture; and

(c) That, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors.

(3) "Matter" means a motion picture film, a publication, a sexual device, or any combination thereof.

(4) "Motion picture film" means any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape; or

(f) Any other medium used to electronically transmit or reproduce images on a screen.

(5) "Publication" means any book, magazine, article, pamphlet, writing, printing illustration, picture, sound recording, telephonic communication, or coin-operated machine.

(6) "Sexual device" means any artificial device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals.

(7) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, in person or by electronic transmission, or by telephonic communication, with or without consideration.

(8) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(9) "Knowledge of its character" means that the person has knowledge that the matter or performance contains, depicts, or describes activity or conduct that is patently offensive under subsection (2)(b) of this section. Such knowledge may be proved by direct or circumstantial evidence, or both.

(10) "Knowledge" means knowledge as defined in RCW 9A.08.010(1)(b).

(11) "Community" means the state-wide community.

NEW SECTION. Sec. 2. No person shall with knowledge of its character:

(1) Display matter that is harmful to minors, as defined in section 1(2) of this act, in such a way that minors, as part of the invited general public, will be exposed to view such matter; however, a person shall be deemed not to have displayed matter harmful to minors if the matter is kept behind devices commonly known as blinder racks so that the lower two-thirds of the matter is not exposed to view. In the case of on-line accessibility to information stored in an electronic form, a person shall be deemed not to have displayed matter harmful to minors if:

(a) The matter is stored in a restricted area where access is allowed only to persons who are reasonably believed to be eighteen years of age or older based on information supplied as provided for in section 3(3) of this act and who have obtained a password or other authorization necessary for access to the matter; or

(b) It is not reasonably possible to restrict access in the manner described in (a) of this subsection;

(2) Sell, furnish, present, distribute, allow to view or hear, or otherwise disseminate to a minor, with or without consideration, any matter that is harmful to minors as defined in section 1(2) of this act; or

(3) Present to a minor or participate in presenting to a minor, with or without consideration, any live performance that is harmful to minors as defined in section 1(2) of this act.

NEW SECTION. Sec. 3. In any prosecution for violation of section 2 of this act, it shall be an affirmative defense that:

(1) The matter or performance involved was displayed or otherwise disseminated to a minor by the minor's parent or legal guardian, for bona fide purposes;

(2) The matter or performance involved was displayed or otherwise disseminated to a minor with the written permission of the minor's parent or legal guardian, for bona fide purposes; or

(3) The person made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper, or copy thereof if supplied by mail or electronic facsimile when in-person production thereof is impractical, and not relying solely on the oral allegations or apparent age of the minor.

NEW SECTION. Sec. 4. Any person who is convicted of violating any provision of section 2 of this act is guilty of a gross misdemeanor. Each day that any violation of section 2 of this act occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by section 2 of this act shall constitute a separate offense as to each item, issue, or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume, and number issue, or other such identical material shall constitute a single offense.

NEW SECTION. Sec. 5. Nothing in this chapter shall apply to the official distribution of material by a recognized historical society or museum, a library of a college or university, or an archive or library under the supervision and control of the state, county, municipality, or other political subdivision of the state.

NEW SECTION. Sec. 6. The state of Washington hereby fully occupies and preempts within the boundaries of the state the entire field of regulation and sanctions for displaying, selling, furnishing, presenting, or otherwise distributing matter or performances that are harmful to minors. Counties, cities, towns, or other municipalities may enact only those laws and ordinances relating to matter and performances harmful to minors that are consistent with this chapter. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of this chapter shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such county, city, town, or municipality.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) RCW 9.68.015 and 1959 c 260 s 2;
- (2) RCW 9.68.050 and 1992 c 5 s 1 & 1969 ex.s. c 256 s 13;
- (3) RCW 9.68.060 and 1992 c 5 s 2 & 1969 ex.s. c 256 s 14;
- (4) RCW 9.68.070 and 1992 c 5 s 4 & 1969 ex.s. c 256 s 15;
- (5) RCW 9.68.080 and 1969 ex.s. c 256 s 16;
- (6) RCW 9.68.090 and 1992 c 5 s 3 & 1969 ex.s. c 256 s 17;
- (7) RCW 9.68.100 and 1969 ex.s. c 256 s 18;
- (8) RCW 9.68.110 and 1969 ex.s. c 256 s 19;
- (9) RCW 9.68.120 and 1969 ex.s. c 256 s 20;
- (10) RCW 9.68.130 and 1975 1st ex.s. c 156 s 1;
- (11) RCW 9.68A.140 and 1987 c 396 s 1;
- (12) RCW 9.68A.150 and 1987 c 396 s 2; and
- (13) RCW 9.68A.160 and 1987 c 396 s 3.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act are each added to chapter 9.68 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Correct the title.

Representative McMahan spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 6079 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6079 as amended by the House, and the bill passed the House by the following vote: Yeas - 69, Nays - 27, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Patterson, Pelesky, Pennington, Reams,

Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Fisher, R., Hatfield, Jacobsen, Kessler, Mason, Ogden, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 27.

Excused: Representatives Ebersole and Goldsmith - 2.

Engrossed Senate Bill No. 6079, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, Engrossed Senate Bill No. 6079 as amended by the House will be immediately transmitted to the Senate.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the Rules Committee was relieved of further consideration of the following bills: Substitute House Bill No. 1957, Substitute House Bill No. 1057, House Bill No. 1102, Substitute House Bill No. 1279, Substitute House Bill No. 1413, Substitute House Bill No. 1440, Engrossed Substitute House Bill No. 1913, Engrossed Substitute House Bill No. 1070 and Substitute House Bill No. 1071 and the bills be placed on third reading.

There being no objection, the rules were suspended and Substitute House Bill No. 1957 was returned to second reading for the purpose of an amendment.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1957, by House Committee on Finance (originally sponsored by Representatives B. Thomas, Carrell, Mulliken, Campbell, Foreman, Van Luven, Benton, L. Thomas, Crouse, Backlund, Elliot, McMahan, Smith, Stevens and Schoesler)

Reducing the state property tax levy.

The bill was read the second time.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.55 RCW to read as follows:

(1) As used in this section, "full levy" means the levy amount that would be allowed otherwise under this chapter without regard to this section.

(2) The state levy for collection in 1996 shall be reduced by five percent of the full levy for that year. State levies for collection after 1996 shall not exceed the amount that would be allowed otherwise under this chapter if the state levy for collection in 1996 had been set at ninety-five percent of the full levy for that year.

(3) Levies collected before 1996 shall not be used as a base for calculating limits for state levies for collection after 1996."

Correct the title accordingly.

Representative B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1957.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1957, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Chopp, Rust and Sommers - 3.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1957, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1057, by House Committee on Agriculture & Ecology (originally sponsored by Representatives Schoesler, Morris, B. Thomas, Delvin, Carlson, Hankins, Dyer, Sheldon, Casada, Chandler, L. Thomas, Fuhrman, Mulliken, Lisk, Cooke, Sheahan and Mastin)

Lowering the tax rate on canola.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1057.

Representative Schoesler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1057, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Dickerson, Sommers, Thibaudeau and Valle - 4.

Excused: Representative Goldsmith - 1.

Substitute House Bill No. 1057, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1102, by Representatives Sheldon, Johnson, Basich, Hargrove, Hatfield, Koster, Quall, Goldsmith, Kessler, Kremen and Buck

Expanding the base of the tax exemption for food fish eggs and fry to shellfish.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of House Bill No. 1102.

Representative Sheldon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1102, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Voting nay: Representatives Regala, Sommers and Thibaudeau - 3.

Excused: Representative Goldsmith - 1.

House Bill No. 1102, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1279, by House Committee on Finance (originally sponsored by Representatives Pennington, Morris, Schoesler, Campbell, Boldt, Carrell, Mielke, Van Luven, Hymes, McMahan, Mulliken, Foreman, Blanton, Sherstad, Elliot, Backlund, Johnson, L. Thomas and Huff)

Providing a sales tax exemption for certain sales of magazines by subscription.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1279.

Representative Pennington spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1279, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

Substitute House Bill No. 1279, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1413, by House Committee on Finance (originally sponsored by Representatives Boldt, Morris, Lisk, Mulliken and Kremen)

Allowing a business and occupation tax deduction for certain amusement devices.

The bill was read the third time.

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1413.

Representative Boldt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1413, and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven and Mr. Speaker - 82.

Voting nay: Representatives Chopp, Cody, Cole, Dickerson, Fisher, R., Jacobsen, Mason, Regala, Romero, Rust, Sommers, Thibaudeau, Valle, Veloria and Wolfe - 15.

Excused: Representative Goldsmith - 1.

Substitute House Bill No. 1413, having received the constitutional majority, was declared passed.

There being no objection, the rules were suspended and Substitute House Bill No. 1440 was returned to second reading for the purpose of an amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1440, by House Committee on Finance (originally sponsored by Representatives Boldt, Dyer, Morris, Backlund, Van Luven, Dellwo, Carrell, B. Thomas, L. Thomas, Thompson, Costa, Sherstad, Chandler, Kremen, Cooke and Jacobsen)

Providing tax exemptions for blood banks.

The bill was read the second time.

Representative Boldt moved adoption of the following amendment by Representative Boldt:

On page 1, beginning on line 7, strike all of section 1 and insert the following:

"**Sec. 1.** RCW 84.36.035 and 1971 ex.s. c 206 s 1 are each amended to read as follows:

The following property shall be exempt from taxation:

All property, whether real or personal, belonging to or leased by any nonprofit corporation or association and used exclusively in the business of (~~procuring, processing, storing, distributing, or using whole blood, plasma, blood products, and blood derivatives~~) a blood, bone, or tissue bank as defined in section 3 of this act, or in the administration of such business. If the real or personal property is leased, the benefit of the exemption shall inure to the nonprofit corporation or association."

Representative Boldt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1440.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1440, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1440, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1908,
SENATE BILL NO. 6010,
SENATE BILL NO. 6077,

The Speaker called on Representative Horn to preside.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913, by House Committee on Finance
(originally sponsored by Representatives Van Luven, Sheldon and Smith)

Providing sales and use tax exemptions for film and video production companies.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1913.

Representatives Van Luven, Jacobsen and Smith spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Van Luven yielded to a question by Representative Jacobsen.

Representative Jacobsen: Representative Van Luven, I thought it was the policy of the House we didn't give any tax breaks for entertainment.

Representative Van Luven: Thank you Mr. Jacobsen. I do find it rather interesting that two of my co-sponsors on this bill were not willing to play baseball with me but they are willing to go to the movies with me.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1913, and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Cole, Fisher, G., Fisher, R., Morris, Pennington, Quall, Regala, Rust and Sommers - 9.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1913, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Substitute House Bill No. 1070 and the bill was placed on third reading.

There being no objection, the rules were suspended and Engrossed Substitute House Bill No. 1070 was returned to second reading for the purpose of an amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp; by request of Office of Financial Management)

Adopting the capital budget.

The bill was read the second time.

Representative Sehlin moved adoption of the following amendment by Representative Sehlin:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

- "Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;
- "Cap Bldg Constr Acct" means Capitol Building Construction Account;
- "Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;
- "CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;
- "Common School Constr Fund" means Common School Construction Fund;
- "Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;
- "CWU Cap Proj Acct" means Central Washington University Capital Projects Account;
- "Data Proc Rev Acct" means Data Processing Revolving Account;
- "EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;
- "For Dev Acct" means Forest Development Account;
- "Res Mgmt Cost Acct" means Resource Management Cost Account;
- "Game Spec Wildlife Acct" means Game Special Wildlife Account;
- "H Ed Constr Acct" means Higher Education Construction Account 1979;
- "H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;
- "LIRA" means State and Local Improvement Revolving Account;
- "LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;
- "LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;
- "Lapse" or "revert" means the amount shall return to an unappropriated status;
- "Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;
- "NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;
- "ORA" means Outdoor Recreation Account;
- "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;
- "Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;
- "Public Safety and Education Acct" means Public Safety and Education Account;
- "Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;

"Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;
 "St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;
 "St Bldg Constr Acct" means State Building Construction Account;
 "State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;
 "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
 "Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;
 "Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;
 "UW Bldg Acct" means University of Washington Building Account;
 "WA Housing Trust Acct" means Washington Housing Trust Account;
 "WA St Dev Loan Acct" means Washington State Development Loan Account;
 "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;
 "WSU Bldg Acct" means Washington State University Building Account;
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.
 Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

PART 1
 GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE

Northwest Washington Regional Archives: Construction (90-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 3,970

Prior Biennia (Expenditures) \$ 128,341

Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 132,311

NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE

001) Central Washington Regional Archives--Central Washington University Campus (93-2-

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 434,000

Prior Biennia (Expenditures) \$ 3,500,000

Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 3,934,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE

Essential Records Storage Site--Asbestos survey and abatement (94-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000 -----

NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE

Eastern Washington Branch Archives: Predesign (94-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 6,200

Prior Biennia (Expenditures) \$ 52,000

Future Biennia (Projected Costs) \$ 4,540,612 -----

TOTAL \$ 4,598,812

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE

Puget Sound Branch Archives--Building design and construction (94-2-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 6,700,125

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 6,740,125

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE

Puget Sound Branch--Building "C" asbestos abatement and demolition (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 125,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community economic revitalization (86-1-001)

Reappropriation:

Public Works Assistance Acct--State \$ 3,321,298

Pub Fac Constr Loan Rev Acct--State \$ 3,862,729

St Bldg Constr Acct--State \$ 2,106,034 -----

Subtotal Reappropriation \$ 9,290,061

Appropriation:

Pub Fac Constr Loan Rev Acct--State \$ 1,500,000

Public Works Assistance Acct--State \$ 4,000,000

Subtotal Appropriation \$ 5,500,000 -----

Prior Biennia (Expenditures) \$ 7,026,937
Future Biennia (Projected Costs) \$ 24,000,000 -----

TOTAL \$ 45,816,998

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Development loan fund (88-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 2,000,000
Wa St Dev Loan Acct--Federal \$ 186,654

Subtotal Reappropriation \$ 2,186,654 -----

Appropriation:

Wa St Dev Loan Acct--Federal \$ 3,500,000

Prior Biennia (Expenditures) \$ 5,932,935
Future Biennia (Projected Costs) \$ 20,000,000 -----

TOTAL \$ 31,619,589

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Grays Harbor dredging (88-3-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct--State \$ 5,788,144

Prior Biennia (Expenditures) \$ 4,211,856
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Housing assistance, weatherization, and affordable housing program (88-5-015)

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

Reappropriation:

St Bldg Constr Acct--State \$ 33,214,000
CEP & RI Acct--State \$ 2,830,959

Subtotal Reappropriation \$ 36,044,959

Appropriation:

St Bldg Constr Acct--State \$ 47,800,000
WA Housing Trust Acct \$ 2,200,000

Subtotal Appropriation \$ 50,000,000

Prior Biennia (Expenditures) \$ 77,601,500
Future Biennia (Projected Costs) \$ 100,000,000

TOTAL \$ 263,646,451

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

A Contemporary Theater (ACT)--Seattle (90-1-006)

This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 914,696

Prior Biennia (Expenditures) \$ 85,031
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 999,727

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Seattle Center redevelopment: For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Reappropriation:

St Bldg Constr Acct--State \$ 2,735,637

Prior Biennia (Expenditures) \$ 5,764,364

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,001 -----

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility **(92-2-001)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 2,991,000

Prior Biennia (Expenditures) \$ 9,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

7th Street Theater (90-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall be matched by at least \$200,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Minor works: Emergency Management Building (92-2-009)

Reappropriation:

St Bldg Constr Acct--State \$ 62,263

Prior Biennia (Expenditures) \$ 223,737

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Snohomish County drainage: To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct--State \$ 348,950

Prior Biennia (Expenditures) \$ 1,050

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Resource Center for the Handicapped: To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

Reappropriation:

St Bldg Constr Acct--State \$ 407,203

Prior Biennia (Expenditures) \$ 792,797

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Washington Technology Center laboratories (92-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,262,945

Prior Biennia (Expenditures) \$ 1,419,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,682,603 -----

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Columbia River dredging feasibility: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by June 30, 1997, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 598,200

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000 -----

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Phase 1	Estimated Total	Capital
Cost		
Seattle Children's Theater	\$ 8,000,000	
Admiral Theater (Bremerton)	\$ 4,261,000	
Pacific Northwest Ballet	\$ 7,500,000	
Seattle Symphony	\$ 54,000,000	
Seattle Repertory Theater (Phase 1)	\$ 4,000,000	
Broadway Theater District (Tacoma)	\$ 11,800,000	
Allied Arts of Yakima	\$ 500,000	
Spokane Art School	\$ 454,000	
Seattle Art Museum	\$ 4,862,500	
----- Total	\$ 95,377,500	

	Phase 2	Estimated Total	Capital
Cost			
	Bainbridge Performing Arts Center	\$ 1,200,000	
	The Children's Museum	\$ 2,850,000	
	Everett Community Theater	\$ 12,119,063	
	Kirkland Center for the Performing Arts	\$ 2,500,000	
	Makah Cultural and Research Center	\$ 1,600,000	
	Mount Baker Theater Center	\$ 1,581,000	
	Seattle Group Theater	\$ 334,751	
	Seattle Opera Association	\$ 985,000	
	Seattle Repertory Theater (Phase 2)	\$ 4,000,000	
	Valley Museum of Northwest Art	\$ 1,100,000	
	Village Theater	\$ 6,000,000	
	Tacoma Little Theater	\$ 1,250,000	
	The Washington Center for the Performing Arts	\$ 400,000	
	Whidbey Island Center for the Arts	\$ 1,200,000	
-----	Total	\$ 37,119,814	-

	Phase 3	Estimated Total	Capital
Cost			
	ACT Theater	\$ 28,100,000	
	Corbin Art Theater (Spokane)	\$ 69,055	
	Cutter Theater	\$ 725,511	
	Depot Arts Center (Anacortes)	\$ 68,000	
	Little Theater (Walla)	\$ 100,000	
	Meadow for the Arts (Gig Harbor)	\$ 2,550,000	
	New City Theater	\$ 281,000	
	Northwest Puppet Theater	\$ 413,300	
	Paramount Theater	\$ 14,705,262	
	Rainier Valley Cultural Center	\$ 600,000	
	Seattle Children's Theater	\$ 3,200,000	
	Steilacoom Cultural Center	\$ 65,000	
	Meyendenbauer Theater	\$ 2,400,000	
	Tu-Ha-Buts Cultural Center	\$ 777,405	
	Vancouver Arts School	\$ 8,549,313	
	World Kite Museum	\$ 900,000	
	Clallam County Gallery	\$ 174,314	
	Columbia Theater	\$ 500,000	
-----			-

Total \$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.

(5) The reappropriation and new appropriation in this section are provided to fund the state share for phase 1, 2, and 3 of the building for the arts program. Within this amount the department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The department may require that projects re compete for funding.

(6) No single project shall exceed \$4,500,000 unless there are uncommitted funds from the appropriations in this section after January 1, 1997. Nothing in this subsection (6) prevents the department from submitting a request for an increased state share of any project subject to this limitation in the department's 1997-99 capital budget request.

(7) The department is authorized to allocate the amounts appropriated in this section among the eligible projects in phases 1, 2, 3 and to set matching requirements for individual projects.

(8) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

Reappropriation:

St Bldg Constr Acct--State \$ 8,000,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 9,209,986

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,209,986 -----

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Columbia Gorge Interpretive Center (92-5-101)

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,886

Prior Biennia (Expenditures) \$ 3,999,114

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Tri-Cities Trade Center (93-5-003)

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 2,527,385

Prior Biennia (Expenditures) \$ 272,615

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000 -----

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Martin Luther King Jr. Memorial (93-5-005)

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 95,450

Prior Biennia (Expenditures) \$ 4,550

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 322,908

Prior Biennia (Expenditures) \$ 477,092

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000 -----

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Emergency Management Building: Preservation (94-1-018)

Reappropriation:

St Bldg Constr Acct--State \$ 71,759

Prior Biennia (Expenditures) \$ 13,325
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 85,084

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Public works trust fund loans (94-2-001)

The appropriation in this section is subject to the following conditions and limitations:
Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans
under chapter 363, Laws of 1995.

Reappropriation:

Public Works Assistance Acct--State \$ 105,699,689

Appropriation:

Public Works Assistance Acct--State \$ 148,900,000

Prior Biennia (Expenditures) \$ 151,561,725
Future Biennia (Projected Costs) \$ 695,900,000

TOTAL \$ 1,102,061,414

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Washington Technology Center: Equipment (94-2-002)

The reappropriation in this section is provided solely for equipment installations on the first
floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of
Washington.

Reappropriation:

St Bldg Constr Acct--State \$ 947,785

Prior Biennia (Expenditures) \$ 32,215
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 980,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Bigelow House: For restoration and renovation of this historic home to accommodate public
visitors **(94-2-004)**

The reappropriation in this section is contingent on the project being owned and operated by a
public or nonprofit organization.

Reappropriation:

St Bldg Constr Acct--State \$ 298,923

Prior Biennia (Expenditures) \$ 9,077
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Olympic Peninsula Natural History Museum (94-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

Reappropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access (94-2-007)

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000 -----

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Camp North Bend Environmental Center: For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (94-2-008)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Boren Field repairs: To provide financial assistance to the Seattle school district for repairs to Boren Field (94-2-011)

The reappropriation in this section shall be matched by at least \$50,000 from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 275,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,000 -----

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Camelot community flooding assistance: To provide financial assistance to King county to relieve flooding in the Camelot community (94-2-012)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 75,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000 -----

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Daybreak Star Center: Remodel (94-2-100)

Reappropriation:

St Bldg Constr Acct--State \$ 88,484

Prior Biennia (Expenditures) \$ 138,516

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000 -----

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Pacific Science Center (96-1-900)

The appropriation in this section is provided for capital facilities improvements.

Appropriation:

St Bldg Constr Acct--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Timber ports capital asset improvements: To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities **(94-2-102)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port Amount

Port of Grays Harbor \$ 564,000
Port of Port Angeles \$ 1,500,000
Port of Longview \$ 1,855,000

Reappropriation:

St Bldg Constr Acct--State \$ 3,281,019

Prior Biennia (Expenditures) \$ 618,981
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,900,000

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Community Action Agencies: For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;

(2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and

(3) The following projects are eligible for funding:

	Estimated Total Capital Cost	State Grant
Benton Franklin Community Action Committee	\$ 1,200,000	\$ 300,000
Central Area Motivation Project	\$ 1,000,000	\$ 250,000
Community Action Center of Whitman County	\$ 390,000	\$ 90,000
Community Action Council		

of Lewis, Mason, and Thurston Counties	\$ 700,000	\$ 175,000
El Centro de la Raza	\$ 1,250,000	\$ 300,000
Fremont Public Association	\$ 3,000,000	\$ 600,000
Kitsap Community Action Program	\$ 465,000	\$ 110,000
Kittitas Community Action Council	\$ 600,000	\$ 150,000
Lower Columbia Community Action Council	\$ 1,331,625	\$ 300,000
Metropolitan Development Council	\$ 880,000	\$ 220,000
Multiservice Centers of North and East King County	\$ 1,600,000	\$ 350,000
Northeast Washington Rural Resources Development Association	\$ 1,200,000	\$ 350,000
Okanogan County Community Action Council	\$ 350,000	\$ 80,000
South King County Multiservice Center	\$ 800,000	\$ 200,000
Spokane Neighborhood Action Programs	\$ 1,500,000	\$ 375,000
Yakima Valley Farmworker Clinic	\$ 605,000	\$ 150,000
Total	\$ 16,871,625	\$ 4,000,000

Appropriation:

St Bldg Constr Acct--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Juvenile detention facilities: For financial assistance to local governments to build or expand juvenile detention facilities

Individual counties or consortiums of counties are eligible to make specific requests for loan authorizations under chapter 39.94 RCW for assistance in the construction or expansion of local juvenile detention centers. If such loans are authorized by the legislature, the participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this section.

NEW SECTION. Sec. 139. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Collocated Cascadia Community College and University of Washington Branch Campus (94-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;

(2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;

(3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and

(4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 14,500,000

Appropriation:

St Bldg Constr Acct--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 10,710,000

Future Biennia (Projected Costs) \$ 75,000,000

TOTAL \$ 105,210,000

NEW SECTION. Sec. 140. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Underground storage tank: Pool (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

Reappropriation:

CEP & RI Acct--State \$ 105,000

St Bldg Constr Acct--State \$ 665,000

Subtotal Reappropriation \$ 770,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 4,248,146

Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 15,018,146

NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Asbestos abatement and associated minor demolition: Pool (96-1-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Reappropriation:

St Bldg Constr Acct--State \$ 2,500,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 6,358,088

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 27,858,088 -----

NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Americans with Disabilities Act: Pool (96-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,000

Appropriation:

St Bldg Constr Acct--State \$ 6,000,000

Prior Biennia (Expenditures) \$ 8,360,000

Future Biennia (Projected Costs) \$ 33,000,000

TOTAL \$ 48,360,000 -----

NEW SECTION. Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Seismic retrofit: Pool (96-1-004)

Appropriation:

General Fund--Federal \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

NEW SECTION. Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Capital budget system improvements (96-1-006)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,900,000 -----

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION

Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-1-015)

Reappropriation:

St Bldg Constr Acct--State \$ 985,000

Prior Biennia (Expenditures) \$ 140,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000 -----

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION

Capitol Campus geotechnical and hydrologic survey (92-2-108)

Reappropriation:

St Bldg Constr Acct--State \$ 75,000

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION

CFC/Halon fire control systems (94-1-009)

Reappropriation:

Cap Bldg Constr Acct--State \$ 325,000

Prior Biennia (Expenditures) \$ 139,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 464,000 -----

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION

Capitol Campus preservation (94-1-010)

Reappropriation:

Cap Bldg Constr Acct--State \$ 910,000

Prior Biennia (Expenditures) \$ 2,748,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,658,000

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake dredging: To develop a dredging plan and to dredge Capitol Lake (92-1-019)

\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

Reappropriation:

St Bldg Constr Acct--State \$ 1,430,000

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Plaza--Department of Transportation Garage renovation: Design and construction (96-1-002)

Appropriation:

Cap Bldg Constr Acct--State \$ 400,000

St Bldg Constr Acct--State \$ 8,921,200

Subtotal Appropriation \$ 9,321,200

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,158,500

TOTAL \$ 20,479,700

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Building--Preservation: To make critical repairs to the electrical service of the General Administration Building (96-1-003)

Appropriation:

Cap Bldg Constr Acct--State \$ 2,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000 -----

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION

Capitol campus controls systems phase 4 (96-1-004)

Appropriation:

Cap Bldg Constr Acct--State \$ 868,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 868,000 -----

NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION

Heritage Park--Phased development: To provide for a public access trail linking the campus to Capitol lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,035,000

Prior Biennia (Expenditures) \$ 7,030,000

Future Biennia (Projected Costs) \$ 11,492,000

TOTAL \$ 19,557,000 -----

NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION

Roof repairs and replacement (96-1-010)

Appropriation:

Thurston County Cap Fac Acct--State \$ 775,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,200,000

TOTAL \$ 3,975,000 -----

NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION

CFC/Halon fire control systems: Removal and replacement (96-1-011)

Appropriation:

St Bldg Constr Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,500,000 -----

NEW SECTION. **Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000 -----

NEW SECTION. **Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County buildings: Preservation (96-1-013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management, including electrical improvements, elevator and escalator preservation, building preservation, infrastructure preservation, and emergency and small repairs.

(2) The department shall develop designs and plans for handrails in the legislative building and shall report its design recommendations and associated costs to the legislature.

(3) \$50,000 of the appropriation in this section is provided solely to improve handicapped accessibility between the legislative building and the John L. O'Brien and John A. Cherberg buildings.

Appropriation:

Thurston County Cap Fac Acct--State \$ 2,021,200

Cap Bldg Constr Acct--State \$ 4,445,000

St Bldg Constr Acct--State \$ 518,800

Subtotal Appropriation \$ 6,985,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,700,000

TOTAL \$ 23,685,000 -----

NEW SECTION. **Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Washington State Training and Conference Center--Preservation (96-1-016)

Appropriation:

St Bldg Constr Acct--State \$ 620,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 620,000 -----

NEW SECTION. **Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Monumental buildings--Preservation: To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,700,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 6,800,000

TOTAL \$ 8,500,000 -----

NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Library: Preservation (96-1-018)

Appropriation:

Cap Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000 -----

NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration engineering and architectural services: Project management (96-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

Appropriation:

St Bldg Constr Acct--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 8,000,000
Future Biennia (Projected Costs) \$ 30,000,000

TOTAL \$ 45,500,000 -----

NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: To replace the central heating system with individual building heating systems.

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act and shall not be expended until the office of financial management has made a determination that the replacement individual heating systems will have a cost efficiency payback of less than five years.

Appropriation:

St Bldg Constr Acct--State \$ 577,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 577,000 -----

NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Washington State Trading and Conference Center: To construct a mock city, indoor firing range, and running track (96-2-004)

Appropriation:

Public Safety Reimb Bond--State \$ 2,912,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,572,000

TOTAL \$ 4,484,000 -----

NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: For critical life/safety and preservation projects (94-1-014)

Reappropriation:

CEP & RI Acct \$ 625,000

Prior Biennia (Expenditures) \$ 247,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 872,000 -----

NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF INFORMATION SERVICES

Campus transport system phase I: Design and construct (95-2-002)

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

Appropriation:

Data Proc Rev Acct--State \$ 3,450,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,650,000

TOTAL \$ 5,100,000 -----

NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF INFORMATION SERVICES

Washington Information Network kiosks (95-2-003)

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

Appropriation:

Data Proc Rev Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000 -----

NEW SECTION. Sec. 167. FOR THE WASHINGTON HORSE RACING COMMISSION

Horse Racing Commission (94-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;

(2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Reappropriation:

Thoroughbred Racing

Acct--State \$ 8,200,000

Appropriation:

Thoroughbred Racing

Acct--State \$ 168,065

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,368,065 -----

NEW SECTION. Sec. 168. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Security fence replacement (94-1-003)

Reappropriation:

Liquor Revolving Acct--State \$ 28,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800 -----

NEW SECTION. Sec. 169. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Warehouse reroof and repairs (94-1-005)

Reappropriation:

Liquor Revolving Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 625,000 -----

NEW SECTION. Sec. 170. FOR THE LIQUOR CONTROL BOARD

Distribution Center--Predesign: To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

Appropriation:

Liquor Revolving Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

NEW SECTION. Sec. 171. FOR THE MILITARY DEPARTMENT

001) Yakima Armory demolition: To reimburse the city of Yakima for demolition costs (94-2-

Appropriation:

General Fund--Federal \$ 155,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 155,000 -----

NEW SECTION. Sec. 172. FOR THE MILITARY DEPARTMENT

State-wide: Preservation (93-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 850,000

Prior Biennia (Expenditures) \$ 2,518,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,368,400 -----

NEW SECTION. Sec. 173. FOR THE MILITARY DEPARTMENT

Camp Murray buildings: Preservation (96-1-002)

Appropriation:

General Fund--Federal \$ 1,050,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 658,000

TOTAL \$ 1,708,000

NEW SECTION. **Sec. 174. FOR THE MILITARY DEPARTMENT**

Everett Armory: Preservation (96-1-003)

Appropriation:

General Fund--Federal \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

NEW SECTION. **Sec. 175. FOR THE MILITARY DEPARTMENT**

Camp Murray infrastructure: Preservation (96-1-006)

Appropriation:

General Fund--Federal \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,500,000

NEW SECTION. **Sec. 176. FOR THE MILITARY DEPARTMENT**

Minor works: To provide support of federal construction projects **(96-1-007)**

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

General Fund--Federal \$ 3,855,000

St Bldg Constr Acct--State \$ 448,000

Subtotal Appropriation \$ 4,303,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 19,553,700

TOTAL \$ 23,856,700

NEW SECTION. **Sec. 177. FOR THE MILITARY DEPARTMENT**

Emergency Coordination Center: For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and

(3) If federal match or reimbursement funding is received by the state from the federal emergency management agency for this project, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund.

Appropriation:

General Fund--Federal \$ 9,066,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,066,000 -----

NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT

Buildings and infrastructure savings (96-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 179. FOR THE STATE CONVENTION AND TRADE CENTER

Minor works (93-2-001) (89-5-002) (89-5-003)

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

Reappropriation:

St Conv & Trade Ctr Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 333,926

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,926 -----

PART 2
HUMAN SERVICES

NEW SECTION. **Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital--Sanitary sewer (88-1-400)

Reappropriation:

St Bldg Constr Acct--State \$ 179,908

Prior Biennia (Expenditures) \$ 10,092

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000 -----

NEW SECTION. **Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glenn--Perimeter fence (90-5-002)

Reappropriation:

St Bldg Constr Acct--State \$ 48,223

Prior Biennia (Expenditures) \$ 426,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 475,000 -----

NEW SECTION. **Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital--Ward renovation phase 3 (92-1-340)

Reappropriation:

St Bldg Constr Acct--State \$ 818,536

Prior Biennia (Expenditures) \$ 5,429,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,248,322 -----

NEW SECTION. **Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane--Level 2 security units (92-2-230)

Reappropriation:

St Bldg Constr Acct--State \$ 11,718

Prior Biennia (Expenditures) \$ 746,781

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 758,499 -----

NEW SECTION. **Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study--Education Center 1 (92-2-319)

Reappropriation:

St Bldg Constr Acct--State \$ 896,907

Prior Biennia (Expenditures) \$ 2,928,093

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,825,000 -----

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Energy conservation management and planning (94-1-006)

Reappropriation:

CEP & RI Acct \$ 127,559

Prior Biennia (Expenditures) \$ 102,917

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,476 -----

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Underground Storage Tanks (94-1-060)

Reappropriation:

St Bldg Constr Acct--State \$ 142,641

Prior Biennia (Expenditures) \$ 81,359

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,000 -----

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation Phase 5 (92-1-314)

Reappropriation:

St Bldg Constr Acct--State \$ 2,042,000

Prior Biennia (Expenditures) \$ 10,009,327

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,051,327 -----

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Level 1 Security Units--Maple Lane School (92-2-225)

Reappropriation:

St Bldg Constr Acct--State \$ 3,895,110

Prior Biennia (Expenditures) \$ 3,017,906

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,913,016

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fire safety and sewer improvements--Maple Lane School (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 427,281

Prior Biennia (Expenditures) \$ 42,719

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 470,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Administration Building renovation--Maple Lane School (94-1-127)

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

Reappropriation:

St Bldg Constr Acct--State \$ 3,768,842

Prior Biennia (Expenditures) \$ 154,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,923,500

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate apartment--Fircrest School (94-1-142)

Reappropriation:

CEP & RI Acct--State \$ 2,119,168

Prior Biennia (Expenditures) \$ 13,944

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Wastewater Treatment Plant--Maple Lane School (94-1-201)

Reappropriation:

St Bldg Constr Acct--State \$ 764,277

Prior Biennia (Expenditures) \$ 8,223

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Water system improvements--Naselle Youth Camp (94-1-202)

Reappropriation:

St Bldg Constr Acct--State \$ 1,165,694

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694 -----

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Replace Eagle Lodge--Naselle Youth Camp (94-1-204)

Reappropriation:

St Bldg Constr Acct--State \$ 954,831

Prior Biennia (Expenditures) \$ 1,145,169

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000 -----

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Clinic--Echo Glen Children's Center (94-1-207)

Reappropriation:

St Bldg Constr Acct--State \$ 1,025,262

Prior Biennia (Expenditures) \$ 61,352

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614 -----

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eagle Lodge rehabilitation--Naselle Youth Camp (94-1-210)

Reappropriation:

St Bldg Constr Acct--State \$ 224,455

Prior Biennia (Expenditures) \$ 57,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000 -----

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center--Administration Building renovation (94-1-306)

Reappropriation:

CEP & RI Acct--State \$ 766,205

Prior Biennia (Expenditures) \$ 11,395

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600 -----

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Security improvements (94-1-310)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation phase 6 (94-1-316)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 11,905,826

Appropriation:

St Bldg Constr Acct--State \$ 819,000

Prior Biennia (Expenditures) \$ 245,174

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,970,000 -----

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Frances Haddon Morgan Center--Remodel (94-1-402)

Reappropriation:

St Bldg Constr Acct--State \$ 1,707,781

Prior Biennia (Expenditures) \$ 13,519

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,721,300 -----

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: Repairs (94-1-510)

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

Reappropriation:

St Bldg Constr Acct--State \$ 108,337

Prior Biennia (Expenditures) \$ 131,663

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000 -----

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the state's investment shall be promptly repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Asbestos abatement (96-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 349,260

Appropriation:

St Bldg Constr Acct--State \$ 755,000

Prior Biennia (Expenditures) \$ 367,764

Future Biennia (Projected Costs) \$ 3,253,650

TOTAL \$ 4,725,674 -----

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor capital renewal (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

CEP & RI Acct--State \$ 1,739,331
St Bldg Constr Acct--State \$ 397,207

Subtotal Reappropriation \$ 2,136,538 -----

Appropriation:

CEP & RI Acct--State \$ 5,400,000
St Bldg Constr Acct--State \$ 9,700,000

Subtotal Appropriation \$ 15,100,000 -----

Prior Biennia (Expenditures) \$ 6,131,034
Future Biennia (Projected Costs) \$ 68,000,000

TOTAL \$ 91,367,572 -----

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Agency capital project management (96-1-005)

Appropriation:

CEP & RI Acct--State \$ 1,237,496

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,800,000

TOTAL \$ 6,037,496 -----

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Resource conservation: Fircrest heating study (96-1-006)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

Appropriation:

CEP & RI Acct--State \$ 132,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,000 -----

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency projects (96-1-007)

Reappropriation:

CEP & RI Acct--State \$ 107,460

Appropriation:

CEP & RI Acct--State \$ 250,000

Prior Biennia (Expenditures) \$ 321,454

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,678,914

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Chlorofluorocarbon abatement (96-1-008)

Reappropriation:

CEP & RI Acct--State \$ 100,000

Appropriation:

CEP & RI Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 150,000

TOTAL \$ 400,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School infrastructure: Predesign (96-1-009)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Reappropriation:

St Bldg Constr Acct--State \$ 192,078

Prior Biennia (Expenditures) \$ 157,923

Future Biennia (Projected Costs) \$ 30,300,000

TOTAL \$ 30,650,001

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile facilities preservation and rehabilitation (96-1-020)

Reappropriation:

St Bldg Constr Acct--State \$ 1,705,275

Prior Biennia (Expenditures) \$ 374,325

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,079,600

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects--Mental health (96-1-030)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1,412,297

Appropriation:

St Bldg Constr Acct--State \$ 1,950,000

Prior Biennia (Expenditures) \$ 433,004

Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 17,795,301 -----

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects--Division of Developmental Disabilities (96-1-040)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

CEP & RI Acct--State \$ 864,813

Appropriation:

St Bldg Constr Acct--State \$ 539,000

Prior Biennia (Expenditures) \$ 1,658,687

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 9,062,500 -----

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Underground storage tanks removal and replacement (96-1-060)

Reappropriation:

CEP & RI Acct--State \$ 159,286

Appropriation:

CEP & RI Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 832,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,191,286 -----

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maintenance management and planning (96-1-150)

Reappropriation:

CEP & RI Acct--State \$ 140,323

Appropriation:

CEP & RI Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 279,124

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,447 -----

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Medical Lake wastewater treatment facility: Design (96-1-301)

Reappropriation:

St Bldg Constr Acct--State \$ 699,903

Appropriation:

St Bldg Constr Acct--State \$ 1,264,000

Prior Biennia (Expenditures) \$ 2,014,097

Future Biennia (Projected Costs) \$ 750,000

TOTAL \$ 4,728,000 -----

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation Phase 7 (96-1-316)

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 16,770,018

TOTAL \$ 17,470,018 -----

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital Legal Offenders Unit: Predesign (96-1-318)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 22,300,000

TOTAL \$ 23,000,000 -----

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Legal Offenders Unit: Predesign, design and construct (96-1-319)

The design and construction phase of this appropriation shall not be expended until the predesign document developed in accordance with the predesign manual published by the office of financial management has been reviewed and approved. Funds for design and construction shall be released subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 28,624

Future Biennia (Projected Costs) \$ 11,238,276

TOTAL \$ 12,266,900 -----

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Replace Boiler #1 (96-1-322)

Appropriation:

St Bldg Constr Acct--State \$ 1,440,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,440,000 -----

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Rehabilitation Administration new 300-bed institution: Site selection and environmental impact statement (96-2-228)

To conduct a site selection process for the project described in this section.

Appropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 45,000,000

TOTAL \$ 45,200,000 -----

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen new beds and infrastructure (96-2-229)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 6,484,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,484,300 -----

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill redevelopment (96-2-230)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement. Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

(3) New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.

Appropriation:

St Bldg Constr Acct--State \$ 34,374,536

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,000,000

TOTAL \$ 37,374,536 -----

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School support services renovation and infrastructure improvements (96-2-231)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 5,855,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,855,500 -----

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp sewer and infrastructure improvements (96-2-232)

Appropriation:

St Bldg Constr Acct--State \$ 2,125,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,125,500

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mission Creek preservation projects (96-2-233)

Appropriation:

St Bldg Constr Acct--State \$ 414,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 414,800

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Crisis Residential Centers (96-1-900)

The appropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Indian Ridge utility upgrade projects (96-2-234)

Appropriation:

St Bldg Constr Acct--State \$ 1,521,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,521,500

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$5,000 from this appropriation may be used to acquire the surplus military base at Camp Bonneville for the purpose of developing a juvenile rehabilitation facility.

Appropriation:

St Bldg Constr Acct--State \$ 344,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 344,400 -----

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Buildings and infrastructure savings (96-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child care facilities for state employees, including higher education employees (92-4-050)

Reappropriation:

St Bldg Constr Acct--State \$ 1,490,000

Prior Biennia (Expenditures) \$ 2,010,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000 -----

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH

Referendum 38--Water bonds (86-2-099)

Reappropriation:

LIRA, Water Sup Fac--State \$ 1,900,000

Prior Biennia (Expenditures) \$ 7,208,954

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954 -----

NEW SECTION. **Sec. 253. FOR THE DEPARTMENT OF HEALTH**

Health Laboratory: Repairs and improvements (96-1-001)

Reappropriation:

CEP & RI Acct--State \$ 450,000
St Bldg Constr Acct--State \$ 350,000

Subtotal Reappropriation \$ 800,000 -----

Appropriation:

St Bldg Constr Acct--State \$ 863,992

Prior Biennia (Expenditures) \$ 118,204
Future Biennia (Projected Costs) \$ 2,478,536

TOTAL \$ 4,260,870 -----

NEW SECTION. **Sec. 254. FOR THE DEPARTMENT OF HEALTH**

Emergency power system (96-1-009)

Appropriation:

CEP & RI Acct--State \$ 596,790

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 596,790 -----

NEW SECTION. **Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Underground storage tank: Replacement (94-1-019)

Reappropriation:

CEP & RI Acct--State \$ 52,000

Prior Biennia (Expenditures) \$ 103,902
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 155,902 -----

NEW SECTION. **Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Main kitchen upgrade, Washington Soldiers' Home (95-1-001)

Appropriation:

CEP & RI Acct--State \$ 1,096,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,096,000 -----

NEW SECTION. **Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Roof repair and replacement, Washington Veterans' Home (95-1-002)

Reappropriation:

CEP & RI Acct--State \$ 50,000

Appropriation:

CEP & RI Acct--State \$ 402,000

Prior Biennia (Expenditures) \$ 327,895

Future Biennia (Projected Costs) \$ 775,000

TOTAL \$ 1,554,895 -----

NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 600,000

Appropriation:

CEP & RI Acct--State \$ 360,000

Prior Biennia (Expenditures) \$ 1,346,611

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 3,906,611 -----

NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Building connection and automatic doors, Washington Soldiers' Home (95-1-005)

Appropriation:

CEP & RI Acct--State \$ 511,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 511,000 -----

NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)

Reappropriation:

St Bldg Constr Acct--State \$ 250,000

Appropriation:

CEP & RI Acct--State \$ 235,000

Prior Biennia (Expenditures) \$ 587,057

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,672,057 -----

NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Replace failing sewer line, Washington Soldiers' Home (95-1-011)

Appropriation:

CEP & RI Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 275,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 375,595 -----

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Roof maintenance and demolition, Washington Soldiers' Home (95-1-012)

Reappropriation:

CEP & RI Acct--State \$ 30,000

Appropriation:

CEP & RI Acct--State \$ 120,000

Prior Biennia (Expenditures) \$ 511,570

Future Biennia (Projected Costs) \$ 525,000

TOTAL \$ 1,186,570 -----

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Emergency projects (95-1-013)

Appropriation:

CEP & RI Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 1,900,000 -----

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Occupational Therapy and Physical Therapy Room addition in Building 10, Washington Veterans' Home (95-2-009)

Appropriation:

CEP & RI Acct--State \$ 110,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000 -----

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island master plan development (94-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,519,000

Prior Biennia (Expenditures) \$ 11,359,689
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,878,689 -----

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)

Reappropriation:

St Bldg Constr Acct--State \$ 4,355,000

Prior Biennia (Expenditures) \$ 12,248,062
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,603,062 -----

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS

State-wide preservation projects (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management; and

(2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995.

(3) Up to \$350,000 from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm.

Reappropriation:

St Bldg Constr Acct--State \$ 17,000,000

Appropriation:

St Bldg Constr Acct--State \$ 14,879,313

Prior Biennia (Expenditures) \$ 54,525,756
Future Biennia (Projected Costs) \$ 94,000,000

TOTAL \$ 180,405,069 -----

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS

Underground storage tank and above-ground storage tank program (96-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 794,729

Prior Biennia (Expenditures) \$ 940,348
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,735,077 -----

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS

Emergency projects (96-1-015)

Reappropriation:

CEP & RI Acct--State \$ 106,000

Appropriation:

CEP & RI Acct--State \$ 1,602,750

St Bldg Constr Acct--State \$ 200,000

Subtotal Appropriation \$ 1,802,750 -----

Prior Biennia (Expenditures) \$ 2,376,811

Future Biennia (Projected Costs) \$ 6,000,000 -----

TOTAL \$ 10,285,561

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary steam system replacement (96-1-016)

Appropriation:

St Bldg Constr Acct--State \$ 4,411,252

Prior Biennia (Expenditures) \$ 2,482,811

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 6,894,063

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,611,187

Appropriation:

St Bldg Constr Acct--State \$ 8,317,839

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 9,929,026

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

400-bed minimum facility for Washington State Reformatory (96-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 18,733,120

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,783,120

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Correctional Center 512-bed expansion (96-2-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,055,776

Appropriation:

St Bldg Constr Acct--State \$ 17,155,382

Prior Biennia (Expenditures) \$ 4,439,774

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 23,650,932

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS

1936-bed multicustody facility design, land acquisition, utilities, and site work (96-2-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) In order to coordinate the initial development of the new prison funded in this section with the privatization evaluation in Engrossed Substitute House Bill No. 1410 (omnibus operating budget), moneys in this appropriation may be spent solely for land acquisition, utility development, site work, design and engineering activities related to utilities and site work, schematic design of buildings to determine placement on the building site, and related activities. Moneys in this appropriation may also be spent for detailed design and engineering of buildings with the approval of the office of financial management and concurrence of the chairs of the house of representatives capital budget committee and senate ways and means committee.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 19,263,733

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 166,190,016

TOTAL \$ 186,453,749

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS

Yakima Prerelease: Design and construction (96-2-008)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 7,527,900

Prior Biennia (Expenditures) \$ 240,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,767,900 -----

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS

Larch and Cedar Creek expansion to 400-bed camps (96-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

(4) The department shall construct secure perimeter fencing as part of the expansion of the Larch corrections center.

Appropriation:

St Bldg Constr Acct--State \$ 22,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,000,000 -----

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS

Special Offenders Unit: Predesign (96-2-011)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. The predesign will be coordinated with the department of social and health services and will address civil commitment needs as well as the department of corrections need for expanded mental health services. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 427,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 15,985,140

TOTAL \$ 16,412,540 -----

NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS

State-wide program projects (96-2-012)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 7,428,000

Appropriation:

St Bldg Constr Acct--State \$ 8,074,963

Prior Biennia (Expenditures) \$ 45,659,492

Future Biennia (Projected Costs) \$ 70,000,000

TOTAL \$ 131,162,455 -----

PART 3
NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26 waste disposal facilities (74-2-004)

Reappropriation:

LIRA--State \$ 6,216,000

Prior Biennia (Expenditures) \$ 2,711,028

Future Biennia (Projected Costs) \$ 863,680

TOTAL \$ 9,790,708 -----

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 water supply facilities (74-2-006)

\$2,500,000 of the state and local improvements revolving account is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir.

Reappropriation:

LIRA, Water Sup Fac--State \$ 9,374,371

Appropriation:

LIRA, Water Sup Fac--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 5,738,929

Future Biennia (Projected Costs) \$ 20,712,800

TOTAL \$ 36,826,100 -----

NEW SECTION. **Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

State emergency water projects revolving account (76-2-003)

Reappropriation:

St Emerg Water Proj Rev--State \$ 7,749,052

Prior Biennia (Expenditures) \$ 1,187,225

Future Biennia (Projected Costs) \$ 236,956

TOTAL \$ 9,173,233 -----

NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 39 waste disposal facilities (82-2-005)

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

- (1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;
- (2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and
- (3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Fac 1980--State \$ 18,423,360

Appropriation:

LIRA, Waste Fac 1980--State \$ 638,273

Prior Biennia (Expenditures) \$ 32,125,342

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 51,186,975 -----

NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF ECOLOGY**

Centennial clean water fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$25,000,000 of the appropriation is provided solely for the extended grant payment to Metro/King county.
- (2) \$10,000,000 of the appropriation is provided solely for an extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (3) \$14,986,000 of the appropriation shall be allocated by the department for point source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.
- (4) \$7,492,000 of the appropriation shall be allocated by the department for nonpoint source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.

Reappropriation:

Water Quality Acct--State \$ 72,995,194
Appropriation:
Water Quality Acct--State \$ 57,478,000

Prior Biennia (Expenditures) \$ 156,707,408
Future Biennia (Projected Costs) \$ 300,000,000

TOTAL \$ 587,180,602 -----

NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF ECOLOGY**

Local toxics control account (88-2-008)

Reappropriation:
Local Toxics Control Acct--
State \$ 29,538,197

Appropriation:
Local Toxics Control Acct--
State \$ 42,467,860

Prior Biennia (Expenditures) \$ 81,326,814
Future Biennia (Projected Costs) \$ 201,245,135

TOTAL \$ 354,578,006 -----

NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF ECOLOGY**

Water pollution control revolving account (90-2-002)

Reappropriation:
Water Pollution Cont Rev
Fund--State \$ 12,000,000
Water Pollution Cont Rev
Fund--Federal \$ 77,857,990

Subtotal Reappropriation \$ 89,857,990 -----

Appropriation:
Water Pollution Cont Rev Fund--
State \$ 13,000,000
Water Pollution Cont Rev Fund--
Federal \$ 62,000,000
Water Pollution Cont Rev Fund--
Private/Local \$ 4,265,272

Subtotal Appropriation \$ 79,265,272 -----

Prior Biennia (Expenditures) \$ 111,343,108
Future Biennia (Projected Costs) \$ 175,000,000

TOTAL \$ 455,466,370 -----

NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF ECOLOGY**

Methow Basin water conservation (92-2-009)

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Reappropriation:

St Bldg Constr Acct--State \$ 171,000

Prior Biennia (Expenditures) \$ 229,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail (89-5-112)

Reappropriation:

General Fund--Federal \$ 432,618

Prior Biennia (Expenditures) \$ 7,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,432,618 -----

NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION

Doug's Beach development (90-1-171)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 12,206

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 62,206 -----

NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION

Deception Pass State Park: Sewer development (91-2-006)

Reappropriation:

St Bldg Constr Acct--State \$ 925,000

Appropriation:

LIRA, Waste Fac 1980--State \$ 2,229,000

Prior Biennia (Expenditures) \$ 37,433

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,191,433

NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION
COMMISSION

Triton Cove State Park: Phase 1 (91-2-008)

Reappropriation:

ORA--State \$ 400,000

Prior Biennia (Expenditures) \$ 228,140

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 628,140 -----

NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION
COMMISSION

Omnibus boating facilities (91-2-009)

Reappropriation:

ORA--State \$ 200,000

Prior Biennia (Expenditures) \$ 54,780

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 254,780 -----

NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION
COMMISSION

St. Edwards State Park--Gym renovation and parking expansion (92-2-501)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 152,137

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 552,137 -----

NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION
COMMISSION

Sewer facility improvements (93-2-001)

Reappropriation:

LIRA, Waste Fac 1980--State \$ 650,000

Prior Biennia (Expenditures) \$ 935,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,585,820 -----

NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION
COMMISSION

Boating facility preservation (94-1-057)

Reappropriation:

ORA--State \$ 2,400,000
General Fund--Federal \$ 150,000

Subtotal Reappropriation \$ 2,550,000 -----

Appropriation:

General Fund--Federal \$ 700,000

Prior Biennia (Expenditures) \$ 570,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,820,000 -----

NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION
COMMISSION

Asbestos abatement projects: State-wide (95-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 650,000

Prior Biennia (Expenditures) \$ 350,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000 -----

NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION
COMMISSION

Iron Horse Trail State Park: Acquisition (95-2-000)

Reappropriation:

St Bldg Constr Acct--State \$ 70,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000 -----

NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION
COMMISSION

Emergency projects (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 850,000

Future Biennia (Projected Costs) \$ 2,450,000

TOTAL \$ 3,800,000 -----

NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION

Underground storage tanks: Phase 3 (96-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 2,600,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,300,000 -----

NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: General (96-1-003)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 932,200

Appropriation:

St Bldg Constr Acct--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 291,300

Future Biennia (Projected Costs) \$ 21,000,000

TOTAL \$ 23,723,500 -----

NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: Buildings (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,801,500

Appropriation:

St Bldg Constr Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 598,500
Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 16,900,000 -----

NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: Utilities (96-1-005)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,995,000

Appropriation:

St Bldg Constr Acct--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 1,505,000
Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 19,500,000 -----

NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION

State park program projects (96-2-007)

Appropriation:

St Bldg Constr Acct--State \$ 1,880,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 11,880,400 -----

NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating facilities (I-215) (96-2-001)

Reappropriation:

ORA--State \$ 7,398,959

Appropriation:

Recreation Resources Acct--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 5,108,690
Future Biennia (Projected Costs) \$ 35,584,384

TOTAL \$ 55,592,033 -----

NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)

Reappropriation:

ORA--State \$ 7,651,387

Appropriation:

NOVA--State \$ 5,120,000

Prior Biennia (Expenditures) \$ 6,346,803

Future Biennia (Projected Costs) \$ 20,912,228

TOTAL \$ 40,030,418

NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington wildlife and recreation program (96-2-003)

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

(1) The new appropriations in this section are provided solely for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. 3 as developed on May 22, 1995, at 7:00 a.m.

(2) All land acquired by a state agency with moneys from these appropriations shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) No moneys from the appropriations in this section shall be spent for the Lewis and Clark equestrian area project (project number 92-502A).

(4) The entire appropriation from the wildlife account is provided solely for the critical habitat project category.

(5) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.

Reappropriation:

ORA--State \$ 13,943,479

Habitat Conservation Acct--State \$ 9,134,101

Aquatic Lands Acct--State \$ 33,335

St Bldg Constr Acct--State \$ 48,691,974

Subtotal Reappropriation \$ 71,802,889

Appropriation:

Wildlife Acct--State \$ 1,400,000

Habitat Conservation Acct--State \$ 18,600,000

ORA--State \$ 20,000,000

Subtotal Appropriation \$ 40,000,000

Prior Biennia (Expenditures) \$ 118,234,493

Future Biennia (Projected Costs) \$ 200,000,000

TOTAL \$ 430,037,382

NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms range program (96-2-004)

Reappropriation:

Firearms Range Acct--State \$ 487,382

Appropriations:

Firearms Range Acct--State \$ 900,000

Prior Biennia (Expenditures) \$ 554,621

Future Biennia (Projected Costs) \$ 2,249,798

TOTAL \$ 4,191,801 -----

NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and water conservation fund (96-2-005)

Reappropriation:

ORA--Federal \$ 2,180,812

Appropriation:

Recreation Resources Acct--Federal \$ 1,050,000

Prior Biennia (Expenditures) \$ 1,341,684

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 8,572,496 -----

NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Act (96-2-006)

Reappropriation:

ORA--Federal \$ 125,000

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000 -----

NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Recreational facility acquisition and development projects (96-2-007)

Reappropriation:

St Bldg Constr Acct--State \$ 195,090

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 195,090

NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION

Water quality account projects (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

(2) The new appropriation provided in this section shall be allocated by the commission for nonpoint source pollution prevention facilities and activities.

Reappropriation:

Water Quality Acct--State \$ 3,360,475

Appropriation:

Water Quality Acct--State \$ 5,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 18,860,475 -----

NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Devils creek acclimation pond (87-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 370,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,000 -----

NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Luhrs Landing Access Interpretive Building (92-5-017)

Reappropriation:

St Bldg Constr Acct--State \$ 345,000

Prior Biennia (Expenditures) \$ 105,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000 -----

NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Grandy Creek Hatchery (92-5-024)

Reappropriation:

St Bldg Constr Acct--State \$ 4,006,000

Prior Biennia (Expenditures) \$ 494,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Warm water fish facility: To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-025)

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department has made a determination that:

- (1) The water rights to the property being transferred to the department, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

Reappropriation:

St Bldg Constr Acct--State \$ 1,134,622

Prior Biennia (Expenditures) \$ 127,378

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,262,000

NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tideland acquisitions (94-2-003)

Reappropriation:

General Fund--Federal \$ 1,664,600

Prior Biennia (Expenditures) \$ 3,335,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Sprague Lake Access Area development (94-2-008)

Reappropriation:

Wildlife Acct--Federal \$ 48,000

ORA--State \$ 101,000

Subtotal Reappropriation \$ 149,000

Prior Biennia (Expenditures) \$ 24,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 173,000

NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor works: Preservation (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 624,000

Appropriation:

General Fund--Federal \$ 2,000,000

Prior Biennia (Expenditures) \$ 4,934,887

Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 14,558,887 -----

NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Underground storage tank (UST) removal and replacement (96-1-002)

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 1,299,000

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 1,799,000 -----

NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Emergency repair (96-1-003)

Appropriation:

St Bldg Constr Acct--State \$ 650,000

Prior Biennia (Expenditures) \$ 1,200,000

Future Biennia (Projected Costs) \$ 2,750,000

TOTAL \$ 4,600,000 -----

NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facilities renovation (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:
(1) No funds will be provided to increase residential capacity at any state hatchery facility.
(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 130,000

Appropriation:

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 3,056,300

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 8,886,300

NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery renovation (96-1-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) No funds will be provided to increase residential capacity at any state hatchery facility.

(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,880,000

Wildlife Acct--Federal \$ 120,000

Subtotal Reappropriation \$ 3,000,000

Appropriation:

St Bldg Constr Acct--State \$ 3,200,000

Prior Biennia (Expenditures) \$ 4,626,155

Future Biennia (Projected Costs) \$ 15,000,000

TOTAL \$ 25,826,155

NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Recreational access redevelopment (96-1-007)

Reappropriation:

Wildlife Acct--Federal \$ 75,000

ORA--State \$ 172,903

Subtotal Reappropriation \$ 247,903

Appropriation:

General Fund--Federal \$ 500,000

St Bldg Constr Acct--State \$ 250,000

Subtotal Appropriation \$ 750,000

Prior Biennia (Expenditures) \$ 2,741,629

Future Biennia (Projected Costs) \$ 3,250,000

TOTAL \$ 6,989,532

NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Shellfish laboratory and hatchery upgrades (96-1-009)

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wildlife area renovation (96-1-010)

Reappropriation:

St Bldg Constr Acct--State \$ 275,000

Appropriation:

General Fund--Federal \$ 50,000

Wildlife Acct--State \$ 625,000

Subtotal Appropriation \$ 675,000 -----

Prior Biennia (Expenditures) \$ 764,000

Future Biennia (Projected Costs) \$ 2,950,000

TOTAL \$ 4,664,000 -----

NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Issaquah Hatchery Utilization Study and Improvements: To prepare a facilities master plan for the hatchery and for improvements to the hatchery, its water supply, and in-stream fish passage facilities **(96-1-011)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000.00 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan's primary consideration is to identify, prioritize, and design improvements which will aid in the continued production of salmon at this facility. The master plan shall also focus on improvements which will enable this facility with the merger of the departments to aid in wild stock restoration for migratory fish species previously under management of the department of wildlife. It shall also consider the educational, cultural, watershed management, research, tourism, tribal interests, and community development aspects of the hatchery. This master plan shall incorporate participation and recommendations from the Issaquah fishery management task force. A report is due to the legislature by January 1996.

(2) State dollars for construction and improvements shall be matched by at least \$1.00 from nonstate sources for each dollar provided by the state. Up to \$150,000.00 of the construction and improvement appropriation shall be immediately released and combined with matching funds to expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Facilitate better fish passage for utilization of up-stream habitat; (b) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species and game fish; (c) minimally impact future operating expenses while reaching these objectives; and (d) provide for raising of the pumps at the lower intake and make other improvements which protect in-stream structures from seasonal high water.

(3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 650,000
General Fund--Private Local \$ 500,000

Subtotal Appropriation \$ 1,150,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,150,000 -----

NEW SECTION. **Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)

Reappropriation:

St Bldg Constr Acct--State \$ 1,100,000

Appropriation:

General Fund--Federal \$ 800,000
St Bldg Constr Acct--State \$ 3,645,000
General Fund--Private/Local \$ 800,000

Subtotal Appropriation \$ 5,245,000 -----

Prior Biennia (Expenditures) \$ 6,770,000
Future Biennia (Projected Costs) \$ 15,500,000

TOTAL \$ 28,615,000 -----

NEW SECTION. **Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Appropriation:

General Fund--Federal \$ 700,000
St Bldg Constr Acct--State \$ 800,000

Subtotal Appropriation \$ 1,500,000 -----

Prior Biennia (Expenditures) \$ 3,280,000
Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 9,180,000 -----

NEW SECTION. **Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Fish protection facilities (96-2-014)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Appropriation:

General Fund--Federal \$ 2,075,000

General Fund--Private/Local \$ 200,000

Subtotal Appropriation \$ 2,275,000 -----

Prior Biennia (Expenditures) \$ 2,656,000

Future Biennia (Projected Costs) \$ 10,830,000

TOTAL \$ 15,811,000 -----

NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Game farm renovation (96-2-015)

Appropriation:

Wildlife Acct--State \$ 700,000

Prior Biennia (Expenditures) \$ 1,125,000

Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 2,425,000 -----

NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Nemah Hatchery Building and incubation system replacement (96-1-006)

Appropriation:

General Fund--Federal \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000 -----

NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minter Creek Hatchery phase 2 (96-2-019)

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

Reappropriation:

St Bldg Constr Acct--State \$ 10,000

Appropriation:

St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 4,329,000

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 5,339,000 -----

NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE

State-wide fencing renovation and construction (96-2-020)

Reappropriation:

St Bldg Constr Acct--State \$ 175,000

Appropriation:

St Bldg Constr Acct--State \$ 575,000

Prior Biennia (Expenditures) \$ 1,875,000

Future Biennia (Projected Costs) \$ 2,650,000

TOTAL \$ 5,275,000

NEW SECTION. **Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Clam and oyster beach enhancement (96-2-021)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Appropriation:

Aquatic Lands Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 2,716,201

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 5,616,201

NEW SECTION. **Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Migratory waterfowl habitat and acquisition and development (96-2-024)

Appropriation:

Wildlife Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 1,299,335

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 3,799,335

NEW SECTION. **Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Mitigation projects (96-2-025)

Reappropriation:

Special Wildlife Acct--Private/Local \$ 871,000

Appropriation:

Special Wildlife Acct--State \$ 50,000

General Fund--Federal \$ 6,000,000

General Fund--Private/Local \$ 5,000,000

Subtotal Appropriation \$ 11,050,000

Prior Biennia (Expenditures) \$ 54,000

Future Biennia (Projected Costs) \$ 64,250,000

TOTAL \$ 76,225,000

NEW SECTION. **Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Water access and development (96-2-027)

Reappropriation:

ORA--State \$ 1,170,000

Prior Biennia (Expenditures) \$ 694,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,864,600 -----

NEW SECTION. **Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational fish enhancement (96-2-028)

Reappropriation:

Rec Fisheries Enh Acct--State \$ 150,000

Appropriation:

Rec Fisheries Enh Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 9,300,000 -----

NEW SECTION. **Sec. 360. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Emergency repairs--Recreation sites (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 120,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 480,000

TOTAL \$ 700,000 -----

NEW SECTION. **Sec. 361. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Recreation health and safety improvements (96-1-003)

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,800,000 -----

NEW SECTION. **Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural area preserve and natural resource conservation area Management (96-1-004)

Appropriation:

St Bldg Constr Acct--State \$ 350,000

Prior Biennia (Expenditures) \$ 350,000
Future Biennia (Projected Costs) \$ 1,400,000

TOTAL \$ 2,100,000 -----

NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES

Emergency repairs (96-1-006)

Appropriation:

For Dev Acct--State \$ 53,000
Res Mgmt Cost Acct--State \$ 195,100
St Bldg Constr Acct--State \$ 30,000

Subtotal Appropriation \$ 278,100 -----

Prior Biennia (Expenditures) \$ 147,700
Future Biennia (Projected Costs) \$ 1,112,400

TOTAL \$ 1,538,200 -----

NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works: Preservation (96-1-112)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

For Dev Acct--State \$ 165,200
Res Mgmt Cost Acct--State \$ 611,100
St Bldg Constr Acct--State \$ 250,000

Subtotal Appropriation \$ 1,026,300 -----

Prior Biennia (Expenditures) \$ 494,800
Future Biennia (Projected Costs) \$ 4,105,200

TOTAL \$ 5,626,300 -----

NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES

Small repairs and improvement (96-1-113)

Appropriation:

For Dev Acct--State \$ 14,500
Res Mgmt Cost Acct--State \$ 54,500

Subtotal Appropriation \$ 69,000 -----

Prior Biennia (Expenditures) \$ 69,000

Future Biennia (Projected Costs) \$ 276,000

TOTAL \$ 414,000

NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hazardous waste cleanup (96-1-114)

Appropriation:

For Dev Acct--State \$ 100,000

Res Mgmt Cost Acct--State \$ 200,000

Subtotal Appropriation \$ 300,000

Prior Biennia (Expenditures) \$ 450,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,950,000

NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation repairs and replacements (96-1-115)

Appropriation:

Res Mgmt Cost Acct--State \$ 235,000

Prior Biennia (Expenditures) \$ 730,000

Future Biennia (Projected Costs) \$ 2,375,000

TOTAL \$ 3,340,000

NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES

Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)

Appropriation:

Res Mgmt Cost Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 862,000

Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 4,162,000

NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES

Communication site repair (96-1-119)

Appropriation:

For Dev Acct--State \$ 25,000

Res Mgmt Cost Acct--State \$ 25,000

Subtotal Appropriation \$ 50,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 1,050,000

NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road and bridge construction (96-2-001)

Appropriation:

For Dev Acct--State \$ 241,750
Res Mgmt Cost Acct--State \$ 678,450

Subtotal Appropriation \$ 920,200
Prior Biennia (Expenditures) \$ 1,655,500

Future Biennia (Projected Costs) \$ 3,835,000

TOTAL \$ 6,410,700

NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES

Region administrative facilities expansion (96-2-002)

Appropriation:

For Dev Acct--State \$ 294,488
Res Mgmt Cost Acct--State \$ 390,584
General Fund--Federal \$ 400,000

Subtotal Appropriation \$ 1,085,072
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,890,400

TOTAL \$ 6,975,472

NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works: Program (96-2-004)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

For Dev Acct--State \$ 152,900
Res Mgmt Cost Acct--State \$ 574,800
St Bldg Constr Acct--State \$ 100,000

Subtotal Appropriation \$ 827,700
Prior Biennia (Expenditures) \$ 99,500
Future Biennia (Projected Costs) \$ 4,110,800

TOTAL \$ 5,038,000

NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land bank program to enhance trust land holdings (96-2-005)

Appropriation:

Res Mgmt Cost Acct--State \$ 15,000,000

Prior Biennia (Expenditures) \$ 19,698,000

Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ 94,698,000 -----

NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right of way acquisition (96-2-006)

Appropriation:

For Dev Acct--State \$ 500,000

Res Mgmt Cost Acct--State \$ 500,000

Subtotal Appropriation \$ 1,000,000 -----

Prior Biennia (Expenditures) \$ 1,498,000

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,898,000 -----

NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation development (96-2-007)

Appropriation:

Res Mgmt Cost Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 336,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 4,736,000 -----

NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES

Communication site construction--Various (96-2-008)

Appropriation:

For Dev Acct--State \$ 460,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,310,000

TOTAL \$ 1,770,000 -----

NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mineral resource testing (96-2-009)

Reappropriation:

For Dev Acct--State \$ 10,000
Res Mgmt Cost Acct--State \$ 10,000

Subtotal Reappropriation \$ 20,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 80,000 -----

TOTAL \$ 100,000

NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial development: Local improvement districts (96-2-010)

Appropriation:

Res Mgmt Cost Acct--State \$ 470,000

Prior Biennia (Expenditures) \$ 860,000
Future Biennia (Projected Costs) \$ 2,420,000 -----

TOTAL \$ 3,750,000

NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic lands enhancement grants (96-2-012)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for grant funding from the new appropriation in this section in the amounts indicated:

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Alki/Harbor/Duwamish Corridor, City of Seattle \$ 200,000
ASARCO, Town of Ruston \$ 100,000
Cape Flattery, Makah Tribe \$ 200,000
Columbia River Renaissance, City of Vancouver \$ 2,800,000
Columbia River Trail, East Wenatchee \$ 100,000
Columbia River Trail Phase 2, LOOP Coalition \$ 400,000
Cooperative Environmental Education, North
Mason School District \$ 300,000
Duckabush River, Jefferson County \$ 350,000
Latah Creek, City of Spokane \$ 300,000
Little Spokane River, Spokane County \$ 300,000
Odyssey Maritime Museum, Port of Seattle \$ 1,000,000
Raymond Waterfront Park, City of Raymond \$ 200,000
Seattle Aquarium, City of Seattle \$ 300,000
South Lake Union, City of Seattle \$ 200,000
Statewide Competitive Small Grant Program \$ 500,000
Stevenson Waterfront Park, Port of Skamania \$ 75,000

Total \$ 7,300,0002 -----

(2) Grant funding shall be distributed based on the order in which projects are ready to proceed, as determined by the department, and the availability of funds.

(3) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects.

Reappropriation:

Aquatic Lands Acct--State \$ 2,500,000

Appropriation:

Aquatic Lands Acct--State \$ 4,500,000

Prior Biennia (Expenditures) \$ 276,000

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 19,276,000 -----

NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural resources real property replacement account (96-2-013)

Appropriation:

Nat Res Prop Repl Acct--State \$ 25,000,000

Prior Biennia (Expenditures) \$ 30,826,750

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 55,826,750 -----

NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES

Seattle waterfront phase 2 development (96-2-014)

Reappropriation:

ORA--State \$ 1,562,835

Prior Biennia (Expenditures) \$ 84,765

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,647,600 -----

PART 4
TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE WASHINGTON STATE PATROL

To construct a new crime laboratory in Tacoma (92-2-003)

Reappropriation:

St Bldg Constr Acct--State \$ 172,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 172,000 -----

NEW SECTION. Sec. 402. FOR THE WASHINGTON STATE PATROL

Spokane Crime Laboratory: Predesign (96-2-009)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 80,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,500,000

TOTAL \$ 5,580,000 -----

NEW SECTION. Sec. 403. FOR THE WASHINGTON STATE PATROL

Fire Training Academy: Preservation (94-1-016)

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,221,018

Appropriation:

St Bldg Constr Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 128,982

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 4,050,000 -----

NEW SECTION. Sec. 404. FOR THE WASHINGTON STATE PATROL

Fire Training Academy Portable Building Improvements (96-2-999)

Appropriation:

St Bldg Constr Acct--State \$ 99,410

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,410 -----

PART 5
EDUCATION

NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION

Public school building construction (85-2-001)

Reappropriation:

Common School Constr Fund--State \$ 335,780

Prior Biennia (Expenditures) \$ 656,119

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 991,899

NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION

Public school building construction (87-2-001)

Reappropriation:

Common School Constr Fund--State \$ 1,473,203

Prior Biennia (Expenditures) \$ 2,193,257

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,666,460

NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-001)

Reappropriation:

Common School Constr Fund--State \$ 1,573,705

Prior Biennia (Expenditures) \$ 24,362,530

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 25,936,235

NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-002)

Reappropriation:

Common School Constr Fund--State \$ 1,730,000

Prior Biennia (Expenditures) \$ 17,521,803

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 19,251,803

NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-003)

Reappropriation:

Common School Constr Fund--State \$ 4,211,005

Prior Biennia (Expenditures) \$ 41,637,585

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 45,848,590 -----

NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION

Public school building construction (91-2-001)

Reappropriation:

Common School Reimb Constr Acct--

State \$ 5,443,735

Common School Constr Fund--State \$ 6,115,606

Subtotal Reappropriation \$ 11,559,341 -----

Prior Biennia (Expenditures) \$ 78,816,301

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,375,642 -----

NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION

Public school building construction (94-2-001)

Reappropriation:

Common School Constr Fund--State \$ 59,729,325

St Bldg Constr Acct--State \$ 27,004,958

Subtotal Reappropriation \$ 86,734,283 -----

Prior Biennia (Expenditures) \$ 60,102,660

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 146,836,943 -----

NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION

Public school building construction (96-2-001)

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$210,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.

(2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(3) From the appropriation in this section the state board shall maintain a reserve contingency fund for emergency repair projects for school buildings which present imminent health and safety hazards to building occupants. Expenditures shall not exceed \$5,000,000 per fiscal year. The board shall establish policies for recovery of expenditures from subsequent releases of funds approved by the school board to any school district receiving funds under this subsection (2), from any insurance payments for the same repair projects for which a school district has received funds under this subsection (3), and from local funding sources.

(4) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with

qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.

(5) The state board shall conduct a study of school districts with less than twenty-five percent taxable property in the district. The study shall identify the school districts with less than twenty-five percent taxable property and for the identified districts calculate the percentage of state match for financial assistance for school facilities, compare the school levy rate per one thousand dollars of taxable property to the state average, verify the number of unhoused students, and make an assessment of the condition of existing school buildings in the district. The state board shall make recommendations to the 1996 legislature on potential state policy changes.

Appropriation:

Common School Constr Fund--State \$ 265,600,000
St Bldg Constr Acct--State \$ 100,000,000

Subtotal Appropriation \$ 365,600,000 -----

Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 365,600,000 -----

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School facilities staff: To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(1) Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

(2) \$1,639,000 is provided solely for in-house or contracted technical assistance to school districts for evaluation, response and prevention of situations which present life or safety threats, fire hazard, or deficiencies relating to utility and electrical standards.

Appropriation:

Common School Constr Fund--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 5,444,000

TOTAL \$ 8,444,000 -----

NEW SECTION. Sec. 510. FOR THE STATE BOARD OF EDUCATION

Clover Park School District transportation facilities (96-1-101)

The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,200,000

TOTAL \$ 7,500,000 -----

NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND

Old Main: Seismic stabilization (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 850,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000 -----

NEW SECTION. Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND

Minor works: Preservation (96-1-002)

Appropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,340,000

TOTAL \$ 2,740,000 -----

NEW SECTION. Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF

Minor works: Preservation (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 570,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,925,000

TOTAL \$ 3,495,000 -----

NEW SECTION. Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF

MacDonald and Deer Halls: Elevators (96-2-002)

Appropriation:

St Bldg Constr Acct--State \$ 550,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000 -----

NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler (88-2-022)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 6,400,000

Prior Biennia (Expenditures) \$ 9,805,653
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,205,653 -----

NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF WASHINGTON

Power generation, chiller, data communications, electrical distribution (90-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,175,700

Prior Biennia (Expenditures) \$ 3,703,053
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,878,753 -----

NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON

Chemistry Building: Construction (90-2-011)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 38,952,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000 -----

NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON

Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 80,000,000

Prior Biennia (Expenditures) \$ 14,869,028

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,869,028 -----

NEW SECTION. Sec. 519. FOR THE UNIVERSITY OF WASHINGTON

Physics/Astronomy building construction (90-2-009)

Reappropriation:

H Ed Reimb Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 69,564,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000 -----

NEW SECTION. Sec. 520. FOR THE UNIVERSITY OF WASHINGTON

Old Physics Hall: Design and construction (92-2-008)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

UW Bldg Acct--State \$ 1,650,000

St Bldg Constr Acct--State \$ 32,544,400

Subtotal Reappropriation \$ 34,194,400 -----

Prior Biennia (Expenditures) \$ 912,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000 -----

NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF WASHINGTON

Ocean and Fishery Sciences II: Predesign (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,065,300

Prior Biennia (Expenditures) \$ 784,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,850,000

NEW SECTION. Sec. 522. FOR THE UNIVERSITY OF WASHINGTON

Harborview Medical Center research (94-2-013)

Reappropriation:

St Bldg Constr Acct--State \$ 3,100,000

Appropriation:

St Bldg Constr Acct--State \$ 9,000,000

H Ed Constr Acct \$ 10,000,000

Subtotal Appropriation \$ 19,000,000 -----

Prior Biennia (Expenditures) \$ 520,000

Future Biennia (Projected Costs) \$ 56,380,000 -----

TOTAL \$ 79,000,000

NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF WASHINGTON

Parrington Hall: Exterior and seismic repair (92-3-018)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

UW Bldg Acct--State \$ 5,008,499

Prior Biennia (Expenditures) \$ 264,001

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 5,272,500

NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON

Henry Gallery: Addition (93-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 7,504,300

Prior Biennia (Expenditures) \$ 811,700

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 8,316,000

NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON

Burke Museum: To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 2,031,000

Prior Biennia (Expenditures) \$ 369,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,400,000 -----

NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON
Business Administration: Expansion (93-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 6,600,000

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000 -----

NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs: Preservation (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 11,240,000

UW Bldg Acct--State \$ 276,400

Subtotal Reappropriation \$ 11,516,400 -----

Prior Biennia (Expenditures) \$ 6,464,876

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,981,276 -----

NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-1-004)

Reappropriation:

UW Bldg Acct--State \$ 6,850,000

Prior Biennia (Expenditures) \$ 5,757,630

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,607,630

NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON

Americans with Disabilities Act (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 1,325,150

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,525,150

NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON

Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 1,396,009

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,196,009

NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure projects: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-2-005)

Reappropriation:

UW Bldg Acct--State \$ 5,200,000

Prior Biennia (Expenditures) \$ 1,871,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,071,000

NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON
Tacoma Branch Campus--Phase II: Predesign (94-2-500)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 33,455,244

Appropriation:

St Bldg Constr Acct--State \$ 5,700,000

Prior Biennia (Expenditures) \$ 17,738,913

Future Biennia (Projected Costs) \$ 35,320,000

TOTAL \$ 92,214,157

NEW SECTION. Sec. 534. FOR THE UNIVERSITY OF WASHINGTON

Suzzallo Library renovation--Phase I design: To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 717,600

St Bldg Constr Acct--State \$ 2,142,275

Subtotal Appropriation \$ 2,859,875

Prior Biennia (Expenditures) \$ 517,750

Future Biennia (Projected Costs) \$ 29,076,925

TOTAL \$ 32,454,550

NEW SECTION. Sec. 535. FOR THE UNIVERSITY OF WASHINGTON

Minor safety repairs: Preservation (96-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 3,700,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 19,700,000 -----

NEW SECTION. Sec. 536. FOR THE UNIVERSITY OF WASHINGTON

Minor works: Building renewal (96-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

UW Bldg Acct--State \$ 7,047,000
St Bldg Constr Acct--State \$ 2,000,000

Subtotal Appropriation \$ 9,047,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 53,000,000

TOTAL \$ 62,047,000 -----

NEW SECTION. Sec. 537. FOR THE UNIVERSITY OF WASHINGTON

Minor works: Utility infrastructure (96-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 5,900,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 26,000,000

TOTAL \$ 31,900,000 -----

NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON

Law School Building--Design and development: To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 1,140,000

Prior Biennia (Expenditures) \$ 128,000
Future Biennia (Projected Costs) \$ 33,860,000

TOTAL \$ 35,128,000 -----

NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center BB Tower Elevators--Design and construction: To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 210,700
St Bldg Constr Acct--State \$ 4,981,900

Subtotal Appropriation \$ 5,192,600 -----

Prior Biennia (Expenditures) \$ 117,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,309,600 -----

NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center D-Wing Dent Student Lab: Design and construction (96-1-016)

Appropriation:

UW Bldg Acct--State \$ 112,100
St Bldg Constr Acct--State \$ 2,905,000

Subtotal Appropriation \$ 3,017,100 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,017,100 -----

NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON

Social Work third floor addition--Design and construction: To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

Appropriation:

UW Bldg Acct--State \$ 126,400
St Bldg Constr Acct--State \$ 2,789,200

Subtotal Appropriation \$ 2,915,600 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,915,600 -----

NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON

Hogness/Health Sciences Center Lobby: Americans with Disabilities Act improvements (96-1-022)

Appropriation:

St Bldg Constr Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000 -----

NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON

Ocean and Fisheries Science Buildings II & III: Design and site preparation: To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction (96-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.

(2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 1,548,150

St Bldg Constr Acct--State \$ 5,932,025

Subtotal Appropriation \$ 7,480,175 -----

Prior Biennia (Expenditures) \$ 558,400

Future Biennia (Projected Costs) \$ 65,758,625

TOTAL \$ 73,797,200 -----

NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON

West Electrical Power Station: To design and construct the installation of new transformers, switch gear facilities, and primary distribution feeders at the west receiving station (96-2-011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 204,000

St Bldg Constr Acct--State \$ 6,600,000

Subtotal Appropriation \$ 6,804,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,804,000

NEW SECTION. Sec. 545. It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

NEW SECTION. Sec. 546. FOR THE UNIVERSITY OF WASHINGTON

Power Plant Boiler #7--Design and construction: To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 (96-2-020)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 288,703
St Bldg Constr Acct--State \$ 9,623,297

Subtotal Appropriation \$ 9,912,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,912,000

NEW SECTION. Sec. 547. FOR THE UNIVERSITY OF WASHINGTON

Southwest Campus utilities phase I--Design and construction: To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 285,600
St Bldg Constr Acct--State \$ 9,023,900

Subtotal Appropriation \$ 9,309,500

Prior Biennia (Expenditures) \$ 152,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,461,500

NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY

Branch campus acquisition (90-5-002)

Reappropriation:

St Bldg Constr Acct--State \$ 42,000

Prior Biennia (Expenditures) \$ 735,424

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,424

NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY

Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

Reappropriation:

St Bldg Constr Acct--State \$ 991,640

Prior Biennia (Expenditures) \$ 197,714

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,189,354

NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY

Todd Hall renovation: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 3,478,000

St Bldg Constr Acct--State \$ 2,626,444

Subtotal Reappropriation \$ 6,104,444

Prior Biennia (Expenditures) \$ 8,577,065

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,681,509

NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY

Veterinary Teaching Hospital--Construction: To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

H Ed Reimb Constr Acct--State \$ 10,214,399

St Bldg Constr Acct--State \$ 2,200,000

Subtotal Reappropriation \$ 12,414,399

Prior Biennia (Expenditures) \$ 19,643,672

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,058,071

NEW SECTION. **Sec. 552. FOR WASHINGTON STATE UNIVERSITY**

Fulmer Hall--Fulmer Annex renovation: To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 12,212,322

Prior Biennia (Expenditures) \$ 908,367

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,120,689 -----

NEW SECTION. **Sec. 553. FOR WASHINGTON STATE UNIVERSITY**

Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 10,173,300

Prior Biennia (Expenditures) \$ 4,826,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,000,000 -----

NEW SECTION. **Sec. 554. FOR WASHINGTON STATE UNIVERSITY**

Records and maintenance materials: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Reappropriation:

WSU Bldg Acct--State \$ 1,250,000

Prior Biennia (Expenditures) \$ 395,826

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,645,826 -----

NEW SECTION. **Sec. 555. FOR WASHINGTON STATE UNIVERSITY**

Minor capital renewal (94-1-004)

Reappropriation:

St Bldg Constr Acct--State \$ 2,784,260

Prior Biennia (Expenditures) \$ 3,215,740

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000

NEW SECTION. Sec. 556. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym renovation--Design: To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 391,500

St Bldg Constr Acct--State \$ 1,496,600

Subtotal Appropriation \$ 1,888,100

Prior Biennia (Expenditures) \$ 49,000

Future Biennia (Projected Costs) \$ 14,462,500

TOTAL \$ 16,399,600

NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY

Prosser: Septic system (94-1-500)

Reappropriation:

WSU Bldg Acct--State \$ 757,192

Prior Biennia (Expenditures) \$ 492,808

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000

NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSITY

Infrastructure savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. **Sec. 559. FOR WASHINGTON STATE UNIVERSITY**

Minor works (94-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,192,401

Prior Biennia (Expenditures) \$ 1,807,599

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

NEW SECTION. **Sec. 560. FOR WASHINGTON STATE UNIVERSITY**

Minor capital improvements (94-2-002)

Reappropriation:

WSU Bldg Acct--State \$ 2,430,690

Prior Biennia (Expenditures) \$ 3,569,310

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000 -----

NEW SECTION. **Sec. 561. FOR WASHINGTON STATE UNIVERSITY**

Hazardous waste facilities (94-2-006)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 211,000

Future Biennia (Projected Costs) \$ 12,037,774

TOTAL \$ 13,748,774 -----

NEW SECTION. **Sec. 562. FOR WASHINGTON STATE UNIVERSITY**

Pathological and biomedical incinerator: Design and construction (94-2-012)

Reappropriation:

St Bldg Constr Acct--State \$ 3,443,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,443,000 -----

NEW SECTION. **Sec. 563. FOR WASHINGTON STATE UNIVERSITY**

Communication infrastructure renewal (94-2-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Constr Acct--State \$ 5,000,000
St Bldg Constr Acct--State \$ 4,203,432

Subtotal Reappropriation \$ 9,203,432 -----

Appropriation:

WSU Bldg Acct--State \$ 4,159,625

Prior Biennia (Expenditures) \$ 12,796,568

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 26,159,625

NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY

Engineering Teaching and Research Laboratory Building: Construction (94-2-014)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 226,379

Appropriation:

General Fund--Federal \$ 8,000,000

St Bldg Constr Acct--State \$ 17,140,300

Subtotal Appropriation \$ 25,140,300 -----

Prior Biennia (Expenditures) \$ 1,143,621

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 26,510,300

NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY

Chemical waste collection facilities: Design and construction (94-2-016)

Reappropriation:

WSU Bldg Acct--State \$ 2,084,274

Appropriation:

WSU Bldg Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 252,726

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 3,337,000

NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym Addition--Design and construction: To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 477,000

Appropriation:

WSU Bldg Acct--State \$ 399,800

St Bldg Constr Acct--State \$ 8,960,400

Subtotal Appropriation \$ 9,360,200 -----

Prior Biennia (Expenditures) \$ 517,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 10,354,200

NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY

Animal Science Laboratory Building--Design and Construction: To construct a 20,200 gross square foot animal science lab (94-4-018)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 143,532

Appropriation:

St Bldg Constr Acct--State \$ 6,332,300

WSU Bldg Acct--State \$ 255,000

Subtotal Appropriation \$ 6,587,300 -----

Prior Biennia (Expenditures) \$ 451,468

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 7,182,300

NEW SECTION. Sec. 568. FOR WASHINGTON STATE UNIVERSITY

Kimbrough Hall addition and remodeling: To design a 32,000 gross square foot addition and remodel the existing Kimbrough Hall (94-2-019)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 238,425

St Bldg Constr Acct--State \$ 965,700

Subtotal Appropriation \$ 1,204,125 -----

Prior Biennia (Expenditures) \$ 80,000
Future Biennia (Projected Costs) \$ 10,448,875

TOTAL \$ 11,733,000

NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education: To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

Reappropriation:

St Bldg Constr Acct--State \$ 2,525,202

Prior Biennia (Expenditures) \$ 974,798

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 570. FOR WASHINGTON STATE UNIVERSITY

Washington State University--Vancouver: New campus construction (94-2-902)

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 23,580,000

Appropriation:

St Bldg Constr Acct--State \$ 9,066,000

Prior Biennia (Expenditures) \$ 10,994,362

Future Biennia (Projected Costs) \$ 35,000,000

TOTAL \$ 78,640,362

NEW SECTION. Sec. 571. FOR WASHINGTON STATE UNIVERSITY

Puyallup: Greenhouse replacements (94-2-027)

Reappropriation:

St Bldg Constr Acct--State \$ 2,126,945

Prior Biennia (Expenditures) \$ 114,055

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,241,000

NEW SECTION. Sec. 572. FOR WASHINGTON STATE UNIVERSITY

Washington State University Tri-Cities: Consolidated Information Center (94-2-905)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 730,500

Appropriation:

St Bldg Constr Acct--State \$ 9,709,000

Prior Biennia (Expenditures) \$ 679,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,119,000 -----

NEW SECTION. Sec. 573. FOR WASHINGTON STATE UNIVERSITY

Minor works: Preservation (96-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 5,900,000

WSU Bldg Acct--State \$ 252,000

Subtotal Appropriation \$ 6,152,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 34,690,000

TOTAL \$ 40,842,000 -----

NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY

Minor works: Safety and environmental (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1,600,000

WSU Bldg Acct--State \$ 1,000,000

Subtotal Appropriation \$ 2,600,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 17,400,000

TOTAL \$ 20,000,000 -----

NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY

Minor works: Program (96-2-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WSU Bldg Acct--State \$ 5,150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 41,016,000

TOTAL \$ 46,166,000 -----

NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY

Plant growth--Wheat Research Center: Construction (96-2-047)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

Appropriation:

General Fund--Private \$ 1,000,000

General Fund--Federal \$ 3,000,000

St Bldg Constr Acct--State \$ 4,000,000

Subtotal Appropriation \$ 8,000,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,000,000 -----

NEW SECTION. Sec. 577. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education--Spokane, Yakima, and Wenatchee Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)

Appropriation:

WSU Bldg Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000 -----

NEW SECTION. Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY

Sutton Hall remodel: To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 4,730,092

Prior Biennia (Expenditures) \$ 526,494

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,256,586

NEW SECTION. Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY

Science Building addition and remodel: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,100,480

Prior Biennia (Expenditures) \$ 18,934,987

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,467

NEW SECTION. Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY

Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)

Reappropriation:

EWU Cap Proj Acct--State \$ 4,300,000

St Bldg Constr Acct--State \$ 1,438,000

Subtotal Reappropriation \$ 5,738,000

Prior Biennia (Expenditures) \$ 7,685,782

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,423,782

NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY

Telecommunications network and cable replacement (90-2-004)

Appropriation:

EWU Cap Proj Acct--State \$ 1,593,800

Prior Biennia (Expenditures) \$ 4,080,000

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 7,673,800

NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY

JFK Library addition and remodel--Construction: To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,678,756

Appropriation:

EWU Cap Proj Acct--State \$ 152,174

St Bldg Constr Acct--State \$ 19,692,130

Subtotal Appropriation \$ 19,844,304 -----

Prior Biennia (Expenditures) \$ 536,244

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 22,059,304

NEW SECTION. **Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY**

Removal of underground storage tanks (92-1-003)

Reappropriation:

EWU Cap Proj Acct--State \$ 193,438

Prior Biennia (Expenditures) \$ 56,110

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 249,548

NEW SECTION. **Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY**

Spokane Center remodel and fire egress (92-5-008)

Reappropriation:

EWU Cap Proj Acct--State \$ 43,686

Prior Biennia (Expenditures) \$ 1,756,314

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,800,000

NEW SECTION. **Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY**

Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 2,318,877

Appropriation:

St Bldg Constr Acct--State \$ 3,361,600

EWU Cap Proj Acct--State \$ 638,400 -----

Subtotal Appropriation \$ 4,000,000

Prior Biennia (Expenditures) \$ 91,123
Future Biennia (Projected Costs) \$ 3,275,000

TOTAL \$ 9,685,000

NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure project: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY

Showalter Hall Auditorium: Preservation (96-1-001)

Appropriation:

EWU Cap Proj Acct--State \$ 977,800

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 977,800

NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY

Monroe Hall Remodel (96-1-002)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

EWU Cap Proj Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 6,100,000

NEW SECTION. Sec. 589. FOR EASTERN WASHINGTON UNIVERSITY

Campus classrooms--Renewal: To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

EWU Cap Proj Acct--State \$ 3,650,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 14,925,000

TOTAL \$ 18,575,000 -----

NEW SECTION. Sec. 590. FOR EASTERN WASHINGTON UNIVERSITY

Americans with Disabilities Act projects (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 193,089

Prior Biennia (Expenditures) \$ 132,711

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 325,800 -----

NEW SECTION. Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY

Life and safety improvements (92-1-030)

Reappropriation:

CWU Cap Proj Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 208,267

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 333,267 -----

NEW SECTION. Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY

Barge Hall renovation (92-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 263,000

Prior Biennia (Expenditures) \$ 11,318,970

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,581,970 -----

NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY

Shaw/Smyser Hall renovation (90-2-005)

Reappropriation:

H Ed Reimb Constr Acct \$ 302,000

Prior Biennia (Expenditures) \$ 12,983,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000 -----

NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY

Minor capital projects (92-2-050)

Reappropriation:

CWU Cap Proj Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 1,623,120

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,223,120 -----

NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY

Boullion asbestos: Construction (94-1-001)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,160,000

Prior Biennia (Expenditures) \$ 1,163,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,323,000 -----

NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Preservation (94-1-005)

Reappropriation:

CWU Cap Proj Acct--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 1,562,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,562,000 -----

NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY

Underground tank replacement (94-1-007)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 176,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000 -----

NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY

Electrical cable replacement (94-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 1,700,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,750,000 -----

NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY

Steamline replacement (94-1-009)

Reappropriation:

St Bldg Constr Acct--State \$ 790,000

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000 -----

NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY

Science Facility design and construction (94-2-002)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

CWU Cap Proj Acct--State \$ 4,000,000
St Bldg Constr Acct--State \$ 53,590,000

Subtotal Reappropriation \$ 57,590,000 -----

Prior Biennia (Expenditures) \$ 610,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 58,200,000 -----

NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Program (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 815,000

Prior Biennia (Expenditures) \$ 1,692,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,507,000 -----

NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY

Black Hall--Design and construction: To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

CWU Cap Proj Acct--State \$ 15,000

Appropriation:

CWU Cap Proj Acct--State \$ 875,100
St Bldg Constr Acct--State \$ 26,369,300

Subtotal Appropriation \$ 27,244,400 -----

Prior Biennia (Expenditures) \$ 144,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 27,403,400 -----

NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Infrastructure preservation (96-1-040)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

Appropriation:

St Bldg Constr Acct--State \$ 1,687,100
CWU Cap Proj Acct--State \$ 712,900

Subtotal Appropriation \$ 2,400,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 6,000,000 -----

TOTAL \$ 8,300,000

NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Preservation (96-1-120)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

Appropriation:

CWU Cap Proj Acct--State \$ 3,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,850,000 -----

TOTAL \$ 20,350,000

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

Hertz Hall addition (96-2-050)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 13,350,000 -----

TOTAL \$ 13,475,000

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Program (96-2-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

Appropriation:

CWU Cap Proj Acct--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,110,000

TOTAL \$ 13,610,000

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

Campus: Air quality improvement (96-1-001)

Appropriation:

TESC Cap Proj Acct--State \$ 492,425

St Bldg Constr Acct \$ 528,896

Subtotal Appropriation \$ 1,021,321

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,021,321

NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE

Minor works: Preservation (96-1-002)

Appropriation:

TESC Cap Proj Acct--State \$ 970,245

St Bldg Constr Acct--State \$ 2,154,876

Subtotal Appropriations \$ 3,125,121

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 20,488,124

TOTAL \$ 23,613,245

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

Campus: Preservation (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 1,599,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,749,000

NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE

Classroom Facility: Longhouse design and construction (94-2-008)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 1,800,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000 -----

NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE

Emergency repairs (96-1-003)

Appropriation:

TESC Cap Proj Acct--State \$ 238,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,076,000

TOTAL \$ 1,314,000 -----

NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE

Computer Network phase III (96-2-006)

Appropriation:

St Bldg Constr Acct--State \$ 162,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,000 -----

NEW SECTION. Sec. 614. FOR THE EVERGREEN STATE COLLEGE

Communications Building: Retrofit (96-2-007)

Appropriation:

St Bldg Constr Acct--State \$ 1,726,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,726,300 -----

NEW SECTION. Sec. 615. FOR THE EVERGREEN STATE COLLEGE

Library Building renovation (96-2-009)

Appropriation:

St Bldg Constr Acct--State \$ 772,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

NEW SECTION. Sec. 616. FOR THE JOINT CENTER FOR HIGHER EDUCATION

Riverpoint Campus: Design and construction (94-2-001)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 9,000,000

Prior Biennia (Expenditures) \$ 8,000,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,000,000 -----

NEW SECTION. Sec. 617. FOR THE JOINT CENTER FOR HIGHER EDUCATION

Riverpoint Campus phase II (96-2-001)

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 3,310,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 21,690,000

TOTAL \$ 25,000,000 -----

NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase II: Construction (92-1-007)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct \$ 2,400,000

Prior Biennia (Expenditures) \$ 17,650,533
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,050,533 -----

NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY

Fire detection systems (94-1-030)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 643,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 743,000 -----

NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY

Underground storage tank removal (94-1-032)

Reappropriation:

St Bldg Constr Acct--State \$ 58,200

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,000 -----

NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY

Pool chlorine gas system (94-1-033)

Reappropriation:

WWU Cap Proj Acct--State \$ 10,300

Prior Biennia (Expenditures) \$ 24,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,000 -----

NEW SECTION. Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY

Exterior and roofing renewal (94-1-034)

Reappropriation:

St Bldg Constr Acct--State \$ 309,000

Prior Biennia (Expenditures) \$ 292,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 601,000 -----

NEW SECTION. Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY

Boiler system (94-1-035)

Reappropriation:

WWU Cap Proj Acct--State \$ 859,884

Prior Biennia (Expenditures) \$ 40,116

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000

NEW SECTION. Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY

Utility upgrade (94-1-037)

Reappropriation:

St Bldg Constr Acct--State \$ 103,000

Prior Biennia (Expenditures) \$ 302,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 405,000

NEW SECTION. Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY

Interior renewal (94-1-038)

Reappropriation:

WWU Cap Proj Acct--State \$ 74,000

Prior Biennia (Expenditures) \$ 24,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 98,000

NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY

Interior painting (94-1-041)

Reappropriation:

WWU Cap Proj Acct--State \$ 272,000

Prior Biennia (Expenditures) \$ 129,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 401,000

NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure projects: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase III: Construction (94-2-014)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 11,473,119

Prior Biennia (Expenditures) \$ 96,988
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,570,107

NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY

Haggard Hall renovation and abatement: Construction (94-2-015)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 950,000

Appropriation:

WWU Cap Proj Acct--State \$ 3,735,420
St Bldg Constr Acct--State \$ 17,352,985

Subtotal Appropriation \$ 21,088,405

Prior Biennia (Expenditures) \$ 166,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,204,405

NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Program (94-2-028)

Reappropriation:

WWU Cap Proj Acct--State \$ 3,200,000

Prior Biennia (Expenditures) \$ 2,900,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,100,000

NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Preservation (96-1-030)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WWU Cap Proj Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,200,000

TOTAL \$ 10,500,000 -----

NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Infrastructure preservation (96-1-061)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1,650,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,050,000 -----

NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY

Campus Services Facility (96-2-025)

Appropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,883,400

TOTAL \$ 7,983,400 -----

NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Program (96-2-028)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WWU Cap Proj Acct--State \$ 2,000,000

St Bldg Constr Acct \$ 3,850,000

Subtotal Appropriation \$ 5,850,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 31,350,000

NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY

Integrated signal distribution--Design: To design a campus network system (96-2-056)

Appropriation:

WWU Cap Proj Acct--State \$ 229,650

St Bldg Constr Acct--State \$ 985,750

Subtotal Appropriation \$ 1,215,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,339,400

TOTAL \$ 10,554,800

NEW SECTION. Sec. 636. FOR WESTERN WASHINGTON UNIVERSITY

Wilson Library renovation (96-2-057)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 105,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,331,900

TOTAL \$ 8,436,900

NEW SECTION. Sec. 637. FOR WESTERN WASHINGTON UNIVERSITY

Recreation and physical education fields phase I (96-2-051)

Appropriation:

St Bldg Constr Acct--State \$ 2,535,200

WWU Cap Proj Acct--State \$ 130,800

Subtotal Appropriation \$ 2,666,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,666,000

NEW SECTION. Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Complete construction of Washington state History Museum (94-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) \$50,000 of the new appropriation in this section shall be provided as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

Reappropriation:

St Bldg Constr Acct--State \$ 6,859,978

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 35,592,643

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 42,752,621 -----

NEW SECTION. Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Stadium Way facility: Preservation (96-1-102)

Reappropriation:

St Bldg Constr Acct--State \$ 60,000

Appropriation:

St Bldg Constr Acct--State \$ 487,500

Prior Biennia (Expenditures) \$ 1,254,500

Future Biennia (Projected Costs) \$ 335,469

TOTAL \$ 2,137,469 -----

NEW SECTION. Sec. 640. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Bremerton Shellbanks Retreat: Preservation (96-1-103)

Appropriation:

St Bldg Constr Acct--State \$ 68,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 250,000

TOTAL \$ 318,000 -----

NEW SECTION. Sec. 641. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

State Capital Museum: Preservation (96-1-105)

Appropriation:

St Bldg Constr Acct--State \$ 122,592

Prior Biennia (Expenditures) \$ 107,500

Future Biennia (Projected Costs) \$ 199,628

TOTAL \$ 429,720 -----

NEW SECTION. **Sec. 642. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Stadium Way facility: Collection storage and access (96-2-204)

Appropriation:

St Bldg Constr Acct--State \$ 230,600

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,420,000

TOTAL \$ 1,650,600 -----

NEW SECTION. **Sec. 643. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Campbell House restoration (86-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 30,000

Prior Biennia (Expenditures) \$ 100,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,500 -----

NEW SECTION. **Sec. 644. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)

Appropriation:

St Bldg Constr Acct--State \$ 285,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 285,000 -----

NEW SECTION. **Sec. 645. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Cheney Cowles Museum: Preservation (96-1-004)

Appropriation:

St Bldg Constr Acct--State \$ 175,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 875,000 -----

NEW SECTION. **Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

Learning Resource Center--Skagit Valley College Whidbey Campus (88-5-020)

Reappropriation:

St Bldg Constr Acct--State \$ 5,408

Prior Biennia (Expenditures) \$ 2,117,591

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999 -----

NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Science, Fine Art, and Physical Education Building--South Puget Sound Community College (88-5-021)

Reappropriation:

St Bldg Constr Acct--State \$ 21,933

Prior Biennia (Expenditures) \$ 5,976,066

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999 -----

NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Library addition and remodel--Columbia Basin College (88-5-023)

Reappropriation:

St Bldg Constr Acct--State \$ 21,573

Prior Biennia (Expenditures) \$ 1,961,132

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705 -----

NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Vocational Shop Building--Centralia College (88-5-024)

Reappropriation:

St Bldg Constr Acct--State \$ 36,519

Prior Biennia (Expenditures) \$ 2,035,306

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825 -----

NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Art Commission carryover (88-5-026)

Reappropriation:

St Bldg Constr Acct \$ 9,378

Prior Biennia (Expenditures) \$ 2,984,655

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033 -----

NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Business Education Building--Spokane Community College (88-5-027)

Reappropriation:

St Bldg Constr Acct--State \$ 20,846

Prior Biennia (Expenditures) \$ 6,291,122

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968 -----

NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Student Activity Center and Physical Education Building--Seattle Central (88-5-028)

Reappropriation:

St Bldg Constr Acct--State \$ 1,681,465

Prior Biennia (Expenditures) \$ 9,519,434

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899 -----

NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Fire and security system repairs (90-1-004)

Reappropriation:

St Bldg Constr Acct--State \$ 134,433

Prior Biennia (Expenditures) \$ 236,508

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941 -----

NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor asbestos removal (90-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 323,914

Prior Biennia (Expenditures) \$ 992,167

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,316,081

NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof and structural repairs (90-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 8,779

Prior Biennia (Expenditures) \$ 706,514

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293

NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)

Reappropriation:

St Bldg Constr Acct--State \$ 50,944

Prior Biennia (Expenditures) \$ 947,439

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383

NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Facility repairs (90-3-007)

Reappropriation:

St Bldg Constr Acct--State \$ 24,471

Prior Biennia (Expenditures) \$ 503,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016

NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (90-5-009)

Reappropriation:

St Bldg Constr Acct--State \$ 120,737

Prior Biennia (Expenditures) \$ 2,904,787
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524 -----

NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Physical Education Facility--North Seattle Community College (90-5-011))

Reappropriation:

St Bldg Constr Acct--State \$ 6,883,057

Prior Biennia (Expenditures) \$ 1,671,143
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,200 -----

NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Applied Arts Facility--Spokane Falls Community College (90-5-012)

Reappropriation:

St Bldg Constr Acct--State \$ 2,848,249

Prior Biennia (Expenditures) \$ 2,643,840
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,492,089 -----

NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Industrial Tech Building--Spokane Community College (90-5-013)

Reappropriation:

St Bldg Constr Acct--State \$ 3,016,150

Prior Biennia (Expenditures) \$ 3,915,945
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,095 -----

NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Vocational Art Facility--Shoreline Community College (90-5-014)

Reappropriation:

St Bldg Constr Acct--State \$ 2,885,749

Prior Biennia (Expenditures) \$ 179,656
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405 -----

NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Business Education Building--Clark College (90-5-015)

Reappropriation:

St Bldg Constr Acct--State \$ 2,439,646

Prior Biennia (Expenditures) \$ 3,851,620

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266 -----

NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Student Center Building--South Seattle Community College (90-5-016)

Reappropriation:

St Bldg Constr Acct--State \$ 4,188,316

Prior Biennia (Expenditures) \$ 1,193,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093 -----

NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Library addition--Skagit Valley College (90-5-017)

Reappropriation:

St Bldg Constr Acct--State \$ 602,270

Prior Biennia (Expenditures) \$ 1,403,729

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999 -----

NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Business Complex renovation--Clover Park Technical College (91-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 26,062

Prior Biennia (Expenditures) \$ 2,473,938

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000 -----

NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Administration Office renovation--Bellingham Technical College (91-3-002)

Reappropriation:

St Bldg Constr Acct--State \$ 155,844

Prior Biennia (Expenditures) \$ 1,456,156

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000 -----

NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Acquisition: Auto Shop--Olympic College (92-1-604)

Reappropriation:

St Bldg Constr Acct--State \$ 575,155

Prior Biennia (Expenditures) \$ 124,845

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000 -----

NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal (92-2-102)

Reappropriation:

St Bldg Constr Acct--State \$ 96,033

Prior Biennia (Expenditures) \$ 1,300,819

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,396,852 -----

NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Legal and code requirement--Repairs (92-2-103)

Reappropriation:

St Bldg Constr Acct--State \$ 340,786

Prior Biennia (Expenditures) \$ 831,214

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,172,000 -----

NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof repairs (92-2-104)

Reappropriation:

St Bldg Constr Acct--State \$ 373,515

Prior Biennia (Expenditures) \$ 7,083,485

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,457,000 -----

NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Exterior and structure repairs (92-2-105)

Reappropriation:

St Bldg Constr Acct--State \$ 138,431

Prior Biennia (Expenditures) \$ 678,569

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 817,000 -----

NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Heating, ventilation, and air conditioning repairs (92-2-106)

Reappropriation:

St Bldg Constr Acct--State \$ 1,913,684

Prior Biennia (Expenditures) \$ 1,160,315

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,073,999 -----

NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Electrical repair (92-2-107)

Reappropriation:

St Bldg Constr Acct--State \$ 174,538

Prior Biennia (Expenditures) \$ 2,132,462

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000 -----

NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Mechanical repairs (92-2-108)

Reappropriation:

St Bldg Constr Acct--State \$ 824,457

Prior Biennia (Expenditures) \$ 1,683,543

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000 -----

NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Fire and security repairs (92-2-109)

Reappropriation:

St Bldg Constr Acct--State \$ 418,730

Prior Biennia (Expenditures) \$ 273,269

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999 -----

NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Interior repairs (92-2-110)

Reappropriation:

St Bldg Constr Acct--State \$ 427,638

Prior Biennia (Expenditures) \$ 1,012,361

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999 -----

NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Site repairs (92-2-111)

Reappropriation:

St Bldg Constr Acct--State \$ 98,377

Prior Biennia (Expenditures) \$ 1,230,622

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,328,999 -----

NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Pool repairs (92-2-112)

Reappropriation:

St Bldg Constr Acct--State \$ 5,133

Prior Biennia (Expenditures) \$ 594,867
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Administration addition--Lake Washington Technical College (92-5-003)

Reappropriation:

St Bldg Constr Acct--State \$ 2,498,016

Prior Biennia (Expenditures) \$ 6,644,183
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,142,199

NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvements (92-5-200)

Reappropriation:

St Bldg Constr Acct--State \$ 1,979,165

Prior Biennia (Expenditures) \$ 14,950,834
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,929,999

NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof repair--Clover Park Technical College (93-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 5,130

Prior Biennia (Expenditures) \$ 183,869
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 188,999

NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repairs and minor improvements (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 28,290,145

Prior Biennia (Expenditures) \$ 8,709,855
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 37,000,000 -----

NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Asbestos abatement (94-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 112,447

Prior Biennia (Expenditures) \$ 441,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 554,233 -----

NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal and remediation (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 158,727

Prior Biennia (Expenditures) \$ 765,990

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 924,717 -----

NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal (94-1-370)

Reappropriation:

St Bldg Constr Acct--State \$ 197,830

Prior Biennia (Expenditures) \$ 4,170

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000 -----

NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Asbestos abatement (94-1-390)

Reappropriation:

St Bldg Constr Acct--State \$ 326,887

Prior Biennia (Expenditures) \$ 124,440

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 451,327 -----

NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Renovate Seattle Vocational Institute facility: Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute (94-1-733)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 7,523,494

Prior Biennia (Expenditures) \$ 59,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,583,000 -----

NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (94-2-400)

Reappropriation:

St Bldg Constr Acct--State \$ 7,640,466

Prior Biennia (Expenditures) \$ 3,837,534

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,478,000 -----

NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (94-2-500)

Reappropriation:

St Bldg Constr Acct--State \$ 590,517

Prior Biennia (Expenditures) \$ 38,483

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 629,000 -----

NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Pierce College--Puyallup phase II (94-2-601)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 862,234

Appropriation:

St Bldg Constr Acct--State \$ 12,852,618

Prior Biennia (Expenditures) \$ 164,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,879,538 -----

NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Skagit Valley College Vocational Building (94-2-602)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 152,981

Appropriation:

St Bldg Constr Acct--State \$ 2,320,000

Prior Biennia (Expenditures) \$ 16,063

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,489,044 -----

NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 342,967

Appropriation:

St Bldg Constr Acct--State \$ 7,930,000

Prior Biennia (Expenditures) \$ 262,669

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,535,636 -----

NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 728,058

Appropriation:

St Bldg Constr Acct--State \$ 12,343,480

Prior Biennia (Expenditures) \$ 138,578

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,210,116 -----

NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct South Puget Sound Community College Technical Education Building (94-2-605)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 512,534

Appropriation:

St Bldg Constr Acct--State \$ 6,430,000

Prior Biennia (Expenditures) \$ 135,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,078,067 -----

NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Green River Community College Center for Information Technology (94-2-606)

Reappropriation:

St Bldg Constr Acct--State \$ 1,069,426

Appropriation:

St Bldg Constr Acct--State \$ 16,800,000

Prior Biennia (Expenditures) \$ 324,303

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,193,729 -----

NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Predesign (94-2-650)

Reappropriation:

St Bldg Constr Acct--State \$ 43,379

Prior Biennia (Expenditures) \$ 206,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000 -----

NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Acquisitions (94-2-700)

Reappropriation:

St Bldg Constr Acct--State \$ 28,591

Prior Biennia (Expenditures) \$ 480,409

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 509,000 -----

NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Americans with Disabilities Act projects (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 3,190,091

Prior Biennia (Expenditures) \$ 231,807

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,421,898 -----

NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair and minor improvement (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 40,000,000

TOTAL \$ 50,000,000 -----

NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair roofs (96-1-010)

Appropriation:

St Bldg Constr Acct--State \$ 5,406,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 21,406,000 -----

NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair heating, ventilation, and air conditioning (96-1-030)

Appropriation:

St Bldg Constr Acct--State \$ 7,588,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$ 39,588,000 -----

NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair mechanical (96-1-060)

Appropriation:

St Bldg Constr Acct--State \$ 1,262,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,262,000 -----

NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair electrical (96-1-080)

Appropriation:

St Bldg Constr Acct--State \$ 2,192,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,192,000 -----

NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair exterior (96-1-100)

Appropriation:

St Bldg Constr Acct--State \$ 2,419,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,419,000 -----

NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair interiors (96-1-120)

Appropriation:

St Bldg Constr Acct--State \$ 1,254,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,254,000

NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Site improvements (96-1-140)

Appropriation:

St Bldg Constr Acct--State \$ 2,465,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,465,000

NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Infrastructure project savings (96-1-500)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Clover Park Technical College: Aviation trades complex, site acquisition, and related costs

Appropriation:

St Bldg Constr Acct--State \$ 2,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000

NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor program remodel and improvements (96-2-199)

Appropriation:

St Bldg Constr Acct--State \$ 13,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 56,000,000

TOTAL \$ 69,300,000 -----

NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Project artwork consolidation account (96-2-400)

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

North Seattle Community College: To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 895,712

Prior Biennia (Expenditures) \$ 43,512

Future Biennia (Projected Costs) \$ 12,047,538

TOTAL \$ 12,986,762 -----

NEW SECTION. Sec. 713. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Everett Community College: To procure land for a new access to the college and for a new Instruction Technology Center (96-2-652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 3,558,440

Prior Biennia (Expenditures) \$ 25,140

Future Biennia (Projected Costs) \$ 12,251,270

TOTAL \$ 15,834,850 -----

NEW SECTION. Sec. 714. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

South Seattle Community College: To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 592,266

Prior Biennia (Expenditures) \$ 21,466

Future Biennia (Projected Costs) \$ 7,064,600

TOTAL \$ 7,678,332 -----

NEW SECTION. Sec. 715. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Olympic College Satellite--Poulsbo: Design (96-2-654)

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

Appropriation:

St Bldg Constr Acct \$ 755,000

Prior Biennia (Expenditures) \$ 26,359

Future Biennia (Projected Costs) \$ 10,248,000

TOTAL \$ 11,029,359 -----

NEW SECTION. Sec. 716. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Bellevue Community College Classroom/Laboratory Building: Design (96-2-655)

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 587,000

Prior Biennia (Expenditures) \$ 34,423

Future Biennia (Projected Costs) \$ 9,116,160

TOTAL \$ 9,737,583 -----

NEW SECTION. Sec. 717. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Tacoma Community College: To acquire land for the Gig Harbor center.

Appropriation:

St Bldg Constr Acct--State \$ 421,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 421,000 -----

**PART 6
MISCELLANEOUS**

NEW SECTION. Sec. 801. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,710,000 during the 1995-97 fiscal period; \$86,791,000 during the 1997-99 fiscal period; \$123,561,000 during the 1999-2001 fiscal period; \$123,500,000 during the 2001-03 fiscal period; and \$123,450,000 during the 2003-05 fiscal period.

NEW SECTION. Sec. 802. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000; and

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus.

(b) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$5,600,000 for off-campus aircraft training programs;

(c) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(d) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(e) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(f) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(g) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(h) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

(i) Lease-purchase or enter into a financing contract on behalf of Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(j) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops.

(k) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(l) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(m) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of

a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

(n) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

(o) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

(p) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

(q) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

(r) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

(s) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management; and

(t) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(u) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

(v) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

(w) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds; and

(x) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

(6) Washington State University:

(a) Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract; and

(b) Enter into a financing contract for \$7,500,000 plus financing costs to construct a portion of the Consolidated Information Center at the Tri-Cities Branch Campus. Washington State University will be reimbursed for the cost of the financing contract from federal money received for the operation and/or construction of the center.

(7) Western Washington State University:

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

(8) Washington state fruit commission:

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium

of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

NEW SECTION. Sec. 803. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

NEW SECTION. Sec. 804. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 805. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 806. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

NEW SECTION. Sec. 807. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 808. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in

consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 809. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 810. Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 811. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 812. The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 813. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in

excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

NEW SECTION. **Sec. 814.** Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

NEW SECTION. **Sec. 815.** Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

NEW SECTION. **Sec. 816.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. **Sec. 817.** The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

NEW SECTION. **Sec. 818.** No moneys in this act shall be used to develop facilities for juvenile offenders at Rainier school.

NEW SECTION. **Sec. 819.** STUDYING THE FEASIBILITY OF ESTABLISHING A POOLED REVENUE DISTRIBUTION SYSTEM FOR STATE TRUST LANDS. The board of natural resources shall evaluate the feasibility of establishing a pooled revenue distribution system for state lands, as defined in RCW 79.01.004, to provide a more consistent and predictable revenue stream to trust beneficiaries. For the purposes of this section, a "pooled revenue distribution system" means a system that distributes revenues to each trust beneficiary based on the proportional net present value of revenue forecasted for each trust ownership over a defined time period. Actual revenue distribution to each trust during a fiscal period would be based on the assigned proportional benefit multiplied by the actual total revenues produced from all state lands during the period. The board shall report to the legislature on its evaluation, including any recommendations for implementation, by November 1, 1995. The report shall include necessary modifications to the legal framework governing state trust land revenues, and a proposed valuation methodology, as well as a forecast of potential revenue distributions using a pooled revenue distribution system.

NEW SECTION. **Sec. 820.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 821.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency."

Representative Benton moved adoption of the following amendment to the amendment by Representative Benton:

On page 51, strike all of line 46 and insert "Cedar Creek Expansion (96-2-010)"

On page 52, line 10, after "expansion of the" strike "Larch and"

On page 52, at the beginning of line 11, strike "camps" and insert "camp"

On page 52, line 20, strike "\$2,000,000" and insert "\$1,000,000"

On page 52, beginning on line 22, after "fencing" strike "as part of the expansion of" and insert "at"

On page 52, line 25, strike "\$22,000,000" and insert "\$8,100,000"

On page 52, line 29, strike "\$22,000,000" and insert "\$8,100,000"

Representative Benton spoke in favor of the adoption of the amendment to the amendment.

Representatives Sehlin, Ogden and Ebersole spoke against the adoption of the amendment to the amendment.

Representative Benton again spoke in favor of adoption of the amendment to the amendment.

The amendment was not adopted.

Representative Benton moved adoption of the following amendment to the amendment by Representative Benton:

On page 52, after line 23, insert:

"(5) The department shall not house alien offenders at the Larch corrections center on or after January 1, 1996."

Representatives Benton, Morris and Sehlin spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Ballasiotes moved adoption of the following amendment to the amendment by Representative Ballasiotes:

On page 141, after line 17 insert the following:

"(10) Washington state convention and trade center:

(a) Enter into a financing contract in the amount of \$8,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for refinancing the parking revenue note issued by the corporation to Industrial Indemnity Corporation and held by its successor, Resolution Credit Service Corporation; and

(b) Enter into a financing contract in the amount of \$111,700,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for the construction of a \$130,000,000 expansion of the Washington State Convention and Trade Center as authorized under chapter 386, Laws of 1995 in lieu of bonds described therein. The balance of the expansion project funds shall be provided from interest earnings and public or private funds."

Representatives Ballasiotes, Van Luven, Ogden, Jacobsen, Clements and Dyer spoke in favor of the adoption of the amendment to the amendment.

Representatives B. Thomas, Sehlin, Carrell and Hargrove spoke against the adoption of the amendment to the amendment.

Representatives Ballasiotes and Van Luven again spoke in favor of the adoption of the amendment to the amendment.

Representative B. Thomas again spoke against the adoption of the amendment to the amendment.

A division was called. The Speaker (Representative Horn presiding) called on the House to divide. The results of the division was: 59-YEAS, 38-NAYS. The amendment to the amendment was adopted.

Representatives Sehlin, Ogden and Chopp spoke in favor of adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1070.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1070, and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 84.

Voting nay: Representatives Campbell, Dickerson, Fisher, G., Fisher, R., Hargrove, Kremen, McMahan, Patterson, Poulsen, Sheldon, Sherstad, Smith and Valle - 13.

Excused: Representative Goldsmith - 1.

Second Engrossed Substitute House Bill No. 1070, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of Substitute House Bill No. 1071 and placed on third reading.

There being no objection, the rules were suspended, and Substitute House Bill No. 1071 was returned to second reading for the purpose of an amendment.

SUBSTITUTE HOUSE BILL NO. 1071, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden and Dellwo; by request of Office of Financial Management)

Authorizing general obligation bonds for costs incidental to the 1995-97 biennium.

The bill was read the second time.

Representative Sehlin moved adoption of the following amendment by Representative Sehlin:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1995-97 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight hundred eleven million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Seven hundred eighty million dollars to remain in the state building construction account created by RCW 43.83.020;
- (2) Twenty million dollars to the outdoor recreation account created by RCW 43.99.060;
- (3) Eighteen million six hundred thousand dollars to the habitat conservation account created by RCW 43.98A.020;
- (4) Two million nine hundred twelve thousand dollars to the public safety reimbursable bond account; and
- (5) Ten million dollars to the higher education construction account created by RCW 28B.14D.040.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 2 (1), (2), (3), (4), and (5) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(4) of this act, the state treasurer shall transfer from the public safety and education account to the general fund of the state treasury the amount computed in subsection (2) of this section for the bonds issued for the purposes of section 2(4) of this act.

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(5) of this act, the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the general fund of the state treasury the amount computed in subsection (2) of this section for bonds issued for the purposes of section 2(5) of this act.

(5) Bonds issued under this section and sections 1 and 2 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(6) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 4. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and section 3 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 5. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 6. RCW 39.52.010 and 1984 c 186 s 36 are each amended to read as follows:

Any county, city, or town in the state of Washington which now has or may hereafter have an outstanding indebtedness evidenced by warrants or bonds, including warrants or bonds of any county, city, or town which are special fund obligations of and constitute a lien upon the waterworks or other public utilities of such county, city, or town, and are payable only from the income or funds derived or to be derived therefrom, whether issued originally within the limitations of the Constitution of this state, or of any law thereof, or whether such outstanding indebtedness has been or may hereafter be

validated or legalized in the manner prescribed by law, may, by its corporate authorities, provide by ordinance or resolution for the issuance of funding bonds with which to take up and cancel such outstanding indebtedness in the manner hereinafter described, said bonds to constitute general obligations of such county, city, or town: PROVIDED, That special fund obligations payable only from the income funds of the public utility, shall not be refunded by the issuance of general municipal bonds where voter approval is required before general municipal bonds may be issued for such public utility purposes, unless such general municipal bonds shall have been previously authorized. Nothing in this chapter shall be so construed as to prevent any such county, city, or town from funding its indebtedness as now provided by law.

Sec. 7. RCW 39.52.020 and 1984 c 186 s 37 are each amended to read as follows:

No bonds issued under this chapter shall be issued for a longer period than twenty years. Nothing in this chapter shall be deemed to authorize the issuing of any funding bonds which exceeds any constitutional or statutory limitations of indebtedness. Such bonds shall be issued and sold in accordance with chapters 39.46 and 39.53 RCW, exclusive of RCW 39.53.120.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act shall constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "bonds;" strike the remainder of the title and insert "amending RCW 39.52.010 and 39.52.020; and adding a new chapter to Title 43 RCW."

Representative Sehlin spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ebersole spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1071.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1071, and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Lambert, Lisk, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 65.

Voting nay: Representatives Appelwick, Brown, Chappell, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hargrove, Hatfield, Jacobsen, Kremen, Mason,

Mastin, McMahan, Morris, Patterson, Poulsen, Quall, Regala, Rust, Scott, Sheldon, Sommers, Tokuda, Valle, Veloria and Wolfe - 32.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1071, having received the constitutional majority, was declared passed.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

MESSAGE FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the Rules Committee was relieved of further consideration of House Bill No. 1023 and placed on third reading.

There being no objection, the rules were suspended, and House Bill No. 1023 was returned to second reading for the purpose of an amendment.

HOUSE BILL NO. 1023, by Representatives B. Thomas, Foreman, Chandler, Lisk, Cooke, Carlson, Brumsickle, Silver, Ballasiotes, Dyer, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Tokuda, Costa, Horn, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Blanton, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Morris, Hymes and Casada

Reducing business and occupation tax rates.

The bill was read the second time.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.255 and 1993 sp.s. c 25 s 202 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((2-0))~~ 1.75 percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the

commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. RCW 82.04.290 and 1995 c 229 s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing selected business services other than or in addition to those enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2.5))~~ 2.0 percent.

(2) Upon every person engaging within this state in banking, loan, security, investment management, investment advisory, or other financial businesses, other than or in addition to those enumerated in subsection (3) of this section; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ~~((1.70))~~ 1.6 percent.

(3) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(4) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, and subsections (1), (2), and (3) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ~~((2.0))~~ 1.75 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of title, after "rates;" strike the remainder of the title and insert "amending RCW 82.04.255 and 82.04.290; providing an effective date; and declaring an emergency."

Representative Sheldon moved adoption of the following amendment to the amendment by Representative Sheldon:

On page 2 of the amendment, after line 25, insert:

"Sec. 1. RCW 82.62.030 and 1986 c 116 s 17 are each amended to read as follows:

(1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW ~~((of an amount equal to))~~ as provided in this section. For an application approved before January 1, 1996, the credit shall equal one thousand dollars for each qualified employment position directly created in an eligible business project. For an application approved on or after January 1, 1996, the credit shall equal two thousand dollars for each qualified employment position directly created in an eligible business project.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal biennium. The department shall not allow any credits which would cause the tabulation for a biennium to exceed fifteen million dollars. If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next biennium. However, the applicant's carryover into the next biennium is only permitted if the tabulation for the next biennium does not exceed fifteen million dollars as of the date on which the department has disallowed the application.

(3) No recipient is eligible for tax credits in excess of three hundred thousand dollars.

(4) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(5) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) There may be credited against the tax imposed by this chapter, the value of state-approved, employer-provided or sponsored job training services designed to enhance the job-related performance of employees, for those businesses eligible for a tax deferral under chapter 82.60 RCW.

(2) The value of the state-approved, job training services provided by the employer to the employee, without charge, shall be determined by the allocation of the cost method using generally accepted accounting standards.

(3) The credit allowed under this section shall be limited to an amount equal to twenty percent of the value of the state-approved, job training services determined under subsection (2) of this section. The total credits allowed under this section for a business shall not exceed five thousand dollars per calendar year.

(4) Prior to claiming the credit under this section, the business must obtain approval of the proposed job training service from the employment security department. The employer's request for approval must include a description of the proposed job training service, how the job training will enhance the employee's performance, and the cost of the proposed job training.

(5) This section only applies to training in respect to eligible business projects for which an application is approved on or after October 1, 1995."

Renumber sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Sheldon and B. Thomas spoke in favor of the adoption of the amendment to the amendment.

The amendment was adopted.

Representative B. Thomas spoke in favor of adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1023.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1023, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representatives Sommers and Valle - 2.

Excused: Representative Goldsmith - 1.

Engrossed House Bill No. 1023, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of Engrossed Substitute House Bill No. 1592 and the bill be placed on third reading.

There being no objection, the rules were suspended, and Engrossed Substitute House Bill No. 1592 was returned to second reading for the purpose of an amendment.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Mielke and G. Fisher)

Crediting certain insurance premium taxes.

The bill was read the second time.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.32.145 and 1993 sp.s. c 25 s 901 are each amended to read as follows:

Every member insurer that prior to April 1, 1993, or after the effective date of this section, shall have paid one or more assessments levied pursuant to RCW 48.32.060(1)(c) shall be entitled to take ~~((, as))~~ a credit against any premium tax falling due under RCW 48.14.020 ~~((,)~~). For assessments paid after the effective date of this section, the amount of the credit shall be one-tenth of the aggregate amount of such aggregate assessments paid during such calendar year for each of the ten consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid. For assessments paid prior to April 1, 1993, the amount of the credit shall be one-fifth of the aggregate amount of such aggregate assessments paid during such calendar year for each of the five consecutive calendar years beginning with the calendar year following the calendar year in which such assessments are paid. Whenever ((an assessment or uncredited portion of an assessment)) the allowable credit is or becomes less than one thousand dollars, the entire amount ((may be credited)) of the credit may be offset against the premium tax at the next time the premium tax is paid.

~~((This section shall expire January 1, 1999.))~~

Sec. 2. RCW 48.32A.090 and 1993 sp.s. c 25 s 902 are each amended to read as follows:

(1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the

commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution issued prior to April 1, 1993, or after the effective date of this section, shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve. Unless a longer period has been allowed by the commissioner the insurer shall in any event at its option have the right to show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

(a) For assessments paid after the effective date of this section:

100% for the calendar year of issuance;

90% for the first calendar year after the year of issuance;

80% for the second calendar year after the year of issuance;

70% for the third calendar year after the year of issuance;

60% for the fourth calendar year after the year of issuance;

50% for the fifth calendar year after the year of issuance;

40% for the sixth calendar year after the year of issuance;

30% for the seventh calendar year after the year of issuance;

20% for the eighth calendar year after the year of issuance;

10% for the ninth calendar year after the year of issuance; and

0% for the tenth and subsequent calendar years after the year of issuance; or

(b) For assessments paid prior to April 1, 1993:

100% for the calendar year of issuance;

80% for the first calendar year after the year of issuance;

60% for the second calendar year after the year of issuance;

40% for the third calendar year after the year of issuance;

20% for the fourth calendar year after the year of issuance; and

0% for the fifth and subsequent calendar years after the year of issuance.

Notwithstanding the foregoing, if the value of a certificate of contribution is or becomes less than one thousand dollars, the entire amount may be written off by the insurer in that year.

(3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year.

(4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and then deposited with the state treasurer for credit to the general fund of the state of Washington.

(5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "insurers;" strike the remainder of the title and insert "amending RCW 48.32.145 and 48.32A.090; and declaring an emergency."

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative L. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1592.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1592, and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 78.

Voting nay: Representatives Appelwick, Beeksma, Chopp, Cody, Cole, Conway, Costa, Dickerson, Fisher, R., Mason, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 19.

Excused: Representative Goldsmith - 1.

Second Engrossed Substitute House Bill No. 1592, having received the constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of further consideration of Substitute House Bill No. 1769 and the bill was placed on third reading.

There being no objection, the rules was suspended and Substitute House Bill No. 1769 was returned to second reading for the purpose of an amendment.

SUBSTITUTE HOUSE BILL NO. 1769, by House Committee on Finance (originally sponsored by Representatives Mielke, Morris, Campbell, Appelwick, Benton, Kremen, Fuhrman, Mulliken, G. Fisher, Basich, Brumsickle, Van Luven, Skinner, Grant, Boldt, Hymes, Carrell, Chandler, Beeksma, L. Thomas, Foreman, McMahan, Schoesler, Blanton and Thompson)

Lowering business and occupation tax for insurance business.

The bill was read the second time.

Representative Mielke moved adoption of the following amendment by Representative Mielke:

On page 4, line 12, after "percent." strike everything through "commission." on line 17.

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Mielke spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1769.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1769, and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Dickerson, Fisher, R., Regala, Rust and Sommers - 9.

Excused: Representative Goldsmith - 1.

Engrossed Substitute House Bill No. 1769, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended and Substitute Senate Bill No. 5739 was advanced to second reading and read the second time in full.

SUBSTITUTE SENATE BILL NO. 5739, by Senate Committee on Ways & Means (originally sponsored by Senators Strannigan, Rinehart, Johnson, Quigley, Long, Owen, Cantu, Hale, Finkbeiner, McCaslin, Palmer, Hochstatter, McDonald, Spanel, Schow, Prentice, Moyer, Loveland, Swecker, West, Rasmussen, Smith, Drew, Haugen, Franklin, Fairley, A. Anderson, Wojahn, Heavey, McAuliffe, Kohl, Hargrove, Oke and Bauer)

Exempting certain sales by nonprofit organizations from sales and use taxes.

The bill was read the second time.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.365 and 1979 ex.s. c 196 s 7 are each amended to read as follows:

(1) This chapter does not apply to ~~((amounts derived))~~ the first twenty thousand dollars received in a calendar year by a nonprofit organization as a result of conducting or participating in a bazaar or rummage sale if:

(a) The organization does not conduct or participate in more than two bazaars or rummage sales per year; and

(b) Each bazaar or rummage sale does not extend over a period of more than two days(~~;- and~~
~~(c) The gross income received by each organization from each bazaar or rummage sale does not exceed one thousand dollars~~)).

(2) For purposes of this section, "nonprofit organization" means an organization that meets all of the following criteria:

(a) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(b) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(c) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:
The tax levied by RCW 82.08.020 does not apply to sales made by a nonprofit organization if the gross income from the sales is exempt under RCW 82.04.365.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:
This chapter does not apply to nonprofit organizations in respect to amounts derived from the provision of child care resource and referral services.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 82.04.365; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency."

Representative B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5739 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5739 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

Substitute Senate Bill No. 5739, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the Transportation Committee was relieved of further consideration of House Bill No. 2076 and the bill be placed on second reading.

HOUSE BILL NO. 2076, by Representatives Skinner, Honeyford, Clements and K. Schmidt

Simplifying disposition of drivers' license fees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Skinner spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2076.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2076, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

House Bill No. 2076, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

There being no objection, House Bill No. 2110 was read the first time.

There being no objection, the rules were suspended and House Bill No. 2110 was advanced to second reading and read the second time in full.

HOUSE BILL NO. 2110, by Representatives Campbell, Smith, Talcott, Morris, Conway, Huff, Costa, Scott, Casada, McMahan, Brumsickle and Ebersole

Authorizing the imposition of taxes by counties for correctional facilities and juvenile detention facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Morris spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2110.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2110, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 95.

Voting nay: Representatives Beeksma and Hargrove - 2.

Excused: Representative Goldsmith - 1.

House Bill No. 2110, having received the constitutional majority, was declared passed.

There being no objection, all bills passed today will be immediately transmitted to the Senate.

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended and Second Engrossed Substitute Senate Bill No. 5201 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5201, by Senate Committee on Ways & Means (originally sponsored by Senators Bauer, Cantu, McAuliffe, Haugen, Winsley, Snyder, Loveland, Sheldon, Fairley, West, Long, Palmer, Schow, Moyer, Sellar, Rasmussen, Deccio, Heavey, Quigley, C. Anderson, Oke, Roach and Hale; by request of Governor Lowry)

Providing tax exemptions for manufacturing and processing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van Luven spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Van Luven yielded to a question by Representative Foreman.

Representative Foreman: I sat as a member of the manufacturing tax study committee this past summer and that committee resulted in the recommendation of this legislation. In determining the fiscal impact of this proposal several assumptions were made regarding the scope of manufacturing and processing included in the recommendations. The scope of manufacturing and processing was described to include all business activities identified in two digits, standard industrial codes 20-39 and those business activities identified in the three digit standard industrial codes 737. Is it intended that Second Engrossed Substitute Senate Bill No. 5201 apply to all business activities identified in two digit standard industrial codes 20-39 and those business activities identified in the three digit standards industrial codes 737.

Representative Van Luven: Yes. Second Engrossed Substitute Senate Bill No. 5201, just like House Bill No. 1024 is intended to apply to all business activities identified in two digit standard industrial codes 20-39 and those business activities identified in the three digit standard industrial codes 737.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5201.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5201, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representatives Cole, Dickerson, Mason, Rust and Sommers - 5.

Excused: Representative Goldsmith - 1.

Second Engrossed Substitute Senate Bill No. 5201, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

There being no objection, Second Engrossed Substitute Senate Bill No. 5001 was read the first time.

There being no objection, the rules were suspended, and Second Engrossed Substitute Senate Bill No. 5001 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, by Senate Committee on Ways & Means (originally sponsored by Senators Sheldon, Snyder, Haugen, Winsley, Quigley, Franklin, Rasmussen and Prentice)

Affecting the property taxation of senior citizens and persons retired because of physical disabilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5001.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5001, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

Second Engrossed Substitute Senate Bill No. 5001, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

There being no objection, Second Engrossed Senate Bill No. 5555 was read the first time.

There being no objection, the rules were suspended, and Second Engrossed Senate Bill No. 5555 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SENATE BILL NO. 5555, by Senators C. Anderson, Long, Kohl, A. Anderson, Fairley, Sheldon, Prentice and Moyer

Modifying taxation of massage services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Thomas and Carlson spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Senate Bill No. 5555.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5555, and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, L., Thompson, Tokuda, Van Luven, Voloria, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Appelwick, Beeksma, Rust, Sherstad, Sommers, Thomas, B. and Valle - 7.

Excused: Representative Goldsmith - 1.

Second Engrossed Senate Bill No. 5555, having received the constitutional majority, was declared passed.

There being no objection, Rule 13C was suspended.

There being no objection, the House reverted to the fourth order of business.

There being no objection, Second Engrossed Senate Bill No. 5529 was read the first time.

There being no objection, the rules were suspended, and Second Engrossed Senate Bill No. 5529 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SENATE BILL NO. 5529, by Senators McAuliffe, Rinehart, Moyer, McDonald, Wojahn and Winsley; by request of Office of Financial Management

Changing school district levy provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cole spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Senate Bill No. 5529.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5529, and the bill passed the House by the following vote: Yeas - 83, Nays - 14, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Horn, Huff, Hymes, Jacobsen, Kessler, Kremen, Lambert, Mason, Mastin, McMahan, McMorris, Mielke, Morris, Mulliken, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Smith, Sommers, Sterk, Talcott,

Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 83.

Voting nay: Representatives Carlson, Hargrove, Hickel, Honeyford, Johnson, Koster, Lisk, Mitchell, Ogden, Pennington, Schmidt, K., Sheldon, Sherstad and Stevens - 14.

Excused: Representative Goldsmith - 1.

Second Engrossed Senate Bill No. 5529, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I intended to vote YEA on Second Engrossed Senate Bill No. 5529.

KAREN SCHMIDT, 23rd District

I intended to vote NAY on Second Engrossed Senate Bill No. 5529,

CATHY MCMORRIS, 7th District

I intended to vote NAY on Second Engrossed Senate Bill No. 5529.

STEVE FUHRMAN, 7th District

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 5325 was advanced to second reading and read the second time in full.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5325, by Senate Committee on Higher Education (originally sponsored by Senators Rinehart, Bauer, Prince, Pelz, Sheldon, Kohl, Drew and Wood)

Changing higher education fiscal provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlson and Basich spoke in favor of passage of the bill.

Representative Jacobsen spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5325.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Engrossed Senate Bill No. 5325, and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Basich, Beeksma, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mason, McMahan,

McMorris, Mielke, Mitchell, Mulliken, Ogden, Pennington, Radcliff, Reams, Romero, Rust, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thompson, Tokuda, Valle, Voloria, Wolfe and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Benton, Brown, Casada, Chappell, Conway, Ebersole, Fisher, G., Fisher, R., Grant, Hargrove, Hatfield, Jacobsen, Kessler, Kremen, Mastin, Morris, Patterson, Pelesky, Poulsen, Quall, Regala, Robertson, Schmidt, K., Sheldon, Thomas, L. and Van Luven - 27.

Excused: Representative Goldsmith - 1.

Substitute Engrossed Senate Bill No. 5325, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended, and Senate Concurrent Resolution No. 8417 was advanced to second reading and read the second time in full.

SENATE CONCURRENT RESOLUTION NO. 8417, by Senators Snyder and McDonald

Creating the cigarette tax and revenue loss advisory committee.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Representative Van Luven spoke in favor of adoption of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Concurrent Resolution No. 8417.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8417, and the resolution was adopted by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 96.

Voting nay: Representative Quall - 1.

Excused: Representative Goldsmith - 1.

Senate Concurrent Resolution No. 8417, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 95-4695

WHEREAS, The 1995 First Special Session of the Fifty-fourth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the continuation of the work of the House after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee, created by this resolution and consisting of five members, may assign subject matters and bills, memorials, and resolutions to authorized committees for study during the interim, and the Speaker may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House in an orderly manner and appoint members to them with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That during the interim the Executive Rules Committee shall authorize schedules and locations for meetings of any authorized committee or subcommittee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the Fifty-fourth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House; and

BE IT FURTHER RESOLVED, That the Chief Clerk shall see that the House Chamber, adjoining rooms, members' offices, furniture, and equipment are clean and in good order, and make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk may approve vouchers of the members of the House, covering expenses incurred during the interim for official business of the Legislature or in preparation for the sessions of the Legislature and organizational duties in connection with them, at the per diem rate provided by RCW 44.04.120, for each day or major portion of a day, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Chief Clerk shall, during the interim, and as authorized by the Speaker, retain or hire any necessary employees, order necessary supplies, equipment, and printing to enable the House to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House and by Joint Rules of the Legislature if any are adopted; and

BE IT FURTHER RESOLVED, That the Chief Clerk shall make out the necessary vouchers upon which warrants are drawn for the final payment of all expenses in connection with the closing business and for any other business of the House of Representatives; and

BE IT FURTHER RESOLVED, That the State Treasurer shall draw warrants for the payment of salaries, per diem, in-lieu payments, and reimbursements of and to the members of the House of Representatives, the elected officers of the House of Representatives, and the employees each month upon vouchers approved by the Speaker and the Chief Clerk of the House of Representatives, and shall also deliver the warrants to the Chief Clerk of the House of Representatives for delivery or mailing to those entitled to the warrants; and

BE IT FURTHER RESOLVED, That the Speaker and the Chief Clerk may authorize the attendance of members and staff members at such courses or meetings as may be deemed pertinent and may authorize the expenditure of registration or tuition fees and reimbursement for subsistence and travel for that purpose; and

BE IT FURTHER RESOLVED, That members of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 44.04.120, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursement shall be paid on their vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That employees of the Legislature be reimbursed for expense incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 43.03.050, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursement shall be paid on their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That during the interim periods the use of the House Chamber, any of its committee rooms, members' offices, or any of the furniture or furnishings in them, shall not be granted to anyone without the permission of the Speaker and the Chief Clerk of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk may express the sympathy of the House by sending flowers when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the Fifty-fourth Legislative Assembly.

Representative Foreman moved adoption of the resolution.

Representatives Foreman and Appelwick spoke in favor of adoption of the resolution.

ROLL CALL

The Clerk called the roll on the final adoption of House Resolution No. 4695, and the resolution was adopted by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended, and House Concurrent Resolution No. 4418 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4418, by Representative Foreman

Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Foreman spoke in favor of adoption of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final adoption of House Concurrent Resolution No. 4418.

ROLL CALL

The Clerk called the roll on the final adoption of House Concurrent Resolution No. 4418, and the resolution was adopted by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

There being no objection, the House reverted to the fourth order of business.

There being no objection, the rules were suspended, and House Concurrent Resolution No. 4417 was advanced to second reading and read the second time in full.

HOUSE CONCURRENT RESOLUTION NO. 4417, by Representative Foreman

Adjourning Sine Die.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Foreman spoke in favor of adoption of the resolution.

The Speaker (Representative Horn presiding) stated the question before the House to be final adoption of House Concurrent Resolution No. 4417.

ROLL CALL

The Clerk called the roll on the final adoption of House Concurrent Resolution No. 4417, and the resolution was adopted by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 97.

Excused: Representative Goldsmith - 1.

MESSAGE FROM THE SENATE

May 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1908,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the Rules Committee was relieved of further consideration of House Bill No. 1022 and the bill be placed on second reading.

HOUSE BILL NO. 1022, by Representatives B. Thomas, Dyer, Cooke, Carlson, Casada, Chandler, Brumsickle, Foreman, Silver, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Basich, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Hymes

Reducing property taxes.

The bill was read the second time. Committee on Finance recommendation. Majority, do pass as amended. (For committee amendment see Journal, 11th Day, January 19, 1995.)

There being no objection, the committee amendment was not adopted.

Representative B. Thomas moved adoption of the following amendment by Representative B. Thomas:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. With property valuations continuing to increase, property taxes have been steadily increasing. At the same time, personal incomes have not continued to rise at the same rate. Property taxes are becoming increasingly more difficult to pay. Many residential property owners complain about the overall level of taxes and about the continuing increase in tax from year to year. Taxpayers want property tax relief. The legislature intends to establish an on-going program of state property tax reductions the amount of which is to be determined by the legislature on a yearly basis based on the level of general fund tax revenues.

NEW SECTION. Sec. 2. A new section is added to chapter 84.55 RCW to read as follows:

(1) The state property tax levy for collection in 1996 shall be reduced by 4.7187 percent of the levy amount that would otherwise be allowed under this chapter without regard to this section or any other tax reduction legislation enacted in 1995.

(2) The tax reduction provided in this section is in addition to any other tax reduction legislation that may be enacted by the legislature.

(3) State levies for collection after 1996 shall be set at the amount that would be allowed otherwise under this chapter if the state levy for collection in 1996 had been set without the reduction under subsection (1) of this section.

Sec. 3. RCW 84.48.080 and 1994 c 301 s 43 are each amended to read as follows:

(1) Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state,

and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both. For purposes of this section, for each county that has not provided the department with an assessment return by December 1st, the department shall proceed, using facts and information and in a manner it deems appropriate, to estimate the value of each class of property in the county.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

(2) The department shall levy the state taxes authorized by law(~~(= PROVIDED, That)~~). The amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be one hundred percent of the true and fair value of such property in money. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October 1 of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, any assessment return provided by a county to the department subsequent to December 1st, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

In addition to computing a levy under this subsection that is reduced under section 2 of this act, the department shall compute a hypothetical levy without regard to the reduction under section 2 of this act. This hypothetical levy shall also be apportioned among the several counties in proportion to the valuation of the taxable property of the county for the year, as equalized by the department, in the same manner as the actual levy and shall be used by the county assessors for the purpose of recomputing and establishing a consolidated levy under RCW 84.52.010.

(3) The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

(4) After the completion of the duties (~~(hereinabove)~~) prescribed in this section, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

Sec. 4. RCW 84.52.010 and 1995 c 99 s 2 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the

county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, (~~as now or hereafter amended,~~) exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.--- (section 1, chapter 99, Laws of 1995), and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.--- (section 1, chapter 99, Laws of 1995) shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under section 2 of this act."

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 84.48.080 and 84.52.010; adding a new section to chapter 84.55 RCW; and creating a new section."

Representative B. Thomas spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

There being no objection, the House deferred further consideration of Engrossed House Bill No. 1022 and the bill held it's place on second reading.

There being no objection, the House reverted to the fourth order of business.

There being no objection, Senate Bill No. 6074 was read the first time.

There being no objection, the rules were suspended, and Senate Bill No. 6074 was advanced to second reading and read the second time in full.

SENATE BILL NO. 6074, by Senators Sutherland and Rasmussen

Expanding the authority of the fish and wildlife commission.

The bill was read the second time.

Representative Regala moved adoption of the following amendment by Representative Regala:

On page 23, after line 18, insert the following:

"**Sec. 45.** RCW 77.04.090 and 1995 c 403 s 111 are each amended to read as follows:

The commission shall adopt permanent rules and amendments to or repeals of existing rules by approval of ~~((four))~~ five members by resolution, entered and recorded in the minutes of the commission: PROVIDED, That the commission may not adopt rules after the effective date of this section that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. The commission shall adopt emergency rules by approval of ~~((four))~~ five members. The commission or the director, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of an emergency rule, certified as a true copy by a member of the commission, the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule."

Renumber the remaining sections consecutively.

On page 1, line 9 of the title, after "75.52.050," strike "and 77.16.135" and insert "77.16.135, and 77.04.090"

Representatives Regala and Appelwick spoke in favor of the adoption of the amendment.

Representative Fuhrman spoke against the adoption of the amendment.

Representative Patterson demanded an electronic roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment, on page 23, after line 18, to Senate Bill No. 6074 and the amendment was not adopted by the following vote: Yeas - 38, Nays - 59, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Basich, Brown, Chappell, Chopp, Cody, Cole, Costa, Dellwo, Dickerson, Dyer, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Morris, Ogden, Patterson, Poulsen, Quall, Radcliff, Regala, Romero, Rust, Scott, Sheldon, Sommers, Thibaudeau, Thomas, B., Tokuda, Valle, Voloria and Wolfe - 38.

Voting nay: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Conway, Cooke, Crouse, Delvin, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Excused: Representative Goldsmith - 1.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fuhrman, Clements and Jacobsen spoke in favor of passage of the bill.

Representatives Basich, Hatfield, G. Fisher, Rust and Regala spoke against passage of the bill.

Representative Basich again spoke against passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Senate Bill No. 6074.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6074, and the bill passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 68.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Hatfield, Kessler, Kremen, Mason, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Van Luven, Voloria and Wolfe - 29.

Excused: Representative Goldsmith - 1.

Senate Bill No. 6074, having received the constitutional majority, was declared passed.

There being no objection, all bills passed today will be immediately transmitted to the Senate.

MOTION FOR RECONSIDERATION

Representative Grant: Having voted on the prevailing side of Senate Bill No. 6074 moved that the House immediately reconsider the vote.

RECONSIDERATION

The Speaker (Representative Horn presiding) stated the question before the House to be final passage Senate Bill No. 6074 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6074 on reconsideration, and the bill passed the House by the following vote: Yeas - 73, Nays - 24, Absent - 0, Excused - 1.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson and Mr. Speaker - 73.

Voting nay: Representatives Appelwick, Basich, Chopp, Cody, Cole, Dellwo, Dickerson, Fisher, G., Fisher, R., Hatfield, Kessler, Kremen, Mason, Patterson, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Van Luven, Veloria and Wolfe - 24.

Excused: Representative Goldsmith - 1.

Senate Bill No. 6074 on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, Senate Bill No. 6074 was immediately transmitted to the Senate,

There being no objection, the House resumed consideration of Engrossed House Bill No. 1022.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1022.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1022, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Rust, Sherstad, Sommers and Thibaudeau - 4.

Excused: Representative Goldsmith - 1.

Engrossed House Bill No. 1022, having received the constitutional majority, was declared passed.

There being no objection, the House reconsidered the vote on Engrossed House Bill No. 1022.

RECONSIDERATION

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1022 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1022 on reconsideration, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representatives Chopp, Rust, Sommers and Thibaudeau - 4.

Excused: Representative Goldsmith - 1.

Engrossed House Bill No. 1022 on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, Engrossed House Bill No. 1022 was immediately transmitted to the Senate.

The Speaker assumed the chair.

MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566,

and the same is herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SENATE BILL NO. 5852,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093,
SECOND SUBSTITUTE HOUSE BILL NO. 1318,
SECOND SUBSTITUTE HOUSE BILL NO. 1814,

The Speaker called on Representative Horn to preside.

There being no objection, the House reverted to the fourth order of business.

There being no objection, Second Engrossed Senate Bill No. 5852 was read the first time.

There being no objection, the rules were suspended, and Second Engrossed Senate Bill No. 5852 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SENATE BILL NO. 5852, by Senators Drew, Sheldon, Wood, Prince, Oke and Winsley; by request of Secretary of State

Revising the presidential primary.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives D. Schmidt and Rust spoke in favor of passage of the bill.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Senate Bill No. 5852.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5852, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chappell, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, Mielke, Mitchell, Morris, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Beeksma, Fuhrman, McMorris, Mulliken, Pennington, Sherstad, Smith and Stevens - 8.

Excused: Representative Goldsmith - 1.

Second Engrossed Senate Bill No. 5852, having received the constitutional majority, was declared passed.

The Speaker assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

May 23, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, with the following amendments,

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation (FY 1996) \$ 23,862,000

General Fund Appropriation (FY 1997) \$ 23,685,000

TOTAL APPROPRIATION \$ 47,547,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in

the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation (FY 1996) \$ 17,397,000

General Fund Appropriation (FY 1997) \$ 19,198,000

TOTAL APPROPRIATION \$ 36,595,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation (FY 1996) \$ 1,557,000
General Fund Appropriation (FY 1997) \$ 1,268,000
TOTAL APPROPRIATION \$ 2,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 is provided solely for the legislative budget committee to conduct a performance audit of the office of the superintendent of public instruction and report its finding to the appropriate committees of the legislature by December 31, 1995. In addition to the standard items reviewed in a performance audit, the committee is directed to provide the following: (a) A determination of methods to maximize the amount of federal funds received by the state; (b) the identification of potential cost savings from any office programs which could be eliminated or transferred to the private sector; (c) an analysis of gaps and overlaps in office programs; and (d) an evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law. In conducting the performance audit, the legislative budget committee is also directed to use performance measures or standards used by other states or other large education organizations in developing its findings.

(2) The general fund appropriation contains sufficient funds for the legislative budget committee to perform the study required in Second Substitute Senate Bill No. 5574 regarding the transfer of forest board lands to the counties.

NEW SECTION. Sec. 104. FOR THE PERFORMANCE PARTNERSHIP COUNCIL

General Fund Appropriation (FY 1996) \$ 250,000

NEW SECTION. Sec. 105. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation (FY 1996) \$ 1,162,000
General Fund Appropriation (FY 1997) \$ 1,162,000
TOTAL APPROPRIATION \$ 2,324,000

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account
Appropriation \$ 1,573,000

NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation (FY 1996) \$ 4,450,000
General Fund Appropriation (FY 1997) \$ 4,450,000
TOTAL APPROPRIATION \$ 8,900,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation (FY 1996) \$ 3,076,000
General Fund Appropriation (FY 1997) \$ 3,356,000
TOTAL APPROPRIATION \$ 6,432,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$55,000 is provided solely for the uniform legislation commission.
- (2) \$40,000 is provided for the compilation and publication of a quarterly report on agency rule-making activity pursuant to section 704 of Engrossed Substitute House Bill No. 1010 (regulatory reform).

NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES. In order to implement cost reduction measures required by this act and to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 110. FOR THE SUPREME COURT

General Fund Appropriation (FY 1996) \$ 4,419,000
General Fund Appropriation (FY 1997) \$ 4,456,000
TOTAL APPROPRIATION \$ 8,875,000

NEW SECTION. Sec. 111. FOR THE LAW LIBRARY

General Fund Appropriation (FY 1996) \$ 1,607,000
General Fund Appropriation (FY 1997) \$ 1,608,000
TOTAL APPROPRIATION \$ 3,215,000

NEW SECTION. Sec. 112. FOR THE COURT OF APPEALS

General Fund Appropriation (FY 1996) \$ 8,834,000
General Fund Appropriation (FY 1997) \$ 8,834,000
TOTAL APPROPRIATION \$ 17,668,000

NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation (FY 1996) \$ 595,000
General Fund Appropriation (FY 1997) \$ 606,000
TOTAL APPROPRIATION \$ 1,201,000

NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation (FY 1996) \$ 11,658,000
General Fund Appropriation (FY 1997) \$ 11,728,000
Public Safety and Education Account
Appropriation \$ 41,403,000
Judicial Information Systems Account
Appropriation \$ 6,446,000
TOTAL APPROPRIATION \$ 71,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.

(5) \$26,000 of the public safety and education account and \$110,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(6) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

(7) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

(8) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(9) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation (FY 1996) \$ 2,899,000
General Fund Appropriation (FY 1997) \$ 2,898,000
TOTAL APPROPRIATION \$ 5,797,000

NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation (FY 1996) \$ 242,000
General Fund Appropriation (FY 1997) \$ 243,000
TOTAL APPROPRIATION \$ 485,000

NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation (FY 1996) \$ 1,107,000
General Fund Appropriation (FY 1997) \$ 1,045,000
Industrial Insurance Premium Refund Account
Appropriation \$ 725
TOTAL APPROPRIATION \$ 2,152,725

NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE

General Fund Appropriation (FY 1996) \$ 9,175,000
General Fund Appropriation (FY 1997) \$ 5,924,000
Archives and Records Management Account
Appropriation \$ 4,330,000
Department of Personnel Service Account
Appropriation \$ 647,000
TOTAL APPROPRIATION \$ 20,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,859,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$5,183,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) The general fund appropriation for fiscal year 1996 shall be reduced by \$726,000 if Engrossed Senate Bill No. 5852 (presidential preference primary) is enacted by March 15, 1996.

(5) \$10,000 is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records),

NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 151,000

General Fund Appropriation (FY 1997) \$ 152,000

TOTAL APPROPRIATION \$ 303,000

NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 173,000

General Fund Appropriation (FY 1997) \$ 173,000

TOTAL APPROPRIATION \$ 346,000

NEW SECTION. Sec. 121. FOR THE STATE TREASURER

State Treasurer's Service Account

Appropriation \$ 10,454,000

NEW SECTION. Sec. 122. FOR THE STATE AUDITOR

General Fund Appropriation (FY 1996) \$ 12,000

General Fund Appropriation (FY 1997) \$ 10,000

Municipal Revolving Account

Appropriation \$ 24,886,000

Auditing Services Revolving Account

Appropriation \$ 11,814,000

TOTAL APPROPRIATION \$ 36,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a) Establish and publish a schedule of the performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such

measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation (FY 1996) \$ 6,000
General Fund Appropriation (FY 1997) \$ 59,000
TOTAL APPROPRIATION \$ 65,000

NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 1996) \$ 3,228,000
General Fund--State Appropriation (FY 1997) \$ 3,225,000
General Fund--Federal Appropriation \$ 1,624,000
Public Safety and Education Account
Appropriation \$ 1,250,000
State Investment Board Expense Account
Appropriation \$ 4,000,000
New Motor Vehicle Arbitration Account
Appropriation \$ 1,782,000
Legal Services Revolving Account
Appropriation \$ 113,972,000
Health Services Account Appropriation \$ 300,000
TOTAL APPROPRIATION \$ 129,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

Securities Regulation Account
Appropriation \$ 4,515,000

NEW SECTION. Sec. 126. DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 1996) \$ 45,346,000
General Fund--State Appropriation (FY 1997) \$ 50,609,000
General Fund--Federal Appropriation \$ 147,991,000
General Fund--Private/Local Appropriation \$ 1,676,000
Public Safety and Education Account
Appropriation \$ 3,960,000

Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 2,006,000
Washington Marketplace Program Account	
Appropriation	\$ 150,000
Public Works Assistance Account	
Appropriation	\$ 1,068,000
Building Code Council Account	
Appropriation	\$ 1,289,000
Administrative Contingency Account	
Appropriation	\$ 1,776,000
Low-Income Weatherization Assistance Account	
Appropriation	\$ 923,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 6,027,000
Manufactured Home Installation Training Account	
Appropriation	\$ 150,000
Washington Housing Trust Account	
Appropriation	\$ 4,686,000
Public Facility Construction Revolving Account	
Appropriation	\$ 238,000
Solid Waste Management Account Appropriation	\$ 700,000
Growth Management Planning and Environmental	
Review Fund Appropriation	\$ 3,000,000
TOTAL APPROPRIATION	\$ 271,595,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) \$538,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(4) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

- (a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;
- (b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;
- (c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;
- (d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
- (e) \$744,000 to the department to continue the youth violence prevention and intervention projects;
- (f) \$240,000 to the department for grants to support tribal law enforcement needs;
- (g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;
- (h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;
- (i) \$51,000 to the Washington state patrol for data collection;

(j) \$445,750 to the office of financial management for the criminal history records improvement program;

(k) \$42,000 to the department to support local services to victims of domestic violence;

(l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program; and

(n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

(5) \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

(6) \$216,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$200,000 of the general fund--state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

(8) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

(a) The per square foot cost of each type of housing unit financed by the housing trust fund;

(b) An assessment of the factors that affect the per square foot cost;

(c) Recommendations for reducing the per square foot cost, if possible;

(d) Guidelines for housing costs per person assisted; and

(e) Other relevant information.

(9) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(10) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

(12) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

(13) \$150,000 of the general fund--state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.

(14) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to

implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(18) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal

aid programs shall establish and abide by policies regarding conduct of outreach activities. The policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.

(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law, legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation (FY 1996) \$ 410,000

General Fund Appropriation (FY 1997) \$ 410,000

TOTAL APPROPRIATION \$ 820,000

NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 1996) \$ 9,482,000
 General Fund--State Appropriation (FY 1997) \$ 9,138,000
 General Fund--Federal Appropriation \$ 12,432,000
 General Fund--Private/Local Appropriation \$ 720,000
 Health Services Account Appropriation \$ 330,000
 Public Safety and Education Account
 Appropriation \$ 200,000
 TOTAL APPROPRIATION \$ 32,302,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely as the state's share of funding for the "Americorps" youth employment program.

NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account
 Appropriation \$ 14,487,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL

General Fund--State Appropriation (FY 1996) \$ 360,000
 General Fund--State Appropriation (FY 1997) \$ 360,000
 General Fund--Federal Appropriation \$ 700,000
 Personnel Data Revolving Account Appropriation \$ 880,000
 Department of Personnel Service Account
 Appropriation \$ 15,354,000
 Higher Education Personnel Services Account
 Appropriation \$ 1,656,000
 TOTAL APPROPRIATION \$ 19,310,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees.
- (3) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.
- (4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation or the department of retirement systems for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee or the department of retirement systems shall be for actual costs only.
- (5) The department of personnel service fund appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (6) \$500,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force, including employee retraining and career counseling.
- (7) The department of personnel has the authority to charge agencies for expenses resulting from the administration of a benefits contribution plan established by the health care authority.

Fundings to cover these expenses shall be realized from agency FICA tax savings associated with the benefits contributions plan.

NEW SECTION. Sec. 131. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account
Appropriation \$ 166,000

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account
Appropriation \$ 18,813,000

NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE GAMBLING COMMISSION

Industrial Insurance Premium Refund Account
Appropriation \$ 14,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation (FY 1996) \$ 195,000
General Fund Appropriation (FY 1997) \$ 195,000
TOTAL APPROPRIATION \$ 390,000

NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 148,000
General Fund Appropriation (FY 1997) \$ 146,000
TOTAL APPROPRIATION \$ 294,000

NEW SECTION. Sec. 136. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account
Appropriation \$ 1,593,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- OPERATIONS

Department of Retirement Systems Expense Account
Appropriation \$ 30,152,000
Dependent Care Administrative Account
Appropriation \$ 183,000
TOTAL APPROPRIATION \$ 30,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$857,000 of the department of retirement systems expense account appropriation is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 of the department of retirement systems expense account appropriation is provided solely for the in-house design development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) \$1,900,000 of the department of retirement systems expense account appropriation and the entire dependent care administrative account appropriation are provided solely for the implementation of Substitute House Bill No. 1206 (restructuring retirement systems). If the bill is not enacted by June 30, 1995, the amount provided in this subsection from the department of retirement systems expense

account shall lapse, and the entire dependent care administrative account appropriation shall be transferred to the committee for deferred compensation.

NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account
Appropriation \$ 8,068,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation (FY 1996) \$ 62,528,000
General Fund Appropriation (FY 1997) \$ 63,139,000
Timber Tax Distribution Account
Appropriation \$ 4,585,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 95,000
State Toxics Control Account
Appropriation \$ 67,000
Solid Waste Management Account
Appropriation \$ 88,000
Oil Spill Administration Account
Appropriation \$ 14,000
Pollution Liability Insurance Program Trust Account
Appropriation \$ 230,000
TOTAL APPROPRIATION \$ 130,746,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,197,000 of the general fund appropriation is provided solely for senior citizen property tax deferral distribution. \$103,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral program enacted by Substitute House Bill No. 1673.

(2) \$280,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) The general fund appropriation contains sufficient funds for the department of revenue to collect use tax on advertising materials printed outside the state and mailed directly to Washington residents at the direction of an in-state business to promote sales of products or services, pursuant to RCW 82.12.010(5).

(4) The general fund appropriation contains sufficient funds for the department of revenue to study the feasibility of rewriting Titles 82 and 84 RCW for clarity and ease of understanding, without making substantive changes in the law. The department may study this issue by redrafting certain sections of the existing law and reviewing with legislators, interest groups, and affected parties whether or not such a project is feasible. The department shall report the results of this study to the legislature in the 1996 legislative session.

NEW SECTION. Sec. 140. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation (FY 1996) \$ 993,000
General Fund Appropriation (FY 1997) \$ 996,000
TOTAL APPROPRIATION \$ 1,989,000

NEW SECTION. Sec. 141. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation (FY 1996) \$ 1,593,000

General Fund Appropriation (FY 1997) \$ 1,637,000
TOTAL APPROPRIATION \$ 3,230,000

NEW SECTION. Sec. 142. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account
Appropriation \$ 2,121,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 1996) \$ 284,000
General Fund--State Appropriation (FY 1997) \$ 283,000
General Fund--Federal Appropriation \$ 1,304,000
General Fund--Private/Local Appropriation \$ 388,000
Motor Transport Account Appropriation \$ 10,814,000
Industrial Insurance Premium Refund Account
Appropriation \$ 140,000
Air Pollution Control Account
Appropriation \$ 111,000
Department of General Administration Facilities
and Services Revolving Account
Appropriation \$ 21,271,000
Central Stores Revolving Account
Appropriation \$ 3,056,000
Risk Management Account Appropriation \$ 2,033,000
TOTAL APPROPRIATION \$ 39,684,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.

(2) The cost of purchasing and material control operations may be recovered by the department through charging agencies utilizing these services. The department must begin directly charging agencies utilizing the services on September 1, 1995. Amounts charged may not exceed the cost of purchasing and contract administration. Funds collected may not be used for purposes other than cost recovery and must be separately accounted for within the central stores revolving fund.

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account
Appropriation \$ 3,847,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

(2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN Network. The department is authorized to recover the costs through billings to affected agencies.

NEW SECTION. Sec. 145. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$ 104,000

Insurance Commissioner's Regulatory Account
Appropriation \$ 20,126,000
TOTAL APPROPRIATION \$ 20,230,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

(2) \$895,000 of the insurance commissioner's regulatory account appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 146. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account
Appropriation \$ 1,293,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the certified public accountants' account appropriation is provided solely to conduct a study in conjunction with the higher education coordinating board of the financial impact on public and private higher education institutions of any increase in the education requirements for CPA certification. Such study shall include impacts on enrollment and access of other students to higher education. No rule to increase education requirements may be implemented until such study has been completed and reported to the higher education and fiscal committees of both houses of the legislature.

NEW SECTION. Sec. 147. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 12,000

NEW SECTION. Sec. 148. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Account Appropriation \$ 4,733,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) The commission shall conduct a complete examination of Playfair racecourse, identifying problems and offering possible solutions that are designed to resolve the continuing decline in parimutuel racing at that track.

NEW SECTION. Sec. 149. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Account Appropriation \$ 113,461,000

NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State
Appropriation \$ 25,802,000
Public Service Revolving Account--Federal
Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 26,002,000

NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension
Administrative Account Appropriation \$ 442,000

NEW SECTION. Sec. 152. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 1996) \$ 7,474,000
General Fund--State Appropriation (FY 1997) \$ 7,477,000

General Fund--Federal Appropriation \$ 28,293,000
 General Fund--Private/Local Appropriation \$ 237,000
 Enhanced 911 Account Appropriation \$ 18,541,000
 Industrial Insurance Premium Refund Account
 Appropriation \$ 34,000
TOTAL APPROPRIATION \$ 62,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service.

NEW SECTION. Sec. 153. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation (FY 1996) \$ 1,647,000
 General Fund Appropriation (FY 1997) \$ 1,667,000
TOTAL APPROPRIATION \$ 3,314,000

NEW SECTION. Sec. 154. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund Appropriation (FY 1996) \$ 1,331,000
 General Fund Appropriation (FY 1997) \$ 1,334,000
TOTAL APPROPRIATION \$ 2,665,000

NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Operations
 Account Appropriation \$ 25,606,000

**PART II
 HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 144,801,000

General Fund--State Appropriation (FY 1997) \$ 151,569,000

General Fund--Federal Appropriation \$ 263,843,000

General Fund--Private/Local Appropriation \$ 400,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 5,719,000

TOTAL APPROPRIATION \$ 566,332,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$5,524,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund--state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund--state appropriation is provided in fiscal year 1996 and \$4,678,000 of the general fund--state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund--state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund--state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund--federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund--state is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund--state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996)	\$ 24,944,000
General Fund--State Appropriation (FY 1997)	\$ 25,771,000
General Fund--Federal Appropriation	\$ 20,167,000
General Fund--Private/Local Appropriation	\$ 286,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 5,695,000
TOTAL APPROPRIATION	\$ 76,863,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund--state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996)	\$ 25,701,000
General Fund--State Appropriation (FY 1997)	\$ 29,120,000
General Fund--Federal Appropriation	\$ 23,011,000
General Fund--Private/Local Appropriation	\$ 830,000

Violence Reduction and Drug Enforcement Account
Appropriation \$ 10,634,000
TOTAL APPROPRIATION \$ 89,296,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 1,021,000
General Fund--State Appropriation (FY 1997) \$ 1,024,000
General Fund--Federal Appropriation \$ 881,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 421,000
TOTAL APPROPRIATION \$ 3,347,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 107,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 1,177,000
TOTAL APPROPRIATION \$ 1,284,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 1996) \$ 162,878,000
General Fund--State Appropriation (FY 1997) \$ 169,206,000
General Fund--Federal Appropriation \$ 241,564,000
General Fund--Private/Local Appropriation \$ 9,000,000
Health Services Account Appropriation \$ 19,647,000
TOTAL APPROPRIATION \$ 602,295,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$8,160,000 of the general fund--state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund--state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund--state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.

(e) \$1,000,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 56,033,000
General Fund--State Appropriation (FY 1997) \$ 56,579,000
General Fund--Federal Appropriation \$ 112,097,000
General Fund--Private/Local Appropriation \$ 42,512,000
Industrial Insurance Premium Refund Account
Appropriation \$ 747,000
TOTAL APPROPRIATION \$ 267,968,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996) \$ 3,378,000
General Fund Appropriation (FY 1997) \$ 3,378,000
TOTAL APPROPRIATION \$ 6,756,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 6,341,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,549,000
General Fund--State Appropriation (FY 1997) \$ 2,544,000
General Fund--Federal Appropriation \$ 1,511,000
TOTAL APPROPRIATION \$ 6,604,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ 117,802,000
General Fund--State Appropriation (FY 1997) \$ 121,580,000
General Fund--Federal Appropriation \$ 165,632,000
Health Services Account Appropriation \$ 4,699,000
TOTAL APPROPRIATION \$ 409,713,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 62,357,000
General Fund--State Appropriation (FY 1997) \$ 62,953,000
General Fund--Federal Appropriation \$ 139,600,000
General Fund--Private/Local Appropriation \$ 9,100,000
TOTAL APPROPRIATION \$ 274,010,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,837,000
General Fund--State Appropriation (FY 1997) \$ 2,848,000
General Fund--Federal Appropriation \$ 777,000
TOTAL APPROPRIATION \$ 6,462,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 7,878,000

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) \$6,569,000 of the general fund--state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund--federal appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund--state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

(d) The secretary of social and health services shall work with provider organizations and advocacy groups to plan and implement strategies for increasing the efficiency of community residential services funded under this section. As a result of those efforts, the average number of persons receiving out-of-home community residential care, on a full-time rather than respite basis, shall be increased by at least 50 persons during fiscal year 1996 over the June 1995 level, and by at least 100 more during fiscal year 1997. Priority for such services shall be given to persons who are residing with elderly parents or relatives. The secretary shall report on plans and progress to the appropriate fiscal and policy committees of the legislature by November 15, 1995, and November 15, 1996.

(e) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(f) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(g) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 1996)	\$ 378,972,000
General Fund--State Appropriation (FY 1997)	\$ 393,491,000
General Fund--Federal Appropriation	\$ 793,250,000
Health Services Account--State Appropriation	\$ 9,885,000
TOTAL APPROPRIATION	\$ 1,575,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,492,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(3) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for the community options program entry system exceed allotted levels, the secretary of social and health services shall immediately take action to adjust functional eligibility standards, service

levels, and/or the terms of the medicaid waiver sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(4) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(5) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

(6) A maximum of \$2,603,000 of the general fund--state appropriation and \$2,670,000 of the general fund--federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund--state appropriation and \$5,380,000 of the general fund--federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

(7) The health services account appropriation is to be used solely for the enrollment of home care workers employed through state contracts in the basic health plan.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

(1) GRANTS AND SERVICES TO CLIENTS

General Fund--State Appropriation (FY 1996) \$ 403,859,000
General Fund--State Appropriation (FY 1997) \$ 405,332,000
General Fund--Federal Appropriation \$ 677,127,000
TOTAL APPROPRIATION \$ 1,486,318,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more
Exemption: \$55 71 86 102 117 133 154 170

(b) \$18,000 of the general fund--state appropriation for fiscal year 1996 and \$37,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) Not more than \$7,700,000 of the general fund--state appropriation may be expended to provide cash assistance through the general assistance for pregnancy program as specified in RCW 74.04.005 as amended (Substitute House Bill No. 2083).

(2) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 113,329,000
General Fund--State Appropriation (FY 1997) \$ 110,137,000
General Fund--Federal Appropriation \$ 202,152,000
Health Services Account Appropriation \$ 750,000
TOTAL APPROPRIATION \$ 426,368,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$16,000 of the general fund--state appropriation for fiscal year 1996 and \$34,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to

contracted social service providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

(i) Reinstate the SAVE program by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program;

(ii) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(iii) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements system is in use in the office; and

(iv) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 1996) \$ 8,199,000

General Fund--State Appropriation (FY 1997) \$ 8,736,000

General Fund--Federal Appropriation \$ 76,400,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 71,900,000

Health Services Account Appropriation \$ 969,000

TOTAL APPROPRIATION \$ 166,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund--state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund--state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 1996) \$ 670,792,000

General Fund--State Appropriation (FY 1997) \$ 692,015,000

General Fund--Federal Appropriation \$ 1,761,005,000

General Fund--Private/Local Appropriation \$ 242,525,000
Health Services Account Appropriation \$ 199,571,000
TOTAL APPROPRIATION \$ 3,565,908,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund--state appropriation for fiscal year 1996 and \$7,844,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) Not more than \$11,410,000 of the general fund--state appropriation may be expended for the purposes of operating the medically indigent program during fiscal year 1996. Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. Funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred in any twelve-month period.

(12) Not more than \$10,000,000 of the health services account appropriation may be expended for the purposes of providing reimbursement during fiscal year 1997 to those hospitals and physicians most adversely affected by the provision of uncompensated emergency room and uncompensated inpatient hospital care. The department shall develop rules stating the conditions for and rates of compensation.

(13) \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund--federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

(14) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

(15) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

(16) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 1996) \$ 7,741,000
General Fund--State Appropriation (FY 1997) \$ 7,846,000
General Fund--Federal Appropriation \$ 73,180,000
General Fund--Private/Local Appropriation \$ 2,904,000
TOTAL APPROPRIATION \$ 91,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in the direct delivery of service to clients.

(2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(3) \$310,000 of the general fund--state appropriation and \$1,144,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 25,933,000
General Fund--State Appropriation (FY 1997) \$ 25,934,000
General Fund--Federal Appropriation \$ 41,503,000
General Fund--Private/Local Appropriation \$ 270,000
TOTAL APPROPRIATION \$ 93,640,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund--state appropriation and \$300,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM

General Fund--State Appropriation (FY 1996) \$ 18,058,000
General Fund--State Appropriation (FY 1997) \$ 18,169,000
General Fund--Federal Appropriation \$ 135,488,000
General Fund--Local Appropriation \$ 33,232,000
TOTAL APPROPRIATION \$ 204,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 21,112,000
General Fund--State Appropriation (FY 1997) \$ 20,668,000
General Fund--Federal Appropriation \$ 16,281,000
TOTAL APPROPRIATION \$ 58,061,000

NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE POLICY BOARD

General Fund--Private/Local Appropriation \$ 110,000
Health Services Account Appropriation \$ 4,229,000
TOTAL APPROPRIATION \$ 4,339,000

NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 1996) \$ 3,403,000
General Fund--State Appropriation (FY 1997) \$ 3,403,000
State Health Care Authority Administrative
Account Appropriation \$ 15,744,000
Health Services Account Appropriation \$ 249,642,000
TOTAL APPROPRIATION \$ 272,192,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.

(2) \$1,268,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is

directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally if the number of K-12 active employees enrolled after January 1995 is less than 11,837.

NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 1996) \$ 1,905,000
General Fund--State Appropriation (FY 1997) \$ 1,912,000
General Fund--Federal Appropriation \$ 1,344,000
General Fund--Private/Local Appropriation \$ 402,000
TOTAL APPROPRIATION \$ 5,563,000

NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account
Appropriation \$ 20,000
Accident Account Appropriation \$ 9,806,000
Medical Aid Account Appropriation \$ 9,807,000
TOTAL APPROPRIATION \$ 19,633,000

NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000
Public Safety and Education Account
Appropriation \$ 10,654,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 344,000
TOTAL APPROPRIATION \$ 11,036,000

The appropriations in this section are subject to the following conditions and limitations: \$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation (FY 1996) \$ 5,270,000
General Fund Appropriation (FY 1997) \$ 5,311,000
Public Safety and Education Account--State
Appropriation \$ 19,547,000
Public Safety and Education Account--Federal
Appropriation \$ 6,002,000
Public Safety and Education Account--Private/Local
Appropriation \$ 972,000
Electrical License Account Appropriation \$ 19,321,000
Farm Labor Revolving Account--Private/Local
Appropriation \$ 28,000
Worker and Community Right-to-Know Account
Appropriation \$ 2,138,000
Public Works Administration Account
Appropriation \$ 1,928,000
Accident Account--State Appropriation \$ 137,909,000
Accident Account--Federal Appropriation \$ 9,112,000
Medical Aid Account--State Appropriation \$ 148,204,000
Medical Aid Account--Federal Appropriation \$ 1,592,000
Plumbing Certificate Account Appropriation \$ 682,000
Pressure Systems Safety Account Appropriation \$ 2,053,000

TOTAL APPROPRIATION \$ 360,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) By November 1, 1995, the director of labor and industries shall report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.

(6)(a) The appropriations in this section may not be used to implement or enforce rules that are not in compliance with the regulatory fairness act, under chapter 19.85 RCW.

(b) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute that the rule implements.

(7) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

(8) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation (FY 1996) \$ 1,199,000
General Fund Appropriation (FY 1997) \$ 1,086,000
TOTAL APPROPRIATION \$ 2,285,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund Appropriation (FY 1996) \$ 1,227,000
General Fund Appropriation (FY 1997) \$ 1,226,000
Industrial Insurance Refund Account
Appropriation \$ 25,000
Charitable, Educational, Penal, and Reformatory
Institutions Account Appropriation \$ 4,000
TOTAL APPROPRIATION \$ 2,482,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 1996) \$ 1,853,000
General Fund--State Appropriation (FY 1997) \$ 1,852,000
General Fund--Federal Appropriation \$ 736,000
General Fund--Private/Local Appropriation \$ 85,000
TOTAL APPROPRIATION \$ 4,526,000

(3) VETERANS HOME

General Fund--State Appropriation (FY 1996) \$ 4,127,000
General Fund--State Appropriation (FY 1997) \$ 3,984,000
General Fund--Federal Appropriation \$ 10,703,000
General Fund--Private/Local Appropriation \$ 7,527,000
TOTAL APPROPRIATION \$ 26,341,000

(4) SOLDIERS HOME

General Fund--State Appropriation (FY 1996) \$ 3,135,000
General Fund--State Appropriation (FY 1997) \$ 3,049,000
General Fund--Federal Appropriation \$ 6,158,000
General Fund--Private/Local Appropriation \$ 4,667,000
TOTAL APPROPRIATION \$ 17,009,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 1996) \$ 44,314,000
General Fund--State Appropriation (FY 1997) \$ 44,313,000
General Fund--Federal Appropriation \$ 233,122,000
General Fund--Private/Local Appropriation \$ 25,476,000
Hospital Commission Account Appropriation \$ 3,019,000
Medical Disciplinary Account Appropriation \$ 1,798,000
Health Professions Account Appropriation \$ 32,592,000
Safe Drinking Water Account Appropriation \$ 2,751,000
Public Health Services Account Appropriation \$ 23,753,000
Waterworks Operator Certification
Appropriation \$ 605,000
Water Quality Account Appropriation \$ 3,079,000
State Toxics Control Account Appropriation \$ 2,824,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 469,000
Medical Test Site Licensure Account
Appropriation \$ 1,822,000
Youth Tobacco Prevention Account Appropriation \$ 1,412,000
Health Services Account Appropriation \$ 16,516,000
State and Local Improvements Revolving
Account--Water Supply Facilities
Appropriation \$ 40,000
TOTAL APPROPRIATION \$ 437,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.

(2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.

(4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.

(6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.

(7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.

(8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).

(9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund--state appropriation and \$3,873,000 of the general fund--private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation (FY 1996) \$ 12,269,000

General Fund Appropriation (FY 1997) \$ 12,047,000

TOTAL APPROPRIATION \$ 24,316,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

(e) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 265,008,000
General Fund--State Appropriation (FY 1997) \$ 270,221,000
General Fund--Federal Appropriation \$ 2,000,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 1,214,000
TOTAL APPROPRIATION \$ 538,443,000

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1996) \$ 80,068,000
General Fund Appropriation (FY 1997) \$ 81,226,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 400,000
TOTAL APPROPRIATION \$ 161,694,000

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1996) \$ 3,330,000
General Fund Appropriation (FY 1997) \$ 3,503,000
TOTAL APPROPRIATION \$ 6,833,000

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1996) \$ 6,223,000
General Fund Appropriation (FY 1997) \$ 6,223,000
TOTAL APPROPRIATION \$ 12,446,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 1996) \$ 1,466,000
General Fund--State Appropriation (FY 1997) \$ 1,123,000
General Fund--Federal Appropriation \$ 9,683,000
General Fund--Private/Local Appropriation \$ 80,000
TOTAL APPROPRIATION \$ 12,352,000

NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation (FY 1996) \$ 517,000
General Fund Appropriation (FY 1997) \$ 469,000
TOTAL APPROPRIATION \$ 986,000

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 1996) \$ 334,000
General Fund--State Appropriation (FY 1997) \$ 334,000
General Fund--Federal Appropriation \$ 190,936,000
General Fund--Private/Local Appropriation \$ 21,965,000
Unemployment Compensation Administration
Account--Federal Appropriation \$ 177,891,000
Administrative Contingency Account--Federal
Appropriation \$ 8,146,000

Employment Services Administrative Account--
 Federal Appropriation \$ 12,294,000
 Employment and Training Trust Account
 Appropriation \$ 9,294,000
 TOTAL APPROPRIATION \$ 421,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4).

(3) \$95,000 of the employment services administrative account--federal appropriation is provided solely for a study of the financing provisions of the state's unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

PART III
 NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation (FY 1996) \$ 508,000
 General Fund--Federal Appropriation \$ 8,896,000
 General Fund--Private/Local Appropriation \$ 3,417,000
 Geothermal Account Appropriation \$ 21,000
 Industrial Insurance Premium Refund
 Appropriation \$ 2,000
 Building Code Council Account Appropriation \$ 10,000
 Air Pollution Control Account Appropriation \$ 3,138,000
 Energy Efficiency Services Account
 Appropriation \$ 493,000
 TOTAL APPROPRIATION \$ 16,485,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided solely for the public policy institute, in consultation with the office of financial management and the state energy office, to review options regarding the distribution of energy-related functions to other entities and develop an implementation plan for the closure of the state energy office. The plan shall include but not be limited to: (1) The feasibility of providing energy-related services through a nonprofit organization or organizations; (2) recommendations for the distribution of energy-related functions to other entities; (3) corresponding recommendations regarding statutory changes necessary to distribute functions and implement the plan; and (4) a time schedule for eliminating functions or transferring functions to other entities. The public policy institute shall submit the plan to the appropriate committees of the house of representatives and the senate by November 1, 1995. It is the intent of the legislature that the state continue to receive oil overcharge restitution funds for the citizens of the state and that every effort be made to maximize federal funds available for energy conservation purposes. To this end, the state energy office or its successor organizations may enter into contracts with appropriate entities to carry out energy conservation programs.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 1996) \$ 287,000
 General Fund--State Appropriation (FY 1997) \$ 290,000

General Fund--Private/Local Appropriation \$ 524,000
TOTAL APPROPRIATION \$ 1,101,000

The appropriations in this section are subject to the following conditions and limitations: State agencies shall provide to the commission, without charge, all available data and information necessary to complete its review of the Columbia River Gorge management plan.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 1996) \$ 22,125,000
General Fund--State Appropriation (FY 1997) \$ 20,639,000
General Fund--Federal Appropriation \$ 42,131,000
General Fund--Private/Local Appropriation \$ 1,385,000
Special Grass Seed Burning Research Account
Appropriation \$ 42,000
Reclamation Revolving Account Appropriation \$ 2,664,000
Flood Control Assistance Account Appropriation \$ 4,000,000
State Emergency Water Projects Revolving Account
Appropriation \$ 312,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 5,461,000
State and Local Improvements Revolving Account--
Waste Disposal Appropriation \$ 1,000,000
State and Local Improvements Revolving Account--
Water Supply Facilities Appropriation \$ 1,344,000
Basic Data Account Appropriation \$ 182,000
Vehicle Tire Recycling Account Appropriation \$ 3,283,000
Water Quality Account Appropriation \$ 3,420,000
Worker and Community Right to Know Account
Appropriation \$ 408,000
State Toxics Control Account Appropriation \$ 49,924,000
Local Toxics Control Account Appropriation \$ 3,342,000
Water Quality Permit Account Appropriation \$ 19,600,000
Underground Storage Tank Account
Appropriation \$ 2,336,000
Solid Waste Management Account Appropriation \$ 3,631,000
Hazardous Waste Assistance Account
Appropriation \$ 3,476,000
Air Pollution Control Account Appropriation \$ 13,458,000
Oil Spill Administration Account Appropriation \$ 2,939,000
Water Right Permit Processing Account
Appropriation \$ 500,000
Wood Stove Education Account Appropriation \$ 1,251,000
Air Operating Permit Account Appropriation \$ 4,548,000
Freshwater Aquatic Weeds Account Appropriation \$ 1,187,000
Oil Spill Response Account Appropriation \$ 7,060,000
Metals Mining Account Appropriation \$ 300,000
Water Pollution Control Revolving Account--State
Appropriation \$ 165,000
Water Pollution Control Revolving Account--Federal
Appropriation \$ 1,019,000
TOTAL APPROPRIATION \$ 223,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,324,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, \$883,000 of the water quality account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

(2) \$200,000 of the general fund--state appropriation is provided solely for implementing Substitute House Bill No. 1327 or substantially similar legislation (water rights claims filing). If the bill or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$581,000 of the general fund--state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(6) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(7) \$70,000 of the general fund--state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(8) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 U.S.C.S. Sec. 791a et seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

(9) \$425,000 of the general fund--state appropriation and \$525,000 of the general fund--federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

(10) \$500,000 of the water right permit processing account appropriation and \$1,854,000 of the general fund--state appropriation are provided solely for continuing the department's participation in the Yakima adjudicative process.

(11) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing, regional water planning, and implementation of regional water plans.

(12) \$1,298,000 of the general fund--state appropriation, \$188,000 of the general fund--federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 1996) \$ 18,020,000
General Fund--State Appropriation (FY 1997) \$ 17,877,000
General Fund--Federal Appropriation \$ 1,930,000
General Fund--Private/Local Appropriation \$ 1,463,000
Winter Recreation Program Account
Appropriation \$ 725,000
Off Road Vehicle Account Appropriation \$ 241,000
Snowmobile Account Appropriation \$ 2,174,000
Aquatic Lands Enhancement Account
Appropriation \$ 313,000
Public Safety and Education Account
Appropriation \$ 48,000
Industrial Insurance Premium Refund Account
Appropriation \$ 10,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 34,000
Water Trail Program Account Appropriation \$ 26,000
Parks Renewal and Stewardship Account
Appropriation \$ 22,461,000
TOTAL APPROPRIATION \$ 65,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(2) The general fund--state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.

(3) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for operation of a centralized reservation system.

(5) \$100,000 of the general fund--state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.

NEW SECTION. Sec. 305. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms Range Account Appropriation \$ 108,000
Recreation Resources Account--State
Appropriation \$ 2,387,000
Recreation Resources Account--Federal
Appropriation \$ 200,000
NOVA Appropriation \$ 524,000
TOTAL APPROPRIATION \$ 3,219,000

The appropriations in this section are subject to the following conditions and limitations:
\$338,000 of the recreation resources account--state appropriation, \$150,000 of the recreation resources

account--federal appropriation, and \$82,000 of the firearms range account appropriation are provided solely for the development and implementation of a grant tracking and management system.

NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation (FY 1996) \$ 715,000
General Fund Appropriation (FY 1997) \$ 713,000
TOTAL APPROPRIATION \$ 1,428,000

NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION

General Fund Appropriation (FY 1996) \$ 852,000
General Fund Appropriation (FY 1997) \$ 810,000
Water Quality Account Appropriation \$ 202,000
TOTAL APPROPRIATION \$ 1,864,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5616 (watershed restoration projects). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

NEW SECTION. Sec. 308. FOR THE OFFICE OF MARINE SAFETY

State Toxics Control Account
Appropriation \$ 276,000
Oil Spill Administrative Account
Appropriation \$ 3,506,000
TOTAL APPROPRIATION \$ 3,782,000

The appropriations in this section are subject to the following conditions and limitations:

\$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 1996) \$ 32,380,000
General Fund--State Appropriation (FY 1997) \$ 32,339,000
General Fund--Federal Appropriation \$ 54,098,000
General Fund--Private/Local Appropriation \$ 15,986,000
Off Road Vehicle Account Appropriation \$ 476,000
Aquatic Lands Enhancement Account
Appropriation \$ 5,412,000
Public Safety and Education Account
Appropriation \$ 590,000
Industrial Insurance Premium Refund Account
Appropriation \$ 156,000
Recreational Fisheries Enhancement Account

Appropriation	\$ 2,200,000
Wildlife Account Appropriation	\$ 49,741,000
Special Wildlife Account Appropriation	\$ 1,884,000
Oil Spill Administration Account Appropriation	\$ 831,000
TOTAL APPROPRIATION	\$ 196,093,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$250,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(3) \$500,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5632 (flood damage reduction). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$350,000 of the wildlife account appropriation is provided solely for control and eradication of class B designate weeds on department owned and managed lands.

(5) \$250,000 of the general fund--state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

(6) \$634,000 of the general fund--state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$2,000,000 of the general fund--state appropriation and \$200,000 of the recreational fish enhancement account appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood coho.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood coho.

(c) Full implementation will begin with the 1995 brood coho.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

(8) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

(9) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

(10) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(11) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 1996) \$ 20,300,000

General Fund--State Appropriation (FY 1997) \$ 20,299,000

General Fund--Federal Appropriation \$ 3,024,000

General Fund--Private/Local Appropriation \$ 414,000

Forest Development Account Appropriation \$ 37,946,000
 Off Road Vehicle Account Appropriation \$ 3,074,000
 Surveys and Maps Account Appropriation \$ 1,788,000
 Aquatic Lands Enhancement Account Appropriation \$ 2,512,000
 Resource Management Cost Account Appropriation \$ 11,624,000
 Waste Reduction, Recycling, and Litter Control
 Account Appropriation \$ 440,000
 Surface Mining Reclamation Account
 Appropriation \$ 1,273,000
 Wildlife Account Appropriation \$ 1,300,000
 Water Quality Account Appropriation \$ 2,000,000
 Aquatic Land Dredged Material Disposal Site
 Account Appropriation \$ 734,000
 Natural Resources Conservation Areas Stewardship
 Account Appropriation \$ 1,003,000
 Air Pollution Control Account Appropriation \$ 921,000
 Watershed Restoration Account Appropriation \$ 5,000,000
 Metals Mining Account Appropriation \$ 41,000
 TOTAL APPROPRIATION \$ 113,693,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,998,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$36,000 of the general fund--state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatics lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.

(3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(4) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(6) \$290,000 of the general fund--state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tyee fires between the United States forest service, local governments, and the state.

(8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.

(9) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.

(10) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(11) Up to \$572,000 of the general fund--state appropriation may be expended for the natural heritage program.

(12) \$13,000,000, of which \$5,000,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, \$2,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund--federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.

(a) These funds shall be used to:

(i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;

(ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and

(iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).

(b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for on-going operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.

(c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.

(d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.

(e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.

(f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.

(g) Projects under contract as of June 1, 1995 will be given first priority.

NEW SECTION. Sec. 311. RESOURCE MANAGEMENT. There is hereby appropriated from the resource management cost account for the operations of the department of natural resources, subject to the requirement that the department of natural resources shall not expend any moneys from any source to implement any habitat conservation plan or other agreement or commitment intended to induce the issuance of a permit from the federal government that affects more than ten thousand acres of public and/or state forest land for five or more years without a specific appropriation for that purpose and prior report to the legislative committees on natural resources as provided in this section, seventy-one million dollars for the biennium ending June 30, 1997.

(1) The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

(2) The department shall submit the following with each biennial budget request:

(a) An analysis of the impacts of any agreement or contract on state lands;

(b) Detailed funding requirements to implement the agreement or contract in the next biennium;

and

(c) An accounting of expenditures during the current biennium with respect to any agreement or contract.

(3) The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 1996) \$ 6,770,000

General Fund--State Appropriation (FY 1997) \$ 6,572,000

General Fund--Federal Appropriation \$ 4,278,000

General Fund--Private/Local Appropriation \$ 406,000

Aquatic Lands Enhancement Account

Appropriation \$ 800,000

Industrial Insurance Premium Refund Account

Appropriation \$ 178,000

State Toxics Control Account Appropriation \$ 1,088,000

TOTAL APPROPRIATION \$ 20,092,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for consumer protection activities of the department's weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund--state appropriation is provided solely for the agricultural showcase.

NEW SECTION. Sec. 313. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust

Account Appropriation \$ 966,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the pollution liability insurance program trust account appropriation is provided solely to conduct a study of privatization of the functions performed by the pollution liability insurance program. The study will be conducted by the pollution liability insurance program management. Results of the study

shall be reported to the financial institutions and housing committees of the legislature by November 30, 1995.

PART IV
TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation (FY 1996)	\$ 4,229,000
General Fund Appropriation (FY 1997)	\$ 4,257,000
Architects' License Account Appropriation	\$ 872,000
Cemetery Account Appropriation	\$ 167,000
Professional Engineers' Account Appropriation	\$ 2,235,000
Real Estate Commission Account Appropriation	\$ 6,172,000
Master License Account Appropriation	\$ 5,800,000
Uniform Commercial Code Account Appropriation	\$ 4,929,000
Real Estate Education Account Appropriation	\$ 606,000
Funeral Directors and Embalmers Account Appropriation	\$ 400,000
TOTAL APPROPRIATION	\$ 29,667,000

The appropriations in this section are subject to the following conditions and limitations: \$637,000 of the general fund appropriation is provided solely to implement sections 1001 through 1007 of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 1996)	\$ 7,198,000
General Fund--State Appropriation (FY 1997)	\$ 7,883,000
General Fund--Federal Appropriation	\$ 1,035,000
General Fund--Private/Local Appropriation	\$ 254,000
Public Safety and Education Account Appropriation	\$ 4,492,000
County Criminal Justice Assistance Appropriation	\$ 3,572,000
Municipal Criminal Justice Assistance Account Appropriation	\$ 1,430,000
Fire Services Trust Account Appropriation	\$ 90,000
Fire Services Training Account Appropriation	\$ 1,740,000
State Toxics Control Account Appropriation	\$ 425,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 2,133,000
TOTAL APPROPRIATION	\$ 30,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.

(2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.

(3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.

(4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.

PART V
EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation (FY 1996)	\$ 18,341,000
General Fund--State Appropriation (FY 1997)	\$ 17,819,000
General Fund--Federal Appropriation	\$ 39,791,000
Health Services Account Appropriation	\$ 400,000
Public Safety and Education Account	
Appropriation	\$ 338,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 3,122,000
TOTAL APPROPRIATION	\$ 79,811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$659,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.

(d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,654,000 of the general fund--state appropriation is provided for educational centers, including state support activities.

(d) \$3,093,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(e) \$4,370,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2) (d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) \$400,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94.

(j) \$7,000 of the general fund--state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund--state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation (FY 1996) \$ 3,174,826,000

General Fund Appropriation (FY 1997) \$ 3,284,918,000

TOTAL APPROPRIATION \$ 6,459,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the

greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,122,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in the 1995-96 school year; and

(c) A maximum of \$309,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.2 percent from the 1994-95 school year to the 1995-96 school year, and 1.5 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 21, 1995, at 23:35 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR SCHOOL YEARS 1995-96 AND 1996-97

Years of
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	22,282	22,884	23,508	24,131	26,137
1	23,012	23,633	24,277	24,942	27,007
2	23,757	24,398	25,060	25,790	27,889
3	24,539	25,200	25,881	26,651	28,787
4	25,336	26,037	26,738	27,549	29,740
5	26,169	26,889	27,609	28,482	30,709
6	27,037	27,754	28,515	29,450	31,710
7	27,919	28,654	29,434	30,429	32,745
8	28,814	29,590	30,388	31,465	33,813
9	30,559	31,396	32,512	34,915	
10	32,417	33,613	36,048		
11	34,746	37,235			
12	35,843	38,452			
13	39,700				
14	40,955				
15 or more		42,020			

Years of
Service BA+ 135 MA MA+ 45 orPHD

0	27,429	26,715	28,720	30,012
1	28,316	27,526	29,590	30,899
2	29,238	28,374	30,472	31,820
3	30,195	29,235	31,370	32,779
4	31,188	30,133	32,324	33,771
5	32,214	31,065	33,292	34,797
6	33,253	32,033	34,294	35,837
7	34,347	33,013	35,329	36,931
8	35,473	34,048	36,397	38,057

9	36,632	35,095	37,499	39,215
10	37,822	36,196	38,632	40,405
11	39,044	37,329	39,818	41,627
12	40,316	38,508	41,036	42,900
13	41,620	39,726	42,284	44,203
14	42,972	40,981	43,619	45,556
15 or more	44,089	42,046	44,753	46,740

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1994-95 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning developed under section 520(2) of this act for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff.

(b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund Appropriation (FY 1996) \$ 96,500,000

General Fund Appropriation (FY 1997) \$ 123,377,000

TOTAL APPROPRIATION \$ 219,877,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$218,748,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit

allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. INCREMENT SALARY INCREASES The appropriations in sections 502 through 519 of this act contain \$27,880,000 in fiscal year 1996 and \$63,950,000 in fiscal year 1997 for funding of experience and education increments for certificated instructional staff. This provides an average salary increase of 1.55 percent per year.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation (FY 1996) \$ 155,970,000

General Fund Appropriation (FY 1997) \$ 164,511,000

TOTAL APPROPRIATION \$ 320,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$8,807,000 may be allocated in the 1995-96 school year and a maximum of \$8,894,000 may be allocated in the 1996-97 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 3,000,000
General Fund--State Appropriation (FY 1997) \$ 3,000,000
General Fund--Federal Appropriation \$ 183,619,000
TOTAL APPROPRIATION \$ 189,619,000

NEW SECTION. Sec. 508. SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 380,179,000
General Fund--State Appropriation (FY 1997) \$ 373,289,000
General Fund--Federal Appropriation \$ 98,684,000
TOTAL APPROPRIATION \$ 852,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children with disabilities, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff

in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(7) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$19,575,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. School districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make recommendations to the state oversight committee for approval. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas; and

(iii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements.

(8)(a) For purposes of making safety net determinations pursuant to subsection (7) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection (7) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations.

(9) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) Membership of the regional committees may include, but not be limited to:

(a) A representative of the superintendent of public instruction;

(b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and

(c) One or more staff from an educational service district.

(11) The state oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff from the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (6) and (7) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

(13) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account
Appropriation \$ 17,488,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation (FY 1996) \$ 4,411,000
General Fund Appropriation (FY 1997) \$ 4,410,000
TOTAL APPROPRIATION \$ 8,821,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$225,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$360,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation (FY 1996) \$ 75,408,000
General Fund Appropriation (FY 1997) \$ 79,592,000
TOTAL APPROPRIATION \$ 155,000,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FUNDED UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT

General Fund--Federal Appropriation \$ 222,376,000

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN CHILDREN

General Fund--Federal Appropriation \$ 370,000

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 15,417,000
General Fund--State Appropriation (FY 1997) \$ 15,795,000
General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 39,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation (FY 1996) \$ 4,254,000

General Fund Appropriation (FY 1997) \$ 4,277,000

TOTAL APPROPRIATION \$ 8,531,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.

(3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 17,904,000

General Fund--State Appropriation (FY 1997) \$ 18,062,000

General Fund--Federal Appropriation \$ 12,500,000

TOTAL APPROPRIATION \$ 48,466,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,819,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(2) \$4,890,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by House Bill No. 1249.

(3) \$2,190,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,970,000 of the general fund--state appropriation is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.

(5) \$2,970,000 of the general fund--state appropriation is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(6) \$1,620,000 of the general fund--state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.

(7) \$4,050,000 of the general fund--state appropriation is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(8) \$7,200,000 of the general fund--state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(9) \$5,000,000 of the general fund--state appropriation is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and

(b) \$4,558,000 of the general fund--state appropriation is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(10) \$1,260,000 of the general fund--state appropriation is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(11) \$1,700,000 of the general fund--federal appropriation is provided for professional development grants.

(12) \$10,000,000 of the general fund--federal appropriation is provided solely for competitive grants to school districts for implementation of education reform. To the extent that additional federal goals 2000 funds become available, the superintendent shall also allocate such additional funds for the same purpose.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund--Federal Appropriation \$ 51,216,000

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation (FY 1996) \$ 27,286,000

General Fund Appropriation (FY 1997) \$ 29,566,000

TOTAL APPROPRIATION \$ 56,852,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation (FY 1996) \$ 56,293,000

General Fund Appropriation (FY 1997) \$ 57,807,000

TOTAL APPROPRIATION \$ 114,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and a maximum of \$366.81 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

(i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.

(b) A school district's units for the 1996-97 school year shall be the sum of the following:

(i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund Appropriation (FY 1996) \$ 57,126,000

General Fund Appropriation (FY 1997) \$ 58,429,000

TOTAL APPROPRIATION \$ 115,555,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The appropriations in sections 502, 504, 506, 508, 510, 514, 515, 518, and 519 of this act include amounts to pay increased state retirement system contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA).

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2) Operating resources that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures that (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. The institutions shall establish, in consultation with the board, measurable goals for increasing the average scheduled course contact hours by type of faculty, and shall report to the appropriate policy and fiscal committees of the legislature each December 1st as to performance on such goals.

To reduce the time it takes students to graduate, the institutions shall establish policies and reallocate resources as necessary to increase the number of undergraduate degrees granted per full-time equivalent instructional faculty.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated

with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in section 911 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 4.0 percent on July 1, 1995. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement.

(c) Funds under section 717 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 603 and 604 of this act are in addition to any salary increase provided in this subsection.

NEW SECTION. Sec. 602. The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	1995-96	1996-97
	Annual	Annual
	Average	Average
	FTE	FTE
University of Washington		
Main campus	29,857	29,888
Evening Degree Program	571	617
Tacoma branch	588	687
Bothell branch	533	617
Washington State University		
Main campus	16,205	16,419
Spokane branch	283	308
Tri-Cities branch	624	707
Vancouver branch	723	851
Central Washington University	6,903	6,997
Eastern Washington University	7,656	7,739
The Evergreen State College	3,278	3,298
Western Washington University	9,483	9,606
State Board for Community and Technical Colleges	111,986	113,586
Higher Education Coordinating Board	50	50

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 1996)	\$ 345,763,000
General Fund--State Appropriation (FY 1997)	\$ 348,728,000
General Fund--Federal Appropriation	\$ 11,404,000
Employment and Training Trust Account	
Appropriation	\$ 58,575,000
TOTAL APPROPRIATION	\$ 764,470,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) Up to \$6,000,000 of general operating funds may be used to address accreditation issues at the technical colleges.

(10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation (FY 1996) \$ 263,981,000
General Fund Appropriation (FY 1997) \$ 258,321,000
Death Investigations Account Appropriation \$ 1,685,000
Accident Account Appropriation \$ 4,335,000
Medical Aid Account Appropriation \$ 4,330,000
Health Services Account Appropriation \$ 6,244,000

TOTAL APPROPRIATION \$ 538,896,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,516,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College.

(2) \$9,438,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.

(11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation (FY 1996) \$ 150,520,000

General Fund Appropriation (FY 1997) \$ 153,906,000

Industrial Insurance Premium Refund Account

Appropriation \$ 33,000

Health Services Account Appropriation \$ 1,400,000

TOTAL APPROPRIATION \$ 305,859,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed

in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) \$7,534,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(3) \$7,691,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(9) \$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(10) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996)	\$ 36,741,000
General Fund Appropriation (FY 1997)	\$ 37,084,000
Health Services Account Appropriation	\$ 200,000
TOTAL APPROPRIATION	\$ 74,025,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996)	\$ 33,683,000
General Fund Appropriation (FY 1997)	\$ 34,055,000
Industrial Insurance Premium Refund Account Appropriation	\$ 10,000
Health Services Account Appropriation	\$ 140,000
TOTAL APPROPRIATION	\$ 67,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation (FY 1996) \$ 18,436,000
General Fund Appropriation (FY 1997) \$ 18,504,000
TOTAL APPROPRIATION \$ 36,940,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996) \$ 42,533,000
General Fund Appropriation (FY 1997) \$ 43,173,000
Health Services Account Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 85,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (1996) \$ 1,933,000
General Fund--State Appropriation (1997) \$ 1,811,000
General Fund--Federal Appropriation \$ 1,073,000
TOTAL APPROPRIATION \$ 4,817,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success

resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (1996) \$ 71,412,000
General Fund--State Appropriation (1997) \$ 71,613,000
General Fund--Federal Appropriation \$ 3,579,000
State Educational Grant Account Appropriation \$ 40,000
Health Services Account Appropriation \$ 2,230,000
TOTAL APPROPRIATION \$ 148,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.

(4) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$140,543,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$110,504,000 is provided solely for the state need grant program;

(b) \$24,200,000 is provided solely for the state work study program;

(c) \$1,000,000 is provided solely for educational opportunity grants;

(d) A maximum of \$2,650,000 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) \$633,000 is provided solely for the educator's excellence awards;

(f) \$876,000 is provided solely to implement the Washington scholars program pursuant to Second Substitute House Bill No. 1318 or substantially similar legislation (Washington scholars program); and

(g) \$680,000 is provided solely to implement Substitute House Bill No. 1814 (Washington award for vocational excellence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (g) shall lapse.

NEW SECTION. Sec. 612. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation (FY 1996) \$ 1,127,000
General Fund Appropriation (FY 1997) \$ 1,311,000
TOTAL APPROPRIATION \$ 2,438,000

The appropriation in this section is subject to the following conditions and limitations: \$765,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 613. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 1996) \$ 1,634,000
General Fund--State Appropriation (FY 1997) \$ 1,634,000
General Fund--Federal Appropriation \$ 34,641,000
TOTAL APPROPRIATION \$ 37,909,000

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation (FY 1996) \$ 7,069,000
General Fund--State Appropriation (1997) \$ 7,071,000
General Fund--Federal Appropriation \$ 4,799,000
General Fund--Private/Local Appropriation \$ 46,000
Industrial Insurance Premium Refund Account
Appropriation \$ 7,000
TOTAL APPROPRIATION \$ 18,992,000

The appropriations in this section are subject to the following conditions and limitations:
\$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington book and braille library.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (1996) \$ 2,236,000
General Fund--State Appropriation (1997) \$ 1,929,000
General Fund--Federal Appropriation \$ 934,000
Industrial Insurance Premium Refund Account
Appropriation \$ 1,000
TOTAL APPROPRIATION \$ 5,100,000

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation (FY 1996) \$ 1,965,000
General Fund Appropriation (FY 1997) \$ 2,186,000
TOTAL APPROPRIATION \$ 4,151,000

The appropriation in this section is subject to the following conditions and limitations:
\$1,731,000 is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation (FY 1996) \$ 473,000
General Fund Appropriation (FY 1997) \$ 473,000
TOTAL APPROPRIATION \$ 946,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (1996) \$ 3,421,000
General Fund--State Appropriation (1997) \$ 3,440,000
Industrial Insurance Premium Refund Account
Appropriation \$ 7,000
TOTAL APPROPRIATION \$ 6,868,000

NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (1996) \$ 6,182,000
General Fund--State Appropriation (1997) \$ 6,215,000
Industrial Insurance Premium Refund Account
Appropriation \$ 15,000
TOTAL APPROPRIATION \$ 12,412,000

PART VII
SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation \$ 852,281,000
State Building and Construction Account
Appropriation \$ 21,500,000
TOTAL APPROPRIATION \$ 873,781,000

The general fund appropriation is for deposit into the account listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account
Appropriation \$ 24,179,000
Accident Account Appropriation \$ 5,548,000
Medical Account Appropriation \$ 5,548,000
TOTAL APPROPRIATION \$ 35,275,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund Appropriation \$ 37,031,000
Higher Education Reimbursable Construction Account
Appropriation \$ 197,000
Community College Capital Construction Bond
Retirement Fund 1975 Appropriation \$ 450,000
Higher Education Bond Retirement Fund 1979
Appropriation \$ 2,887,000
TOTAL APPROPRIATION \$ 40,565,000

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967
Appropriation \$ 6,923,000
State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,453,000
TOTAL APPROPRIATION \$ 9,376,000

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund Appropriation \$ 1,535,000
State Convention and Trade Center Account
Appropriation \$ 15,000
State Building Construction Account
Appropriation \$ 364,000
Higher Education Reimbursable Construction
Account Appropriation \$ 3,000
TOTAL APPROPRIATION \$ 1,917,000

Total Bond Retirement and Interest Appropriations

contained in sections 701 through 705 of this
act \$ 960,914,000

NEW SECTION. Sec. 706. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation (FY 1996) \$ 1,815,000
General Fund Appropriation (FY 1997) \$ 1,815,000
Wildlife Fund Appropriation \$ 78,000
TOTAL APPROPRIATION \$ 3,708,000

NEW SECTION. Sec. 707. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT

Americans with Disabilities Special Revolving Fund
Appropriation \$ 426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 708. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation (FY 1996) \$ 965,000
General Fund Appropriation (FY 1997) \$ 966,000
TOTAL APPROPRIATION \$
Special Fund Agency Tort Defense Services
Revolving Fund Appropriation \$ 1,287,000
TOTAL APPROPRIATION \$ 3,218,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund Appropriation (FY 1996) \$ 850,000
General Fund Appropriation (FY 1997) \$ 850,000
TOTAL APPROPRIATION \$ 1,700,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 710. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 711. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 1996) \$ 2,390,000

General Fund--State Appropriation (FY 1997) \$ 2,561,000
General Fund--Federal Appropriation \$ 1,835,000
General Fund--Private/Local Appropriation \$ 136,000
Salary and Insurance Increase Revolving Account
Appropriation \$ 4,105,000
TOTAL APPROPRIATION \$ 11,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$308.14 per eligible employee for fiscal year 1996, and \$308.96 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.81 per eligible employee for fiscal year 1996, and \$5.55 for fiscal year 1997.

(c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs or due to employee waivers of coverage may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization.

(d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee, \$14.79 per month beginning October 1, 1995, and \$14.80 per month beginning September 1, 1996;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79 each month beginning October 1, 1995, and \$14.80 each month beginning September 1, 1996, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1995-97 transportation appropriations act.

(6) Rates charged to school districts voluntarily purchasing employee benefits through the health care authority shall be equivalent to the actual insurance costs of benefits and administration costs for state and higher education employees except:

(a) The health care authority is authorized to reduce rates charged to school districts for up to 10,000 new subscribers by applying surplus funds accumulated in the public employees' and retirees' insurance account. Rates may be reduced up to a maximum of \$10.93 per subscriber per month in fiscal year 1996 and a maximum of \$7.36 per subscriber per month in fiscal year 1997; and

(b) For employees who first begin receiving benefits through the health care authority after September 1, 1995, districts shall remit the additional costs of health care authority administration resulting from their enrollment. The additional health care authority administration costs shall not exceed \$.30 per month per subscriber.

NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

FY 1996 FY 1997

General Fund Appropriation \$ 87,500,000 87,500,000

(2) There is appropriated for contributions to the judicial retirement system:

FY 1996 FY 1997

General Fund Appropriation \$ 6,500,000 6,500,000

(3) There is appropriated for contributions to the judges retirement system:

FY 1996 FY 1997

General Fund Appropriation \$ 800,000 800,000

NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS

FY 1996 FY 1997

General Fund--State
Appropriation \$ 1,007,000 1,224,000
General Fund--Federal
Appropriation \$ 367,000 447,000
Special Account Retirement Contribution
Increase Revolving Account
Appropriation \$ 904,000 1,089,000
TOTAL APPROPRIATION \$ 5,038,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA). If the bill is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENT

General Fund--State Appropriation (FY 1996) \$ 36,020,000
General Fund--State Appropriation (FY 1997) \$ 36,590,000
General Fund--Federal Appropriation \$ 29,603,000
Salary and Insurance Increase Revolving Account
Appropriation \$ 60,213,000
TOTAL APPROPRIATION \$ 162,426,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsections (2), (3), and (4) of this section, appropriations in this section are provided solely for a 4.0 percent salary increase effective July 1, 1995, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 4.0 percent salary increase for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 4.0 percent cost-of-living adjustment, effective July 1, 1995, for ferry workers consistent with the 1995-97 transportation appropriations act.

(4) The appropriations in this section include funds sufficient to fund the salary increases approved by the commission on salaries for elected officials for legislators and judges.

(5) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

NEW SECTION. Sec. 715. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS

General Fund Appropriation (FY 1996)	\$ 1,129,000
General Fund Appropriation (FY 1997)	\$ 1,129,000
Attorney General Salary Increase Revolving	
Account Appropriation	\$ 1,542,000
TOTAL APPROPRIATION	\$ 3,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general. The attorney general shall distribute these funds in a manner that will maintain or increase the quality and experience of the attorney general's staff. Market value, specialization, retention, and merit (including billable hours) shall be the factors in determining the distribution of these funds.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 716. SALARY INCREMENT INCREASES. General government and higher education general service employees whose salaries were frozen in the 1993-95 biennium and who are below the top step of their salary range will receive a step increase on their next periodic increment date on or after July 1, 1995. Thereafter, periodic increments will occur on the subsequent increment dates. Affected Washington management service (WMS) employees may receive increments as provided in the pertinent WMS rules on or after July 1, 1995. Civil service exempt employees who are below the top step may receive an increase at the discretion of the relevant appointing authority.

NEW SECTION. Sec. 717. INCREMENT SALARY INCREASES. The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$28,000,000 from the general fund--state and \$34,000,000 from other funds for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), chapter 41.56 RCW, and other statutes. This amount will provide average salary increases of 1.0 percent during the 1995-97 biennium.

NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD

General Fund Appropriation (FY 1997)	\$ 5,000,000
Salary and Insurance Increase Revolving	
Account Appropriation (FY 1997)	\$ 5,000,000
TOTAL APPROPRIATION	\$ 10,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended solely for the purposes designated in section 911 of this act.

(2) In addition to the moneys appropriated in this section, state agencies may expend up to an additional \$2,500,000 from other general fund--state appropriations in this act and \$2,500,000 from

appropriations from other funds and accounts for the purposes and under the procedures designated in section 911 of this act.

PART VIII
OTHER TRANSFERS AND APPROPRIATIONS

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

State General Obligation Bond Retirement Fund 1979

Fund Appropriation \$ 852,281,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY STATUTE

State General Obligation Bond Retirement Fund 1979

Appropriation \$ 37,031,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
premiums distribution \$ 6,025,000

General Fund Appropriation for public utility
district excise tax distribution \$ 29,885,000

General Fund Appropriation for prosecuting
attorneys' salaries \$ 2,800,000

General Fund Appropriation for motor vehicle
excise tax distribution \$ 72,684,000

General Fund Appropriation for local mass
transit assistance \$ 335,869,000

General Fund Appropriation for camper and
travel trailer excise tax distribution \$ 3,554,000

General Fund Appropriation for boating
safety/education and law enforcement
distribution \$ 3,224,000

General Fund Appropriation for public health
distribution \$ 36,465,000

Aquatic Lands Enhancement Account Appropriation
for harbor improvement revenue
distribution \$ 130,000

Liquor Excise Tax Account Appropriation for
liquor excise tax distribution \$ 22,185,000

Liquor Revolving Fund Appropriation for liquor
profits distribution \$ 42,778,000

Timber Tax Distribution Account Appropriation
 for distribution to "Timber" counties \$ 115,950,000
 Municipal Sales and Use Tax Equalization Account
 Appropriation \$ 58,181,000
 County Sales and Use Tax Equalization Account
 Appropriation \$ 12,940,000
 Death Investigations Account Appropriation
 for distribution to counties for publicly
 funded autopsies \$ 1,200,000
 County Criminal Justice Account Appropriation \$ 69,940,000
 Municipal Criminal Justice Account
 Appropriation \$ 27,972,000
 County Public Health Account Appropriation \$ 29,709,000
 TOTAL APPROPRIATION \$ 871,491,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal
 forest reserve fund distribution \$ 50,740,000
 General Fund Appropriation for federal flood
 control funds distribution \$ 48,000
 General Fund Appropriation for federal grazing
 fees distribution \$ 73,000
 General Fund Appropriation for distribution of
 federal funds to counties in conformance with
 P.L. 97-99 Federal Aid to Counties \$ 220,000
 TOTAL APPROPRIATION \$ 51,081,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

Public Works Assistance Account: For transfer to the
 Flood Control Assistance Account \$ 4,000,000
 General Fund: For transfer to the Natural Resources
 Fund--Water Quality Account \$ 18,471,000
 Water Quality Account: For transfer to the Water
 Pollution Revolving Fund. Transfers shall be
 made at intervals coinciding with deposits of
 federal capitalization grant money into the
 revolving fund. The amounts transferred shall
 not exceed the match required for each federal
 deposit \$ 25,000,000
 Water Quality Account: For transfer to the Water
 Right Permit Processing Account \$ 500,000
 Trust Land Purchase Account: For transfer to the Parks
 Renewal and Stewardship Account \$ 1,304,000
 General Government Special Revenue Fund--State
 Treasurer's Service Account: For transfer to
 the general fund on or before June 30, 1997,
 an amount up to \$7,361,000 in excess of the

cash requirements of the state treasurer's
service account \$ 7,361,000
Health Services Account: For transfer to the
Public Health Services Account \$ 26,003,000
Public Health Services Account: For transfer to
the County Public Health Account \$ 2,250,000
Public Works Assistance Account: For transfer to the
Growth Management Planning and Environmental
Review Fund \$ 3,000,000
Basic Health Plan Trust Account: For transfer to
the General Fund--State Account (FY 1996) \$ 2,664,778
Basic Health Plan Trust Account: For transfer to
the General Fund--State Account (FY 1997) \$ 2,664,778
Oil Spill Response Account: For transfer to
the Oil Spill Administration Account \$ 1,718,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--
TRANSFERS**

General Fund Appropriation: For transfer to
the department of retirement systems expense
fund \$ 18,000

NEW SECTION. Sec. 807. FOR COMMON SCHOOL CONSTRUCTION. The sum of one hundred and ten million dollars is appropriated from the general fund to the common school construction fund for the purposes under RCW 28A.515.320.

This section is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

PART IX
MISCELLANEOUS

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a

description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education

coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 906. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1995.

NEW SECTION. Sec. 908. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

Sec. 910. RCW 19.118.110 and 1995 c . . . s 7 (ESSB 5629) are each amended to read as follows:

A three-dollar arbitration fee shall be collected by either the new motor vehicle dealer or vehicle lessor from the consumer upon execution of a retail sale or lease agreement. The fee shall be forwarded to the department of licensing at the time of title application for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriation. During the 1995-97 fiscal biennium, the

legislature may transfer moneys from the account to the extent that the moneys are not necessary for the purposes of this chapter.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

Sec. 911. RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. ~~((However, beginning July 1, 1993, through June 30, 1995,))~~ The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW. Beginning July 1, 1995, through June 30, 1997:

(a) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(i) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(ii) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(iii) The implementation is a result of emergent conditions. Emergent conditions are defined as newly mandated programs for which moneys are not appropriated, establishment of positions necessary for the preservation of the public health, safety, or general welfare, and related issues which do not exceed \$250,000 of the moneys identified in section 718(2) of this act.

(b) The board may approve the implementation of salary increases resulting from adjustments to the classification plan for implementation in the 1997-99 fiscal biennium only if the implementation will not result in additional net costs or the implementation has been approved by the legislature in the omnibus appropriations act or other legislation.

(c) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(d) Adjustments made to the higher education hospital special pay plan are exempt from (a) through (c) of this subsection;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars;))~~

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States

or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions (~~under chapter 28B.16 RCW~~) before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 912. RCW 43.08.250 and 1993 sp.s. c 24 s 917 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, (~~1995~~) 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, and Washington state patrol criminal justice activities.

Sec. 913. RCW 70.47.030 and 1993 c 492 s 210 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized

enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 914. RCW 70.105D.070 and 1994 c 252 s 5 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

- (i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;
- (ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;
- (iii) The hazardous waste cleanup program required under this chapter;
- (iv) State matching funds required under the federal cleanup law;
- (v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;
- (vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;
- (vii) Hazardous materials emergency response training;
- (viii) Water and environmental health protection and monitoring programs;
- (ix) Programs authorized under chapter 70.146 RCW;
- (x) A public participation program, including regional citizen advisory committees;
- (xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(d) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and
- (xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; and (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the

investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account. During the 1995-97 fiscal biennium no moneys deposited into the state and local toxics control accounts may be committed to public participation grants, except in the case where public participation grants assist in the implementation of the pilot projects established pursuant to Engrossed Substitute House Bill No. 1810.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

Sec. 915. RCW 86.26.007 and 1993 sp.s. c 24 s 928 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ((1995-97)) 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the ((1993-95)) 1995-97 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

NEW SECTION. **Sec. 916.** No funding appropriated in this act shall be expended to support efforts to establish the northwest marine straits sanctuary.

NEW SECTION. **Sec. 917.** No funding appropriated in this act shall be expended to establish or publish rules which exceed federal requirements for providing habitat protection for northern spotted owls.

Sec. 918. RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the ((1993-95)) 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the ((1993-95)) 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

Sec. 919. RCW 69.50.520 and 1994 sp.s. c 7 s 910 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110((~~5~~))(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 ((1st)) sp. sess., including state incarceration costs. After July 1, 1997, at least seven and one-half percent of expenditures from the

account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 920. RCW 70.146.020 and 1993 sp.s. c 24 s 923 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Account" means the water quality account in the state treasury.

(2) "Department" means the department of ecology.

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means. During the ((1993-1995)) 1995-1997 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

Sec. 921. RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control

facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be appropriated for water activities including regional plans, implementation of regional plans, watershed restoration, and other activities relating to the water right permit program in the department of ecology.

Sec. 922. RCW 74.14C.065 and 1992 c 214 s 11 are each amended to read as follows:

Any federal funds made available under RCW 74.14C.060 shall be used to supplement and shall not supplant state funds to carry out the purposes of this chapter. However, during the 1995-97 fiscal biennium, federal funds made available under RCW 74.14C.060 may be used to supplant state funds to carry out the purposes of this chapter.

Sec. 923. RCW 79.24.580 and 1994 c 219 s 12 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. During the fiscal biennium ending June 30, 1997, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

NEW SECTION. **Sec. 924. FISCAL YEAR EXPENDITURE LIMITS.** An agency's total general fund--state expenditures by fiscal year shall not exceed the amount approved by the office of financial management (OFM) in expenditure plans authorized under RCW 43.88.070 and 43.88.110. OFM shall ensure that these plans conform with fiscal year expenditures in the OFM budget database as updated to reflect legislative appropriations and governor's vetoes. In no case shall the state-wide total of agency allotments exceed the Initiative 601 expenditure limit. The allotments of elected officials must match the GFS fiscal year split contained in the updated OFM database.

NEW SECTION. **Sec. 925.** Unless otherwise required by law, no moneys appropriated in this act may be expended for mandatory diversity training for state employees. No moneys appropriated in this act may be expended for voluntary diversity training offered to state employees where a record is made of attendance or nonattendance or where state employees may be subject to reprimand or other disciplinary action for participating or not participating.

NEW SECTION. **Sec. 926.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 927.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 807 of this act shall take effect immediately. The remainder of the act shall take effect July 1, 1995.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 19.118.110, 43.08.250, 70.47.030, 70.105D.070, 86.26.007, 43.155.050, 69.50.520, 70.146.020, 70.146.030, 74.14C.065, 79.24.580, 43.21I.005, 43.21I.010, 43.21I.030, 43.21I.040, 88.46.922, 88.46.925, and 90.56.510; amending 1991 c 200 s 1120 (uncodified); amending 1993 c 281 s 73 (uncodified); reenacting and amending RCW 41.06.150; adding a new section to chapter 90.56 RCW; creating new sections; recodifying RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040; repealing RCW 43.21I.020, 88.46.920, and 88.46.923; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Foreman moved that the House not concur in the Senate amendments to Engrossed Substitute House Bill No. 1410 and ask the Senate to recede therefrom. The motion was carried.

There being no objection, Engrossed Substitute House Bill No. 1410 was immediately transmitted to the Senate.

SENATE AMENDMENTS TO HOUSE BILL

May 23, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation (FY 1996) \$ 23,862,000
General Fund Appropriation (FY 1997) \$ 23,685,000
TOTAL APPROPRIATION \$ 47,547,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.
(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation (FY 1996) \$ 17,397,000
General Fund Appropriation (FY 1997) \$ 19,198,000
TOTAL APPROPRIATION \$ 36,595,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.
(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to

provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation (FY 1996) \$ 1,557,000
General Fund Appropriation (FY 1997) \$ 1,268,000
TOTAL APPROPRIATION \$ 2,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 is provided solely for the legislative budget committee to conduct a performance audit of the office of the superintendent of public instruction and report its finding to the appropriate committees of the legislature by December 31, 1995. In addition to the standard items reviewed in a performance audit, the committee is directed to provide the following: (a) A determination of methods to maximize the amount of federal funds received by the state; (b) the identification of potential cost savings from any office programs which could be eliminated or transferred to the private sector; (c) an analysis of gaps and overlaps in office programs; and (d) an evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law. In conducting the performance audit, the legislative budget committee is also directed to use performance measures or standards used by other states or other large education organizations in developing its findings.

(2) The general fund appropriation contains sufficient funds for the legislative budget committee to perform the study required in Second Substitute Senate Bill No. 5574 regarding the transfer of forest board lands to the counties.

NEW SECTION. Sec. 104. FOR THE PERFORMANCE PARTNERSHIP COUNCIL

General Fund Appropriation (FY 1996) \$ 250,000

NEW SECTION. Sec. 105. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation (FY 1996) \$ 1,162,000
General Fund Appropriation (FY 1997) \$ 1,162,000
TOTAL APPROPRIATION \$ 2,324,000

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account
Appropriation \$ 1,573,000

NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation (FY 1996) \$ 4,450,000
General Fund Appropriation (FY 1997) \$ 4,450,000
TOTAL APPROPRIATION \$ 8,900,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation (FY 1996) \$ 3,076,000
General Fund Appropriation (FY 1997) \$ 3,356,000
TOTAL APPROPRIATION \$ 6,432,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$55,000 is provided solely for the uniform legislation commission.
- (2) \$40,000 is provided for the compilation and publication of a quarterly report on agency rule-making activity pursuant to section 704 of Engrossed Substitute House Bill No. 1010 (regulatory reform).

NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES. In order to implement cost reduction measures required by this act and to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 110. FOR THE SUPREME COURT

General Fund Appropriation (FY 1996) \$ 4,419,000
General Fund Appropriation (FY 1997) \$ 4,456,000
TOTAL APPROPRIATION \$ 8,875,000

NEW SECTION. Sec. 111. FOR THE LAW LIBRARY

General Fund Appropriation (FY 1996) \$ 1,607,000
General Fund Appropriation (FY 1997) \$ 1,608,000
TOTAL APPROPRIATION \$ 3,215,000

NEW SECTION. Sec. 112. FOR THE COURT OF APPEALS

General Fund Appropriation (FY 1996) \$ 8,834,000
General Fund Appropriation (FY 1997) \$ 8,834,000
TOTAL APPROPRIATION \$ 17,668,000

NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation (FY 1996) \$ 595,000
General Fund Appropriation (FY 1997) \$ 606,000
TOTAL APPROPRIATION \$ 1,201,000

NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation (FY 1996) \$ 11,658,000
 General Fund Appropriation (FY 1997) \$ 11,728,000
 Public Safety and Education Account
 Appropriation \$ 41,403,000
 Judicial Information Systems Account
 Appropriation \$ 6,446,000
 TOTAL APPROPRIATION \$ 71,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.

(5) \$26,000 of the public safety and education account and \$110,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(6) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

(7) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

(8) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(9) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation (FY 1996) \$ 2,899,000
 General Fund Appropriation (FY 1997) \$ 2,898,000
 TOTAL APPROPRIATION \$ 5,797,000

NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation (FY 1996) \$ 242,000
 General Fund Appropriation (FY 1997) \$ 243,000
 TOTAL APPROPRIATION \$ 485,000

NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation (FY 1996) \$ 1,107,000
 General Fund Appropriation (FY 1997) \$ 1,045,000
 Industrial Insurance Premium Refund Account
 Appropriation \$ 725
 TOTAL APPROPRIATION \$ 2,152,725

NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE

General Fund Appropriation (FY 1996) \$ 9,175,000
General Fund Appropriation (FY 1997) \$ 5,924,000
Archives and Records Management Account
Appropriation \$ 4,330,000
Department of Personnel Service Account
Appropriation \$ 647,000
TOTAL APPROPRIATION \$ 20,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,859,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$5,183,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) The general fund appropriation for fiscal year 1996 shall be reduced by \$726,000 if Engrossed Senate Bill No. 5852 (presidential preference primary) is enacted by March 15, 1996.

(5) \$10,000 is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records),

NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 151,000
General Fund Appropriation (FY 1997) \$ 152,000
TOTAL APPROPRIATION \$ 303,000

NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 173,000
General Fund Appropriation (FY 1997) \$ 173,000
TOTAL APPROPRIATION \$ 346,000

NEW SECTION. Sec. 121. FOR THE STATE TREASURER

State Treasurer's Service Account
Appropriation \$ 10,454,000

NEW SECTION. Sec. 122. FOR THE STATE AUDITOR

General Fund Appropriation (FY 1996) \$ 12,000
General Fund Appropriation (FY 1997) \$ 10,000
Municipal Revolving Account
Appropriation \$ 24,886,000
Auditing Services Revolving Account
Appropriation \$ 11,814,000
TOTAL APPROPRIATION \$ 36,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a)

Establish and publish a schedule of the performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation (FY 1996) \$ 6,000
General Fund Appropriation (FY 1997) \$ 59,000
TOTAL APPROPRIATION \$ 65,000

NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 1996) \$ 3,228,000
General Fund--State Appropriation (FY 1997) \$ 3,225,000
General Fund--Federal Appropriation \$ 1,624,000
Public Safety and Education Account
Appropriation \$ 1,250,000
State Investment Board Expense Account
Appropriation \$ 4,000,000
New Motor Vehicle Arbitration Account
Appropriation \$ 1,782,000
Legal Services Revolving Account
Appropriation \$ 113,972,000
Health Services Account Appropriation \$ 300,000
TOTAL APPROPRIATION \$ 129,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

Securities Regulation Account
Appropriation \$ 4,515,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 1996) \$ 48,627,000
General Fund--State Appropriation (FY 1997) \$ 47,328,000
General Fund--Federal Appropriation \$ 147,991,000
General Fund--Private/Local Appropriation \$ 1,676,000
Public Safety and Education Account
Appropriation \$ 8,764,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 2,006,000
Washington Marketplace Program Account
Appropriation \$ 150,000
Public Works Assistance Account
Appropriation \$ 1,068,000
Building Code Council Account
Appropriation \$ 1,289,000
Administrative Contingency Account
Appropriation \$ 1,776,000
Low-Income Weatherization Assistance Account
Appropriation \$ 923,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 6,027,000
Manufactured Home Installation Training Account
Appropriation \$ 150,000
Washington Housing Trust Account
Appropriation \$ 4,686,000
Public Facility Construction Revolving Account
Appropriation \$ 238,000
Solid Waste Management Account Appropriation \$ 700,000
Growth Management Planning and Environmental
Review Fund Appropriation \$ 3,000,000
TOTAL APPROPRIATION \$ 276,399,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) \$538,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(4) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;

(b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;

(c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;

(d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(e) \$744,000 to the department to continue the youth violence prevention and intervention projects;

(f) \$240,000 to the department for grants to support tribal law enforcement needs;

(g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;

(h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;

(i) \$51,000 to the Washington state patrol for data collection;

(j) \$445,750 to the office of financial management for the criminal history records improvement program;

(k) \$42,000 to the department to support local services to victims of domestic violence;

(l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program; and

(n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

(5) \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

(6) \$216,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$200,000 of the general fund--state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

(8) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

(a) The per square foot cost of each type of housing unit financed by the housing trust fund;

(b) An assessment of the factors that affect the per square foot cost;

(c) Recommendations for reducing the per square foot cost, if possible;

(d) Guidelines for housing costs per person assisted; and

(e) Other relevant information.

(9) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(10) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

(12) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

(13) \$150,000 of the general fund--state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.

(14) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(18) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal aid programs shall establish and abide by policies regarding conduct of outreach activities. The policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.

(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law,

legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation (FY 1996) \$ 410,000
General Fund Appropriation (FY 1997) \$ 410,000
TOTAL APPROPRIATION \$ 820,000

NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 1996) \$ 9,482,000
General Fund--State Appropriation (FY 1997) \$ 9,138,000
General Fund--Federal Appropriation \$ 12,432,000
General Fund--Private/Local Appropriation \$ 720,000
Health Services Account Appropriation \$ 330,000
Public Safety and Education Account
Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 32,302,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely as the state's share of funding for the "Americorps" youth employment program.

NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account
Appropriation \$ 14,487,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL

General Fund--State Appropriation (FY 1996) \$ 360,000
General Fund--State Appropriation (FY 1997) \$ 360,000
General Fund--Federal Appropriation \$ 700,000
Personnel Data Revolving Account Appropriation \$ 880,000
Department of Personnel Service Account
Appropriation \$ 15,354,000
Higher Education Personnel Services Account
Appropriation \$ 1,656,000
TOTAL APPROPRIATION \$ 19,310,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees.
- (3) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro

rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.

(4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation or the department of retirement systems for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee or the department of retirement systems shall be for actual costs only.

(5) The department of personnel service fund appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.

(6) \$500,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force, including employee retraining and career counseling.

(7) The department of personnel has the authority to charge agencies for expenses resulting from the administration of a benefits contribution plan established by the health care authority. Fundings to cover these expenses shall be realized from agency FICA tax savings associated with the benefits contributions plan.

NEW SECTION. Sec. 131. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account
Appropriation \$ 166,000

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account
Appropriation \$ 18,813,000

NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE GAMBLING COMMISSION

Industrial Insurance Premium Refund Account
Appropriation \$ 14,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation (FY 1996) \$ 195,000
General Fund Appropriation (FY 1997) \$ 195,000
TOTAL APPROPRIATION \$ 390,000

NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 148,000
General Fund Appropriation (FY 1997) \$ 146,000
TOTAL APPROPRIATION \$ 294,000

NEW SECTION. Sec. 136. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account
Appropriation \$ 1,593,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- OPERATIONS

Department of Retirement Systems Expense Account
Appropriation \$ 30,152,000
Dependent Care Administrative Account
Appropriation \$ 183,000
TOTAL APPROPRIATION \$ 30,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$857,000 of the department of retirement systems expense account appropriation is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 of the department of retirement systems expense account appropriation is provided solely for the in-house design development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) \$1,900,000 of the department of retirement systems expense account appropriation and the entire dependent care administrative account appropriation are provided solely for the implementation of Substitute House Bill No. 1206 (restructuring retirement systems). If the bill is not enacted by June 30, 1995, the amount provided in this subsection from the department of retirement systems expense account shall lapse, and the entire dependent care administrative account appropriation shall be transferred to the committee for deferred compensation.

NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation \$ 8,068,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation (FY 1996) \$ 62,528,000

General Fund Appropriation (FY 1997) \$ 63,139,000

Timber Tax Distribution Account

Appropriation \$ 4,585,000

Waste Reduction, Recycling, and Litter Control

Account Appropriation \$ 95,000

State Toxics Control Account

Appropriation \$ 67,000

Solid Waste Management Account

Appropriation \$ 88,000

Oil Spill Administration Account

Appropriation \$ 14,000

Pollution Liability Insurance Program Trust Account

Appropriation \$ 230,000

TOTAL APPROPRIATION \$ 130,746,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,197,000 of the general fund appropriation is provided solely for senior citizen property tax deferral distribution. \$103,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral program enacted by Substitute House Bill No. 1673.

(2) \$280,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) The general fund appropriation contains sufficient funds for the department of revenue to collect use tax on advertising materials printed outside the state and mailed directly to Washington residents at the direction of an in-state business to promote sales of products or services, pursuant to RCW 82.12.010(5).

(4) The general fund appropriation contains sufficient funds for the department of revenue to study the feasibility of rewriting Titles 82 and 84 RCW for clarity and ease of understanding, without making substantive changes in the law. The department may study this issue by redrafting certain sections of the existing law and reviewing with legislators, interest groups, and affected parties whether or not such a project is feasible. The department shall report the results of this study to the legislature in the 1996 legislative session.

NEW SECTION. Sec. 140. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation (FY 1996) \$ 993,000
General Fund Appropriation (FY 1997) \$ 996,000
TOTAL APPROPRIATION \$ 1,989,000

NEW SECTION. Sec. 141. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation (FY 1996) \$ 1,593,000
General Fund Appropriation (FY 1997) \$ 1,637,000
TOTAL APPROPRIATION \$ 3,230,000

NEW SECTION. Sec. 142. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account
Appropriation \$ 2,121,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 1996) \$ 284,000
General Fund--State Appropriation (FY 1997) \$ 283,000
General Fund--Federal Appropriation \$ 1,304,000
General Fund--Private/Local Appropriation \$ 388,000
Motor Transport Account Appropriation \$ 10,814,000
Industrial Insurance Premium Refund Account
Appropriation \$ 140,000
Air Pollution Control Account
Appropriation \$ 111,000
Department of General Administration Facilities
and Services Revolving Account
Appropriation \$ 21,271,000
Central Stores Revolving Account
Appropriation \$ 3,056,000
Risk Management Account Appropriation \$ 2,033,000
TOTAL APPROPRIATION \$ 39,684,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.

(2) The cost of purchasing and material control operations may be recovered by the department through charging agencies utilizing these services. The department must begin directly charging agencies utilizing the services on September 1, 1995. Amounts charged may not exceed the cost of purchasing and contract administration. Funds collected may not be used for purposes other than cost recovery and must be separately accounted for within the central stores revolving fund.

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account
Appropriation \$ 3,847,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.

(2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN Network. The department is authorized to recover the costs through billings to affected agencies.

NEW SECTION. Sec. 145. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$ 104,000
Insurance Commissioner's Regulatory Account
Appropriation \$ 20,126,000
TOTAL APPROPRIATION \$ 20,230,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

(2) \$895,000 of the insurance commissioner's regulatory account appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 146. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account
Appropriation \$ 1,293,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the certified public accountants' account appropriation is provided solely to conduct a study in conjunction with the higher education coordinating board of the financial impact on public and private higher education institutions of any increase in the education requirements for CPA certification. Such study shall include impacts on enrollment and access of other students to higher education. No rule to increase education requirements may be implemented until such study has been completed and reported to the higher education and fiscal committees of both houses of the legislature.

NEW SECTION. Sec. 147. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 12,000

NEW SECTION. Sec. 148. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Account Appropriation \$ 4,733,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) The commission shall conduct a complete examination of Playfair racecourse, identifying problems and offering possible solutions that are designed to resolve the continuing decline in parimutuel racing at that track.

NEW SECTION. Sec. 149. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Account Appropriation \$ 113,461,000

NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State
Appropriation \$ 25,802,000
Public Service Revolving Account--Federal
Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 26,002,000

NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension
Administrative Account Appropriation \$ 442,000

NEW SECTION. Sec. 152. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 1996) \$ 7,474,000
General Fund--State Appropriation (FY 1997) \$ 7,477,000
General Fund--Federal Appropriation \$ 28,293,000
General Fund--Private/Local Appropriation \$ 237,000
Enhanced 911 Account Appropriation \$ 18,541,000
Industrial Insurance Premium Refund Account
Appropriation \$ 34,000
TOTAL APPROPRIATION \$ 62,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service.

NEW SECTION. Sec. 153. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation (FY 1996) \$ 1,647,000
General Fund Appropriation (FY 1997) \$ 1,667,000
TOTAL APPROPRIATION \$ 3,314,000

NEW SECTION. Sec. 154. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund Appropriation (FY 1996) \$ 1,331,000
General Fund Appropriation (FY 1997) \$ 1,334,000
TOTAL APPROPRIATION \$ 2,665,000

NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Operations
Account Appropriation \$ 25,606,000

PART II
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall

allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 144,801,000
General Fund--State Appropriation (FY 1997) \$ 151,569,000
General Fund--Federal Appropriation \$ 263,843,000
General Fund--Private/Local Appropriation \$ 400,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 5,719,000
TOTAL APPROPRIATION \$ 566,332,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$5,524,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund--state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund--state appropriation is provided in fiscal year 1996 and \$4,678,000 of the general fund--state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund--state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund--state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund--federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund--state is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund--state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ 24,944,000

General Fund--State Appropriation (FY 1997) \$ 25,771,000

General Fund--Federal Appropriation \$ 20,167,000

General Fund--Private/Local Appropriation \$ 286,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 5,695,000
TOTAL APPROPRIATION \$ 76,863,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund--state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 25,701,000
General Fund--State Appropriation (FY 1997) \$ 29,120,000
General Fund--Federal Appropriation \$ 23,011,000
General Fund--Private/Local Appropriation \$ 830,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 10,634,000
TOTAL APPROPRIATION \$ 89,296,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 1,021,000
General Fund--State Appropriation (FY 1997) \$ 1,024,000
General Fund--Federal Appropriation \$ 881,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 421,000
TOTAL APPROPRIATION \$ 3,347,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 107,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 1,177,000
TOTAL APPROPRIATION \$ 1,284,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 1996) \$ 162,878,000
General Fund--State Appropriation (FY 1997) \$ 169,206,000
General Fund--Federal Appropriation \$ 241,564,000
General Fund--Private/Local Appropriation \$ 9,000,000
Health Services Account Appropriation \$ 19,647,000
TOTAL APPROPRIATION \$ 602,295,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$8,160,000 of the general fund--state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health

services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund--state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund--state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.

(e) \$1,000,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996)	\$ 56,033,000
General Fund--State Appropriation (FY 1997)	\$ 56,579,000
General Fund--Federal Appropriation	\$ 112,097,000
General Fund--Private/Local Appropriation	\$ 42,512,000
Industrial Insurance Premium Refund Account Appropriation	\$ 747,000
TOTAL APPROPRIATION	\$ 267,968,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996)	\$ 3,378,000
General Fund Appropriation (FY 1997)	\$ 3,378,000
TOTAL APPROPRIATION	\$ 6,756,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation	\$ 6,341,000
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(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996)	\$ 2,549,000
General Fund--State Appropriation (FY 1997)	\$ 2,544,000
General Fund--Federal Appropriation	\$ 1,511,000
TOTAL APPROPRIATION	\$ 6,604,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996)	\$ 117,802,000
General Fund--State Appropriation (FY 1997)	\$ 121,580,000
General Fund--Federal Appropriation	\$ 165,632,000
Health Services Account Appropriation	\$ 4,699,000
TOTAL APPROPRIATION	\$ 409,713,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996)	\$ 62,357,000
General Fund--State Appropriation (FY 1997)	\$ 62,953,000
General Fund--Federal Appropriation	\$ 139,600,000

General Fund--Private/Local Appropriation \$ 9,100,000
TOTAL APPROPRIATION \$ 274,010,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,837,000
General Fund--State Appropriation (FY 1997) \$ 2,848,000
General Fund--Federal Appropriation \$ 777,000
TOTAL APPROPRIATION \$ 6,462,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 7,878,000

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) \$6,569,000 of the general fund--state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund--federal appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund--state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

(d) The secretary of social and health services shall work with provider organizations and advocacy groups to plan and implement strategies for increasing the efficiency of community residential services funded under this section. As a result of those efforts, the average number of persons receiving out-of-home community residential care, on a full-time rather than respite basis, shall be increased by at least 50 persons during fiscal year 1996 over the June 1995 level, and by at least 100 more during fiscal year 1997. Priority for such services shall be given to persons who are residing with elderly parents or relatives. The secretary shall report on plans and progress to the appropriate fiscal and policy committees of the legislature by November 15, 1995, and November 15, 1996.

(e) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(f) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(g) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 378,972,000
General Fund--State Appropriation (FY 1997) \$ 393,491,000
General Fund--Federal Appropriation \$ 793,250,000

Health Services Account--State Appropriation \$ 9,885,000
TOTAL APPROPRIATION \$ 1,575,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,492,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(3) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for the community options program entry system exceed allotted levels, the secretary of social and health services shall immediately take action to adjust functional eligibility standards, service levels, and/or the terms of the medicaid waiver sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(4) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(5) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

(6) A maximum of \$2,603,000 of the general fund--state appropriation and \$2,670,000 of the general fund--federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund--state appropriation and \$5,380,000 of the general fund--federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

(7) The health services account appropriation is to be used solely for the enrollment of home care workers employed through state contracts in the basic health plan.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

(1) GRANTS AND SERVICES TO CLIENTS

General Fund--State Appropriation (FY 1996) \$ 403,859,000
General Fund--State Appropriation (FY 1997) \$ 405,332,000
General Fund--Federal Appropriation \$ 677,127,000
TOTAL APPROPRIATION \$ 1,486,318,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more
Exemption: \$55 71 86 102 117 133 154 170

(b) \$18,000 of the general fund--state appropriation for fiscal year 1996 and \$37,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) Not more than \$7,700,000 of the general fund--state appropriation may be expended to provide cash assistance through the general assistance for pregnancy program as specified in RCW 74.04.005 as amended (Substitute House Bill No. 2083).

(2) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996)	\$ 113,329,000
General Fund--State Appropriation (FY 1997)	\$ 110,137,000
General Fund--Federal Appropriation	\$ 202,152,000
Health Services Account Appropriation	\$ 750,000
TOTAL APPROPRIATION	\$ 426,368,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$16,000 of the general fund--state appropriation for fiscal year 1996 and \$34,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social service providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

(i) Reinstate the SAVE program by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program;

(ii) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(iii) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements system is in use in the office; and

(iv) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 1996)	\$ 8,199,000
General Fund--State Appropriation (FY 1997)	\$ 8,736,000
General Fund--Federal Appropriation	\$ 76,400,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 71,900,000
Health Services Account Appropriation	\$ 969,000
TOTAL APPROPRIATION	\$ 166,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund--state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund--state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 1996) \$ 670,792,000

General Fund--State Appropriation (FY 1997) \$ 692,015,000

General Fund--Federal Appropriation \$ 1,761,005,000

General Fund--Private/Local Appropriation \$ 242,525,000

Health Services Account Appropriation \$ 199,571,000

TOTAL APPROPRIATION \$ 3,565,908,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund--state appropriation for fiscal year 1996 and \$7,844,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) Not more than \$11,410,000 of the general fund--state appropriation may be expended for the purposes of operating the medically indigent program during fiscal year 1996. Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. Funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred in any twelve-month period.

(12) Not more than \$10,000,000 of the health services account appropriation may be expended for the purposes of providing reimbursement during fiscal year 1997 to those hospitals and physicians most adversely affected by the provision of uncompensated emergency room and uncompensated inpatient hospital care. The department shall develop rules stating the conditions for and rates of compensation.

(13) \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund--federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

(14) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

(15) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

(16) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 1996)	\$ 7,741,000
General Fund--State Appropriation (FY 1997)	\$ 7,846,000
General Fund--Federal Appropriation	\$ 73,180,000
General Fund--Private/Local Appropriation	\$ 2,904,000
TOTAL APPROPRIATION	\$ 91,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in the direct delivery of service to clients.

(2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(3) \$310,000 of the general fund--state appropriation and \$1,144,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 25,933,000
General Fund--State Appropriation (FY 1997) \$ 25,934,000
General Fund--Federal Appropriation \$ 41,503,000
General Fund--Private/Local Appropriation \$ 270,000
TOTAL APPROPRIATION \$ 93,640,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund--state appropriation and \$300,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM

General Fund--State Appropriation (FY 1996) \$ 18,058,000
General Fund--State Appropriation (FY 1997) \$ 18,169,000
General Fund--Federal Appropriation \$ 135,488,000
General Fund--Local Appropriation \$ 33,232,000
TOTAL APPROPRIATION \$ 204,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 21,112,000
General Fund--State Appropriation (FY 1997) \$ 20,668,000
General Fund--Federal Appropriation \$ 16,281,000
TOTAL APPROPRIATION \$ 58,061,000

NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE POLICY BOARD
General Fund--Private/Local Appropriation \$ 110,000

Health Services Account Appropriation \$ 4,229,000
TOTAL APPROPRIATION \$ 4,339,000

NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 1996) \$ 3,403,000
General Fund--State Appropriation (FY 1997) \$ 3,403,000
State Health Care Authority Administrative
Account Appropriation \$ 15,744,000
Health Services Account Appropriation \$ 249,642,000
TOTAL APPROPRIATION \$ 272,192,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.

(2) \$1,268,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally if the number of K-12 active employees enrolled after January 1995 is less than 11,837.

NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 1996) \$ 1,905,000
General Fund--State Appropriation (FY 1997) \$ 1,912,000
General Fund--Federal Appropriation \$ 1,344,000
General Fund--Private/Local Appropriation \$ 402,000
TOTAL APPROPRIATION \$ 5,563,000

NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account
Appropriation \$ 20,000
Accident Account Appropriation \$ 9,806,000
Medical Aid Account Appropriation \$ 9,807,000
TOTAL APPROPRIATION \$ 19,633,000

NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000
Public Safety and Education Account
Appropriation \$ 10,654,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 344,000
TOTAL APPROPRIATION \$ 11,036,000

The appropriations in this section are subject to the following conditions and limitations:

\$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation (FY 1996) \$ 5,270,000
General Fund Appropriation (FY 1997) \$ 5,311,000
Public Safety and Education Account--State
Appropriation \$ 19,547,000

Public Safety and Education Account--Federal
 Appropriation \$ 6,002,000
 Public Safety and Education Account--Private/Local
 Appropriation \$ 972,000
 Electrical License Account Appropriation \$ 19,321,000
 Farm Labor Revolving Account--Private/Local
 Appropriation \$ 28,000
 Worker and Community Right-to-Know Account
 Appropriation \$ 2,138,000
 Public Works Administration Account
 Appropriation \$ 1,928,000
 Accident Account--State Appropriation \$ 137,909,000
 Accident Account--Federal Appropriation \$ 9,112,000
 Medical Aid Account--State Appropriation \$ 148,204,000
 Medical Aid Account--Federal Appropriation \$ 1,592,000
 Plumbing Certificate Account Appropriation \$ 682,000
 Pressure Systems Safety Account Appropriation \$ 2,053,000
 TOTAL APPROPRIATION \$ 360,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) By November 1, 1995, the director of labor and industries shall report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.

(6)(a) The appropriations in this section may not be used to implement or enforce rules that are not in compliance with the regulatory fairness act, under chapter 19.85 RCW.

(b) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute that the rule implements.

(7) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

(8) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no

department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation (FY 1996) \$ 1,199,000
General Fund Appropriation (FY 1997) \$ 1,086,000
TOTAL APPROPRIATION \$ 2,285,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund Appropriation (FY 1996) \$ 1,227,000
General Fund Appropriation (FY 1997) \$ 1,226,000
Industrial Insurance Refund Account
Appropriation \$ 25,000
Charitable, Educational, Penal, and Reformatory
Institutions Account Appropriation \$ 4,000
TOTAL APPROPRIATION \$ 2,482,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 1996) \$ 1,853,000
General Fund--State Appropriation (FY 1997) \$ 1,852,000
General Fund--Federal Appropriation \$ 736,000
General Fund--Private/Local Appropriation \$ 85,000
TOTAL APPROPRIATION \$ 4,526,000

(3) VETERANS HOME

General Fund--State Appropriation (FY 1996) \$ 4,127,000
General Fund--State Appropriation (FY 1997) \$ 3,984,000
General Fund--Federal Appropriation \$ 10,703,000
General Fund--Private/Local Appropriation \$ 7,527,000
TOTAL APPROPRIATION \$ 26,341,000

(4) SOLDIERS HOME

General Fund--State Appropriation (FY 1996) \$ 3,135,000
General Fund--State Appropriation (FY 1997) \$ 3,049,000
General Fund--Federal Appropriation \$ 6,158,000
General Fund--Private/Local Appropriation \$ 4,667,000
TOTAL APPROPRIATION \$ 17,009,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 1996) \$ 44,314,000
General Fund--State Appropriation (FY 1997) \$ 44,313,000
General Fund--Federal Appropriation \$ 233,122,000
General Fund--Private/Local Appropriation \$ 25,476,000
Hospital Commission Account Appropriation \$ 3,019,000
Medical Disciplinary Account Appropriation \$ 1,798,000
Health Professions Account Appropriation \$ 32,592,000
Safe Drinking Water Account Appropriation \$ 2,751,000
Public Health Services Account Appropriation \$ 23,753,000
Waterworks Operator Certification
Appropriation \$ 605,000
Water Quality Account Appropriation \$ 3,079,000
State Toxics Control Account Appropriation \$ 2,824,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 469,000
Medical Test Site Licensure Account

Appropriation	\$ 1,822,000
Youth Tobacco Prevention Account Appropriation	\$ 1,412,000
Health Services Account Appropriation	\$ 16,516,000
State and Local Improvements Revolving Account--Water Supply Facilities Appropriation	\$ 40,000
TOTAL APPROPRIATION	\$ 437,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.

(2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.

(4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.

(6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.

(7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.

(8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).

(9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund--state appropriation and \$3,873,000 of the general fund--private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation (FY 1996) \$ 12,269,000
General Fund Appropriation (FY 1997) \$ 12,047,000
TOTAL APPROPRIATION \$ 24,316,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

(e) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 265,008,000
General Fund--State Appropriation (FY 1997) \$ 270,221,000
General Fund--Federal Appropriation \$ 2,000,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 1,214,000
TOTAL APPROPRIATION \$ 538,443,000

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1996) \$ 80,068,000
General Fund Appropriation (FY 1997) \$ 81,226,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 400,000
TOTAL APPROPRIATION \$ 161,694,000

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1996) \$ 3,330,000
General Fund Appropriation (FY 1997) \$ 3,503,000
TOTAL APPROPRIATION \$ 6,833,000

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1996) \$ 6,223,000
General Fund Appropriation (FY 1997) \$ 6,223,000
TOTAL APPROPRIATION \$ 12,446,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 1996) \$ 1,466,000
General Fund--State Appropriation (FY 1997) \$ 1,123,000
General Fund--Federal Appropriation \$ 9,683,000
General Fund--Private/Local Appropriation \$ 80,000

TOTAL APPROPRIATION \$ 12,352,000

NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation (FY 1996) \$ 517,000
General Fund Appropriation (FY 1997) \$ 469,000
TOTAL APPROPRIATION \$ 986,000

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 1996) \$ 334,000
General Fund--State Appropriation (FY 1997) \$ 334,000
General Fund--Federal Appropriation \$ 190,936,000
General Fund--Private/Local Appropriation \$ 21,965,000
Unemployment Compensation Administration
Account--Federal Appropriation \$ 177,891,000
Administrative Contingency Account--Federal
Appropriation \$ 8,146,000
Employment Services Administrative Account--
Federal Appropriation \$ 12,294,000
Employment and Training Trust Account
Appropriation \$ 9,294,000
TOTAL APPROPRIATION \$ 421,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4).

(3) \$95,000 of the employment services administrative account--federal appropriation is provided solely for a study of the financing provisions of the state's unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

PART III
NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation (FY 1996) \$ 508,000
General Fund--Federal Appropriation \$ 8,896,000
General Fund--Private/Local Appropriation \$ 3,417,000
Geothermal Account Appropriation \$ 21,000
Industrial Insurance Premium Refund
Appropriation \$ 2,000
Building Code Council Account Appropriation \$ 10,000
Air Pollution Control Account Appropriation \$ 3,138,000
Energy Efficiency Services Account
Appropriation \$ 493,000
TOTAL APPROPRIATION \$ 16,485,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided solely for the public policy institute, in consultation with the office of financial management and the state energy office, to review options

regarding the distribution of energy-related functions to other entities and develop an implementation plan for the closure of the state energy office. The plan shall include but not be limited to: (1) The feasibility of providing energy-related services through a nonprofit organization or organizations; (2) recommendations for the distribution of energy-related functions to other entities; (3) corresponding recommendations regarding statutory changes necessary to distribute functions and implement the plan; and (4) a time schedule for eliminating functions or transferring functions to other entities. The public policy institute shall submit the plan to the appropriate committees of the house of representatives and the senate by November 1, 1995. It is the intent of the legislature that the state continue to receive oil overcharge restitution funds for the citizens of the state and that every effort be made to maximize federal funds available for energy conservation purposes. To this end, the state energy office or its successor organizations may enter into contracts with appropriate entities to carry out energy conservation programs.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 1996) \$ 287,000
General Fund--State Appropriation (FY 1997) \$ 290,000
General Fund--Private/Local Appropriation \$ 524,000
TOTAL APPROPRIATION \$ 1,101,000

The appropriations in this section are subject to the following conditions and limitations: State agencies shall provide to the commission, without charge, all available data and information necessary to complete its review of the Columbia River Gorge management plan.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 1996) \$ 22,125,000
General Fund--State Appropriation (FY 1997) \$ 20,639,000
General Fund--Federal Appropriation \$ 42,131,000
General Fund--Private/Local Appropriation \$ 1,385,000
Special Grass Seed Burning Research Account
Appropriation \$ 42,000
Reclamation Revolving Account Appropriation \$ 2,664,000
Flood Control Assistance Account Appropriation \$ 4,000,000
State Emergency Water Projects Revolving Account
Appropriation \$ 312,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 5,461,000
State and Local Improvements Revolving Account--
Waste Disposal Appropriation \$ 1,000,000
State and Local Improvements Revolving Account--
Water Supply Facilities Appropriation \$ 1,344,000
Basic Data Account Appropriation \$ 182,000
Vehicle Tire Recycling Account Appropriation \$ 3,283,000
Water Quality Account Appropriation \$ 3,420,000
Worker and Community Right to Know Account
Appropriation \$ 408,000
State Toxics Control Account Appropriation \$ 49,924,000
Local Toxics Control Account Appropriation \$ 3,342,000
Water Quality Permit Account Appropriation \$ 19,600,000
Underground Storage Tank Account
Appropriation \$ 2,336,000
Solid Waste Management Account Appropriation \$ 3,631,000
Hazardous Waste Assistance Account
Appropriation \$ 3,476,000
Air Pollution Control Account Appropriation \$ 13,458,000

Oil Spill Administration Account Appropriation \$ 2,939,000
 Water Right Permit Processing Account
 Appropriation \$ 500,000
 Wood Stove Education Account Appropriation \$ 1,251,000
 Air Operating Permit Account Appropriation \$ 4,548,000
 Freshwater Aquatic Weeds Account Appropriation \$ 1,187,000
 Oil Spill Response Account Appropriation \$ 7,060,000
 Metals Mining Account Appropriation \$ 300,000
 Water Pollution Control Revolving Account--State
 Appropriation \$ 165,000
 Water Pollution Control Revolving Account--Federal
 Appropriation \$ 1,019,000
 TOTAL APPROPRIATION \$ 223,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,324,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, \$883,000 of the water quality account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

(2) \$200,000 of the general fund--state appropriation is provided solely for implementing Substitute House Bill No. 1327 or substantially similar legislation (water rights claims filing). If the bill or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$581,000 of the general fund--state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(6) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(7) \$70,000 of the general fund--state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(8) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 U.S.C.S. Sec. 791a et

seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

(9) \$425,000 of the general fund--state appropriation and \$525,000 of the general fund--federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

(10) \$500,000 of the water right permit processing account appropriation and \$1,854,000 of the general fund--state appropriation are provided solely for continuing the department's participation in the Yakima adjudicative process.

(11) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing, regional water planning, and implementation of regional water plans.

(12) \$1,298,000 of the general fund--state appropriation, \$188,000 of the general fund--federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 1996)	\$ 18,020,000
General Fund--State Appropriation (FY 1997)	\$ 17,877,000
General Fund--Federal Appropriation	\$ 1,930,000
General Fund--Private/Local Appropriation	\$ 1,463,000
Winter Recreation Program Account	
Appropriation	\$ 725,000
Off Road Vehicle Account Appropriation	\$ 241,000
Snowmobile Account Appropriation	\$ 2,174,000
Aquatic Lands Enhancement Account	
Appropriation	\$ 313,000
Public Safety and Education Account	
Appropriation	\$ 48,000
Industrial Insurance Premium Refund Account	
Appropriation	\$ 10,000
Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 34,000
Water Trail Program Account Appropriation	\$ 26,000
Parks Renewal and Stewardship Account	
Appropriation	\$ 22,461,000
TOTAL APPROPRIATION	\$ 65,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(2) The general fund--state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.

(3) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for operation of a centralized reservation system.

(5) \$100,000 of the general fund--state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.

NEW SECTION. Sec. 305. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms Range Account Appropriation \$ 108,000
Recreation Resources Account--State
Appropriation \$ 2,387,000
Recreation Resources Account--Federal
Appropriation \$ 200,000
NOVA Appropriation \$ 524,000
TOTAL APPROPRIATION \$ 3,219,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 of the recreation resources account--state appropriation, \$150,000 of the recreation resources account--federal appropriation, and \$82,000 of the firearms range account appropriation are provided solely for the development and implementation of a grant tracking and management system.

NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation (FY 1996) \$ 715,000
General Fund Appropriation (FY 1997) \$ 713,000
TOTAL APPROPRIATION \$ 1,428,000

NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION

General Fund Appropriation (FY 1996) \$ 852,000
General Fund Appropriation (FY 1997) \$ 810,000
Water Quality Account Appropriation \$ 202,000
TOTAL APPROPRIATION \$ 1,864,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5616 (watershed restoration projects). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

NEW SECTION. Sec. 308. FOR THE OFFICE OF MARINE SAFETY

State Toxics Control Account
Appropriation \$ 276,000
Oil Spill Administrative Account
Appropriation \$ 3,506,000
TOTAL APPROPRIATION \$ 3,782,000

The appropriations in this section are subject to the following conditions and limitations: \$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 1996) \$ 32,380,000
 General Fund--State Appropriation (FY 1997) \$ 32,339,000
 General Fund--Federal Appropriation \$ 54,098,000
 General Fund--Private/Local Appropriation \$ 15,986,000
 Off Road Vehicle Account Appropriation \$ 476,000
 Aquatic Lands Enhancement Account
 Appropriation \$ 5,412,000
 Public Safety and Education Account
 Appropriation \$ 590,000
 Industrial Insurance Premium Refund Account
 Appropriation \$ 156,000
 Recreational Fisheries Enhancement Account
 Appropriation \$ 2,200,000
 Wildlife Account Appropriation \$ 49,741,000
 Special Wildlife Account Appropriation \$ 1,884,000
 Oil Spill Administration Account
 Appropriation \$ 831,000
 TOTAL APPROPRIATION \$ 196,093,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$250,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(3) \$500,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5632 (flood damage reduction). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$350,000 of the wildlife account appropriation is provided solely for control and eradication of class B designate weeds on department owned and managed lands.

(5) \$250,000 of the general fund--state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

(6) \$634,000 of the general fund--state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$2,000,000 of the general fund--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood coho.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood coho.

(c) Full implementation will begin with the 1995 brood coho.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

(8) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

(9) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

(10) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(11) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 1996) \$ 20,300,000
General Fund--State Appropriation (FY 1997) \$ 20,299,000
General Fund--Federal Appropriation \$ 3,024,000
General Fund--Private/Local Appropriation \$ 414,000
Forest Development Account Appropriation \$ 37,946,000
Off Road Vehicle Account Appropriation \$ 3,074,000
Surveys and Maps Account Appropriation \$ 1,788,000
Aquatic Lands Enhancement Account Appropriation \$ 2,512,000
Resource Management Cost Account Appropriation \$ 11,624,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 440,000
Surface Mining Reclamation Account
Appropriation \$ 1,273,000
Wildlife Account Appropriation \$ 1,300,000
Water Quality Account Appropriation \$ 2,000,000
Aquatic Land Dredged Material Disposal Site
Account Appropriation \$ 734,000
Natural Resources Conservation Areas Stewardship
Account Appropriation \$ 1,003,000
Air Pollution Control Account Appropriation \$ 921,000
Watershed Restoration Account Appropriation \$ 5,000,000
Metals Mining Account Appropriation \$ 41,000
TOTAL APPROPRIATION \$ 113,693,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,998,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$36,000 of the general fund--state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatics lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.

(3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(4) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(6) \$290,000 of the general fund--state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide

the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tyee fires between the United States forest service, local governments, and the state.

(8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.

(9) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.

(10) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(11) Up to \$572,000 of the general fund--state appropriation may be expended for the natural heritage program.

(12) \$13,000,000, of which \$5,000,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, \$2,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund--federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.

(a) These funds shall be used to:

(i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;

(ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and

(iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).

(b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for ongoing operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.

(c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.

(d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.

(e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.

(f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.

(g) Projects under contract as of June 1, 1995 will be given first priority.

NEW SECTION. Sec. 311. RESOURCE MANAGEMENT. There is hereby appropriated from the resource management cost account for the operations of the department of natural resources, subject to the requirement that the department of natural resources shall not expend any moneys from any source to implement any habitat conservation plan or other agreement or commitment intended to induce the issuance of a permit from the federal government that affects more than ten thousand acres of public and/or state forest land for five or more years without a specific appropriation for that purpose and prior report to the legislative committees on natural resources as provided in this section, seventy-one million dollars for the biennium ending June 30, 1997.

(1) The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

(2) The department shall submit the following with each biennial budget request:

(a) An analysis of the impacts of any agreement or contract on state lands;

(b) Detailed funding requirements to implement the agreement or contract in the next biennium;

and

(c) An accounting of expenditures during the current biennium with respect to any agreement or contract.

(3) The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 1996) \$ 6,770,000

General Fund--State Appropriation (FY 1997) \$ 6,572,000

General Fund--Federal Appropriation \$ 4,278,000

General Fund--Private/Local Appropriation \$ 406,000

Aquatic Lands Enhancement Account

Appropriation \$ 800,000

Industrial Insurance Premium Refund Account

Appropriation \$ 178,000

State Toxics Control Account Appropriation \$ 1,088,000

TOTAL APPROPRIATION \$ 20,092,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for consumer protection activities of the department's weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund--state appropriation is provided solely for the agricultural showcase.

NEW SECTION. Sec. 313. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust
Account Appropriation \$ 966,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the pollution liability insurance program trust account appropriation is provided solely to conduct a study of privatization of the functions performed by the pollution liability insurance program. The study will be conducted by the pollution liability insurance program management. Results of the study shall be reported to the financial institutions and housing committees of the legislature by November 30, 1995.

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation (FY 1996) \$ 4,229,000
General Fund Appropriation (FY 1997) \$ 4,257,000
Architects' License Account Appropriation \$ 872,000
Cemetery Account Appropriation \$ 167,000
Professional Engineers' Account
Appropriation \$ 2,235,000
Real Estate Commission Account
Appropriation \$ 6,172,000
Master License Account Appropriation \$ 5,800,000
Uniform Commercial Code Account
Appropriation \$ 4,929,000
Real Estate Education Account
Appropriation \$ 606,000
Funeral Directors and Embalmers Account
Appropriation \$ 400,000
TOTAL APPROPRIATION \$ 29,667,000

The appropriations in this section are subject to the following conditions and limitations: \$637,000 of the general fund appropriation is provided solely to implement sections 1001 through 1007 of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 1996) \$ 7,198,000
General Fund--State Appropriation (FY 1997) \$ 7,883,000
General Fund--Federal Appropriation \$ 1,035,000
General Fund--Private/Local Appropriation \$ 254,000
Public Safety and Education Account
Appropriation \$ 4,492,000
County Criminal Justice Assistance
Appropriation \$ 3,572,000
Municipal Criminal Justice Assistance Account
Appropriation \$ 1,430,000

Fire Services Trust Account Appropriation \$ 90,000
 Fire Services Training Account Appropriation \$ 1,740,000
 State Toxics Control Account Appropriation \$ 425,000
 Violence Reduction and Drug Enforcement
 Account Appropriation \$ 2,133,000
 TOTAL APPROPRIATION \$ 30,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.

(2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.

(3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.

(4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.

PART V
EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation (FY 1996) \$ 18,341,000
 General Fund--State Appropriation (FY 1997) \$ 17,819,000
 General Fund--Federal Appropriation \$ 39,791,000
 Health Services Account Appropriation \$ 400,000
 Public Safety and Education Account
 Appropriation \$ 338,000
 Violence Reduction and Drug Enforcement Account
 Appropriation \$ 3,122,000
 TOTAL APPROPRIATION \$ 79,811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$659,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.

(d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,654,000 of the general fund--state appropriation is provided for educational centers, including state support activities.

(d) \$3,093,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(e) \$4,370,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2) (d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) \$400,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94.

(j) \$7,000 of the general fund--state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund--state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation (FY 1996) \$ 3,174,826,000

General Fund Appropriation (FY 1997) \$ 3,284,918,000

TOTAL APPROPRIATION \$ 6,459,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,122,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in the 1995-96 school year; and

(c) A maximum of \$309,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.2 percent from the 1994-95 school year to the 1995-96 school year, and 1.5 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 21, 1995, at 23:35 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

**STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR SCHOOL YEARS 1995-96 AND 1996-97**

Years of Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90
0	22,282	22,884	23,508	24,131	26,137
1	23,012	23,633	24,277	24,942	27,007
2	23,757	24,398	25,060	25,790	27,889
3	24,539	25,200	25,881	26,651	28,787
4	25,336	26,037	26,738	27,549	29,740
5	26,169	26,889	27,609	28,482	30,709
6	27,037	27,754	28,515	29,450	31,710
7	27,919	28,654	29,434	30,429	32,745
8	28,814	29,590	30,388	31,465	33,813
9	30,559	31,396	32,512	34,915	
10	32,417	33,613	36,048		
11	34,746	37,235			
12	35,843	38,452			
13	39,700				
14	40,955				

15 or more 42,020

Years of MA+ 90
Service BA+ 135 MA MA+ 45 or PHD

0	27,429	26,715	28,720	30,012
1	28,316	27,526	29,590	30,899
2	29,238	28,374	30,472	31,820
3	30,195	29,235	31,370	32,779
4	31,188	30,133	32,324	33,771
5	32,214	31,065	33,292	34,797
6	33,253	32,033	34,294	35,837
7	34,347	33,013	35,329	36,931
8	35,473	34,048	36,397	38,057
9	36,632	35,095	37,499	39,215
10	37,822	36,196	38,632	40,405
11	39,044	37,329	39,818	41,627
12	40,316	38,508	41,036	42,900
13	41,620	39,726	42,284	44,203
14	42,972	40,981	43,619	45,556
15 or more	44,089	42,046	44,753	46,740

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1994-95 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning developed under section 520(2) of this act for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff.

(b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund Appropriation (FY 1996) \$ 96,500,000

General Fund Appropriation (FY 1997) \$ 123,377,000

TOTAL APPROPRIATION \$ 219,877,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$218,748,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. INCREMENT SALARY INCREASES The appropriations in sections 502 through 519 of this act contain \$27,880,000 in fiscal year 1996 and \$63,950,000 in fiscal year 1997 for funding of experience and education increments for certificated instructional staff. This provides an average salary increase of 1.55 percent per year.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation (FY 1996) \$ 155,970,000

General Fund Appropriation (FY 1997) \$ 164,511,000

TOTAL APPROPRIATION \$ 320,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$8,807,000 may be allocated in the 1995-96 school year and a maximum of \$8,894,000 may be allocated in the 1996-97 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 3,000,000
General Fund--State Appropriation (FY 1997) \$ 3,000,000
General Fund--Federal Appropriation \$ 183,619,000
TOTAL APPROPRIATION \$ 189,619,000

NEW SECTION. Sec. 508. SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 380,179,000
General Fund--State Appropriation (FY 1997) \$ 373,289,000
General Fund--Federal Appropriation \$ 98,684,000
TOTAL APPROPRIATION \$ 852,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children with disabilities, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and

toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(7) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$19,575,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. School districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make recommendations to the state oversight committee for approval. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas; and

(iii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements.

(8)(a) For purposes of making safety net determinations pursuant to subsection (7) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection (7) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations.

(9) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) Membership of the regional committees may include, but not be limited to:

(a) A representative of the superintendent of public instruction;

(b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and

(c) One or more staff from an educational service district.

(11) The state oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff from the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (6) and (7) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

(13) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account
Appropriation \$ 17,488,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation (FY 1996) \$ 4,411,000
General Fund Appropriation (FY 1997) \$ 4,410,000
TOTAL APPROPRIATION \$ 8,821,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$225,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$360,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation (FY 1996) \$ 75,408,000
General Fund Appropriation (FY 1997) \$ 79,592,000
TOTAL APPROPRIATION \$ 155,000,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FUNDED UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT

General Fund--Federal Appropriation \$ 222,376,000

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN CHILDREN

General Fund--Federal Appropriation \$ 370,000

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 15,417,000

General Fund--State Appropriation (FY 1997) \$ 15,795,000

General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 39,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation (FY 1996) \$ 4,254,000

General Fund Appropriation (FY 1997) \$ 4,277,000

TOTAL APPROPRIATION \$ 8,531,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.

(3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 17,904,000

General Fund--State Appropriation (FY 1997) \$ 18,062,000

General Fund--Federal Appropriation \$ 12,500,000

TOTAL APPROPRIATION \$ 48,466,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,819,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(2) \$4,890,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by House Bill No. 1249.

(3) \$2,190,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,970,000 of the general fund--state appropriation is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.

(5) \$2,970,000 of the general fund--state appropriation is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(6) \$1,620,000 of the general fund--state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.

(7) \$4,050,000 of the general fund--state appropriation is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(8) \$7,200,000 of the general fund--state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(9) \$5,000,000 of the general fund--state appropriation is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and

(b) \$4,558,000 of the general fund--state appropriation is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(10) \$1,260,000 of the general fund--state appropriation is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(11) \$1,700,000 of the general fund--federal appropriation is provided for professional development grants.

(12) \$10,000,000 of the general fund--federal appropriation is provided solely for competitive grants to school districts for implementation of education reform. To the extent that additional federal goals 2000 funds become available, the superintendent shall also allocate such additional funds for the same purpose.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund--Federal Appropriation \$ 51,216,000

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation (FY 1996) \$ 27,286,000

General Fund Appropriation (FY 1997) \$ 29,566,000

TOTAL APPROPRIATION \$ 56,852,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation (FY 1996) \$ 56,293,000

General Fund Appropriation (FY 1997) \$ 57,807,000

TOTAL APPROPRIATION \$ 114,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and a maximum of \$366.81 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

(i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.

(b) A school district's units for the 1996-97 school year shall be the sum of the following:

(i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund Appropriation (FY 1996) \$ 57,126,000

General Fund Appropriation (FY 1997) \$ 58,429,000

TOTAL APPROPRIATION \$ 115,555,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of

the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. The state schools for the deaf and the blind may qualify for allocations of funds under this subsection. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The appropriations in sections 502, 504, 506, 508, 510, 514, 515, 518, and 519 of this act include amounts to pay increased state retirement system contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA).

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2) Operating resources that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures that (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for

training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. The institutions shall establish, in consultation with the board, measurable goals for increasing the average scheduled course contact hours by type of faculty, and shall report to the appropriate policy and fiscal committees of the legislature each December 1st as to performance on such goals.

To reduce the time it takes students to graduate, the institutions shall establish policies and reallocate resources as necessary to increase the number of undergraduate degrees granted per full-time equivalent instructional faculty.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in section 911 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 4.0 percent on July 1, 1995. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement.

(c) Funds under section 717 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 603 and 604 of this act are in addition to any salary increase provided in this subsection.

NEW SECTION. Sec. 602. The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	1995-96	1996-97
	Annual	Annual
	Average	Average
	FTE	FTE
University of Washington		
Main campus	29,857	29,888
Evening Degree Program	571	617
Tacoma branch	588	687
Bothell branch	533	617
Washington State University		
Main campus	16,205	16,419
Spokane branch	283	308
Tri-Cities branch	624	707
Vancouver branch	723	851
Central Washington University	6,903	6,997

Eastern Washington University	7,656	7,739
The Evergreen State College	3,278	3,298
Western Washington University	9,483	9,606
State Board for Community and Technical Colleges	111,986	113,586
Higher Education Coordinating Board	50	50

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 1996)	\$ 345,763,000
General Fund--State Appropriation (FY 1997)	\$ 348,728,000
General Fund--Federal Appropriation	\$ 11,404,000
Employment and Training Trust Account Appropriation	\$ 58,575,000
TOTAL APPROPRIATION	\$ 764,470,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) Up to \$6,000,000 of general operating funds may be used to address accreditation issues at the technical colleges.

(10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation (FY 1996) \$ 263,981,000
General Fund Appropriation (FY 1997) \$ 258,321,000
Death Investigations Account Appropriation \$ 1,685,000
Accident Account Appropriation \$ 4,335,000
Medical Aid Account Appropriation \$ 4,330,000
Health Services Account Appropriation \$ 6,244,000
TOTAL APPROPRIATION \$ 538,896,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,516,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College.

(2) \$9,438,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.

(11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation (FY 1996) \$ 150,520,000
General Fund Appropriation (FY 1997) \$ 153,906,000
Industrial Insurance Premium Refund Account
Appropriation \$ 33,000
Health Services Account Appropriation \$ 1,400,000
TOTAL APPROPRIATION \$ 305,859,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) \$7,534,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(3) \$7,691,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(9) \$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(10) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996) \$ 36,741,000
General Fund Appropriation (FY 1997) \$ 37,084,000
Health Services Account Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 74,025,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996) \$ 33,683,000
General Fund Appropriation (FY 1997) \$ 34,055,000
Industrial Insurance Premium Refund Account
Appropriation \$ 10,000
Health Services Account Appropriation \$ 140,000
TOTAL APPROPRIATION \$ 67,888,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation (FY 1996) \$ 18,436,000
General Fund Appropriation (FY 1997) \$ 18,504,000
TOTAL APPROPRIATION \$ 36,940,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996) \$ 42,533,000
General Fund Appropriation (FY 1997) \$ 43,173,000
Health Services Account Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 85,906,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (1996) \$ 1,933,000
General Fund--State Appropriation (1997) \$ 1,811,000
General Fund--Federal Appropriation \$ 1,073,000
TOTAL APPROPRIATION \$ 4,817,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (1996) \$ 71,412,000
General Fund--State Appropriation (1997) \$ 71,613,000
General Fund--Federal Appropriation \$ 3,579,000
State Educational Grant Account Appropriation \$ 40,000
Health Services Account Appropriation \$ 2,230,000
TOTAL APPROPRIATION \$ 148,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.

(4) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$140,543,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$110,504,000 is provided solely for the state need grant program;

(b) \$24,200,000 is provided solely for the state work study program;

(c) \$1,000,000 is provided solely for educational opportunity grants;

(d) A maximum of \$2,650,000 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) \$633,000 is provided solely for the educator's excellence awards;

(f) \$876,000 is provided solely to implement the Washington scholars program pursuant to Second Substitute House Bill No. 1318 or substantially similar legislation (Washington scholars program); and

(g) \$680,000 is provided solely to implement Substitute House Bill No. 1814 (Washington award for vocational excellence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (g) shall lapse.

NEW SECTION. Sec. 612. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation (FY 1996) \$ 1,127,000
General Fund Appropriation (FY 1997) \$ 1,311,000
TOTAL APPROPRIATION \$ 2,438,000

The appropriation in this section is subject to the following conditions and limitations: \$765,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 613. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 1996) \$ 1,634,000
General Fund--State Appropriation (FY 1997) \$ 1,634,000
General Fund--Federal Appropriation \$ 34,641,000
TOTAL APPROPRIATION \$ 37,909,000

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation (FY 1996) \$ 7,069,000
General Fund--State Appropriation (1997) \$ 7,071,000
General Fund--Federal Appropriation \$ 4,799,000
General Fund--Private/Local Appropriation \$ 46,000
Industrial Insurance Premium Refund Account
Appropriation \$ 7,000
TOTAL APPROPRIATION \$ 18,992,000

The appropriations in this section are subject to the following conditions and limitations: \$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington book and braille library.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (1996) \$ 2,236,000
General Fund--State Appropriation (1997) \$ 1,929,000
General Fund--Federal Appropriation \$ 934,000
Industrial Insurance Premium Refund Account
Appropriation \$ 1,000
TOTAL APPROPRIATION \$ 5,100,000

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation (FY 1996) \$ 1,965,000
General Fund Appropriation (FY 1997) \$ 2,186,000
TOTAL APPROPRIATION \$ 4,151,000

The appropriation in this section is subject to the following conditions and limitations: \$1,731,000 is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation (FY 1996) \$ 473,000

General Fund Appropriation (FY 1997) \$ 473,000
TOTAL APPROPRIATION \$ 946,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (1996) \$ 3,421,000
General Fund--State Appropriation (1997) \$ 3,440,000
Industrial Insurance Premium Refund Account
Appropriation \$ 7,000
TOTAL APPROPRIATION \$ 6,868,000

NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (1996) \$ 6,182,000
General Fund--State Appropriation (1997) \$ 6,215,000
Industrial Insurance Premium Refund Account
Appropriation \$ 15,000
TOTAL APPROPRIATION \$ 12,412,000

PART VII
SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation \$ 852,281,000
State Building and Construction Account
Appropriation \$ 21,500,000
TOTAL APPROPRIATION \$ 873,781,000

The general fund appropriation is for deposit into the account listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account
Appropriation \$ 24,179,000
Accident Account Appropriation \$ 5,548,000
Medical Account Appropriation \$ 5,548,000
TOTAL APPROPRIATION \$ 35,275,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund Appropriation \$ 37,031,000
Higher Education Reimbursable Construction Account
Appropriation \$ 197,000
Community College Capital Construction Bond
Retirement Fund 1975 Appropriation \$ 450,000
Higher Education Bond Retirement Fund 1979
Appropriation \$ 2,887,000
TOTAL APPROPRIATION \$ 40,565,000

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967
Appropriation \$ 6,923,000
State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,453,000
TOTAL APPROPRIATION \$ 9,376,000

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund Appropriation \$ 1,535,000
State Convention and Trade Center Account
Appropriation \$ 15,000
State Building Construction Account
Appropriation \$ 364,000
Higher Education Reimbursable Construction
Account Appropriation \$ 3,000
TOTAL APPROPRIATION \$ 1,917,000

Total Bond Retirement and Interest Appropriations
contained in sections 701 through 705 of this
act \$ 960,914,000

NEW SECTION. Sec. 706. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation (FY 1996) \$ 1,815,000
General Fund Appropriation (FY 1997) \$ 1,815,000
Wildlife Fund Appropriation \$ 78,000
TOTAL APPROPRIATION \$ 3,708,000

NEW SECTION. Sec. 707. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT

Americans with Disabilities Special Revolving Fund
Appropriation \$ 426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 708. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation (FY 1996) \$ 965,000
General Fund Appropriation (FY 1997) \$ 966,000
TOTAL APPROPRIATION \$
Special Fund Agency Tort Defense Services
Revolving Fund Appropriation \$ 1,287,000
TOTAL APPROPRIATION \$ 3,218,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund Appropriation (FY 1996) \$ 850,000
General Fund Appropriation (FY 1997) \$ 850,000
TOTAL APPROPRIATION \$ 1,700,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 710. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 711. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 1996) \$ 2,390,000
General Fund--State Appropriation (FY 1997) \$ 2,561,000
General Fund--Federal Appropriation \$ 1,835,000
General Fund--Private/Local Appropriation \$ 136,000
Salary and Insurance Increase Revolving Account
Appropriation \$ 4,105,000
TOTAL APPROPRIATION \$ 11,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$308.14 per eligible employee for fiscal year 1996, and \$308.96 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.81 per eligible employee for fiscal year 1996, and \$5.55 for fiscal year 1997.

(c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs or due to employee waivers of coverage may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization.

(d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee, \$14.79 per month beginning October 1, 1995, and \$14.80 per month beginning September 1, 1996;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79 each month beginning October 1, 1995, and \$14.80 each month beginning September 1, 1996, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1995-97 transportation appropriations act.

(6) Rates charged to school districts voluntarily purchasing employee benefits through the health care authority shall be equivalent to the actual insurance costs of benefits and administration costs for state and higher education employees except:

(a) The health care authority is authorized to reduce rates charged to school districts for up to 10,000 new subscribers by applying surplus funds accumulated in the public employees' and retirees' insurance account. Rates may be reduced up to a maximum of \$10.93 per subscriber per month in fiscal year 1996 and a maximum of \$7.36 per subscriber per month in fiscal year 1997; and

(b) For employees who first begin receiving benefits through the health care authority after September 1, 1995, districts shall remit the additional costs of health care authority administration resulting from their enrollment. The additional health care authority administration costs shall not exceed \$.30 per month per subscriber.

NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1996	FY 1997
General Fund Appropriation	\$ 87,500,000	87,500,000

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1996	FY 1997
General Fund Appropriation	\$ 6,500,000	6,500,000

(3) There is appropriated for contributions to the judges retirement system:

	FY 1996	FY 1997
General Fund Appropriation	\$ 800,000	800,000

NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1996	FY 1997
General Fund--State		
Appropriation	\$ 1,007,000	1,224,000
General Fund--Federal		
Appropriation	\$ 367,000	447,000
Special Account Retirement Contribution		
Increase Revolving Account		
Appropriation	\$ 904,000	1,089,000
TOTAL APPROPRIATION	\$ 5,038,000	

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA). If the bill is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENT

General Fund--State Appropriation (FY 1996) \$ 36,020,000
General Fund--State Appropriation (FY 1997) \$ 36,590,000
General Fund--Federal Appropriation \$ 29,603,000
Salary and Insurance Increase Revolving Account
Appropriation \$ 60,213,000
TOTAL APPROPRIATION \$ 162,426,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsections (2), (3), and (4) of this section, appropriations in this section are provided solely for a 4.0 percent salary increase effective July 1, 1995, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 4.0 percent salary increase for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 4.0 percent cost-of-living adjustment, effective July 1, 1995, for ferry workers consistent with the 1995-97 transportation appropriations act.

(4) The appropriations in this section include funds sufficient to fund the salary increases approved by the commission on salaries for elected officials for legislators and judges.

(5) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

NEW SECTION. Sec. 715. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS

General Fund Appropriation (FY 1996) \$ 1,129,000
General Fund Appropriation (FY 1997) \$ 1,129,000
Attorney General Salary Increase Revolving
Account Appropriation \$ 1,542,000
TOTAL APPROPRIATION \$ 3,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general. The attorney general shall distribute these funds in a manner that will maintain or increase the quality and experience of the attorney general's staff. Market value, specialization, retention, and merit (including billable hours) shall be the factors in determining the distribution of these funds.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 716. SALARY INCREMENT INCREASES. General government and higher education general service employees whose salaries were frozen in the 1993-95 biennium and who are below the top step of their salary range will receive a step increase on their next periodic increment date on or after July 1, 1995. Thereafter, periodic increments will occur on the subsequent increment dates. Affected Washington management service (WMS) employees may receive increments

as provided in the pertinent WMS rules on or after July 1, 1995. Civil service exempt employees who are below the top step may receive an increase at the discretion of the relevant appointing authority.

NEW SECTION. Sec. 717. INCREMENT SALARY INCREASES. The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$28,000,000 from the general fund--state and \$34,000,000 from other funds for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), chapter 41.56 RCW, and other statutes. This amount will provide average salary increases of 1.0 percent during the 1995-97 biennium.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--
COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997) \$ 5,000,000
Salary and Insurance Increase Revolving
Account Appropriation (FY 1997) \$ 5,000,000
TOTAL APPROPRIATION \$ 10,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended solely for the purposes designated in section 911 of this act.

(2) In addition to the moneys appropriated in this section, state agencies may expend up to an additional \$2,500,000 from other general fund--state appropriations in this act and \$2,500,000 from appropriations from other funds and accounts for the purposes and under the procedures designated in section 911 of this act.

PART VIII
OTHER TRANSFERS AND APPROPRIATIONS

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT
AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979
Fund Appropriation \$ 852,281,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT
AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY
STATUTE**

State General Obligation Bond Retirement Fund 1979
Appropriation \$ 37,031,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR
DISTRIBUTION**

General Fund Appropriation for fire insurance
premiums distribution \$ 6,025,000
General Fund Appropriation for public utility

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

Public Works Assistance Account: For transfer to the
Flood Control Assistance Account \$ 4,000,000

General Fund: For transfer to the Natural Resources

New Motor Vehicle Arbitration Account: For transfer to
the Public Safety and Education Account \$ 3,200,000

Fund--Water Quality Account \$ 18,471,000

Water Quality Account: For transfer to the Water
Pollution Revolving Fund. Transfers shall be
made at intervals coinciding with deposits of
federal capitalization grant money into the
revolving fund. The amounts transferred shall
not exceed the match required for each federal
deposit \$ 25,000,000

Water Quality Account: For transfer to the Water
Right Permit Processing Account \$ 500,000

Trust Land Purchase Account: For transfer to the Parks
Renewal and Stewardship Account \$ 1,304,000

General Government Special Revenue Fund--State
Treasurer's Service Account: For transfer to
the general fund on or before June 30, 1997,
an amount up to \$7,361,000 in excess of the
cash requirements of the state treasurer's
service account \$ 7,361,000

Health Services Account: For transfer to the
Public Health Services Account \$ 26,003,000

Public Health Services Account: For transfer to
the County Public Health Account \$ 2,250,000

Public Works Assistance Account: For transfer to the
Growth Management Planning and Environmental
Review Fund \$ 3,000,000

Basic Health Plan Trust Account: For transfer to
the General Fund--State Account (FY 1996) \$ 2,664,778

Basic Health Plan Trust Account: For transfer to
the General Fund--State Account (FY 1997) \$ 2,664,778

Oil Spill Response Account: For transfer to
the Oil Spill Administration Account \$ 1,718,000

**NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--
TRANSFERS**

General Fund Appropriation: For transfer to
the department of retirement systems expense
fund \$ 18,000

NEW SECTION. Sec. 807. FOR COMMON SCHOOL CONSTRUCTION. The sum of one hundred and ten million dollars is appropriated from the general fund to the common school construction fund for the purposes under RCW 28A.515.320.

This section is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

PART IX
MISCELLANEOUS

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project

accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 906. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1995.

NEW SECTION. Sec. 908. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

Sec. 910. RCW 19.118.110 and 1995 c . . . s 7 (ESSB 5629) are each amended to read as follows:

A three-dollar arbitration fee shall be collected by either the new motor vehicle dealer or vehicle lessor from the consumer upon execution of a retail sale or lease agreement. The fee shall be forwarded to the department of licensing at the time of title application for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriate

ion. During the 1995-97 fiscal biennium, the legislature may transfer moneys from the account to the extent that the moneys are not necessary for the purposes of this chapter.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

Sec. 911. RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the

employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. (~~However, beginning July 1, 1993, through June 30, 1995,~~) The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW. Beginning July 1, 1995, through June 30, 1997:

(a) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(i) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(ii) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(iii) The implementation is a result of emergent conditions. Emergent conditions are defined as newly mandated programs for which moneys are not appropriated, establishment of positions necessary for the preservation of the public health, safety, or general welfare, and related issues which do not exceed \$250,000 of the moneys identified in section 718(2) of this act.

(b) The board may approve the implementation of salary increases resulting from adjustments to the classification plan for implementation in the 1997-99 fiscal biennium only if the implementation will not result in additional net costs or the implementation has been approved by the legislature in the omnibus appropriations act or other legislation.

(c) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary

compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(d) Adjustments made to the higher education hospital special pay plan are exempt from (a) through (c) of this subsection;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars;))~~

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions ~~((under chapter 28B.16 RCW))~~ before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 912. RCW 43.08.250 and 1993 sp.s. c 24 s 917 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education,

highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, (~~1995~~) 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, and Washington state patrol criminal justice activities.

Sec. 913. RCW 70.47.030 and 1993 c 492 s 210 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 914. RCW 70.105D.070 and 1994 c 252 s 5 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(d) but only when the amount and

terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; and (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account. During the 1995-97 fiscal biennium no moneys deposited into the state and local toxics control accounts may be committed to public participation grants, except in the case where public participation grants assist in the implementation of the pilot projects established pursuant to Engrossed Substitute House Bill No. 1810.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

Sec. 915. RCW 86.26.007 and 1993 sp.s. c 24 s 928 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ((1995-97)) 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the ((1993-95)) 1995-97 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

NEW SECTION. **Sec. 916.** No funding appropriated in this act shall be expended to support efforts to establish the northwest marine straits sanctuary.

NEW SECTION. **Sec. 917.** No funding appropriated in this act shall be expended to establish or publish rules which exceed federal requirements for providing habitat protection for northern spotted owls.

Sec. 918. RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the (~~(1993-95)~~) 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the (~~(1993-95)~~) 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

Sec. 919. RCW 69.50.520 and 1994 sp.s. c 7 s 910 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(~~((5))~~)(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 (~~(1st)~~) sp. sess., including state incarceration costs. After July 1, 1997, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 920. RCW 70.146.020 and 1993 sp.s. c 24 s 923 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Account" means the water quality account in the state treasury.
- (2) "Department" means the department of ecology.
- (3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.
- (4) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.
- (5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means. During the (~~(1993-1995)~~) 1995-1997 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.
- (6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

Sec. 921. RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be transferred by the legislature to the water right permit processing account.

Sec. 922. RCW 74.14C.065 and 1992 c 214 s 11 are each amended to read as follows:

Any federal funds made available under RCW 74.14C.060 shall be used to supplement and shall not supplant state funds to carry out the purposes of this chapter. However, during the 1995-97 fiscal biennium, federal funds made available under RCW 74.14C.060 may be used to supplant state funds to carry out the purposes of this chapter.

Sec. 923. RCW 79.24.580 and 1994 c 219 s 12 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. During the fiscal biennium ending June 30, 1997, the

funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

NEW SECTION. Sec. 924. FISCAL YEAR EXPENDITURE LIMITS. An agency's total general fund--state expenditures by fiscal year shall not exceed the amount approved by the office of financial management (OFM) in expenditure plans authorized under RCW 43.88.070 and 43.88.110. OFM shall ensure that these plans conform with fiscal year expenditures in the OFM budget database as updated to reflect legislative appropriations and governor's vetoes. In no case shall the state-wide total of agency allotments exceed the Initiative 601 expenditure limit. The allotments of elected officials must match the GFS fiscal year split contained in the updated OFM database.

NEW SECTION. Sec. 925. Unless otherwise required by law, no moneys appropriated in this act may be expended for mandatory diversity training for state employees. No moneys appropriated in this act may be expended for voluntary diversity training offered to state employees where a record is made of attendance or nonattendance or where state employees may be subject to reprimand or other disciplinary action for participating or not participating.

NEW SECTION. Sec. 926. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 807 of this act shall take effect immediately. The remainder of the act shall take effect July 1, 1995.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 19.118.110, 43.08.250, 70.47.030, 70.105D.070, 86.26.007, 43.155.050, 69.50.520, 70.146.020, 70.146.030, 74.14C.065, 79.24.580, 43.21I.005, 43.21I.010, 43.21I.030, 43.21I.040, 88.46.922, 88.46.925, and 90.56.510; amending 1991 c 200 s 1120 (uncodified); amending 1993 c 281 s 73 (uncodified); reenacting and amending RCW 41.06.150; adding a new section to chapter 90.56 RCW; creating new sections; recodifying RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040; repealing RCW 43.21I.020, 88.46.920, and 88.46.923; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Foreman moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1410 .

The Speaker called on Representative Horn to preside.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566,
HOUSE CONCURRENT RESOLUTION NO. 4417,
HOUSE CONCURRENT RESOLUTION NO. 4418,

MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1093,
SECOND SUBSTITUTE HOUSE BILL NO. 1318,
SECOND SUBSTITUTE HOUSE BILL NO. 1814,

and the same are herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SENATE BILL NO. 5852,

and the same is herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5201,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5325,
SECOND ENGROSSED SENATE BILL NO. 5529,
SECOND ENGROSSED SENATE BILL NO. 5555,
SENATE BILL NO. 6074,
SENATE CONCURRENT RESOLUTION NO. 8417,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5201,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5325,
SECOND ENGROSSED SENATE BILL NO. 5529,
SECOND ENGROSSED SENATE BILL NO. 5555,
SECOND ENGROSSED SENATE BILL NO. 5852,
SENATE BILL NO. 6074,
SENATE CONCURRENT RESOLUTION NO. 8417,

MESSAGES FROM THE SENATE

May 23, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1566,

and the same is herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4417,
HOUSE CONCURRENT RESOLUTION NO. 4418,

and the same are herewith transmitted.

Marty Brown, Secretary

May 23, 1995

Mr. Speaker:

In accordance with HOUSE CONCURRENT RESOLUTION NO. 4418, the Senate hereby returns the following House Bills and Resolutions to the House:

ENGROSSED HOUSE BILL NO. 1016,
ENGROSSED HOUSE BILL NO. 1022,
ENGROSSED HOUSE BILL NO. 1023,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,
HOUSE BILL NO. 2076,
HOUSE BILL NO. 2110,

HOUSE CONCURRENT RESOLUTION NO. 4407,
HOUSE CONCURRENT RESOLUTION NO. 4409,
HOUSE CONCURRENT RESOLUTION NO. 4416,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

In accordance with House Concurrent Resolution No. 4418, the House of Representatives hereby returns the following Senate Bills and Resolutions to the Senate:

SUBSTITUTE SENATE BILL NO. 5364,
SUBSTITUTE SENATE BILL NO. 5568,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8404,
SENATE CONCURRENT RESOLUTION NO. 8414,
SENATE CONCURRENT RESOLUTION NO. 8416,

There being no objection, reading of the Journal of the Thirtieth Day of First Special Session of the Fifty-Fourth Legislature was dispensed with and it was ordered to stand approved.

There being no objection, the 1995 First Special Session of the Fifty-Fourth Legislature was adjourned Sine Die.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

THIRTIETH DAY, MAY 23, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST DAY

Second Special Session

MORNING SESSION

House Chamber, Olympia, Wednesday, May 24, 1995

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ron Finley and Comil Padayao. Prayer was offered by Representative Johnson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the third order of business.

MESSAGE FROM THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 1995 First Special Session of the legislature adjourned May 23, 1995, the 30th day, without completing its work; and

WHEREAS, it is therefore necessary for me to convene a Second Special Session for the purpose of addressing matters related to the Budgets;

NOW THEREFORE, I Mike Lowry, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7, of the State Constitution, do hereby convene the Legislature of the State of Washington on Wednesday, the 24th day of May, 1995 at 10:00 a.m. in Special Session in the Capitol in Olympia for a period of not more than two consecutive days.

IN WITNESS whereof, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 24th day of May, A.D., nineteen hundred and ninety-five.
(Seal)

Mike Lowry, Governor of Washington

POINT OF PARLIAMENTARY INQUIRY

Representative Mielke: Thank you Mr. Speaker. I would like to inquire as to the constitutionality of the Governor limiting us as to subject or time within a Special Session.

Speaker Horn presiding. The Governor has no constitutional authority to limit us as to days or the subject matter; once he calls a Special Session it is for a 30 day period.

MESSAGE FROM THE SENATE

May 24, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8419,
SENATE CONCURRENT RESOLUTION NO. 8420,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the Rules Committee was relieved of the following bills and they were placed on third reading: Engrossed House Bill No. 1022, Engrossed House Bill No. 1023, Engrossed Substitute House Bill No. 1957, Substitute House Bill No. 1057, House Bill No. 1102, Substitute House Bill No. 1279, Substitute House Bill No. 1413, Engrossed Substitute House Bill No. 1440, Second Engrossed Substitute House Bill No. 1592, Engrossed Substitute House Bill No. 1769, Engrossed Substitute House Bill No. 1913, Engrossed Substitute House Bill No. 1410, Second Engrossed Substitute House Bill No. 1070, Engrossed Substitute House Bill No. 1071, Engrossed Substitute House Bill No. 2080, House Bill No. 2076, House Concurrent Resolution No. 4409, Second Engrossed Substitute House Bill No. 1317 and House Bill No. 2110.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 1022, by Representatives B. Thomas, Dyer, Cooke, Carlson, Casada, Chandler, Brumsickle, Foreman, Silver, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Horn, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Basich, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens and Hymes

Reducing property taxes.

The bill was read the third time.

MOTION

On motion of Representative Brown, Representatives Quall and Basich were excused.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1022.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1022, and the bill passed the House by the following vote: Yeas - 88, Nays - 3, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff,

Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Chopp, Sommers and Thibaudeau - 3.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith, Quall, Rust and Schmidt, K. - 7.

Engrossed House Bill No. 1022, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed House Bill No. 1022.

DAVE CHAPPELL, 20th District

ENGROSSED HOUSE BILL NO. 1023, by Representatives B. Thomas, Foreman, Chandler, Lisk, Cooke, Carlson, Brumsickle, Silver, Ballasiotes, Dyer, Sherstad, Dellwo, Benton, Skinner, Kremen, Hargrove, Tokuda, Costa, Horn, Delvin, Schoesler, Buck, Johnson, Thompson, Beeksma, Goldsmith, Radcliff, Hickel, Backlund, Crouse, Cairnes, Elliot, Reams, Pennington, Mastin, Carrell, Mitchell, K. Schmidt, Quall, Chappell, G. Fisher, Grant, Smith, Robertson, Sehlin, Honeyford, Van Luven, Pelesky, Blanton, Koster, Lambert, D. Schmidt, Mulliken, Boldt, McMorris, Clements, Fuhrman, Campbell, L. Thomas, Huff, Mielke, Talcott, McMahan, Stevens, Morris, Hymes and Casada

Reducing business and occupation tax rates.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1023.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1023, and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Sommers and Valle - 2.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Engrossed House Bill No. 1023, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed House Bill No. 1023.

DAVE CHAPPELL, 20th District

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957, by House Committee on Finance (originally sponsored by Representatives B. Thomas, Carrell, Mulliken, Campbell, Foreman, Van Luven, Benton, L. Thomas, Crouse, Backlund, Elliot, McMahan, Smith, Stevens and Schoesler)

Reducing the state property tax levy.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1957.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1957, and the bill passed the House by the following vote: Yeas - 89, Nays - 4, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 89.

Voting nay: Representatives Chopp, Regala, Sommers and Thibaudeau - 4.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Engrossed Substitute House Bill No. 1957, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Substitute House Bill No. 1957.

DAVE CHAPPELL, 20th District

SUBSTITUTE HOUSE BILL NO. 1057, by House Committee on Agriculture & Ecology (originally sponsored by Representatives Schoesler, Morris, B. Thomas, Delvin, Carlson, Hankins, Dyer, Sheldon, Casada, Chandler, L. Thomas, Fuhrman, Mulliken, Lisk, Cooke, Sheahan and Mastin)

Lowering the tax rate on canola.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1057.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1057, and the bill passed the House by the following vote: Yeas - 88, Nays - 5, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, R.,

Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Cole, Dickerson, Sommers, Thibaudeau and Valle - 5.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Substitute House Bill No. 1057, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute House Bill No. 1057.

DAVE CHAPPELL, 20th District

HOUSE BILL NO. 1102, by Representatives Sheldon, Johnson, Basich, Hargrove, Hatfield, Koster, Quall, Goldsmith, Kessler, Kremen and Buck

Expanding the base of the tax exemption for food fish eggs and fry to shellfish.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 1102.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1102, and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 92.

Voting nay: Representative Sommers - 1.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

House Bill No. 1102, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on House Bill No. 1102.

DAVE CHAPPELL, 20th District

SUBSTITUTE HOUSE BILL NO. 1279, by House Committee on Finance (originally sponsored by Representatives Pennington, Morris, Schoesler, Campbell, Boldt, Carrell, Mielke, Van

Luven, Hymes, McMahan, Mulliken, Foreman, Blanton, Sherstad, Elliot, Backlund, Johnson, L. Thomas and Huff)

Providing a sales tax exemption for certain sales of magazines by subscription.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1279.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1279, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Substitute House Bill No. 1279, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute House Bill No. 1279.

DAVE CHAPPELL, 20th District

SUBSTITUTE HOUSE BILL NO. 1413, by House Committee on Finance (originally sponsored by Representatives Boldt, Morris, Lisk, Mulliken and Kremen)

Allowing a business and occupation tax deduction for certain amusement devices.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Substitute House Bill No. 1413.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1413, and the bill passed the House by the following vote: Yeas - 80, Nays - 13, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Conway, Cooke, Costa, Crouse, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott,

Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 80.

Voting nay: Representatives Chopp, Cody, Cole, Dellwo, Dickerson, Fisher, R., Jacobsen, Mason, Poulsen, Regala, Romero, Thibaudeau and Veloria - 13.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Substitute House Bill No. 1413, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute House Bill No. 1413.

DAVE CHAPPELL, 20th District

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440, by House Committee on Finance (originally sponsored by Representatives Boldt, Dyer, Morris, Backlund, Van Luven, Dellwo, Carrell, B. Thomas, L. Thomas, Thompson, Costa, Sherstad, Chandler, Kremen, Cooke and Jacobsen)

Providing tax exemptions for blood banks.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1440.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1440, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Engrossed Substitute House Bill No. 1440, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Substitute House Bill No. 1440.

DAVE CHAPPELL, 20th District

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives L. Thomas, Dellwo, Mielke and G. Fisher)

Crediting certain insurance premium taxes.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1592.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1592, and the bill passed the House by the following vote: Yeas - 75, Nays - 18, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 75.

Voting nay: Representatives Appelwick, Beeksma, Chopp, Cody, Cole, Conway, Costa, Dickerson, Fisher, R., Mason, Regala, Romero, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 18.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Second Engrossed Substitute House Bill No. 1592, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Second Engrossed Substitute House Bill No. 1592.

DAVE CHAPPELL, 20th District

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769, by House Committee on Finance (originally sponsored by Representatives Mielke, Morris, Campbell, Appelwick, Benton, Kremen, Fuhrman, Mulliken, G. Fisher, Basich, Brumsickle, Van Luven, Skinner, Grant, Boldt, Hymes, Carrell, Chandler, Beeksma, L. Thomas, Foreman, McMahan, Schoesler, Blanton and Thompson)

Lowering business and occupation tax for insurance business.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1769.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1769, and the bill passed the House by the following vote: Yeas - 84, Nays - 9, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner,

Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 84.

Voting nay: Representatives Chopp, Cody, Cole, Conway, Dickerson, Fisher, R., Regala, Sommers and Tokuda - 9.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Engrossed Substitute House Bill No. 1769, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Substitute House Bill No. 1769.

DAVE CHAPPELL, 20th District

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913, by House Committee on Finance (originally sponsored by Representatives Van Luven, Sheldon and Smith)

Providing sales and use tax exemptions for film and video production companies.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1913.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1913, and the bill passed the House by the following vote: Yeas - 87, Nays - 6, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksmas, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremmen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 87.

Voting nay: Representatives Cole, Fisher, R., Morris, Pennington, Regala and Sommers - 6.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Engrossed Substitute House Bill No. 1913, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Substitute House Bill No. 1913.

DAVE CHAPPELL, 20th District

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410, by House Committee on Appropriations (originally sponsored by Representatives Silver and Sommers; by request of Office of Financial Management)

Making appropriations for the 1995-97 biennium.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1410.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1410, and the bill passed the House by the following vote: Yeas - 59, Nays - 34, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Voting nay: Representatives Appelwick, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, R., Grant, Hankins, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Scott, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 34.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Engrossed Substitute House Bill No. 1410, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted NAY on Engrossed Substitute House Bill No. 1410.

DAVE CHAPPELL, 20th District

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden, Dellwo, Schoesler, Sheahan and Chopp; by request of Office of Financial Management)

Adopting the capital budget.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1070.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1070, and the bill passed the House by the following vote: Yeas - 79, Nays - 14, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Wolfe and Mr. Speaker - 79.

Voting nay: Representatives Brown, Campbell, Cody, Dickerson, Grant, Hargrove, Kremen, McMahan, Patterson, Poulsen, Sheldon, Sherstad, Smith and Veloria - 14.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Second Engrossed Substitute House Bill No. 1070, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Second Engrossed Substitute House Bill No. 1070.

DAVE CHAPPELL, 20th District

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071, by House Committee on Capital Budget (originally sponsored by Representatives Sehlin, Ogden and Dellwo; by request of Office of Financial Management)

Authorizing general obligation bonds for costs incidental to the 1995-97 biennium.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1071.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1071, and the bill passed the House by the following vote: Yeas - 67, Nays - 26, Absent - 0, Excused - 5.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cooke, Costa, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, McMorris, Mielke, Mitchell, Mulliken, Ogden, Pelesky, Pennington, Radcliff, Reams, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 67.

Voting nay: Representatives Appelwick, Brown, Cody, Cole, Conway, Dellwo, Dickerson, Ebersole, Fisher, R., Grant, Hargrove, Kremen, Mastin, McMahan, Morris, Patterson, Poulsen, Quall, Regala, Sheldon, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 26.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Engrossed Substitute House Bill No. 1071, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Substitute House Bill No. 1071.

DAVE CHAPPELL, 20th District

HOUSE BILL NO. 2076, by Representatives Skinner, Honeyford, Clements and K. Schmidt

Simplifying disposition of drivers' license fees.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2076.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2076, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

House Bill No. 2076, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on House Bill No. 2076.

DAVE CHAPPELL, 20th District

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Carrell, B. Thomas, Mulliken, Brumsickle, Sheldon, Morris, Talcott, Benton, Honeyford, Ballasiotes, Horn, Pelesky, Mitchell, Lambert, Romero, Hatfield, Dickerson, Pennington, Backlund, Crouse, Smith, Boldt, Tokuda, Casada, Hymes, Van Luven, McMahan, Regala, Stevens, Wolfe, Kessler, Thibaudeau, Mielke, Campbell, Costa, Quall, McMorris, Cairnes, Schoesler, Delvin, Buck, Mason, Huff, Chappell, Elliot, Conway, Cody, Dellwo, Johnson, Thompson, Hargrove, Basich, L. Thomas, Kremen, D. Schmidt, Cooke, Koster, Dyer, Hankins, Blanton, Chandler, Skinner and Clements

Forming a joint select committee on property tax reform.

The resolution was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final adoption of House Concurrent Resolution No. 4409.

ROLL CALL

The Clerk called the roll on the final adoption of House Concurrent Resolution No. 4409, and the resolution passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beekma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlín, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

House Concurrent Resolution No. 4409, having received the constitutional majority, was declared adopted.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on House Concurrent Resolution No. 4409.

DAVE CHAPPELL, 20th District

HOUSE BILL NO. 2110, by Representatives Campbell, Smith, Talcott, Morris, Conway, Huff, Costa, Scott, Casada, McMahan, Brumsickle and Ebersole

Authorizing the imposition of taxes by counties for correctional facilities and juvenile detention facilities.

The bill was read the third time.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2110.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2110, and the bill passed the House by the following vote: Yeas - 90, Nays - 2, Absent - 1, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Beeksma and Hargrove - 2.

Absent: Representative Talcott - 1.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

House Bill No. 2110, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on House Bill No. 2110.

DAVE CHAPPELL, 20th District

MOTION FOR RECONSIDERATION

Representative Mielke moved that the House immediately reconsider the vote on House Bill No. 2110.

RECONSIDERATION

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of House Bill No. 2110 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2110 on reconsideration, and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 91.

Voting nay: Representatives Beeksma and Hargrove - 2.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

House Bill No. 2110 on reconsideration, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on House Bill No. 2110 on reconsideration.

DAVE CHAPPELL, 20th District

MESSAGES FROM THE SENATE

May 24, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5269,

and the same is herewith transmitted.

Marty Brown, Secretary

May 24, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5364,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 24, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5739,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SCR 8419 by Senators Gaspard and McDonald

Concerning the status of bills, memorials, and resolutions for the second special session of the Fifty-fourth Legislature.

SCR 8420 by Senators Gaspard, McDonald, Snyder and Sellar

Limiting the measures to be considered in the 1995 second special session of the Fifty-fourth Legislature.

There being no objections, the rules were suspended, and Senate Concurrent Resolution No. 8419 was advanced to second reading and read the second time in full.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8419, by Senators Gaspard and McDonald

Concerning the status of bills, memorials, and resolutions for the second special session of the Fifty-fourth Legislature.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Mielke spoke in favor of adoption of the resolution.

Senate Concurrent Resolution No. 8419 was adopted.

There being no objection, the House reverted to the fourth order of business.

There being no objections, the rules were suspended, and Senate Concurrent Resolution No. 8420 was advanced to second reading and read the second time in full.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8420, by Senators Gaspard, McDonald, Snyder and Sellar

Limiting the measures to be considered in the 1995 second special session of the Fifty-fourth Legislature.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

Representative Mielke spoke in favor of adoption of the resolution.

Senate Concurrent Resolution No. 8420 was adopted.

There being no objection, all bills passed today will be immediately transmitted to the Senate.

There being no objection, the House advanced to the seventh order of business.

There being no objection, Second Engrossed Substitute House Bill No. 1317 was returned to second reading for the purpose of an amendment.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317, by House Committee on Transportation (originally sponsored by Representatives Robertson, Cairnes, B. Thomas, Mitchell, Van Luven, Dyer, Lambert, Radcliff, D. Schmidt, Backlund, Cooke, Reams, Campbell, Stevens, L. Thomas and Koster)

Revising the selection process for transportation systems and facilities demonstration projects.

The bill was read the second time.

Representative Robertson moved adoption of the following amendment by Representative Robertson:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.46.010 and 1993 c 370 s 1 are each amended to read as follows:

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program (~~should~~) shall be implemented in cooperation (~~and~~), consultation (~~with~~), and with the support of the affected communities and local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

Agreements negotiated under the public-private initiatives program should establish the conditions under which the private developer may secure the approval necessary to develop and operate the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable

standards and policies of the department of transportation; and require a demonstration that the proposed transportation facility has the support of the affected communities and local jurisdictions.

The legislature finds that the Puget Sound congestion pricing project, selected under this chapter, raises major transportation policy, economic, and equity concerns. These relate to the integrity of the state's high-occupancy vehicle program; the cost-effective movement of freight and goods; the diversion of traffic to local streets and arterials; and possible financial hardship to commuters. The legislature further finds that these potential economic and social impacts require comprehensive legislative review prior to advancement of the project and directs that the secretary not proceed with the implementation of the project without prior approval of the legislature.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

Sec. 2. RCW 47.46.030 and 1993 c 370 s 3 are each amended to read as follows:

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of financing.

The public-private initiatives program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project. ~~((The commission shall approve each of the selected projects.~~

~~Proposals and demonstration projects may be selected by the public and private sectors at their discretion. All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.~~

~~The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.~~)

(2) If project proposals selected prior to September 1, 1994, are terminated by the public or private sectors, the department shall not select any new projects, including project proposals submitted to the department prior to September 1, 1994, and designated by the transportation commission as placeholder projects, after the effective date of this act, until June 30, 1997.

The department, in consultation with the legislative transportation committee, shall conduct a program and fiscal audit of the public-private initiatives program for the biennium ending June 30, 1997. The department shall submit a progress report to the legislative transportation committee on the program and fiscal audit by June 30, 1996, with preliminary and final audit reports due December 1, 1996, and June 30, 1997, respectively.

The department shall develop and submit a proposed public involvement plan to the 1997 legislature to identify the process for selecting new potential projects and the associated costs of implementing the plan. The legislature must adopt the public involvement plan before the department may proceed with any activity related to project identification and selection. Following legislative adoption of the public involvement plan, the department is authorized to implement the plan and to identify potential new projects.

The public involvement plan for projects selected after June 30, 1997, shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) provide competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

Projects that meet the minimum criteria established under this section and the requirements of the public involvement plan developed by the department and approved by the legislature shall be submitted to the Washington state transportation commission for its review. The commission, in turn, shall submit a list of eligible projects to the legislative transportation committee for its consideration.

Forty-five days after the submission to the legislative transportation committee of the list of eligible projects, the secretary is authorized to solicit proposals for the eligible project.

(3) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project proposal selected before September 1, 1994, or after June 30, 1997, except as provided for in subsections (10) and (11) of this section, the department shall require an advisory vote as provided under subsections (4) through (9) of this section.

(4) In preparing for the advisory vote, the department shall conduct a comprehensive analysis of traffic patterns and economic impact to define the geographical boundary of the project area that is affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

(5)(a) After determining the definition of the affected project area, the department shall establish a committee comprised of individuals who represent cities and counties in the affected project area; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the affected project area; (ii) an elected official from each county within the affected project area; (iii) two persons from each county within the affected project area who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county within the affected project area who represent an organization formed to oppose the project, if the organization exists; and (v) four public members active in a state-wide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city or county legislative authorities of each city or county within the affected project area, respectively. The county legislative authority of each county within the affected project area shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than January 1, 1996, for projects selected prior to September 1, 1994, and no later than thirty days after the affected project area is defined for projects selected after June 30, 1997. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b)(i) through (v) of this subsection for each position on the committee.

(d) The local involvement committee shall serve in an advisory capacity to the department on all matters related to the execution of the advisory vote.

(e) Members of the local involvement committee serve without compensation and may not receive subsistence, lodging expenses, or travel expenses.

(6) The department shall conduct a minimum thirty-day public comment period on the definition of the geographical boundary of the project area. The department, in consultation with the local involvement committee, shall make adjustments, if required, to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department shall set the boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.

(7) The department, in consultation with the local involvement committee, shall develop a description for selected project proposals. After developing the description of the project proposal, the department shall publish the project proposal description in newspapers of general circulation for seven

calendar days in the affected project area. Within fourteen calendar days after the last day of the publication of the project proposal description, the department shall transmit a copy of the map depicting the affected project area and the description of the project proposal to the county auditor of the county in which any portion of the affected project area is located.

(8) The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and the description of the project proposal.

(9) Upon receipt of the map and the description of the project proposal, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project proposal using the definition of the geographical boundary of the affected project area and the project description submitted by the department and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project proposal must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after the receipt of the final map and project description by the auditor. The department shall pay the cost of an election held under this section.

(10) Subsections (4) through (9) of this section shall not apply to project proposals selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted after September 1, 1994, and by thirty calendar days after the effective date of this act.

(11) Subsections (4) through (9) of this section shall not apply to project proposals selected after June 30, 1997, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted by ninety calendar days after project selection.

Sec. 3. RCW 47.46.040 and 1993 c 370 s 4 are each amended to read as follows:

(1) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(2) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(3) Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(4) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under ~~((the agreement may))~~ agreements shall be entered into with ~~((any qualified law enforcement agency, and shall provide for full reimbursement for services rendered by that agency))~~ the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(5) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance,

and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(6) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(7) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(8) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(9) Agreements shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(10)(a) In carrying out the public involvement process required in subsection (9) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030(5)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the legislative transportation committee and local involvement committees with progress reports on the status of the public involvement process including the results of an advisory vote, if any occurs.

(11) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

Sec. 4. RCW 47.46.050 and 1993 c 370 s 5 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including project development costs, interest expense, the costs associated with design, construction, operations, toll collection, maintenance and administration of the ((facility)) project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. ~~((The use of any excess toll revenues or user fees may be negotiated between the parties.~~

~~After expiration of the lease of a facility to a private entity, the secretary may continue to charge user fees or tolls for the use of the facility, with these revenues to be used for operations and maintenance of the facility, or to be paid to the local transportation planning agency, or any combination of such uses.)~~ A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.46.010, 47.46.030, 47.46.040, and 47.46.050; and declaring an emergency."

Representatives Robertson and Chopp spoke in favor of the adoption of the amendment.

Representative R. Fisher spoke against the adoption of the amendment.

Representative Robertson again spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Horn presiding) stated the question before the House to be final passage of Third Engrossed Substitute House Bill No. 1317.

ROLL CALL

The Clerk called the roll on the final passage of Third Engrossed Substitute House Bill No. 1317, and the bill passed the House by the following vote: Yeas - 71, Nays - 22, Absent - 0, Excused - 5.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chopp, Clements, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mitchell, Morris, Mulliken, Ogden, Patterson, Pennington, Poulsen, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Skinner, Smith, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Valle, Van Luven and Mr. Speaker - 71.

Voting nay: Representatives Brown, Casada, Cody, Cole, Conway, Dellwo, Ebersole, Fisher, R., Grant, Hargrove, Mason, Mastin, Mielke, Pelesky, Quall, Regala, Romero, Silver, Sommers, Tokuda, Veloria and Wolfe - 22.

Excused: Representatives Basich, Chappell, Fisher, G., Goldsmith and Rust - 5.

Third Engrossed Substitute House Bill No. 1317, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted NAY on Third Engrossed Substitute House Bill No. 1317.

DAVE CHAPPELL, 20th District

There being no objection, Third Engrossed Substitute House Bill No. 1317 was immediately transmitted to the Senate.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

May 24, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1279,

THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 24, 1995

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8419,
SENATE CONCURRENT RESOLUTION NO. 8420,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8419,
SENATE CONCURRENT RESOLUTION NO. 8420,

There being no objection, the House considered the following bills in the following order: Engrossed Substitute House Bill No. 2080, Substitute House Bill No. 1741, Engrossed Substitute Senate Bill No. 5739, Substitute Senate Bill No. 5364 and Second Engrossed Substitute House Bill No. 1070.

There being no objections, the rules were suspended and Engrossed Substitute House Bill No. 2080 was returned to second reading for the purpose of an amendment.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080, by House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Hankins, Benton, Elliot, Skinner, Buck, McMahan, Robertson, Johnson, D. Schmidt, Chandler, Mitchell, Koster, Backlund, Cairnes, Horn, Blanton and Stevens)

Providing transportation funding and appropriations.

The bill was read the second time.

Representative K. Schmidt moved adoption of the following amendment by Representative K. Schmidt:

Strike everything after the enacting clause and insert the following:

"TRANSPORTATION APPROPRIATIONS

NEW SECTION. **Sec. 1.** The legislature finds and declares that it is essential to maintain an efficient and effective transportation system. The legislature finds that certain agency practices need to be reexamined and specific policies put in place in order to ensure cost-effective program delivery. All planning, training, engineering, and related activities should be aimed at achieving delivery of projects

and services. Staffing levels and equipment purchases should be commensurate with the workload assumed in this budget.

NEW SECTION. **Sec. 2.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1997.

(2) Legislation with fiscal impacts enacted in the 1995 legislative session not assumed in this act are not funded in the 1995-97 transportation budget.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

PART I GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE**
Motor Vehicle Fund--State Appropriation \$ 300,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 1, 1996, and January 1, 1997, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

NEW SECTION. **Sec. 102. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**
Motor Vehicle Fund--State Appropriation \$ 40,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The joint legislative systems committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995.

NEW SECTION. **Sec. 103. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Fund--State Appropriation \$ 205,000

The appropriation in this section is for fiscal year 1996 and is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995.

NEW SECTION. **Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT**
Motor Vehicle Fund--State Appropriation \$ 110,000

NEW SECTION. **Sec. 105. FOR THE OFFICE OF MARINE SAFETY**
State Toxics Control Account--State

Appropriation	\$ 70,000	
Oil Spill Administration Account--State		
Appropriation	\$ 1,008,000	
TOTAL APPROPRIATION		\$ 1,078,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are for six months only pursuant to sections 514 through 524 of this act, which transfer the responsibilities of the office of marine safety to the department of ecology on January 1, 1996.

(2) The legislative transportation committee shall convene a task force comprised of representatives from the office of financial management, the department of ecology, the department of revenue, and other affected parties to: (a) Identify cost savings and efficiencies associated with the transfer of the office of marine safety to the department of ecology; (b) examine provisions pertaining to the oil spill accounts; (c) develop new strategies for handling oil spill administration account funding shortfalls in lieu of allowing transfers from the oil spill response account; and (d) evaluate ongoing oil spill planning and prevention needs. The findings and recommendations of the task force shall be used in the development of the 1996 supplemental budget, and accompanying policy legislation.

(3) \$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

NEW SECTION. Sec. 106. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

Motor Vehicle Fund--State Appropriation	\$ 2,808,000
Marine Operating Fund--State Appropriation	\$ 1,157,000
TOTAL APPROPRIATION	\$ 3,965,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfers from the motor vehicle fund and the marine operating fund are to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation contained in this section is to retire tort obligations that occurred before July 1, 1990.

NEW SECTION. Sec. 107. FOR THE STATE PARKS AND RECREATION COMMISSION--OPERATING

Motor Vehicle Fund--State Appropriation	\$ 927,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The commission shall not expend any state funds for maintenance, repair, or snow and ice removal on county or private roads.

NEW SECTION. Sec. 108. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Fund--State	
Appropriation	\$ 222,000

NEW SECTION. Sec. 109. FOR THE OFFICE OF THE STATE TREASURER

State Treasurer's Service Fund--State	
Appropriation	\$ 44,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Motor Vehicle Fund--State
Appropriation \$ 251,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is for the contracted staff at the Gateway Visitor Information Centers, and shall not be used for any other purpose.

**PART II
TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY
COMMISSION**

Highway Safety Fund--State Appropriation \$ 428,000
Highway Safety Fund--Federal Appropriation \$ 5,160,000
Transportation Fund--State Appropriation \$ 1,100,000
TOTAL APPROPRIATION \$ 6,688,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$200,000 of the transportation fund--state appropriation shall be used by the commission to identify and implement programs to reduce the incidence of driving under the influence of controlled substances. The commission shall submit a progress report to the legislative transportation committee by December 31, 1995. The remaining transportation fund--state appropriation shall be used solely to fund community DUI task forces. Funding from the transportation fund for any community DUI task force may not exceed fifty percent of total expenditures in support of that task force.

NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation \$ 260,000

NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--Rural Arterial Trust
Account--State Appropriation \$ 37,553,000
Motor Vehicle Fund--State Appropriation \$ 1,340,000
Motor Vehicle Fund--Private/Local Appropriation \$ 508,000
Motor Vehicle Fund--County Arterial Preservation
Account --State Appropriation \$ 26,023,000
TOTAL APPROPRIATION \$ 65,424,000

NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Urban Arterial Trust
Account--State Appropriation \$ 38,997,000
Motor Vehicle Fund--Transportation Improvement
Account--State Appropriation \$ 143,061,000
Motor Vehicle Fund--City Hardship Assistance
Account--State Appropriation \$ 1,904,000
Motor Vehicle Fund--Small City Account--
State Appropriation \$ 5,702,000
TOTAL APPROPRIATION \$ 189,664,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state

appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,528,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the final legislative appropriation. The performance measures are to be established and will be tracked within the transportation executive information system.

(2) The legislative transportation committee shall convene one or more groups to address activities that result in the loss of transportation tax revenue. The groups shall present their findings to the legislative transportation committee and the office of financial management.

(3) The legislative transportation committee shall study the governance and operations of the ports.

NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 345,000

NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 677,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) For the fiscal year 1996, the commission shall not be compensated for workdays in excess of 504 (an average of seven workdays per commissioner, per month), except the chair who shall not be compensated for workdays in excess of 114 (an average of nine and one-half workdays per month).

(2) For the fiscal year 1997, up to \$45,000 is provided as compensation for commissioner work days. By December 15, 1995 the commission shall report back to the legislative transportation committee on the number of commissioner workdays expended and the adequacy of the fiscal year 1997 appropriation.

(3) None of the appropriation may be used to conduct studies or hire consultants without specific authorization from the legislative transportation committee prior to commencing any studies or hiring any consultants.

(4) In no event shall the commission hold meetings outside of the state of Washington. The commission is directed to seek methods of reducing travel and meeting costs.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ 140,251,000
Motor Vehicle Fund--State Patrol Highway
Account--Federal Appropriation \$ 3,196,000
Motor Vehicle Fund--State Appropriation \$ 747,000
Marine Operating Fund--State Appropriation \$ 927,000
TOTAL APPROPRIATION \$ 145,121,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall have a staffing level of not less than 735 commissioned officers at the end of the 1995-97 biennium. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of not less than 30 cadets shall begin in July of 1995 and a class of not less than 40 cadets shall begin in January of 1996.

(2) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(3) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

(4) The state patrol may not sell or purchase any aircraft until the legislative transportation committee has completed a review of the type of air services provided by the various state agencies, and the feasibility of consolidating the state's air fleet.

(5) By January 1, 1996, the chief of the state patrol shall submit to the legislative transportation committee a plan to incorporate safety education officer functions into field force activities. In development of the plan, the chief may consult with various constituent groups including the Washington traffic safety commission, schools, businesses, and local traffic entities. Up to \$200,000 of the motor vehicle fund--state patrol highway account--state appropriation provided for in this section may be used for these purposes.

(6) The \$747,000 motor vehicle fund--state appropriation in this section is provided for the following traditional general fund purposes: The Governor's air travel, the license fraud program, and the special services unit. This motor vehicle fund--state appropriation shall not be recognized as a permanent funding source for these purposes, but rather as a temporary funding source subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--
INVESTIGATIVE SERVICES BUREAU**

Motor Vehicle Fund--State Appropriation \$ 4,509,000
Transportation Fund--State Appropriation \$ 1,642,000
TOTAL APPROPRIATION \$ 6,151,000

The appropriations provided for in this section are for the following traditional general fund purposes: Crime laboratories, used primarily for local law enforcement purposes; ACCESS, the computer system linking all law enforcement and criminal justice agencies in the state to one another; and, the identification section, which is responsible for performing criminal background checks. The motor vehicle fund--state appropriation and the transportation fund--state appropriation provided in this section shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT
SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ 53,229,000
Motor Vehicle Fund--State Appropriation \$ 1,491,000
Transportation Fund--State Appropriation \$ 2,636,000
TOTAL APPROPRIATION \$ 57,356,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services

and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.

(2) \$1,241,000 of the motor vehicle fund--state appropriation and \$2,363,000 of the transportation fund--state appropriation provided for in this section are for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. These appropriations shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--
MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--
State Appropriation \$ 78,000
State Wildlife Account--State Appropriation \$ 69,000
Highway Safety Fund--State Appropriation \$ 5,090,000
Motor Vehicle Fund--State Appropriation \$ 4,338,000
Transportation Fund--State Appropriation \$ 791,000
TOTAL APPROPRIATION \$ 10,366,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--
INFORMATION SYSTEMS**

General Fund--Wildlife Account--State
Appropriation \$ 118,000
Highway Safety Fund--State Appropriation \$ 7,820,000
Motor Vehicle Fund--State Appropriation \$ 12,871,000
Transportation Fund--State Appropriation \$ 1,302,000
TOTAL APPROPRIATION \$ 22,111,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$15,223,000 for the licensing application migration project (LAMP), of which \$9,134,000 is motor vehicle account--state, \$6,089,000 is highway safety fund--state.

Of the \$15,223,000 LAMP appropriation \$761,150 is provided solely as a contingency amount.

(2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.

(3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.

(4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

(5) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE
SERVICES**

General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 26,000
General Fund--Wildlife Account--State
Appropriation \$ 534,000
Motor Vehicle Fund--State Appropriation \$ 46,554,000
Department of Licensing Services Account--
State Appropriation \$ 2,944,000
TOTAL APPROPRIATION \$ 50,058,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 1,150,000
Highway Safety Fund--State Appropriation \$ 56,759,000
Transportation Fund--State Appropriation \$ 4,914,000
TOTAL APPROPRIATION \$ 62,823,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Fund--State Appropriation \$ 24,194,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 21,974,000
TOTAL APPROPRIATION \$ 46,568,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Transportation Fund--Aeronautics Account--State
Appropriation \$ 3,780,000
Transportation Fund--Aeronautics Account--Federal
Appropriation \$ 500,000
Aircraft Search and Rescue, Safety, and Education
Account--State Appropriation \$ 132,000
TOTAL APPROPRIATION \$ 4,412,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Fund--Economic Development Account--
State Appropriation \$ 2,000,000
Motor Vehicle Fund--State Appropriation \$ 235,055,000
Motor Vehicle Fund--Federal Appropriation \$ 296,774,000
Motor Vehicle Fund--Private/Local
Appropriation \$ 47,750,000
High Capacity Transportation Account--State
Appropriation \$ 7,812,000
Special Category C Account--State Appropriation \$ 177,600,000
Special Category C Account--Local
Appropriation \$ 50,000
Transportation Fund--State Appropriation \$ 60,000,000
Central Puget Sound Public Transportation Account--
State Appropriation \$ 2,500,000
Puyallup Tribal Settlement Account--State
Appropriation \$ 21,000,000

Puyallup Tribal Settlement Account--Federal		
Appropriation	\$ 1,000,000	
Puyallup Tribal Settlement Account--Private/Local		
Appropriation	\$ 2,300,000	
TOTAL APPROPRIATION		\$ 853,841,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$32,204,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$7,525,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account--state appropriation of \$177,600,000 includes \$160,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817. The appropriation includes \$75,746,000 for the 1st avenue south bridge in Seattle, \$15,254,000 for North-South Corridor/Division street improvements in Spokane, and \$86,600,000 for selected sections of state route 18. However, the transportation commission may revise the allocation of the appropriation for these projects with the concurrence of the legislative transportation committee. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle fund--state appropriation includes \$8,710,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;
- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) \$44,685,000 appropriated in this section, which includes: \$3,212,000 of the motor vehicle fund--state appropriation; \$39,886,000 of the transportation fund--state appropriation; \$1,328,000 of the motor vehicle fund--local appropriation; and \$259,000 of the economic development account--state appropriation, is to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;
- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;
- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) \$69,111,000 appropriated in this section, which includes: \$35,060,000 of the motor vehicle fund--state appropriation; \$18,948,000 of the transportation fund--state appropriation; and \$15,103,000 of the motor vehicle fund--federal appropriation, is to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;
- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SR 82 to Selah;
- (h) O'Brien to Lewis Rd;
- (i) NE 147th to 80th NE - HOV Lanes;
- (j) Old Cascade Hwy - to Deception CR - Stage 1;
- (k) Prophets point to Old Cascade Hwy - Stage 2; and
- (l) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) The motor vehicle fund--state appropriation in this section includes \$47,072,000 for the following high occupancy vehicle lane projects:

- (a) 15th St SW to 84th Ave. SO - Stage 2; and
- (b) Pierce C.L. to Tukwila I/C - Stage 1.

Construction of the projects under this subsection is subject to the availability of revenue from the repeal of the gasohol exemption and credit.

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) The motor vehicle fund appropriation in this section includes \$17,800,000 for new preconstruction activities. Up to \$2,100,000 of the appropriation in this subsection is to be expended for preconstruction activities on the following project: 196th Street SW/SR 524 I/C.

(9) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(10) If chapter . . . (Substitute House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

(11) The legislature needs to determine all possible causes for changes in a project's cost from the time the cost is identified in the transportation commission's budget recommendation provided to the governor and legislature in support of the proposed highway construction budget, through completion of project construction.

The department shall provide a historical data report showing changes throughout the life of selected projects. The historical data report shall quantify the reasons for project increases or decreases and include department of transportation actions taken to minimize such changes. The department is directed to assess whether construction cost efficiencies can be achieved by ensuring continuity between design efforts and construction administrative activities.

The department shall explicitly identify in its agency budget submittal any project for which funding is being requested as part of two or more budget items or programs. For each such project, the department shall identify the relevant budget items, the programs in which the budget items are contained, the amount being requested for the project in each budget item, and the total amount being requested for the project.

(12) The motor vehicle fund--state appropriation in this section includes \$2,700,000 solely for state match for the Blaine border crossing project to be used only if federal demonstration project funding is authorized for this project.

(13) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(14) The economic development account--state appropriation in this section includes \$1,000,000 for state highway projects associated with the development of a horse racetrack in western Washington. With the funding of these projects, funding from the economic development account for state highway projects is fully obligated. The community economic revitalization board and the transportation commission shall not select any new projects pursuant to RCW 43.160.074 and 47.01.280, notwithstanding projects selected to fulfill the provisions of this subsection.

(15) The motor vehicle fund--state appropriation in this section includes \$2,500,000 solely for the department of transportation match for transportation improvement board projects ready for construction in fiscal year 1996.

(16) The motor vehicle fund--state appropriation in this section includes \$6,533,000 solely for additional all-weather highway projects.

(17) \$15,312,000 appropriated in this section, which includes: The entire high capacity transportation account appropriation; the entire central Puget Sound public transportation account appropriation; and \$4,700,000 of the motor vehicle fund--state appropriation, is for additional high occupancy vehicle projects.

(18) The motor vehicle fund--state appropriation in this section includes \$4,870,000 to be expended on the following project: SR 82, SR 823 UC to SR 12 UC. This project will complete the Selah project identified in subsection (5) of this section.

(19) \$93,000 of the appropriation in this section, including \$74,000 of the motor vehicle fund--federal appropriation and \$19,000 of the motor vehicle fund--state appropriation, is provided solely for the Aurora avenue bicycle/pedestrian overpass at Galer Street. The motor vehicle fund--federal appropriation in this subsection is to be provided from transportation enhancement moneys.

(20) The motor vehicle fund--state appropriation in this section includes \$3,300,000 for safety work associated with additional pavement preservation projects.

(21) The motor vehicle fund--state appropriation in this section includes \$400,000 for additional fish barrier removal projects on state highways.

(22) The motor vehicle fund--state appropriation in this section includes up to \$2,160,000 from the sale of bonds authorized in RCW 47.10.834.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Fund--State Appropriation	\$ 221,368,000
Motor Vehicle Fund--Federal Appropriation	\$ 461,000
Motor Vehicle Fund--Private/Local Appropriation	\$ 3,305,000
TOTAL APPROPRIATION	\$ 225,134,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters such as fire, flooding, and major slides, supplemental appropriations will be requested to restore funding for ongoing maintenance activities.

(2) If projected snow and ice expenditures exceed the plan of \$40,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.

(3) The department shall provide recommendations to the legislative transportation committee by December 15, 1995, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.

(4) The motor vehicle fund--state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program.

(5) The motor vehicle fund--state appropriation in this section includes \$906,000 for payment of local stormwater assessment fees for fiscal year 1996. Funding for the remainder of the biennium is withheld pending the results of a legislative transportation committee review of local stormwater assessment fees charged to the department of transportation.

**NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--
PRESERVATION--PROGRAM P**

Motor Vehicle Fund--State Appropriation \$ 95,544,000
Motor Vehicle Fund--Federal Appropriation \$ 74,600,000
Motor Vehicle Fund--Private/Local Appropriation \$ 8,100,000
Transportation Fund--State Appropriation \$ 119,600,000
Transportation Fund--Federal Appropriation \$ 143,400,000
Transportation Fund--Private/Local Appropriation \$ 3,000,000
TOTAL APPROPRIATION \$ 444,244,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section include \$10,034,000 for seismic retrofit activities.

(3) The department shall not reduce its commitment to sexual harassment training and diversity training, notwithstanding the reduction in this section for training.

(4) \$36,000,000 of the appropriation in this section, including \$21,000,000 of the transportation fund--state appropriation and \$15,000,000 of the motor vehicle fund--state appropriation, is provided for additional pavement preservation projects.

(5) The appropriations in this section include \$6,879,000 for Washington state's share to replace the deck on the Lewis and Clark bridge. If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the bridge into Oregon's public/private partnership program, up to \$1,000,000 of this amount shall be used for Washington's share of emergency deck repairs to extend the service life of the bridge. The remaining funds may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by January 15, 1996.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION SYSTEMS MANAGEMENT--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ 10,241,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation contained in this section provides funding for fiscal year 1996 only.

(2) By December 31, 1995, the department shall increase the motorist information sign annual permit fee from ten dollars to fifty dollars, increase the motorist information sign initial application fee from seventy-five dollars to one hundred dollars, and provide recommendations to the legislative transportation committee for making the motorist information sign program and the billboard program fully self-supporting within three years. For the purposes of achieving a self-supporting program, the erection, maintenance, and replacement of backpanels shall not be considered part of the department's program costs.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--
SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ 368,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Private/Local Appropriation \$ 2,232,000
TOTAL APPROPRIATION \$ 3,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:

(a) Recovery of full costs for reimbursable services; and

(b) Consistency of charging for reimbursable services across the department's regions.

(2) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The program is established to allow the department the ability to provide services on nonappropriated, outside requests through the unanticipated receipt process including both dollar and full-time equivalent staff increases.

**NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Motor Vehicle Fund--Puget Sound Capital Construction
Account--State Appropriation \$ 1,109,000
Motor Vehicle Fund--State Appropriation \$ 60,781,000
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 1,105,000
Transportation Fund--State Appropriation \$ 2,002,000
TOTAL APPROPRIATION \$ 64,997,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of projects selected under the public-private transportation initiative program. \$2,160,000 of the bond proceeds are to be deposited in the motor vehicle fund--state to pay back the loan recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee and the office of financial management on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

(4) It is the intent of the legislature that the department reduce the amount of money spent on nonessential training programs for its employees.

(5) One of the two full-time employees funded in this section for enhanced public involvement shall be responsible for improving communications between the department and the public. His or her

responsibilities shall include: (a) Developing a more efficient and effective system for replying to inquiries from the public and (b) supporting new and existing programs related to public involvement.

(6) By December 1, 1995, the department of transportation shall implement: (a) Modifications to the construction administration system that promote prudent project management and standards that ensure state-wide consistency of approach among all departmental regions; and (b) modifications to the preconstruction system that streamline processes, reduce the number of internal reviews, and eliminate duplicative documentation.

(7) To assure that maximum resources are available for the construction programs, the finance and administration division shall assess the financial condition of the transportation equipment fund programs and report to the legislative transportation committee and the office of financial management by December 1, 1995. The evaluation should address lower operating cash balances and reductions in the purchase of highway and computer equipment, and where possible, should identify any surplus equipment to match the downsizing of the department's work force.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T

Essential Rail Assistance Account--State	
Appropriation	\$ 1,036,000
Motor Vehicle Fund--State Appropriation	\$ 13,653,000
Motor Vehicle Fund--Federal Appropriation	\$ 16,198,000
High Capacity Transportation Account--	
State Appropriation	\$ 2,475,000
Essential Rail Banking Account--State	
Appropriation	\$ 52,000
Transportation Fund--State Appropriation	\$ 37,770,000
Transportation Fund--Federal Appropriation	\$ 11,643,000
Transportation Fund--Private/Local	
Appropriation	\$ 105,000
Central Puget Sound Public Transportation	
Account--State Appropriation	\$ 11,009,000
Public Transportation Systems Account--State	
Appropriation	\$ 3,082,000
TOTAL APPROPRIATION	\$ 97,023,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$33,845,000 of the transportation fund--state appropriation and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$10,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the manufacturer of the trains has the obligation of establishing a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train sets on the assembly and manufacture of parts of the train sets in Washington state.

(2) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1993-1995 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

(3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the

transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning of facilities. Prior to July 1, 1996, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority. The public transportation systems account funds provided to the rural mobility program are for the 1995-97 biennium and are not intended for grants which will have ongoing costs to this program.

(4) Up to \$700,000 of the high capacity transportation account--state appropriation is reappropriated for regional transit authority grants. However, this amount shall not exceed the amount of unexpended regional transit authority grants in the 1993-95 biennium.

(5) None of the high capacity transportation account--state appropriation or reappropriation may be used to disseminate information in a manner that attempts to persuade, rather than inform or educate, area residents regarding the adopted system plan. The appropriation and reappropriation also may not be used to lobby or advertise, or distribute free promotional materials.

(6) The department of transportation may not transfer high capacity transportation account--state funds to a regional transportation authority during the 1995-1997 biennium, unless the authority has provided a detailed report to the department of transportation and the house of representatives and senate transportation committees regarding its use of those funds during preceding biennia and how it proposes to spend additional state funds.

(7) The motor vehicle fund--state appropriation includes \$558,000 for the office of urban mobility. This appropriation is for fiscal year 1996 only, pending a legislative transportation committee review of the office of urban mobility's activities in relation to the planning functions of the department's regional offices.

NEW SECTION. Sec. 224. An appropriation of \$1,800,000 from the high capacity transportation account--state is made to the department of transportation--transit research and intermodal planning--program T only if chapter . . . (House Bill No. 2103), Laws of 1995 1st sp. sess. is enacted by July 1, 1995.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT
Motor Vehicle Fund--State Appropriation \$ 4,646,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR
Motor Vehicle Fund--State Appropriation \$ 832,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES
Motor Vehicle Fund--State Appropriation \$ 3,374,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL
Motor Vehicle Fund--State Appropriation \$ 2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION
Motor Vehicle Fund--State Appropriation \$ 5,049,000

The motor vehicle fund--state appropriation of \$5,049,000 in this subsection is provided for the self-insurance premium and for risk management administrative costs. The department of general administration, the office of financial management, and the department of transportation shall develop funding proposals for: (a) Participation by the department of transportation in the state-wide liability self-insurance program in fiscal year 1997, and (b) alternative methods for funding the department of transportation's tort claim payments, if appropriate. A report shall be made to the legislative transportation committee and the governor no later than October 31, 1995.

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION
Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 2,000,000

(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Fund--State Appropriation \$ 508,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 95,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 361,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 230,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 244,659,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 22,172,000

Transportation Fund--Passenger Ferry Account--State

Appropriation \$ 1,250,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 765,000

TOTAL APPROPRIATION \$ 268,846,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$155,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle colman dock ferry terminal.

(4) The Washington state ferries shall acquire an appropriate passenger-only vessel. If permissible under regulations governing the procurement of necessary federal funds, construction and assembly of any passenger-only vessels shall take place within Washington state. If the vessel is procured through the use of state funds, the construction and assembly of any passenger-only vessels shall take place within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation \$ 244,187,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$30,297,190 for vessel operating fuel in the 1995-97 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1995-97 biennium may not exceed \$159,990,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1995-97 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995, and thereafter, as established in the 1995-97 general fund operating budget.

(3) The appropriation in this section includes \$614,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 14,567,000
Motor Vehicle Fund--Federal Appropriation \$ 168,179,000
Motor Vehicle Fund--Private/Local Appropriation \$ 5,087,000
Transfer Relief Account--State Appropriation \$ 307,000
TOTAL APPROPRIATION \$ 188,140,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$5,000,000 of the motor vehicle fund--federal appropriation, transportation enhancement moneys, in this section shall be used in the following manner: Up to \$3,700,000 shall be used for the preservation of abandoned freight rail corridors; and \$1,300,000 shall be used for rehabilitation of the King Street Station in the City of Seattle. That portion of the \$3,700,000 for preservation of abandoned freight rail corridors that is not used for that purpose by April 1, 1996, shall be used for the rehabilitation of the King Street Station.

(3) The motor vehicle fund--state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

(4) Up to \$1,430,000 of the motor vehicle fund--state appropriation contained in this section shall be used for evaluations that mutually benefit cities, counties, and the state department of transportation. The evaluations may include fuel tax evasion, license fraud, access management, regional mobility, and miscellaneous cost/benefit measures, as determined by the legislative transportation committee. Of this amount, up to \$750,000 may be used to develop a regional mobility plan that includes, but is not limited to, highways, paratransit, ridesharing, targeted telecommuting, no-fare transit, and vanpool subsidies on a least cost basis; a high occupancy vehicle lane completion analysis; and recommended statutory changes that would allow the plan to be submitted to a public vote by the regional transit authority.

(5) \$4,000,000 of the motor vehicle fund--state appropriation in this section is provided solely for infrastructure associated with development of a horse racetrack in western Washington. With this appropriation, the state has fulfilled its commitment to provide funding for infrastructure associated with development of a horse racetrack in western Washington.

PART III CAPITAL

NEW SECTION. **Sec. 301.** The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) JOINT PROJECTS

(a) **FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SERVICE CENTER-- PARKLAND**

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 5,892,000
Motor Vehicle Fund--State Appropriation \$ 71,000
Highway Safety Fund--State Appropriation \$ 71,000
TOTAL APPROPRIATION \$ 6,034,000

(b) **FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING-- UNION GAP**

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 789,000

(c) **FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION--NORTH SPOKANE**

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 215,000

(d) **FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL--BELLINGHAM**

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 6,480,000
Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 1,800,000
TOTAL APPROPRIATION \$ 8,280,000

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation.

(3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and

vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

- (a) A new customer service center in Vancouver for \$2,629,700;
- (b) A new customer service center in West Spokane for \$3,083,600;
- (c) A new customer service center in Lacey for \$3,152,500;
- (d) A new customer service center in Union Gap for \$3,026,500; and
- (e) A new customer service center in Wenatchee for \$2,078,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS

The appropriations in this section are provided for the following projects:

(1) ACADEMY DRIVE COURSE--SHELTON

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 500,000

(2) MINOR WORKS: PRESERVATION

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 890,000

(3) MINOR WORKS: PROGRAM

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 506,000

(4) SOUTH SEATTLE DETACHMENT

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 151,000

(5) WASHINGTON STATE PATROL OFFICE--SILVER LAKE REST AREA

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 197,000

(6) BELLEVUE COMMUNICATIONS CENTER IMPROVEMENT

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 358,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

All projects in this section are funded from the motor vehicle fund--transportation capital facilities account--state.

(1) OKANOGAN AREA MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 2,801,000

(2) CHEHALIS AREA MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 4,865,000

(3) WOODLAND SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,163,000

(4) CONNELL SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 150,000

(5) WILBUR SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,036,000

(6) MINOR REGIONAL PROJECTS

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,525,000

(7) STATE-WIDE ADMINISTRATION AND SUPPORT

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,525,000

(8) The department of transportation shall provide to the legislative transportation committee: (a) Prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1995-97 biennium, and (b) bimonthly progress reports on all transportation capital facilities projects receiving appropriations in this act. GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION--CAPITAL

Motor Vehicle Fund--State Appropriation \$ 400,000

NEW SECTION. Sec. 305. An appropriation of \$2,500,000 from the motor vehicle fund--state will not be provided to the department of general administration for improvements to the plaza garage renovation project unless the general fund capital budget contains a \$1,700,000 appropriation from a capital construction account supported by the general fund in the 1995-97 biennium for the repair and/or installation of escalators and elevators in the department of transportation service center in compliance with the Americans with disabilities act. The above referenced motor vehicle fund--state appropriation is made upon satisfaction of this condition.

PART IV
TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Motor Vehicle Fund--Puget Sound Capital Construction Account
 Appropriation \$ 4,250,000
Motor Vehicle Fund Appropriation \$ 695,000
Transportation Improvement Account
 Appropriation \$ 1,250,000
Transportation Fund Appropriation \$ 208,000
Special Category C Account Appropriation \$ 4,000,000
Highway Bond Retirement Account Appropriation \$ 195,814,000
Ferry Bond Retirement Account Appropriation \$ 36,788,000
TOTAL APPROPRIATION \$ 243,005,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Fund--Puget Sound Capital Construction
 Account Appropriation \$ 850,000
Motor Vehicle Fund Appropriation \$ 139,000
Motor Vehicle Fund--Urban Arterial Trust Account
 Appropriation \$ 5,000
Motor Vehicle Fund--Transportation Improvement
 Account Appropriation \$ 250,000
Special Category C Account Appropriation \$ 800,000
Transportation Fund Appropriation \$ 42,000
Transportation Capital Facilities Account
 Appropriation \$ 1,000
TOTAL APPROPRIATION \$ 2,087,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Fund Appropriation for motor
 vehicle fuel tax and overload penalties
 distribution \$ 452,180,000
Transportation Fund Appropriation \$ 2,352,000
TOTAL APPROPRIATION \$ 454,532,000

NEW SECTION. Sec. 404. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT

Motor Vehicle Fund--State Patrol Highway Account
 Appropriation \$ 8,947,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive a five percent salary increase on July 1, 1995.

(b) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive an additional four percent salary increase on July 1, 1996, if the state patrol vehicle inspection program is decommissioned by September 1, 1995.

(2) The salary increases provided for in subsection (1) of this section supersede any salary increases provided for in Engrossed Substitute House Bill No. 1410, the omnibus budget, for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol. The appropriation in this section is not in addition to the salary increases provided for in Engrossed Substitute House Bill No. 1410; therefore, the appropriation in this section shall be reduced by any amount provided for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol in Engrossed Substitute House Bill No. 1410.

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

Motor Vehicle Fund--State Patrol Highway Account:
For transfer to the department of retirement
systems expense fund \$ 130,000

NEW SECTION. Sec. 406. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 407. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 408. FOR THE STATE TREASURER--TRANSFERS

(1) R V Account--State Appropriation:
For transfer to the Motor Vehicle Fund--
State \$ 454,000
(2) Transfer Relief Account--State Appropriation:
For transfer to the Motor Vehicle Fund--
State \$ 1,329,000
(3) Motor Vehicle Fund--State Appropriation:
For transfer to the Transportation Capital
Facilities Account--State \$ 41,762,000
(4) Small City Account--State Appropriation:
For transfer to the Urban Arterial Trust
Account--State \$ 2,544,000
(5) Small City Account--State Appropriation:
For transfer to the Transportation Improvement
Account--State \$ 7,500,000
(6) High Capacity Transportation Account--
State Appropriation:
For transfer to the Passenger Ferry Account \$ 760,000
(7) Public Transportation Systems Account--
State Appropriation:
For transfer to the Transportation Fund--State \$ 178,000
(8) Transportation Fund--State Appropriation:
For transfer to the Marine Operating Fund--

State \$ 2,500,000

The appropriation in this subsection is subject to the following conditions and limitations: \$1,000,000 of the appropriation in this subsection shall be transferred in fiscal year 1996. \$1,500,000 of the appropriation in this subsection shall be transferred in fiscal year 1997, provided, however, that the transfer for fiscal year 1997 is null and void if Engrossed Substitute House Bill No. 1016 is enacted by July 1, 1996.

NEW SECTION. **Sec. 409.** The department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

NEW SECTION. **Sec. 410.** The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. **Sec. 411.** In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. **Sec. 412.** An appropriation of \$2,498,000 from the oil spill administration account--state and an appropriation of \$206,000 from the state toxics control account--state are made to the department of ecology pursuant to sections 514 through 524 of this act.

NEW SECTION. **Sec. 413.** The additional distribution of transit equalization moneys provided for in chapter 298, Laws of 1995 is authorized. As provided in Section 408(7) of this act, moneys are transferred from the public transportation systems account--state to the transportation fund--state to compensate for distributions of transit equalization of moneys pursuant to chapter 298, Laws of 1995 for the 1995-97 biennium.

NEW SECTION. **Sec. 414. EXPENDITURE AUTHORIZATIONS.** The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

PART V MISCELLANEOUS

NEW SECTION. **Sec. 501. COORDINATION OF TRANSPORTATION INFORMATION TECHNOLOGY.** To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, inter-governmental services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office

of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 502. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committee. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committee for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and legislative transportation committee.

NEW SECTION. Sec. 503. By December 1, 1995, the department of transportation, in consultation with the department of personnel, shall provide recommendations to the legislative

transportation committee regarding the feasibility of consolidating the department of transportation's personnel office with the department of personnel.

NEW SECTION. Sec. 504. By December 1, 1995, the department of transportation, in consultation with the transportation improvement board and the county road administration board, shall provide recommendations to the legislative transportation committee and the office of financial management regarding the feasibility of consolidating the financial functions of the three agencies.

NEW SECTION. Sec. 505. The department of licensing, Washington state patrol, and department of transportation shall place into reserve any savings to transportation funds or accounts associated with reductions in the attorney general's appropriation in the omnibus budget.

NEW SECTION. Sec. 506. Many educational programs, especially early childhood education programs, lack sufficient funding to obtain necessary telecommunications equipment. State agencies have surplus equipment that no longer meets the business needs of the agencies. Sections 506 through 513 of this act are intended to facilitate the transfer of obsolete telecommunications equipment expeditiously and without extra cost from state agencies to local programs under RCW 28A.215.120.

NEW SECTION. Sec. 507. Beginning July 1, 1995, and ending January 1, 1996, a state agency, office, department, or educational institution may donate, on a pilot basis, obsolete telecommunications equipment and related surplus supplies to local programs provided under RCW 28A.215.120.

NEW SECTION. Sec. 508. Any state agency, office, department, or educational institution participating in the pilot program prescribed in section 507 of this act must use the following criteria in specifying which telecommunications equipment is considered obsolete. Items considered obsolete must meet one or more of the following criteria: (1) The equipment is no longer available for purchase in retail stores; (2) manufacture of the equipment or similar equipment has been discontinued for at least one year; or (3) the equipment is not consistent with the agency's current approved hardware standards due to upgrades. In addition, the agency must deem the equipment as no longer needed in accomplishing its mission.

NEW SECTION. Sec. 509. Those state agencies, offices, departments, or educational institutions participating in the pilot program described in section 507 of this act shall submit, by January 1, 1996, a report to the legislative transportation committee, office of financial management, and the department of general administration concerning implementation of section 507 of this act. The report shall list items of equipment donated, the recipients of the equipment, and recommendations regarding whether the program should be expanded to include other recipient groups or discontinued.

NEW SECTION. Sec. 510. Any state agency, office, department, or educational institution donating equipment under section 507 of this act shall maintain the following records for each item of equipment donated: State tag number, equipment description, serial number, recipient, appropriate state surplus transfer documents, and an explanation as to why the equipment was deemed obsolete.

Sec. 511. RCW 43.105.017 and 1992 c 20 s 6 are each amended to read as follows:
It is the intent of the legislature that:
(1) State government use voice, data, and video telecommunications technologies to:
(a) Transmit and increase access to live, interactive classroom instruction and training;
(b) Provide for interactive public affairs presentations, including a public forum for state and local issues;
(c) Facilitate communications and exchange of information among state and local elected officials and the general public;
(d) Enhance state-wide communications within state agencies; and
(e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;
(2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;

(3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency head;

(4) Resources be used in the most efficient manner and services be shared when cost-effective;

(5) A state agency, office, department, or educational institution may donate obsolete telecommunications equipment and related surplus supplies to local programs provided under RCW 28A.215.120 pursuant to section 507 of this act;

~~(6)~~ A structure be created to:

(a) Plan and manage telecommunications and computing networks;

(b) Increase agencies' awareness of information sharing opportunities; and

(c) Assist agencies in implementing such possibilities;

~~((6))~~ (7) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;

~~((7))~~ (8) To the greatest extent possible, major information technology projects be implemented on an incremental basis;

~~((8))~~ (9) The state maximize opportunities to exchange and share data and information by moving toward implementation of open system architecture based upon interface standards providing for application and data portability and interoperability;

~~((9))~~ (10) To the greatest extent possible, the state recognize any price performance advantages which may be available in midrange and personal computing architecture;

~~((10))~~ (11) The state improve recruitment, retention, and training of professional staff;

~~((11))~~ (12) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

~~((12))~~ (13) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

Sec. 512. RCW 43.105.041 and 1990 c 208 s 6 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

(1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government, except as provided in RCW 43.105.017(5) and section 507 of this act, are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;

(3) To develop state-wide or interagency technical policies, standards, and procedures;

(4) To assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(6) To develop and implement a process for the resolution of appeals by:

(a) Vendors concerning the conduct of an acquisition process by an agency or the department;

or

(b) A customer agency concerning the provision of services by the department or by other state agency providers;

(7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, control, and use of information services;

- (b) Training and education; and
- (c) Project management;
- (8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and
- (9) To review and approve that portion of the department's budget requests that provides for support to the board.

Sec. 513. RCW 43.19.1919 and 1991 c 216 s 2 are each amended to read as follows:

Except as provided in RCW 43.19.1920, RCW 43.105.017, and section 507 of this act, the division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director of general administration to be in the best interest of the state. The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.

This section does not apply to property under RCW 27.53.045.

Sec. 514. RCW 43.21I.005 and 1991 c 200 s 401 are each amended to read as follows:

(1) The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. ~~((The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.~~

~~The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.-))~~

(2) The legislature finds that the long-term environmental health of the state's waters depends upon the strength and vitality of its oil spill prevention and response program. It is the intent of this section and sections 515 through 524 of this act to create an integrated oil spill prevention and response program that fosters planning, coordination, and incidence command. To that end, the merger of the office of marine safety with the department of ecology will: Ensure coordination via streamlining the marine safety functions of two agencies into one; provide a focused prevention and response program under a single administration; generate efficient incidence command to meet challenges threatening marine safety and the environment; and increase accountability owed to the public, the executive branch, and the legislature.

(3) It is the intent of the legislature that the merger of the office of marine safety with the department of ecology be accomplished in an organizational manner that maintains a priority focus and position for the oil spill prevention and response program. The merger shall allow for ready identification of the program by the public and ensure no diminution in the state's commitment to marine safety and environmental protection.

Sec. 515. RCW 43.21I.010 and 1992 c 73 s 4 are each amended to read as follows:

(1) There is hereby created ~~((an agency of state government to be known as the office of marine safety. The office shall be vested with all powers and duties transferred to it and such other~~

~~powers and duties as may be authorized by law. The main administrative office of the office shall be located in the city of Olympia. The administrator may establish administrative facilities in other locations,))~~ within the department of ecology an integrated oil spill prevention and response program. The department shall establish a division for the purpose of housing the integrated oil spill prevention and response program. The division shall establish its focus and independence from the department's other authorized divisions and services. The director may establish administrative facilities in various locations within the state of Washington, if deemed necessary for the efficient operation of the office, and if consistent with the principles set forth in subsection (2) of this section.

(2) ~~The ((office of marine safety)) department shall ((be organized))~~ organize the oil spill prevention and response division consistent with the goals of providing the state ((government)) with a focus in marine transportation and serving the people of this state. ((The legislature recognizes that the administrator needs sufficient organizational flexibility to carry out the office's various duties.)) To the extent practical, the ~~((administrator))~~ director shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the ~~((office))~~ department;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) ~~The ((office))~~ department shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

(a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Providing expert advice to the executive and legislative branches of state government;

(c) Providing active and fair enforcement of rules;

(d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;

(e) Providing information to the public; and

(f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the ~~((office))~~ department shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the ~~((administrator))~~ director may create ~~((such administrative divisions, offices, bureaus, and programs within the office as the administrator))~~ whatever organizational framework the director deems necessary to achieve the goals and objectives of this section so long as it is consistent with RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW. The ~~((administrator))~~ director shall have complete charge of and supervisory powers over the ~~((office))~~ division, except where the ~~((administrator's))~~ director's authority is specifically limited by law.

(6) The ~~((administrator))~~ director shall appoint ~~((such personnel as are necessary to carry out the duties of the office))~~ an assistant director to carry out the duties of providing an oil spill prevention and response program consistent with RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW. In addition to exemptions set forth in RCW 41.06.070~~((28))~~ (3), the ~~((administrator, the administrator's confidential secretary, and up to four professional staff members))~~ director shall be exempt from the provisions of chapter 41.06 RCW. All other employees of the ~~((office))~~ division shall be subject to the provisions of chapter 41.06 RCW.

Sec. 516. RCW 43.21I.030 and 1992 c 73 s 11 are each amended to read as follows:

In addition to any other powers granted the ~~((administrator))~~ director, the ~~((administrator))~~ director, in the administration of the oil spill prevention and response division, may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.46 RCW. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The ~~((administrator))~~ director shall review each advisory committee within the jurisdiction of the ~~((office))~~ department's oil spill prevention and response division and each statutory advisory committee on a biennial basis to

determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(4) Delegate powers, duties, and functions of the ~~((office))~~ department's oil spill prevention and response division to employees of the ~~((office))~~ department as the ~~((administrator))~~ director deems necessary to carry out the provisions of ~~((this chapter))~~ RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW;

(5) Enter into contracts on behalf of the ~~((office))~~ department's oil spill prevention and response division to carry out the purposes of ~~((this chapter))~~ RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of ~~((this chapter))~~ RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW; or

(7) Accept gifts, grants, or other funds.

Sec. 517. RCW 43.21I.040 and 1991 c 200 s 407 are each amended to read as follows:

(1) The ~~((administrator))~~ director shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the ~~((administrator))~~ director together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

Sec. 518. RCW 88.46.922 and 1991 c 200 s 431 are each amended to read as follows:

All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of marine safety shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the office of marine safety shall be made available to the department of ecology. All funds, credits, or other assets held by the office of marine safety shall be assigned to the department of ecology.

Any appropriations made to the office of marine safety shall, on ~~((July 1, 1997))~~ January 1, 1996, be transferred and credited to the department of ecology.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

Sec. 519. RCW 88.46.925 and 1991 c 200 s 434 are each amended to read as follows:

The transfer of the powers, duties, and functions ~~((, and personnel))~~ of the office of marine safety shall not affect the validity of any act performed prior to ~~((July 1, 1997))~~ January 1, 1996.

NEW SECTION. Sec. 520. A new section is added to chapter 90.56 RCW to read as follows:

No moneys may be spent by the department from the oil spill administration account, as established in RCW 90.56.510, nor the oil spill response account, as established in RCW 90.56.500, for any purpose other than carrying out the purposes, programs, and services of oil spill prevention and response consistent with RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW.

Sec. 521. 1991 c 200 s 1120 (uncodified) is amended to read as follows:

Sections 430 through 436 ~~((of this act))~~, chapter 200, Laws of 1991 shall take effect ~~((July 1, 1997))~~ January 1, 1996.

Sec. 522. 1993 c 281 s 73 (uncodified) is amended to read as follows:

Section 67 (~~of this act~~), chapter 281, Laws of 1993 shall take effect (~~July 1, 1997~~) January 1, 1996.

NEW SECTION. Sec. 523. RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040, as amended in this act, are each recodified as new sections in chapter 43.21A RCW.

NEW SECTION. Sec. 524. The following acts or parts of acts are each repealed:

- (1) RCW 43.21I.020 and 1992 c 73 s 5 & 1991 c 200 s 403;
- (2) RCW 88.46.920 and 1991 c 200 s 429; and
- (3) RCW 88.46.923 and 1991 c 200 s 432.

Sec. 525. RCW 90.56.510 and 1994 1st sp.s. c 6 s 903 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by RCW 82.23B.020(2) for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the oil spill response account is greater than twenty-five million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, (~~1995~~) 1997, the state treasurer may transfer (~~funds~~) up to \$1,718,000 from the oil spill response account to the oil spill administration account (~~in amounts necessary~~) to support appropriations made from the oil spill administration account in the omnibus and transportation appropriations acts adopted not later than June 30, (~~1994~~) 1997.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 526. In order to provide enhanced program visibility and improved legislative oversight, the legislature concurs with the recommendation of the transportation commission that two new program designations be established within the department of transportation: (1) The transportation economic partnerships program, and (2) the transit and rail program.

NEW SECTION. Sec. 527. The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;

(5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and

(6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 528. RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

(1) There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight.

(2) For the biennium ending June 30, 1997, money in the account may be transferred to the passenger ferry account as provided for in section 408, chapter . . . , Laws of 1995 (this act).

Sec. 529. RCW 82.44.150 and 1994 c 241 s 1 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within ~~((i))~~ each county ~~((with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection))~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account created in Laws of 1995 1st sp. sess., chapter . . . , section 22 (H-3256/95 or H-3270/95);

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this

subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 530. RCW 70.94.531 and 1991 c 202 s 13 are each amended to read as follows:

(1) Not more than six months after the adoption of the commute trip reduction plan by a jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) an annual review of employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

(i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

(ii) Instituting or increasing parking charges for single-occupant vehicles;

(iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

(iv) Provision of subsidies for transit fares;

(v) Provision of vans for van pools;

(vi) Provision of subsidies for car pooling or van pooling;

(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;

(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;

(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;

(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; ~~((and))~~

(xv) Establishment of proximate commuting programs by employers with multiple worksites; and

(xvi) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

(3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.

Sec. 531. RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the

multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and
- (e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

Sec. 532. RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for high occupancy vehicle lane construction or for local high capacity transportation purposes including rail freight.

Sec. 533. 1994 c 303 s 20 (uncodified) is amended to read as follows:

(1) There is hereby appropriated cumulatively from the motor vehicle fund--state, the transportation fund--state, and the general fund--state, up to \$35,500,000 for preliminary engineering, right of way acquisition, and construction of the following regular category C projects:

- ~~((1))~~ (a) SPRING ST TO JOHNSON RD (627000D);
- ~~((2))~~ (b) W. LK SAMM. PKWY. TO SR 202 (152038A, 152039D);
- ~~((3))~~ (c) DIAMOND LAKE CHANNELIZATION (600232E);
- ~~((4))~~ (d) 15TH SW TO SR 161 U-XING (351214A);
- ~~((5))~~ (e) ANDRESEN ROAD TO SR 503 (450093B);
- ~~((6))~~ (f) NE 144TH ST TO BATTLEGROUND (450387B);
- ~~((7))~~ (g) STEAMBOAT ISLAND RD I/C (310199A);
- ~~((8))~~ (h) GRAHAM HILL VICINITY (316111A);
- ~~((9))~~ (i) NORTH OF WINSLOW - STAGE 1 (330505A);
- ~~((10))~~ (j) SR 5 TO BLANDFORD DRIVE (401487A);
- ~~((11))~~ (k) 32ND STREET INTERCHANGE (316711A); and
- ~~((12))~~ (l) SUNNYSLOPE I/C - STAGE 2 (228531A).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$35,500,000. The general fund--state expenditure under this section and sections 18, 21, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

(2) The purpose of this amendment is to clarify the intent of the legislature that the appropriation for project No. (b) included moneys for construction of Stage 1, including a diamond interchange at SR 520/SR 202. Such moneys are reappropriated for the project, W. Lake Sammamish Parkway to SR 202, including the construction of the diamond interchange at SR 520/SR 202. Such

reappropriation shall be considered to be effective as of the date of section 20, chapter 303, Laws of 1994. All expenditures made by the department from that date are hereby ratified.

(3) If House Bill No. 2074 is enacted by June 30, 1995, this section is null and void.

NEW SECTION. Sec. 534. It is the intent of the legislature that the department of transportation may implement a voluntary retirement incentive program that is cost neutral provided that such program is approved by the director of financial management.

NEW SECTION. Sec. 535. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 536. Sections 511 through 523 and 528 through 533 of this act expire June 30, 1997.

NEW SECTION. Sec. 537. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 538. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.105.017, 43.105.041, 43.19.1919, 43.21I.005, 43.21I.010, 43.21I.030, 43.21I.040, 88.46.922, 88.46.925, 90.56.510, 47.78.010, 82.44.150, 70.94.531, and 47.78.010; amending 1994 c 303 s 20 (uncodified); amending 1991 c 200 s 1120 (uncodified); amending 1993 c 281 s 73 (uncodified); reenacting and amending RCW 82.44.180; adding a new section to chapter 90.56 RCW; creating new sections; recodifying RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040; repealing RCW 43.21I.020, 88.46.920, and 88.46.923; making appropriations; providing expiration dates; and declaring an emergency."

Representative K. Schmidt spoke in favor of the amendment.

Representative K. Schmidt moved adoption of the following amendment to the amendment by Representative K. Schmidt:

On page 4, beginning on line 2 of the amendment, strike all of section 105

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 41, beginning on line 34 of the amendment, strike all of section 412

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 49, beginning on line 36 of the amendment, strike all material through "equipment." on page 56, line 31

Renumber the remaining sections consecutively and correct internal references accordingly.

Fix the title accordingly.

Representative K. Schmidt spoke in favor of adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Cairnes moved adoption of the following amendment to the amendment by Representative Cairnes:

On page 24, line 36 of the amendment, strike "2,475,000" and insert "1,775,000"

On page 25, line 9 of the amendment, strike "97,023,000" and insert "96,323,000"

On page 26, line 9 of the amendment, after "facilities." strike "Prior to July 1, 1996, no" and insert "No"

On page 26, beginning on line 16 of the amendment, after "(4)" strike all material through "funds." on line 32, and insert "No funds appropriated in this section may be used to provide financial assistance to the regional transit authority."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 27, beginning on line 1 of the amendment, strike all of section 224

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 42, after line 17 of the amendment, insert the following:

"PART V HIGH CAPACITY TRANSPORTATION

Sec. 501. RCW 82.44.150 and 1994 c 241 s 1 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within ~~((i)) each county ((with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection))~~ that has a population of one hundred

seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-

generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

NEW SECTION. Sec. 502. The following acts or parts of acts are each repealed:

- (1) RCW 81.112.010 and 1992 c 101 s 1;
- (2) RCW 81.112.020 and 1992 c 101 s 2;
- (3) RCW 81.112.030 and 1994 c 44 s 1, 1993 sp.s. c 23 s 62, & 1992 c 101 s 3;
- (4) RCW 81.112.040 and 1994 c 109 s 1 & 1992 c 101 s 4;
- (5) RCW 81.112.050 and 1992 c 101 s 5;
- (6) RCW 81.112.060 and 1992 c 101 s 6;
- (7) RCW 81.112.070 and 1992 c 101 s 7;
- (8) RCW 81.112.080 and 1992 c 101 s 8;
- (9) RCW 81.112.090 and 1992 c 101 s 9;
- (10) RCW 81.112.100 and 1992 c 101 s 10;
- (11) RCW 81.112.110 and 1992 c 101 s 11;
- (12) RCW 81.112.120 and 1992 c 101 s 12;
- (13) RCW 81.112.130 and 1992 c 101 s 13;
- (14) RCW 81.112.140 and 1992 c 101 s 14;
- (15) RCW 81.112.150 and 1992 c 101 s 15;
- (16) RCW 81.112.160 and 1992 c 101 s 16;
- (17) RCW 81.112.170 and 1992 c 101 s 17;
- (18) RCW 81.112.900 and 1992 c 101 s 33;
- (19) RCW 81.112.901 and 1992 c 101 s 34; and
- (20) RCW 81.112.902 and 1992 c 101 s 35.

Sec. 503. RCW 81.104.015 and 1992 c 101 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.

(2) "Regional transit system" means a high capacity transportation system under the jurisdiction of one or more transit agencies (~~except where a regional transit authority created under chapter 81.112 RCW exists, in which case "regional transit system" means the high capacity transportation system under the jurisdiction of a regional transit authority~~).

(3) "Transit agency" means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.

Sec. 504. RCW 81.104.030 and 1993 c 428 s 1 are each amended to read as follows:

(1) In any county (~~with a population of from two hundred ten thousand to less than one million that is not bordered by a county with a population of one million or more, and in each county with a population of less than two hundred ten thousand~~) that has a population of one hundred seventy-five

thousand or more and has an interstate highway within its borders, except for any county having a population of more than one million or a county that has a population more than four hundred thousand and is adjacent to a county with a population of more than one million, transit agencies may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation, or such agencies may use the designated metropolitan planning organization as the regional policy committee.

Transit agencies participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and financing plan. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington.

(2) Transit agencies in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or Canadian province.

NEW SECTION. **Sec. 505.** RCW 81.104.040 and 1992 c 101 s 21, 1991 c 318 s 4, & 1990 c 43 s 25 are each repealed.

Sec. 506. RCW 81.104.050 and 1992 c 101 s 22 are each amended to read as follows:

Regional high capacity transportation service may be expanded beyond the established district boundaries through interlocal agreements among the transit agencies (~~and any regional transit authorities in existence~~).

Sec. 507. RCW 81.104.120 and 1993 c 428 s 2 are each amended to read as follows:

(1) Transit agencies (~~and regional transit authorities~~) may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode. A reasonable alternative is one whose (~~passenger~~) costs per passenger mile, including costs of trackage, equipment, maintenance, operations, and administration are equal to or less than comparable bus, entrained bus, trolley, or personal rapid transit systems.

(2) A county may use funds collected under RCW 81.100.030 or 81.100.060 to contract with one or more transit agencies (~~or regional transit authorities~~) for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation plan; (b) have met the project planning and oversight requirements of RCW 81.104.100 and 81.104.110; and (c) have been approved by the voters within the service area of each transit agency (~~or regional transit authority~~) participating in the project. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington. The phrase "approved by the voters" includes specific funding authorization for the commuter rail project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service.

Sec. 508. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Transit agencies authorized to provide high capacity transportation service(~~(, including transit agencies and regional transit authorities,)~~) are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (~~((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority~~) any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders. This tax authority shall not apply to agencies

located in counties having a population of one million or more or in counties having a population of four hundred thousand or more bordering counties having a population of one million or more.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

(a) Acceptability;

(b) Ease of administration;

(c) Equity;

(d) Implementation feasibility;

(e) Revenue reliability; and

(f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

(a) Employer tax as provided in RCW 81.104.150;

(b) Special motor vehicle excise tax as provided in RCW 81.104.160; and

(c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. ~~((Except when a regional transit authority exists,))~~ Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.))~~

~~(8) ((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election)) When making public representations about revenues available to support a proposed project transit agencies, shall not assume, nor imply the availability of state funds unless those funds have been specifically authorized. Any assumptions of federal funds shall be based on authorizations in the current six-year transportation authorization law.~~

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

Sec. 509. RCW 81.104.150 and 1992 c 101 s 26 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas~~((and regional transit authorities))~~ may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month per employee on all employers located within the agency's jurisdiction, measured by the number

of full-time equivalent employees, solely for the purpose of providing high capacity transportation service. The rate of tax shall be approved by the voters. This tax may not be imposed by ~~((1))~~ a transit agency when the county within which it is located is imposing an excise tax pursuant to RCW 81.100.030 ~~(; or (2) a regional transit authority when any county within the authority's boundaries is imposing an excise tax pursuant to RCW 81.100.030)~~. The agency imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Sec. 510. RCW 81.104.160 and 1992 c 194 s 13 and 1992 c 101 s 27 are each reenacted and amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas ~~((and regional transit authorities))~~ may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, ~~((46.16.080,))~~ 46.16.085, or 46.16.090.

(2) An agency imposing a tax under subsection (1) of this section may also impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall bear the same ratio to the rate imposed under RCW 82.08.020(2) as the excise tax rate imposed under subsection (1) of this section bears to the excise tax rate imposed under RCW 82.44.020 (1) and (2). The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax. The revenue collected under this subsection shall be used in the same manner as excise taxes under subsection (1) of this section.

Sec. 511. RCW 81.104.170 and 1992 c 101 s 28 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas ~~((and regional transit authorities))~~ may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340 ~~((; or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340))~~.

Sec. 512. RCW 81.104.180 and 1992 c 101 s 29 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas ~~((and regional transit authorities))~~ are authorized to pledge revenues from the employer tax authorized by RCW 81.104.150, the special motor vehicle excise tax authorized by RCW 81.104.160, and the sales and use tax authorized by RCW 81.104.170, to retire bonds issued solely for the purpose of providing high capacity transportation service.

Sec. 513. RCW 81.104.190 and 1992 c 101 s 30 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas ~~((and regional transit systems))~~ may contract with

the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, and 81.104.170.

Sec. 514. RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read as follows:

By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, (~~and each regional transit authority~~) shall prepare a six-year transit development plan for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.70A RCW. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. The six-year plan for each municipality (~~and regional transit authority~~) shall specifically set forth those projects of regional significance for inclusion in the transportation improvement program within that region. Each municipality (~~and regional transit authority~~) shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality (~~and the regional transit authority~~) shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

Sec. 515. RCW 47.26.121 and 1995 c 269 s 2603 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) two representatives from the department of transportation; (c) two representatives of public transit systems; (d) a private sector representative; (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand

and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.

(7) The port member shall be a commissioner or senior staff person of a public port.

(8) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.

(9) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.

(10) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, the Washington state transit association for the transit members, and the Washington public ports association for the port member.

The private sector, public, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, special needs transportation, or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, special needs transportation, or public member resigns or is unable or unwilling to serve.

(11) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

(12) The board shall elect a chair from among its members for a two-year term.

(13) Expenses of the board shall be paid in accordance with RCW 47.26.140.

(14) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area(~~(, or regional transit authority)~~).

Sec. 516. RCW 47.80.060 and 1992 c 101 s 31 are each amended to read as follows:

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the three largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards (~~(or on a regional transit authority)~~).

NEW SECTION. Sec. 517. (1) Every regional transit authority created under chapter 81.112 RCW is hereby abolished.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of any regional transit authority created under chapter 81.112 RCW shall be delivered to the custody of the transit agencies within the boundaries of the regional transit authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by any regional transit authority created under chapter 81.112 RCW shall be made available to the transit agencies within the boundaries of the regional transit authority. All funds, credits, or other assets held by any regional transit authority created under chapter 81.112 RCW shall be assigned to the transit agencies within the boundaries of the regional transit authority.

(b) Any appropriations or grants made to any regional transit authority created under chapter 81.112 RCW and any funds in the custody of any regional transit authority created under chapter 81.112 RCW shall, on the effective date of this section, be transferred and credited to the transit agencies within the boundaries of the regional transit authority.

(c) If any question or dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before any regional transit authority created under chapter 81.112 RCW shall be continued and acted upon by the transit agencies within the boundaries of the regional transit authority. All existing contracts and obligations shall remain in full force and shall be performed by the transit agencies within the boundaries of the regional transit authority.

(4) The transfer of the duties, functions, and personnel of any regional transit authority created under chapter 81.112 RCW shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

(7) The transit agencies within the boundaries of the regional transit authority shall apportion equitably among themselves any assets or liabilities remaining after the regional transit authority is abolished.

NEW SECTION. Sec. 518. A new section is added to chapter 47.60 RCW to read as follows:

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels. Moneys in the account shall be expended with legislative appropriation.

NEW SECTION. Sec. 519. Sections 501 through 518 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

Renumber the remaining parts and sections consecutively, correct any internal references accordingly, and correct the title.

On page 65, line 30 of the amendment, after "**Sec. 538.**" strike "This act is" and insert "Sections 1, 2, 101 through 110, 201 through 228, 301 through 304, 401 through 414, and 501 through 537 of this act are"

Representatives Cairnes and K. Schmidt spoke in favor of adoption of the amendment to the amendment.

Representatives R. Fisher, Elliot, Appelwick, Romero and Ebersole spoke against the amendment to the amendment.

Representative Ebersole demanded an electronic roll call vote and the demand was sustained.

MOTION

On motion of Representative Talcott, Representatives Boldt and Benton were excused.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the amendment, on page 24, line 36, to Second Engrossed Substitute House Bill No. 2080 and the amendment was adopted by the following vote: Yeas - 59, Nays - 35, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Kremen, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 59.

Voting nay: Representatives Appelwick, Basich, Blanton, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Scott, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 35.

Excused: Representatives Benton, Boldt, Chappell and Goldsmith - 4.

Representative K. Schmidt moved adoption of the following amendment to the amendment by Representative K. Schmidt:

On page 58, line 37 of the amendment, after "account" strike all material through "H-3270/95")" on line 38

Representative K. Schmidt spoke in favor of adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative K. Schmidt moved adoption of the following amendment to the amendment by Representative K. Schmidt:

On page 37, beginning on line 2 of the amendment, strike all of section 305 and insert the following:

"NEW SECTION. Sec. 305. An appropriation of \$2,500,000 from the motor vehicle fund--state will not be provided to the department of general administration for improvements to the plaza garage renovation project unless the omnibus 1995-97 capital budget (2ESHB 1070) contains a \$1,700,000 appropriation for the repair and/or installation of escalators and elevators during the 1995-97 biennium for the department of transportation service center in Olympia, Washington. The above referenced motor vehicle fund--state appropriation is made upon satisfaction of this condition."

Representative K. Schmidt spoke in favor of adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives K. Schmidt and Mitchell spoke in favor of passage of the bill.

Representative R. Fisher spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 2080.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2080, and the bill passed the House by the following vote: Yeas - 60, Nays - 34, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Blanton, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Mastin, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 34.

Excused: Representatives Benton, Boldt, Chappell and Goldsmith - 4.

Second Engrossed Substitute House Bill No. 2080, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted NAY on Second Engrossed Substitute House Bill No. 2080.

DAVE CHAPPELL, 20th District

There being no objections, Second Engrossed Substitute House Bill No. 2080 was immediately transmitted to the Senate.

There being no objections, the Rules Committee was relieved of further consideration of Substitute House Bill No. 1741 and the bill was placed on third reading.

There being no objections, the rules were suspended and Substitute House Bill No. 1741 was returned to second reading for the purpose of an amendment.

SUBSTITUTE HOUSE BILL NO. 1741, by House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Mastin)

Providing moneys for wine and wine grape research.

The bill was read the second time.

Representative Chandler moved adoption of the following amendment by Representative Chandler:

Strike everything after the enacting clause and insert the following:

"It is the intent of the legislature to fund wine and wine grape research at Washington State University during the 1995-97 fiscal biennium."

Representative Chandler spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chandler and Sommers spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1741.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1741, and the bill passed the House by the following vote: Yeas - 83, Nays - 11, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Foreman, Fuhrman, Grant, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Lisk, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 83.

Voting nay: Representatives Beeksma, Cole, Fisher, G., Fisher, R., Hargrove, Koster, McMahan, Patterson, Regala, Smith and Stevens - 11.

Excused: Representatives Benton, Boldt, Chappell and Goldsmith - 4.

Engrossed Substitute House Bill No. 1741, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Substitute House Bill No. 1741.

DAVE CHAPPELL, 20th District

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1279,
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913,

There being no objection, the House reverted to the fourth order of business.

There being no objection, Engrossed Substitute Senate Bill No. 5739 was read the first time.

There being no objections, the rules were suspended and Engrossed Substitute Senate Bill No. 5739 was advanced to second reading and read the second time in full.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5739, by Senate Committee on Ways & Means (originally sponsored by Senators Strannigan, Rinehart, Johnson, Quigley, Long, Owen, Cantu, Hale, Finkbeiner, McCaslin, Palmer, Hochstatter, McDonald, Spanel, Schow, Prentice, Moyer,

Loveland, Swecker, West, Rasmussen, Smith, Drew, Haugen, Franklin, Fairley, A. Anderson, Wojahn, Heavey, McAuliffe, Kohl, Hargrove, Oke and Bauer)

Exempting certain sales by nonprofit organizations from sales and use taxes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5739.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5739, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representative Patterson - 1.

Excused: Representatives Benton, Boldt, Chappell and Goldsmith - 4.

Engrossed Substitute Senate Bill No. 5739, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Substitute Senate Bill No. 5739.

DAVE CHAPPELL, 20th District

There being no objection, the House re-voted on Engrossed Substitute Senate Bill No. 5739.

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5739 on re-vote.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5739 on re-vote, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington,

Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 94.

Excused: Representatives Benton, Boldt, Chappell and Goldsmith - 4.

Engrossed Substitute Senate Bill No. 5739 on re-vote, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Substitute Senate Bill No. 5739.

DAVE CHAPPELL, 20th District

SENATE AMENDMENTS TO HOUSE BILL

May 24, 1995

Mr. Speaker:

The Senate has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Data Proc Rev Acct" means Data Processing Revolving Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;
 "Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;
 "NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;
 "ORA" means Outdoor Recreation Account;
 "Provided solely" means the specified amount may be spent only for the specified purpose.
 Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;
 "Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;
 "Public Safety and Education Acct" means Public Safety and Education Account;
 "Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;
 "Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;
 "St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;
 "St Bldg Constr Acct" means State Building Construction Account;
 "State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;
 "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
 "Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;
 "Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;
 "UW Bldg Acct" means University of Washington Building Account;
 "WA Housing Trust Acct" means Washington Housing Trust Account;
 "WA St Dev Loan Acct" means Washington State Development Loan Account;
 "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;
 "WSU Bldg Acct" means Washington State University Building Account;
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.
 Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

PART 1
 GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE

Northwest Washington Regional Archives: Construction (90-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 3,970

Prior Biennia (Expenditures) \$ 128,341
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 132,311

NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE

Central Washington Regional Archives--Central Washington University Campus (93-2-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 434,000

Prior Biennia (Expenditures) \$ 3,500,000
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 3,934,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE

Essential Records Storage Site--Asbestos survey and abatement (94-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 50,000

NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE

Eastern Washington Branch Archives: Predesign (94-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 6,200

Prior Biennia (Expenditures) \$ 52,000
Future Biennia (Projected Costs) \$ 4,540,612
TOTAL \$ 4,598,812

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE

Puget Sound Branch Archives--Building design and construction (94-2-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 6,700,125

Prior Biennia (Expenditures) \$ 40,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,740,125

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE

Puget Sound Branch--Building "C" asbestos abatement and demolition (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 125,000

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Community economic revitalization (86-1-001)

Reappropriation:

Public Works Assistance Acct--State \$ 3,321,298
Pub Fac Constr Loan Rev Acct--State \$ 3,862,729
St Bldg Constr Acct--State \$ 2,106,034
Subtotal Reappropriation \$ 9,290,061

Appropriation:

Pub Fac Constr Loan Rev Acct--State \$ 1,500,000
Public Works Assistance Acct--State \$ 4,000,000
Subtotal Appropriation \$ 5,500,000

Prior Biennia (Expenditures) \$ 7,026,937
Future Biennia (Projected Costs) \$ 24,000,000
TOTAL \$ 45,816,998

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Development loan fund (88-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 2,000,000
Wa St Dev Loan Acct--Federal \$ 186,654
Subtotal Reappropriation \$ 2,186,654

Appropriation:

Wa St Dev Loan Acct--Federal \$ 3,500,000

Prior Biennia (Expenditures) \$ 5,932,935
Future Biennia (Projected Costs) \$ 20,000,000
TOTAL \$ 31,619,589

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Grays Harbor dredging (88-3-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct--State \$ 5,788,144

Prior Biennia (Expenditures) \$ 4,211,856

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 10,000,000

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Housing assistance, weatherization, and affordable housing program (88-5-015)

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

Reappropriation:

St Bldg Constr Acct--State \$ 33,214,000
CEP & RI Acct--State \$ 2,830,959
Subtotal Reappropriation \$ 36,044,959

Appropriation:

St Bldg Constr Acct--State \$ 47,800,000
WA Housing Trust Acct \$ 2,200,000
Subtotal Appropriation \$ 50,000,000

Prior Biennia (Expenditures) \$ 77,601,500
Future Biennia (Projected Costs) \$ 100,000,000
TOTAL \$ 263,646,451

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

A Contemporary Theatre (ACT)--Seattle (90-1-006)

This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 914,696
Prior Biennia (Expenditures) \$ 85,031
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 999,727

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Seattle Center redevelopment: For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant;

converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing (92-1-019)

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Reappropriation:

St Bldg Constr Acct--State \$ 2,735,637

Prior Biennia (Expenditures) \$ 5,764,364

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,001

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility (92-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 2,991,000

Prior Biennia (Expenditures) \$ 9,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

7th Street Theatre (90-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall be matched by at least \$200,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Minor works: Emergency Management Building (92-2-009)

Reappropriation:

St Bldg Constr Acct--State \$ 62,263

Prior Biennia (Expenditures) \$ 223,737

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Snohomish County drainage: To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct--State \$ 348,950

Prior Biennia (Expenditures) \$ 1,050

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Resource Center for the Handicapped: To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

Reappropriation:

St Bldg Constr Acct--State \$ 407,203

Prior Biennia (Expenditures) \$ 792,797

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Washington Technology Center laboratories (92-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,262,945

Prior Biennia (Expenditures) \$ 1,419,658
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 2,682,603

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Columbia River dredging feasibility: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by June 30, 1997, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 598,200

Prior Biennia (Expenditures) \$ 1,800
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 600,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Phase 1	Estimated Total	Capital
Cost		
Seattle Children's Theatre	\$ 8,000,000	
Admiral Theatre (Bremerton)	\$ 4,261,000	
Pacific Northwest Ballet	\$ 7,500,000	
Seattle Symphony	\$ 54,000,000	
Seattle Repertory Theatre (Phase 1)	\$ 4,000,000	
Broadway Theatre District (Tacoma)	\$ 11,800,000	
Allied Arts of Yakima	\$ 500,000	
Spokane Art School	\$ 454,000	
Seattle Art Museum	\$ 4,862,500	
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Total	\$ 95,377,500	

Phase 2	Estimated Total	Capital
Cost		

Bainbridge Performing
 Arts Center \$ 1,200,000
 The Children's Museum \$ 2,850,000
 Everett Community Theatre \$ 12,119,063
 Kirkland Center for
 the Performing Arts \$ 2,500,000
 Makah Cultural and
 Research Center \$ 1,600,000
 Mount Baker Theatre Center \$ 1,581,000
 Seattle Group Theatre \$ 334,751
 Seattle Opera Association \$ 985,000
 Seattle Repertory Theatre
 (Phase 2) \$ 4,000,000
 Valley Museum of Northwest
 Art \$ 1,100,000
 Village Theatre \$ 6,000,000
 Tacoma Little Theatre \$ 1,250,000
 The Washington Center
 for the Performing Arts \$ 400,000
 Whidbey Island Center
 for the Arts \$ 1,200,000

Total \$ 37,119,814

Phase 3 Estimated Total

Cost

Capital

ACT Theatre \$ 28,100,000
 Corbin Art Theater (Spokane) \$ 69,055
 Cutter Theater \$ 725,511
 Depot Arts Center
 (Anacortes) \$ 68,000
 Little Theater (Walla Walla) \$ 100,000
 Meadow for the Arts
 (Gig Harbor) \$ 2,550,000
 New City Theater \$ 281,000
 Northwest Puppet Theater \$ 413,300
 Paramount Theater \$ 14,705,262
 Rainier Valley Cultural
 Center \$ 600,000
 Seattle Children's Theater \$ 3,200,000
 Steilacoom Cultural Center \$ 65,000
 Meyendenbauer Theater \$ 2,400,000
 Tu-Ha-Buts Cultural Center \$ 777,405
 Vancouver Arts School \$ 8,549,313
 World Kite Museum \$ 900,000
 Clallam County Gallery \$ 174,314
 Columbia Theater \$ 500,000

Total \$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.

(5) The reappropriation and new appropriation in this section are provided to fund the state share for phase 1, 2, and 3 of the building for the arts program. Within this amount the department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The department may require that projects re compete for funding.

(6) No single project shall exceed \$4,500,000 unless there are uncommitted funds from the appropriations in this section after January 1, 1997. Nothing in this subsection (6) prevents the department from submitting a request for an increased state share of any project subject to this limitation in the department's 1997-99 capital budget request.

(7) The department is authorized to allocate the amounts appropriated in this section among the eligible projects in phases 1, 2, 3 and to set matching requirements for individual projects.

(8) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

Reappropriation:

St Bldg Constr Acct--State \$ 8,000,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 9,209,986

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,209,986

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Columbia Gorge Interpretive Center (92-5-101)

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,886

Prior Biennia (Expenditures) \$ 3,999,114

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Tri-Cities Trade Center (93-5-003)

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 2,527,385

Prior Biennia (Expenditures) \$ 272,615

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Martin Luther King Jr. Memorial (93-5-005)

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 95,450

Prior Biennia (Expenditures) \$ 4,550

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 322,908

Prior Biennia (Expenditures) \$ 477,092

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

**NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Emergency Management Building: Preservation (94-1-018)

Reappropriation:

St Bldg Constr Acct--State \$ 71,759

Prior Biennia (Expenditures) \$ 13,325

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 85,084

**NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Public works trust fund loans (94-2-001)

The appropriation in this section is subject to the following conditions and limitations:

Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans under chapter 363, Laws of 1995.

Reappropriation:

Public Works Assistance Acct--State \$ 105,699,689

Appropriation:

Public Works Assistance Acct--State \$ 148,900,000

Prior Biennia (Expenditures) \$ 151,561,725

Future Biennia (Projected Costs) \$ 695,900,000

TOTAL \$ 1,102,061,414

**NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Washington Technology Center: Equipment (94-2-002)

The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

Reappropriation:

St Bldg Constr Acct--State \$ 947,785

Prior Biennia (Expenditures) \$ 32,215

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 980,000

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Bigelow House: For restoration and renovation of this historic home to accommodate public visitors **(94-2-004)**

The reappropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

Reappropriation:

St Bldg Constr Acct--State \$ 298,923

Prior Biennia (Expenditures) \$ 9,077

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Olympic Peninsula Natural History Museum (94-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

Reappropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access (94-2-007)

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 30,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Camp North Bend Environmental Center: For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (94-2-008)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Boren Field repairs: To provide financial assistance to the Seattle school district for repairs to Boren Field (94-2-011)

The reappropriation in this section shall be matched by at least \$50,000 from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 275,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Camelot community flooding assistance: To provide financial assistance to King county to relieve flooding in the Camelot community (94-2-012)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 75,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Daybreak Star Center: Remodel (94-2-100)

Reappropriation:

St Bldg Constr Acct--State \$ 88,484

Prior Biennia (Expenditures) \$ 138,516

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Pacific Science Center (96-1-900)

The appropriation in this section is provided for capital facilities improvements.

Appropriation:

St Bldg Constr Acct--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Timber ports capital asset improvements: To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities **(94-2-102)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port	Amount
Port of Grays Harbor	\$ 564,000
Port of Port Angeles	\$ 1,500,000
Port of Longview	\$ 1,855,000

Reappropriation:

St Bldg Constr Acct--State	\$ 3,281,019
Prior Biennia (Expenditures)	\$ 618,981
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,900,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Action Agencies: For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;

(2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and

(3) The following projects are eligible for funding:

	Estimated Total Capital Cost	State Grant
Benton Franklin Community Action Committee	\$ 1,200,000	\$ 300,000
Central Area Motivation Project	\$ 1,000,000	\$ 250,000
Community Action Center of Whitman County	\$ 390,000	\$ 90,000
Community Action Council of Lewis, Mason, and Thurston Counties	\$ 700,000	\$ 175,000
El Centro de la Raza	\$ 1,250,000	\$ 300,000
Fremont Public Association	\$ 3,000,000	\$ 600,000

Kitsap Community Action Program	\$ 465,000	\$ 110,000	
Kittitas Community Action Council	\$ 600,000	\$ 150,000	
Lower Columbia Community Action Council	\$ 1,331,625	\$ 300,000	
Metropolitan Development Council	\$ 880,000	\$ 220,000	
Multiservice Centers of North and East King County	\$ 1,600,000	\$ 350,000	
Northeast Washington Rural Resources Development Association	\$ 1,200,000	\$ 350,000	
Okanogan County Community Action Council	\$ 350,000	\$ 80,000	
South King County Multiservice Center	\$ 800,000	\$ 200,000	
Spokane Neighborhood Action Programs	\$ 1,500,000	\$ 375,000	
Yakima Valley Farmworker Clinic	\$ 605,000	\$ 150,000	
Total	\$ 16,871,625	\$ 4,000,000	-----

Appropriation:

St Bldg Constr Acct--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Juvenile detention facilities: For financial assistance to local governments to build or expand juvenile detention facilities

Individual counties or consortiums of counties are eligible to make specific requests for loan authorizations under chapter 39.94 RCW for assistance in the construction or expansion of local juvenile detention centers. If such loans are authorized by the legislature, the participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this section.

NEW SECTION. Sec. 139. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Collocated Cascadia Community College and University of Washington Branch Campus (94-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;

(2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;

(3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and

(4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 14,500,000

Appropriation:

St Bldg Constr Acct--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 10,710,000

Future Biennia (Projected Costs) \$ 75,000,000

TOTAL \$ 105,210,000

NEW SECTION. Sec. 140. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Underground storage tank: Pool (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

Reappropriation:

CEP & RI Acct--State \$ 105,000

St Bldg Constr Acct--State \$ 665,000

Subtotal Reappropriation \$ 770,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 4,248,146

Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 15,018,146

NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Asbestos abatement and associated minor demolition: Pool (96-1-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Reappropriation:

St Bldg Constr Acct--State \$ 2,500,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 6,358,088

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 27,858,088

NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Americans with Disabilities Act: Pool (96-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,000

Appropriation:

St Bldg Constr Acct--State \$ 6,000,000

Prior Biennia (Expenditures) \$ 8,360,000

Future Biennia (Projected Costs) \$ 33,000,000

TOTAL \$ 48,360,000

NEW SECTION. Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Seismic retrofit: Pool (96-1-004)

Appropriation:

General Fund--Federal \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Capital budget system improvements (96-1-006)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 300,000
Future Biennia (Projected Costs) \$ 1,200,000
TOTAL \$ 1,900,000

**NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION**

Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-1-015)

Reappropriation:

St Bldg Constr Acct--State \$ 985,000

Prior Biennia (Expenditures) \$ 140,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,125,000

**NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION**

Capitol Campus geotechnical and hydrologic survey (92-2-108)

Reappropriation:

St Bldg Constr Acct--State \$ 75,000

Prior Biennia (Expenditures) \$ 125,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 200,000

**NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION**

CFC/Halon fire control systems (94-1-009)

Reappropriation:

Cap Bldg Constr Acct--State \$ 325,000

Prior Biennia (Expenditures) \$ 139,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 464,000

**NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION**

Capitol Campus preservation (94-1-010)

Reappropriation:

Cap Bldg Constr Acct--State \$ 910,000

Prior Biennia (Expenditures) \$ 2,748,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,658,000

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Lake dredging: To develop a dredging plan and to dredge Capitol Lake (92-1-019)

\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

Reappropriation:

St Bldg Constr Acct--State \$ 1,430,000

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Plaza--Department of Transportation Garage renovation: Design and construction (96-1-002)

Appropriation:

Cap Bldg Constr Acct--State \$ 400,000

St Bldg Constr Acct--State \$ 8,921,200

Subtotal Appropriation \$ 9,321,200

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,158,500

TOTAL \$ 20,479,700

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Building--Preservation: To make critical repairs to the electrical service of the General Administration Building (96-1-003)

Appropriation:

Cap Bldg Constr Acct--State \$ 2,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol campus controls systems phase 4 (96-1-004)

Appropriation:

Cap Bldg Constr Acct--State \$ 868,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 868,000

NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park--Phased development: To provide for a public access trail linking the campus to Capitol lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,035,000

Prior Biennia (Expenditures) \$ 7,030,000
Future Biennia (Projected Costs) \$ 11,492,000
TOTAL \$ 19,557,000

NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Roof repairs and replacement (96-1-010)

Appropriation:

Thurston County Cap Fac Acct--State \$ 775,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,200,000
TOTAL \$ 3,975,000

NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

CFC/Halon fire control systems: Removal and replacement (96-1-011)

Appropriation:

St Bldg Constr Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,000,000
TOTAL \$ 1,500,000

NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,700,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000

NEW SECTION. **Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Thurston County buildings: Preservation (96-1-013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management, including electrical improvements, elevator and escalator preservation, building preservation, infrastructure preservation, and emergency and small repairs.

(2) The department shall develop designs and plans for handrails in the legislative building and shall report its design recommendations and associated costs to the legislature.

(3) \$50,000 of the appropriation in this section is provided solely to improve handicapped accessibility between the legislative building and the John L. O'Brien and John A. Cherberg buildings.

Appropriation:

Thurston County Cap Fac Acct--State \$ 2,021,200

Cap Bldg Constr Acct--State \$ 4,445,000

St Bldg Constr Acct--State \$ 518,800

Subtotal Appropriation \$ 6,985,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,700,000

TOTAL \$ 23,685,000

NEW SECTION. **Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Washington State Training and Conference Center--Preservation (96-1-016)

Appropriation:

St Bldg Constr Acct--State \$ 620,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 620,000

NEW SECTION. **Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Monumental buildings--Preservation: To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,800,000

TOTAL \$ 8,500,000

NEW SECTION. **Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

State Library: Preservation (96-1-018)

Appropriation:

Cap Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration engineering and architectural services: Project management (96-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

Appropriation:

St Bldg Constr Acct--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 8,000,000

Future Biennia (Projected Costs) \$ 30,000,000

TOTAL \$ 45,500,000

NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: To replace the central heating system with individual building heating systems.

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act and shall not be expended until the office of financial management has made a determination that the replacement individual heating systems will have a cost efficiency payback of less than five years.

Appropriation:

St Bldg Constr Acct--State \$ 577,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 577,000

NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Washington State Trading and Conference Center: To construct a mock city, indoor firing range, and running track (96-2-004)

Appropriation:

Public Safety Reimb Bond--State \$ 2,912,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,572,000
TOTAL \$ 4,484,000

NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: For critical life/safety and preservation projects (94-1-014)

Reappropriation:

CEP & RI Acct \$ 625,000

Prior Biennia (Expenditures) \$ 247,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 872,000

NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF INFORMATION SERVICES

Campus transport system phase I: Design and construct (95-2-002)

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

Appropriation:

Data Proc Rev Acct--State \$ 3,450,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,650,000
TOTAL \$ 5,100,000

**NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF INFORMATION SERVICES
Washington Information Network kiosks (95-2-003)**

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

Appropriation:

Data Proc Rev Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,300,000

NEW SECTION. Sec. 167. FOR THE WASHINGTON HORSE RACING COMMISSION

Horse Racing Commission (94-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;

(2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;

(3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Reappropriation:

Thoroughbred Racing

Acct--State \$ 8,200,000

Appropriation:

Thoroughbred Racing

Acct--State \$ 168,065

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,368,065

NEW SECTION. Sec. 168. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Security fence replacement (94-1-003)

Reappropriation:

Liquor Revolving Acct--State \$ 28,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800

NEW SECTION. Sec. 169. FOR THE LIQUOR CONTROL BOARD

Distribution Center: Warehouse reroof and repairs (94-1-005)

Reappropriation:

Liquor Revolving Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 625,000

NEW SECTION. Sec. 170. FOR THE LIQUOR CONTROL BOARD

Distribution Center--Predesign: To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

Appropriation:

Liquor Revolving Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 100,000

NEW SECTION. Sec. 171. FOR THE MILITARY DEPARTMENT

001) Yakima Armory demolition: To reimburse the city of Yakima for demolition costs (94-2-

Appropriation:

General Fund--Federal \$ 155,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 155,000

NEW SECTION. Sec. 172. FOR THE MILITARY DEPARTMENT

State-wide: Preservation (93-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 850,000

Prior Biennia (Expenditures) \$ 2,518,400
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,368,400

NEW SECTION. Sec. 173. FOR THE MILITARY DEPARTMENT

Camp Murray buildings: Preservation (96-1-002)

Appropriation:

General Fund--Federal \$ 1,050,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 658,000
TOTAL \$ 1,708,000

NEW SECTION. Sec. 174. FOR THE MILITARY DEPARTMENT

Everett Armory: Preservation (96-1-003)

Appropriation:

General Fund--Federal \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT

Camp Murray infrastructure: Preservation (96-1-006)

Appropriation:

General Fund--Federal \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 2,000,000
TOTAL \$ 2,500,000

NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT

Minor works: To provide support of federal construction projects (96-1-007)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

General Fund--Federal \$ 3,855,000
St Bldg Constr Acct--State \$ 448,000
Subtotal Appropriation \$ 4,303,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 19,553,700
TOTAL \$ 23,856,700

NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT

Emergency Coordination Center: For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and

(3) If federal match or reimbursement funding is received by the state from the federal emergency management agency for this project, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund.

Appropriation:

General Fund--Federal \$ 9,066,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,066,000

NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT

Buildings and infrastructure savings (96-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4)

steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 179. FOR THE STATE CONVENTION AND TRADE CENTER

Minor works (93-2-001) (89-5-002) (89-5-003)

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

Reappropriation:

St Conv & Trade Ctr Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 333,926

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,926

PART 2
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Sanitary sewer (88-1-400)

Reappropriation:

St Bldg Constr Acct--State \$ 179,908

Prior Biennia (Expenditures) \$ 10,092

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glenn--Perimeter fence (90-5-002)

Reappropriation:

St Bldg Constr Acct--State \$ 48,223

Prior Biennia (Expenditures) \$ 426,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 475,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital--Ward renovation phase 3 (92-1-340)

Reappropriation:

St Bldg Constr Acct--State \$ 818,536

Prior Biennia (Expenditures) \$ 5,429,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,248,322

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane--Level 2 security units (92-2-230)

Reappropriation:

St Bldg Constr Acct--State \$ 11,718

Prior Biennia (Expenditures) \$ 746,781

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 758,499

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study--Education Center 1 (92-2-319)

Reappropriation:

St Bldg Constr Acct--State \$ 896,907

Prior Biennia (Expenditures) \$ 2,928,093

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,825,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Energy conservation management and planning (94-1-006)

Reappropriation:

CEP & RI Acct \$ 127,559

Prior Biennia (Expenditures) \$ 102,917

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,476

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Underground Storage Tanks (94-1-060)

Reappropriation:

St Bldg Constr Acct--State \$ 142,641

Prior Biennia (Expenditures) \$ 81,359

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation Phase 5 (92-1-314)

Reappropriation:

St Bldg Constr Acct--State \$ 2,042,000

Prior Biennia (Expenditures) \$ 10,009,327

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,051,327

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Level 1 Security Units--Maple Lane School (92-2-225)

Reappropriation:

St Bldg Constr Acct--State \$ 3,895,110

Prior Biennia (Expenditures) \$ 3,017,906

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,913,016

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fire safety and sewer improvements--Maple Lane School (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 427,281

Prior Biennia (Expenditures) \$ 42,719

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 470,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Administration Building renovation--Maple Lane School (94-1-127)

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

Reappropriation:

St Bldg Constr Acct--State \$ 3,768,842

Prior Biennia (Expenditures) \$ 154,658

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,923,500

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate apartment--Fircrest School (94-1-142)

Reappropriation:

CEP & RI Acct--State \$ 2,119,168

Prior Biennia (Expenditures) \$ 13,944
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,133,112

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Wastewater Treatment Plant--Maple Lane School (94-1-201)

Reappropriation:

St Bldg Constr Acct--State \$ 764,277

Prior Biennia (Expenditures) \$ 8,223
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 772,500

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Water system improvements--Naselle Youth Camp (94-1-202)

Reappropriation:

St Bldg Constr Acct--State \$ 1,165,694

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,165,694

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Replace Eagle Lodge--Naselle Youth Camp (94-1-204)

Reappropriation:

St Bldg Constr Acct--State \$ 954,831

Prior Biennia (Expenditures) \$ 1,145,169
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,100,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Clinic--Echo Glen Children's Center (94-1-207)

Reappropriation:

St Bldg Constr Acct--State \$ 1,025,262

Prior Biennia (Expenditures) \$ 61,352

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eagle Lodge rehabilitation--Naselle Youth Camp (94-1-210)

Reappropriation:

St Bldg Constr Acct--State \$ 224,455

Prior Biennia (Expenditures) \$ 57,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center--Administration Building renovation (94-1-306)

Reappropriation:

CEP & RI Acct--State \$ 766,205

Prior Biennia (Expenditures) \$ 11,395

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Security improvements (94-1-310)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation phase 6 (94-1-316)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 11,905,826
Appropriation:
St Bldg Constr Acct--State \$ 819,000

Prior Biennia (Expenditures) \$ 245,174
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 12,970,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Frances Haddon Morgan Center--Remodel (94-1-402)

Reappropriation:
St Bldg Constr Acct--State \$ 1,707,781

Prior Biennia (Expenditures) \$ 13,519
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,721,300

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: Repairs (94-1-510)

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

Reappropriation:
St Bldg Constr Acct--State \$ 108,337

Prior Biennia (Expenditures) \$ 131,663
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 240,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the state's investment shall be promptly repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

Reappropriation:
St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,000,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Asbestos abatement (96-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 349,260

Appropriation:

St Bldg Constr Acct--State \$ 755,000

Prior Biennia (Expenditures) \$ 367,764
Future Biennia (Projected Costs) \$ 3,253,650
TOTAL \$ 4,725,674

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor capital renewal (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

CEP & RI Acct--State \$ 1,739,331
St Bldg Constr Acct--State \$ 397,207
Subtotal Reappropriation \$ 2,136,538

Appropriation:

CEP & RI Acct--State \$ 5,400,000
St Bldg Constr Acct--State \$ 9,700,000
Subtotal Appropriation \$ 15,100,000

Prior Biennia (Expenditures) \$ 6,131,034
Future Biennia (Projected Costs) \$ 68,000,000
TOTAL \$ 91,367,572

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Agency capital project management (96-1-005)

Appropriation:

CEP & RI Acct--State \$ 1,237,496

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,800,000
TOTAL \$ 6,037,496

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Resource conservation: Fircrest heating study (96-1-006)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

Appropriation:

CEP & RI Acct--State \$ 132,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,000

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency projects (96-1-007)

Reappropriation:

CEP & RI Acct--State \$ 107,460

Appropriation:

CEP & RI Acct--State \$ 250,000

Prior Biennia (Expenditures) \$ 321,454

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,678,914

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Chlorofluorocarbon abatement (96-1-008)

Reappropriation:

CEP & RI Acct--State \$ 100,000

Appropriation:

CEP & RI Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 150,000

TOTAL \$ 400,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School infrastructure: Predesign (96-1-009)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Reappropriation:

St Bldg Constr Acct--State \$ 192,078

Prior Biennia (Expenditures) \$ 157,923

Future Biennia (Projected Costs) \$ 30,300,000
TOTAL \$ 30,650,001

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile facilities preservation and rehabilitation (96-1-020)

Reappropriation:

St Bldg Constr Acct--State \$ 1,705,275

Prior Biennia (Expenditures) \$ 374,325
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,079,600

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects--Mental health (96-1-030)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1,412,297

Appropriation:

St Bldg Constr Acct--State \$ 1,950,000

Prior Biennia (Expenditures) \$ 433,004
Future Biennia (Projected Costs) \$ 14,000,000
TOTAL \$ 17,795,301

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects--Division of Developmental Disabilities (96-1-040)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

CEP & RI Acct--State \$ 864,813

Appropriation:

St Bldg Constr Acct--State \$ 539,000

Prior Biennia (Expenditures) \$ 1,658,687
Future Biennia (Projected Costs) \$ 6,000,000
TOTAL \$ 9,062,500

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Underground storage tanks removal and replacement (96-1-060)

Reappropriation:

CEP & RI Acct--State \$ 159,286

Appropriation:

CEP & RI Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 832,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,191,286

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maintenance management and planning (96-1-150)

Reappropriation:

CEP & RI Acct--State \$ 140,323

Appropriation:

CEP & RI Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 279,124

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,447

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Medical Lake wastewater treatment facility: Design (96-1-301)

Reappropriation:

St Bldg Constr Acct--State \$ 699,903

Appropriation:

St Bldg Constr Acct--State \$ 1,264,000

Prior Biennia (Expenditures) \$ 2,014,097

Future Biennia (Projected Costs) \$ 750,000

TOTAL \$ 4,728,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation Phase 7 (96-1-316)

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 16,770,018

TOTAL \$ 17,470,018

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital Legal Offenders Unit: Predesign (96-1-318)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000
Future Biennia (Projected Costs) \$ 22,300,000
TOTAL \$ 23,000,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Legal Offenders Unit: Predesign, design and construct (96-1-319)

The design and construction phase of this appropriation shall not be expended until the predesign document developed in accordance with the predesign manual published by the office of financial management has been reviewed and approved. Funds for design and construction shall be released subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 28,624
Future Biennia (Projected Costs) \$ 11,238,276
TOTAL \$ 12,266,900

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Replace Boiler #1 (96-1-322)

Appropriation:

St Bldg Constr Acct--State \$ 1,440,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,440,000

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Rehabilitation Administration new 300-bed institution: Site selection and environmental impact statement (96-2-228)

To conduct a site selection process for the project described in this section.

Appropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 45,000,000
TOTAL \$ 45,200,000

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen new beds and infrastructure (96-2-229)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 6,484,300

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,484,300

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill redevelopment (96-2-230)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement. Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

(3) New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.

Appropriation:

St Bldg Constr Acct--State \$ 34,374,536

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 3,000,000
TOTAL \$ 37,374,536

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School support services renovation and infrastructure improvements (96-2-231)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 5,855,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,855,500

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp sewer and infrastructure improvements (96-2-232)

Appropriation:

St Bldg Constr Acct--State \$ 2,125,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,125,500

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mission Creek preservation projects (96-2-233)

Appropriation:

St Bldg Constr Acct--State \$ 414,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 414,800

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Crisis Residential Centers (96-1-900)

The appropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Indian Ridge utility upgrade projects (96-2-234)

Appropriation:

St Bldg Constr Acct--State \$ 1,521,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,521,500

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$5,000 from this appropriation may be used to acquire the surplus military base at Camp Bonneville for the purpose of developing a juvenile rehabilitation facility.

Appropriation:

St Bldg Constr Acct--State \$ 344,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 344,400

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Buildings and infrastructure savings (96-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child care facilities for state employees, including higher education employees (92-4-050)

Reappropriation:

St Bldg Constr Acct--State \$ 1,490,000

Prior Biennia (Expenditures) \$ 2,010,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH

Referendum 38--Water bonds (86-2-099)

Reappropriation:

LIRA, Water Sup Fac--State \$ 1,900,000

Prior Biennia (Expenditures) \$ 7,208,954

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954

NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH

Health Laboratory: Repairs and improvements (96-1-001)

Reappropriation:

CEP & RI Acct--State \$ 450,000

St Bldg Constr Acct--State \$ 350,000

Subtotal Reappropriation \$ 800,000

Appropriation:

St Bldg Constr Acct--State \$ 863,992

Prior Biennia (Expenditures) \$ 118,204

Future Biennia (Projected Costs) \$ 2,478,536

TOTAL \$ 4,260,870

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF HEALTH

Emergency power system (96-1-009)

Appropriation:

CEP & RI Acct--State \$ 596,790

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 596,790

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Underground storage tank: Replacement (94-1-019)

Reappropriation:

CEP & RI Acct--State \$ 52,000

Prior Biennia (Expenditures) \$ 103,902

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 155,902

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Main kitchen upgrade, Washington Soldiers' Home (95-1-001)

Appropriation:

CEP & RI Acct--State \$ 1,096,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,096,000

NEW SECTION. **Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Roof repair and replacement, Washington Veterans' Home (95-1-002)

Reappropriation:

CEP & RI Acct--State \$ 50,000

Appropriation:

CEP & RI Acct--State \$ 402,000

Prior Biennia (Expenditures) \$ 327,895

Future Biennia (Projected Costs) \$ 775,000

TOTAL \$ 1,554,895

NEW SECTION. **Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 600,000

Appropriation:

CEP & RI Acct--State \$ 360,000

Prior Biennia (Expenditures) \$ 1,346,611

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 3,906,611

NEW SECTION. **Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Building connection and automatic doors, Washington Soldiers' Home (95-1-005)

Appropriation:

CEP & RI Acct--State \$ 511,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 511,000

NEW SECTION. **Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)

Reappropriation:

St Bldg Constr Acct--State \$ 250,000

Appropriation:

CEP & RI Acct--State \$ 235,000

Prior Biennia (Expenditures) \$ 587,057

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,672,057

NEW SECTION. **Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Replace failing sewer line, Washington Soldiers' Home (95-1-011)

Appropriation:

CEP & RI Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 275,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 375,595

NEW SECTION. **Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Roof maintenance and demolition, Washington Soldiers' Home (95-1-012)

Reappropriation:

CEP & RI Acct--State \$ 30,000

Appropriation:

CEP & RI Acct--State \$ 120,000

Prior Biennia (Expenditures) \$ 511,570

Future Biennia (Projected Costs) \$ 525,000

TOTAL \$ 1,186,570

NEW SECTION. **Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Emergency projects (95-1-013)

Appropriation:

CEP & RI Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 1,900,000

NEW SECTION. **Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Occupational Therapy and Physical Therapy Room addition in Building 10, Washington Veterans' Home (95-2-009)

Appropriation:

CEP & RI Acct--State \$ 110,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000

NEW SECTION. **Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island master plan development (94-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,519,000

Prior Biennia (Expenditures) \$ 11,359,689
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 12,878,689

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)

Reappropriation:

St Bldg Constr Acct--State \$ 4,355,000

Prior Biennia (Expenditures) \$ 12,248,062
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 16,603,062

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS

State-wide preservation projects (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management; and

(2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995.

(3) Up to \$350,000 from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm.

Reappropriation:

St Bldg Constr Acct--State \$ 17,000,000

Appropriation:

St Bldg Constr Acct--State \$ 14,879,313

Prior Biennia (Expenditures) \$ 54,525,756
Future Biennia (Projected Costs) \$ 94,000,000
TOTAL \$ 180,405,069

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS

Underground storage tank and above-ground storage tank program (96-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 794,729

Prior Biennia (Expenditures) \$ 940,348
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,735,077

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS

Emergency projects (96-1-015)

Reappropriation:

CEP & RI Acct--State \$ 106,000

Appropriation:

CEP & RI Acct--State \$ 1,602,750

St Bldg Constr Acct--State \$ 200,000

Subtotal Appropriation \$ 1,802,750

Prior Biennia (Expenditures) \$ 2,376,811

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 10,285,561

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary steam system replacement (96-1-016)

Appropriation:

St Bldg Constr Acct--State \$ 4,411,252

Prior Biennia (Expenditures) \$ 2,482,811

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,894,063

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,611,187

Appropriation:

St Bldg Constr Acct--State \$ 8,317,839

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,929,026

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

400-bed minimum facility for Washington State Reformatory (96-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 18,733,120

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,783,120

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Correctional Center 512-bed expansion (96-2-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,055,776

Appropriation:

St Bldg Constr Acct--State \$ 17,155,382

Prior Biennia (Expenditures) \$ 4,439,774

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 23,650,932

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS

1936-bed multicustody facility design, land acquisition, utilities, and site work (96-2-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) In order to coordinate the initial development of the new prison funded in this section with the privatization evaluation in Engrossed Substitute House Bill No. 1410 (omnibus operating budget), moneys in this appropriation may be spent solely for land acquisition, utility development, site work, design and engineering activities related to utilities and site work, schematic design of buildings to determine placement on the building site, and related activities. Moneys in this appropriation may also be spent for detailed design and engineering of buildings with the approval of the office of financial management and concurrence of the chairs of the house of representatives capital budget committee and senate ways and means committee.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 19,263,733

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 166,190,016

TOTAL \$ 186,453,749

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS

Yakima Prerelease: Design and construction (96-2-008)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 7,527,900

Prior Biennia (Expenditures) \$ 240,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,767,900

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS

Larch and Cedar Creek expansion to 400-bed camps (96-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

(4) The department shall construct secure perimeter fencing as part of the expansion of the Larch corrections center.

(5) The department shall not house alien offenders at the Larch corrections center on or after January 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 22,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 22,000,000

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS

Special Offenders Unit: Predesign (96-2-011)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. The predesign will be coordinated with the department of social and health services and will address civil commitment needs as well as the department of corrections need for expanded mental health services. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 427,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 15,985,140
TOTAL \$ 16,412,540

NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS

State-wide program projects (96-2-012)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 7,428,000

Appropriation:

St Bldg Constr Acct--State \$ 8,074,963

Prior Biennia (Expenditures) \$ 45,659,492
Future Biennia (Projected Costs) \$ 70,000,000
TOTAL \$ 131,162,455

PART 3
NATURAL RESOURCES

NEW SECTION. **Sec. 301. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 26 waste disposal facilities (74-2-004)

Reappropriation:

LIRA--State \$ 6,216,000

Prior Biennia (Expenditures) \$ 2,711,028
Future Biennia (Projected Costs) \$ 863,680
TOTAL \$ 9,790,708

NEW SECTION. **Sec. 302. FOR THE DEPARTMENT OF ECOLOGY**

Referendum 38 water supply facilities (74-2-006)

\$2,500,000 of the state and local improvements revolving account reappropriation is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir.

It is the intent of the legislature that \$17,500,000 of the state and local improvements revolving account bond authorization will be earmarked for use in funding the state's cost share to match future federal and local contributions to implement provisions of United States Public Law 103-434, Title XII affecting water resources enhancement in the Yakima River Basin.

Reappropriation:

LIRA, Water Sup Fac--State \$ 9,374,371

Appropriation:

LIRA, Water Sup Fac--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 5,738,929
Future Biennia (Projected Costs) \$ 20,712,800
TOTAL \$ 36,826,100

NEW SECTION. **Sec. 303. FOR THE DEPARTMENT OF ECOLOGY**

State emergency water projects revolving account (76-2-003)

Reappropriation:

St Emerg Water Proj Rev--State \$ 7,749,052

Prior Biennia (Expenditures) \$ 1,187,225
Future Biennia (Projected Costs) \$ 236,956
TOTAL \$ 9,173,233

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39 waste disposal facilities (82-2-005)

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

- (1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;
- (2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and
- (3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Fac 1980--State \$ 18,423,360

Appropriation:

LIRA, Waste Fac 1980--State \$ 638,273

Prior Biennia (Expenditures) \$ 32,125,342

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 51,186,975

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

Centennial clean water fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$25,000,000 of the appropriation is provided solely for the extended grant payment to Metro/King county.
- (2) \$10,000,000 of the appropriation is provided solely for an extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- (3) \$14,986,000 of the appropriation shall be allocated by the department for point source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.
- (4) \$7,492,000 of the appropriation shall be allocated by the department for nonpoint source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.

Reappropriation:

Water Quality Acct--State \$ 72,995,194

Appropriation:

Water Quality Acct--State \$ 57,478,000

Prior Biennia (Expenditures) \$ 156,707,408

Future Biennia (Projected Costs) \$ 300,000,000

TOTAL \$ 587,180,602

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

Local toxics control account (88-2-008)

Reappropriation:

**Local Toxics Control Acct--
State \$ 29,538,197**

Appropriation:

**Local Toxics Control Acct--
State \$ 42,467,860**

Prior Biennia (Expenditures) \$ 81,326,814
Future Biennia (Projected Costs) \$ 201,245,135
TOTAL \$ 354,578,006

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY

Water pollution control revolving account (90-2-002)

Reappropriation:

**Water Pollution Cont Rev
Fund--State \$ 12,000,000**
**Water Pollution Cont Rev
Fund--Federal \$ 77,857,990**
Subtotal Reappropriation \$ 89,857,990

Appropriation:

**Water Pollution Cont Rev Fund--
State \$ 13,000,000**
**Water Pollution Cont Rev Fund--
Federal \$ 62,000,000**
**Water Pollution Cont Rev Fund--
Private/Local \$ 4,265,272**
Subtotal Appropriation \$ 79,265,272

Prior Biennia (Expenditures) \$ 111,343,108
Future Biennia (Projected Costs) \$ 175,000,000
TOTAL \$ 455,466,370

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY

Methow Basin water conservation (92-2-009)

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Reappropriation:

St Bldg Constr Acct--State \$ 171,000

Prior Biennia (Expenditures) \$ 229,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 400,000

NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION
COMMISSION

Spokane Centennial Trail (89-5-112)

Reappropriation:

General Fund--Federal \$ 432,618

Prior Biennia (Expenditures) \$ 7,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,432,618

NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION
COMMISSION

Doug's Beach development (90-1-171)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 12,206

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 62,206

NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION
COMMISSION

Deception Pass State Park: Sewer development (91-2-006)

Reappropriation:

St Bldg Constr Acct--State \$ 925,000

Appropriation:

LIRA, Waste Fac 1980--State \$ 2,229,000

Prior Biennia (Expenditures) \$ 37,433

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,191,433

NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION
COMMISSION

Triton Cove State Park: Phase 1 (91-2-008)

Reappropriation:

ORA--State \$ 400,000

Prior Biennia (Expenditures) \$ 228,140

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 628,140

NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION
COMMISSION

Omnibus boating facilities (91-2-009)

Reappropriation:
ORA--State \$ 200,000

Prior Biennia (Expenditures) \$ 54,780
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 254,780

NEW SECTION. **Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION**

St. Edwards State Park--Gym renovation and parking expansion (92-2-501)

Reappropriation:
St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 152,137
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 552,137

NEW SECTION. **Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION**

Sewer facility improvements (93-2-001)

Reappropriation:
LIRA, Waste Fac 1980--State \$ 650,000

Prior Biennia (Expenditures) \$ 935,820
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,585,820

NEW SECTION. **Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION**

Boating facility preservation (94-1-057)

Reappropriation:
ORA--State \$ 2,400,000
General Fund--Federal \$ 150,000
Subtotal Reappropriation \$ 2,550,000

Appropriation:
General Fund--Federal \$ 700,000

Prior Biennia (Expenditures) \$ 570,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,820,000

NEW SECTION. **Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION**

Asbestos abatement projects: State-wide (95-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 650,000

Prior Biennia (Expenditures) \$ 350,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION

Iron Horse Trail State Park: Acquisition (95-2-000)

Reappropriation:

St Bldg Constr Acct--State \$ 70,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000

NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION

Emergency projects (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 850,000

Future Biennia (Projected Costs) \$ 2,450,000

TOTAL \$ 3,800,000

NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION

Underground storage tanks: Phase 3 (96-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 2,600,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,300,000

NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: General (96-1-003)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 932,200

Appropriation:

St Bldg Constr Acct--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 291,300

Future Biennia (Projected Costs) \$ 21,000,000

TOTAL \$ 23,723,500

NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: Buildings (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,801,500

Appropriation:

St Bldg Constr Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 598,500

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 16,900,000

NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: Utilities (96-1-005)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,995,000

Appropriation:

St Bldg Constr Acct--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 1,505,000

Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 19,500,000

NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION

State park program projects (96-2-007)

Appropriation:

St Bldg Constr Acct--State \$ 1,880,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 10,000,000
TOTAL \$ 11,880,400

NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating facilities (I-215) (96-2-001)

Reappropriation:

ORA--State \$ 7,398,959

Appropriation:

Recreation Resources Acct--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 5,108,690
Future Biennia (Projected Costs) \$ 35,584,384
TOTAL \$ 55,592,033

NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)

Reappropriation:

ORA--State \$ 7,651,387

Appropriation:

NOVA--State \$ 5,120,000

Prior Biennia (Expenditures) \$ 6,346,803
Future Biennia (Projected Costs) \$ 20,912,228
TOTAL \$ 40,030,418

NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington wildlife and recreation program (96-2-003)

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

(1) The new appropriations in this section are provided solely for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. 4 as developed on May 24, 1995, at 3:00 p.m.

(2) All land acquired by a state agency with moneys from these appropriations shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) No moneys from the appropriations in this section shall be spent for the Lewis and Clark equestrian area project (project number 92-502A).

(4) The entire appropriation from the wildlife account is provided solely for the critical habitat project category.

(5) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.

Reappropriation:

ORA--State \$ 13,943,479
Habitat Conservation Acct--State \$ 9,134,101
Aquatic Lands Acct--State \$ 33,335
St Bldg Constr Acct--State \$ 48,691,974
Subtotal Reappropriation \$ 71,802,889

Appropriation:

Wildlife Acct--State \$ 1,400,000
Habitat Conservation Acct--State \$ 21,100,000
ORA--State \$ 22,500,000
Subtotal Appropriation \$ 45,000,000

Prior Biennia (Expenditures) \$ 118,234,493
Future Biennia (Projected Costs) \$ 200,000,000
TOTAL \$ 435,037,382

NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms range program (96-2-004)

Reappropriation:

Firearms Range Acct--State \$ 487,382

Appropriations:

Firearms Range Acct--State \$ 900,000

Prior Biennia (Expenditures) \$ 554,621
Future Biennia (Projected Costs) \$ 2,249,798
TOTAL \$ 4,191,801

NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and water conservation fund (96-2-005)

Reappropriation:

ORA--Federal \$ 2,180,812

Appropriation:

Recreation Resources Acct--Federal \$ 1,050,000

Prior Biennia (Expenditures) \$ 1,341,684
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 8,572,496

NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Act (96-2-006)

Reappropriation:

ORA--Federal \$ 125,000

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 250,000

NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Recreational facility acquisition and development projects (96-2-007)

Reappropriation:

St Bldg Constr Acct--State \$ 195,090

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 195,090

NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION

Water quality account projects (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

(2) The new appropriation provided in this section shall be allocated by the commission for nonpoint source pollution prevention facilities and activities.

Reappropriation:

Water Quality Acct--State \$ 3,360,475

Appropriation:

Water Quality Acct--State \$ 5,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 10,000,000
TOTAL \$ 18,860,475

NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Devils creek acclimation pond (87-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 370,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 370,000

NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Luhrs Landing Access Interpretive Building (92-5-017)

Reappropriation:

St Bldg Constr Acct--State \$ 345,000

Prior Biennia (Expenditures) \$ 105,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000

NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Grandy Creek Hatchery (92-5-024)

Reappropriation:

St Bldg Constr Acct--State \$ 4,006,000

Prior Biennia (Expenditures) \$ 494,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000

NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Towhead Island public access renovation (86-3-028)

If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

Reappropriation:

ORA--State \$ 190,000

Prior Biennia (Expenditures) \$ 21,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 211,000

NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Warm water fish facility: To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-025)

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department has made a determination that:

- (1) The water rights to the property being transferred to the department, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

Reappropriation:

St Bldg Constr Acct--State \$ 1,134,622

Prior Biennia (Expenditures) \$ 127,378

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,262,000

NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tideland acquisitions (94-2-003)

Reappropriation:

General Fund--Federal \$ 1,664,600

Prior Biennia (Expenditures) \$ 3,335,400

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Sprague Lake Access Area development (94-2-008)

Reappropriation:

Wildlife Acct--Federal \$ 48,000
ORA--State \$ 101,000
Subtotal Reappropriation \$ 149,000

Prior Biennia (Expenditures) \$ 24,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 173,000

NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor works: Preservation (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 624,000

Appropriation:

General Fund--Federal \$ 2,000,000

Prior Biennia (Expenditures) \$ 4,934,887
Future Biennia (Projected Costs) \$ 7,000,000
TOTAL \$ 14,558,887

NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Underground storage tank (UST) removal and replacement (96-1-002)

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 1,299,000
Future Biennia (Projected Costs) \$ 200,000
TOTAL \$ 1,799,000

NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Emergency repair (96-1-003)

Appropriation:

St Bldg Constr Acct--State \$ 650,000

Prior Biennia (Expenditures) \$ 1,200,000

Future Biennia (Projected Costs) \$ 2,750,000

TOTAL \$ 4,600,000

NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facilities renovation (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) No funds will be provided to increase residential capacity at any state hatchery facility.

(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 130,000

Appropriation:

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 3,056,300

Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 8,886,300

NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery renovation (96-1-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) No funds will be provided to increase residential capacity at any state hatchery facility.

(2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,880,000

Wildlife Acct--Federal \$ 120,000

Subtotal Reappropriation \$ 3,000,000

Appropriation:

St Bldg Constr Acct--State \$ 3,200,000

Prior Biennia (Expenditures) \$ 4,626,155

Future Biennia (Projected Costs) \$ 15,000,000

TOTAL \$ 25,826,155

NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Recreational access redevelopment (96-1-007)

Reappropriation:

Wildlife Acct--Federal \$ 75,000

ORA--State \$ 172,903

Subtotal Reappropriation \$ 247,903

Appropriation:

General Fund--Federal \$ 500,000
St Bldg Constr Acct--State \$ 250,000
Subtotal Appropriation \$ 750,000

Prior Biennia (Expenditures) \$ 2,741,629
Future Biennia (Projected Costs) \$ 3,250,000
TOTAL \$ 6,989,532

NEW SECTION. **Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Shellfish laboratory and hatchery upgrades (96-1-009)

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 300,000

NEW SECTION. **Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Wildlife area renovation (96-1-010)

Reappropriation:

St Bldg Constr Acct--State \$ 275,000

Appropriation:

General Fund--Federal \$ 50,000
Wildlife Acct--State \$ 625,000
Subtotal Appropriation \$ 675,000

Prior Biennia (Expenditures) \$ 764,000
Future Biennia (Projected Costs) \$ 2,950,000
TOTAL \$ 4,664,000

NEW SECTION. **Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Issaquah Hatchery Utilization Study and Improvements: To prepare a facilities master plan for the hatchery and for improvements to the hatchery, its water supply, and in-stream fish passage facilities **(96-1-011)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000.00 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan's primary consideration is to identify, prioritize, and design improvements which will aid in the continued production of salmon at this facility. The master plan shall also focus on improvements which will enable this facility with the merger of the departments to aid in wild stock restoration for migratory fish species previously under management of the department of wildlife. It shall also consider the educational, cultural, watershed management, research, tourism, tribal interests, and community development aspects of the hatchery. This master plan shall incorporate participation and recommendations from the Issaquah fishery management task force. A report is due to the legislature by January 1996.

(2) State dollars for construction and improvements shall be matched by at least \$1.00 from nonstate sources for each dollar provided by the state. Up to \$150,000.00 of the construction and improvement appropriation shall be immediately released and combined with matching funds to

expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Facilitate better fish passage for utilization of up-stream habitat; (b) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species and game fish; (c) minimally impact future operating expenses while reaching these objectives; and (d) provide for raising of the pumps at the lower intake and make other improvements which protect in-stream structures from seasonal high water.

(3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 650,000
General Fund--Private Local \$ 500,000
Subtotal Appropriation \$ 1,150,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,150,000

NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)

Reappropriation:

St Bldg Constr Acct--State \$ 1,100,000

Appropriation:

General Fund--Federal \$ 800,000
St Bldg Constr Acct--State \$ 3,645,000
General Fund--Private/Local \$ 800,000
Subtotal Appropriation \$ 5,245,000

Prior Biennia (Expenditures) \$ 6,770,000
Future Biennia (Projected Costs) \$ 15,500,000
TOTAL \$ 28,615,000

NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Appropriation:

General Fund--Federal \$ 700,000
St Bldg Constr Acct--State \$ 800,000
Subtotal Appropriation \$ 1,500,000

Prior Biennia (Expenditures) \$ 3,280,000
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 9,180,000

NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish protection facilities (96-2-014)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000
Appropriation:
General Fund--Federal \$ 2,075,000
General Fund--Private/Local \$ 200,000
Subtotal Appropriation \$ 2,275,000

Prior Biennia (Expenditures) \$ 2,656,000
Future Biennia (Projected Costs) \$ 10,830,000
TOTAL \$ 15,811,000

NEW SECTION. **Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Game farm renovation (96-2-015)

Appropriation:
Wildlife Acct--State \$ 700,000

Prior Biennia (Expenditures) \$ 1,125,000
Future Biennia (Projected Costs) \$ 600,000
TOTAL \$ 2,425,000

NEW SECTION. **Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Nemah Hatchery Building and incubation system replacement (96-1-006)

Appropriation:
General Fund--Federal \$ 1,700,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,700,000

NEW SECTION. **Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Minter Creek Hatchery phase 2 (96-2-019)

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

Reappropriation:
St Bldg Constr Acct--State \$ 10,000

Appropriation:
St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 4,329,000
Future Biennia (Projected Costs) \$ 200,000
TOTAL \$ 5,339,000

NEW SECTION. **Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

State-wide fencing renovation and construction (96-2-020)

Reappropriation:
St Bldg Constr Acct--State \$ 175,000

Appropriation:

St Bldg Constr Acct--State \$ 575,000

Prior Biennia (Expenditures) \$ 1,875,000

Future Biennia (Projected Costs) \$ 2,650,000

TOTAL \$ 5,275,000

NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Clam and oyster beach enhancement (96-2-021)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Appropriation:

Aquatic Lands Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 2,716,201

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 5,616,201

NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory waterfowl habitat and acquisition and development (96-2-024)

Appropriation:

Wildlife Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 1,299,335

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 3,799,335

NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation projects (96-2-025)

Reappropriation:

Special Wildlife Acct--Private/Local \$ 871,000

Appropriation:

Special Wildlife Acct--State \$ 50,000

General Fund--Federal \$ 6,000,000

General Fund--Private/Local \$ 5,000,000

Subtotal Appropriation \$ 11,050,000

Prior Biennia (Expenditures) \$ 54,000

Future Biennia (Projected Costs) \$ 64,250,000

TOTAL \$ 76,225,000

NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Water access and development (96-2-027)

Reappropriation:

ORA--State \$ 1,170,000

Prior Biennia (Expenditures) \$ 694,600
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,864,600

NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Recreational fish enhancement (96-2-028)

Reappropriation:

Rec Fisheries Enh Acct--State \$ 150,000

Appropriation:

Rec Fisheries Enh Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 150,000
Future Biennia (Projected Costs) \$ 8,000,000
TOTAL \$ 9,300,000

NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF NATURAL RESOURCES

Emergency repairs--Recreation sites (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 120,000

Prior Biennia (Expenditures) \$ 100,000
Future Biennia (Projected Costs) \$ 480,000
TOTAL \$ 700,000

NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation health and safety improvements (96-1-003)

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 300,000
Future Biennia (Projected Costs) \$ 1,200,000
TOTAL \$ 1,800,000

NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural area preserve and natural resource conservation area Management (96-1-004)

Appropriation:

St Bldg Constr Acct--State \$ 350,000

Prior Biennia (Expenditures) \$ 350,000
Future Biennia (Projected Costs) \$ 1,400,000
TOTAL \$ 2,100,000

NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES

Emergency repairs (96-1-006)

Appropriation:

For Dev Acct--State \$ 53,000
Res Mgmt Cost Acct--State \$ 195,100
St Bldg Constr Acct--State \$ 30,000
Subtotal Appropriation \$ 278,100

Prior Biennia (Expenditures) \$ 147,700
Future Biennia (Projected Costs) \$ 1,112,400

TOTAL \$ 1,538,200

NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works: Preservation (96-1-112)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

For Dev Acct--State \$ 165,200
Res Mgmt Cost Acct--State \$ 611,100
St Bldg Constr Acct--State \$ 250,000
Subtotal Appropriation \$ 1,026,300

Prior Biennia (Expenditures) \$ 494,800
Future Biennia (Projected Costs) \$ 4,105,200
TOTAL \$ 5,626,300

NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES

Small repairs and improvement (96-1-113)

Appropriation:

For Dev Acct--State \$ 14,500
Res Mgmt Cost Acct--State \$ 54,500
Subtotal Appropriation \$ 69,000

Prior Biennia (Expenditures) \$ 69,000
Future Biennia (Projected Costs) \$ 276,000
TOTAL \$ 414,000

NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES

Hazardous waste cleanup (96-1-114)

Appropriation:

For Dev Acct--State \$ 100,000
Res Mgmt Cost Acct--State \$ 200,000
Subtotal Appropriation \$ 300,000

Prior Biennia (Expenditures) \$ 450,000
Future Biennia (Projected Costs) \$ 1,200,000
TOTAL \$ 1,950,000

NEW SECTION. **Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Irrigation repairs and replacements (96-1-115)

Appropriation:

Res Mgmt Cost Acct--State \$ 235,000

Prior Biennia (Expenditures) \$ 730,000

Future Biennia (Projected Costs) \$ 2,375,000

TOTAL \$ 3,340,000

NEW SECTION. **Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)

Appropriation:

Res Mgmt Cost Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 862,000

Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 4,162,000

NEW SECTION. **Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Communication site repair (96-1-119)

Appropriation:

For Dev Acct--State \$ 25,000

Res Mgmt Cost Acct--State \$ 25,000

Subtotal Appropriation \$ 50,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 1,050,000

NEW SECTION. **Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Road and bridge construction (96-2-001)

Appropriation:

For Dev Acct--State \$ 241,750

Res Mgmt Cost Acct--State \$ 678,450

Subtotal Appropriation \$ 920,200

Prior Biennia (Expenditures) \$ 1,655,500

Future Biennia (Projected Costs) \$ 3,835,000

TOTAL \$ 6,410,700

NEW SECTION. **Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Region administrative facilities expansion (96-2-002)

Appropriation:

For Dev Acct--State \$ 294,488

Res Mgmt Cost Acct--State \$ 390,584
General Fund--Federal \$ 400,000
Subtotal Appropriation \$ 1,085,072

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,890,400
TOTAL \$ 6,975,472

NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works: Program (96-2-004)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

For Dev Acct--State \$ 152,900
Res Mgmt Cost Acct--State \$ 574,800
St Bldg Constr Acct--State \$ 100,000
Subtotal Appropriation \$ 827,700

Prior Biennia (Expenditures) \$ 99,500
Future Biennia (Projected Costs) \$ 4,110,800
TOTAL \$ 5,038,000

NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land bank program to enhance trust land holdings (96-2-005)

Appropriation:

Res Mgmt Cost Acct--State \$ 15,000,000

Prior Biennia (Expenditures) \$ 19,698,000
Future Biennia (Projected Costs) \$ 60,000,000
TOTAL \$ 94,698,000

NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right of way acquisition (96-2-006)

Appropriation:

For Dev Acct--State \$ 500,000
Res Mgmt Cost Acct--State \$ 500,000
Subtotal Appropriation \$ 1,000,000

Prior Biennia (Expenditures) \$ 1,498,000
Future Biennia (Projected Costs) \$ 4,400,000
TOTAL \$ 6,898,000

NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation development (96-2-007)

Appropriation:

Res Mgmt Cost Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 336,000
Future Biennia (Projected Costs) \$ 4,000,000
TOTAL \$ 4,736,000

NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES

Communication site construction--Various (96-2-008)

Appropriation:

For Dev Acct--State \$ 460,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,310,000
TOTAL \$ 1,770,000

NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mineral resource testing (96-2-009)

Reappropriation:

For Dev Acct--State \$ 10,000
Res Mgmt Cost Acct--State \$ 10,000
Subtotal Reappropriation \$ 20,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 80,000
TOTAL \$ 100,000

NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial development: Local improvement districts (96-2-010)

Appropriation:

Res Mgmt Cost Acct--State \$ 470,000

Prior Biennia (Expenditures) \$ 860,000
Future Biennia (Projected Costs) \$ 2,420,000
TOTAL \$ 3,750,000

NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic lands enhancement grants (96-2-012)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for grant funding from the new appropriation in this section in the amounts indicated:

mount

Alki/Harbor/Duwamish Corridor, City of Seattle \$ 200,000

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ASARCO, Town of Ruston	\$ 100,000
Cape Flattery, Makah Tribe	\$ 200,000
Columbia River Renaissance, City of Vancouver	\$ 2,800,000
Columbia River Trail, East Wenatchee	\$ 100,000
Columbia River Trail Phase 2, LOOP Coalition	\$ 400,000
Cooperative Environmental Education, North Mason School District	\$ 300,000
Duckabush River, Jefferson County	\$ 350,000
Latah Creek, City of Spokane	\$ 300,000
Little Spokane River, Spokane County	\$ 300,000
Odyssey Maritime Museum, Port of Seattle	\$ 1,000,000
Raymond Waterfront Park, City of Raymond	\$ 200,000
Seattle Aquarium, City of Seattle	\$ 300,000
South Lake Union, City of Seattle	\$ 200,000
Statewide Competitive Small Grant Program	\$ 500,000
Stevenson Waterfront Park, Port of Skamania	\$ 75,000
Total	\$ 7,300,000

(2) Grant funding shall be distributed based on the order in which projects are ready to proceed, as determined by the department, and the availability of funds.

(3) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects.

Reappropriation:

Aquatic Lands Acct--State \$ 2,500,000

Appropriation:

Aquatic Lands Acct--State \$ 4,500,000

Prior Biennia (Expenditures) \$ 276,000
Future Biennia (Projected Costs) \$ 12,000,000
TOTAL \$ 19,276,000

NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural resources real property replacement account (96-2-013)

Appropriation:

Nat Res Prop Repl Acct--State \$ 25,000,000

Prior Biennia (Expenditures) \$ 30,826,750
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 55,826,750

**NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES
Seattle waterfront phase 2 development (96-2-014)**

Reappropriation:

ORA--State \$ 1,562,835

Prior Biennia (Expenditures) \$ 84,765
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,647,600

PART 4
TRANSPORTATION

NEW SECTION. **Sec. 401. FOR THE WASHINGTON STATE PATROL**

To construct a new crime laboratory in Tacoma (92-2-003)

Reappropriation:

St Bldg Constr Acct--State \$ 172,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 172,000

NEW SECTION. **Sec. 402. FOR THE WASHINGTON STATE PATROL**

Spokane Crime Laboratory: Predesign (96-2-009)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 80,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,500,000

TOTAL \$ 5,580,000

NEW SECTION. **Sec. 403. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy: Preservation (94-1-016)

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,221,018

Appropriation:

St Bldg Constr Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 128,982

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 4,050,000

NEW SECTION. **Sec. 404. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Portable Building Improvements (96-2-999)

Appropriation:

St Bldg Constr Acct--State \$ 99,410

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 99,410

PART 5
EDUCATION

NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION

Public school building construction (85-2-001)

Reappropriation:

Common School Constr Fund--State \$ 335,780

Prior Biennia (Expenditures) \$ 656,119
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 991,899

NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION

Public school building construction (87-2-001)

Reappropriation:

Common School Constr Fund--State \$ 1,473,203

Prior Biennia (Expenditures) \$ 2,193,257
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,666,460

NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-001)

Reappropriation:

Common School Constr Fund--State \$ 1,573,705

Prior Biennia (Expenditures) \$ 24,362,530
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 25,936,235

NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-002)

Reappropriation:

Common School Constr Fund--State \$ 1,730,000

Prior Biennia (Expenditures) \$ 17,521,803
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 19,251,803

NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-003)

Reappropriation:

Common School Constr Fund--State \$ 4,211,005

Prior Biennia (Expenditures) \$ 41,637,585
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 45,848,590

NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION

Public school building construction (91-2-001)

Reappropriation:

**Common School Reimb Constr Acct--
State \$ 5,443,735**

Common School Constr Fund--State \$ 6,115,606

Subtotal Reappropriation \$ 11,559,341

Prior Biennia (Expenditures) \$ 78,816,301
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 90,375,642

NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION

Public school building construction (94-2-001)

Reappropriation:

Common School Constr Fund--State \$ 59,729,325

St Bldg Constr Acct--State \$ 27,004,958

Subtotal Reappropriation \$ 86,734,283

Prior Biennia (Expenditures) \$ 60,102,660
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 146,836,943

NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION

Public school building construction (96-2-001)

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$210,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.

(2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(3) From the appropriation in this section the state board shall maintain a reserve contingency fund for emergency repair projects for school buildings which present imminent health and safety hazards to building occupants. Expenditures shall not exceed \$5,000,000 per fiscal year. The board shall establish policies for recovery of expenditures from subsequent releases of funds approved by the school board to any school district receiving funds under this subsection (3), from any insurance payments for the same repair projects for which a school district has received funds under this subsection (3), and from local funding sources.

(4) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with qualified specially trained teams to conduct a value engineering and a constructability review on at least

five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.

(5) The state board shall conduct a study of school districts with less than twenty-five percent taxable property in the district. The study shall identify the school districts with less than twenty-five percent taxable property and for the identified districts calculate the percentage of state match for financial assistance for school facilities, compare the school levy rate per one thousand dollars of taxable property to the state average, verify the number of unhoused students, and make an assessment of the condition of existing school buildings in the district. The state board shall make recommendations to the 1996 legislature on potential state policy changes.

Appropriation:

Common School Constr Fund--State \$ 265,600,000

St Bldg Constr Acct--State \$ 100,000,000

Subtotal Appropriation \$ 365,600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 365,600,000

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School facilities staff: To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(1) Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

(2) \$1,639,000 is provided solely for in-house or contracted technical assistance to school districts for evaluation, response and prevention of situations which present life or safety threats, fire hazard, or deficiencies relating to utility and electrical standards.

Appropriation:

Common School Constr Fund--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,444,000

TOTAL \$ 8,444,000

NEW SECTION. Sec. 510. FOR THE STATE BOARD OF EDUCATION

Clover Park School District transportation facilities (96-1-101)

The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,200,000

TOTAL \$ 7,500,000

NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND

Old Main: Seismic stabilization (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 850,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND

Minor works: Preservation (96-1-002)

Appropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,340,000

TOTAL \$ 2,740,000

NEW SECTION. Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF

Minor works: Preservation (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 570,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,925,000

TOTAL \$ 3,495,000

NEW SECTION. Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF

MacDonald and Deer Halls: Elevators (96-2-002)

Appropriation:

St Bldg Constr Acct--State \$ 550,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000

NEW SECTION. Sec. 515. FOR THE UNIVERSITY OF WASHINGTON

Power plant boiler (88-2-022)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 6,400,000

Prior Biennia (Expenditures) \$ 9,805,653

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,205,653

NEW SECTION. Sec. 516. FOR THE UNIVERSITY OF WASHINGTON

Power generation, chiller, data communications, electrical distribution (90-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,175,700

Prior Biennia (Expenditures) \$ 3,703,053

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,878,753

NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON

Chemistry Building: Construction (90-2-011)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 38,952,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000

NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON

Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 80,000,000

Prior Biennia (Expenditures) \$ 14,869,028

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,869,028

NEW SECTION. Sec. 519. FOR THE UNIVERSITY OF WASHINGTON

Physics/Astronomy building construction (90-2-009)

Reappropriation:

H Ed Reimb Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 69,564,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000

NEW SECTION. Sec. 520. FOR THE UNIVERSITY OF WASHINGTON

Old Physics Hall: Design and construction (92-2-008)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

UW Bldg Acct--State \$ 1,650,000

St Bldg Constr Acct--State \$ 32,544,400

Subtotal Reappropriation \$ 34,194,400

Prior Biennia (Expenditures) \$ 912,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000

NEW SECTION. Sec. 521. FOR THE UNIVERSITY OF WASHINGTON

Ocean and Fishery Sciences II: Predesign (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,065,300

Prior Biennia (Expenditures) \$ 784,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,850,000

NEW SECTION. Sec. 522. FOR THE UNIVERSITY OF WASHINGTON

Harborview Medical Center research (94-2-013)

Reappropriation:

St Bldg Constr Acct--State \$ 3,100,000

Appropriation:

St Bldg Constr Acct--State \$ 9,000,000

H Ed Constr Acct \$ 10,000,000

Subtotal Appropriation \$ 19,000,000

Prior Biennia (Expenditures) \$ 520,000

Future Biennia (Projected Costs) \$ 56,380,000

TOTAL \$ 79,000,000

NEW SECTION. Sec. 523. FOR THE UNIVERSITY OF WASHINGTON

Parrington Hall: Exterior and seismic repair (92-3-018)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

UW Bldg Acct--State \$ 5,008,499

Prior Biennia (Expenditures) \$ 264,001

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,272,500

NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON

Henry Gallery: Addition (93-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 7,504,300

Prior Biennia (Expenditures) \$ 811,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,316,000

NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON

Burke Museum: To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 2,031,000

Prior Biennia (Expenditures) \$ 369,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,400,000

NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON

Business Administration: Expansion (93-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 6,600,000

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000

NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs: Preservation (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 11,240,000

UW Bldg Acct--State \$ 276,400

Subtotal Reappropriation \$ 11,516,400

Prior Biennia (Expenditures) \$ 6,464,876

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,981,276

NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-1-004)

Reappropriation:

UW Bldg Acct--State \$ 6,850,000

Prior Biennia (Expenditures) \$ 5,757,630

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,607,630

NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON

Americans with Disabilities Act (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 1,325,150

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,525,150

NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON

Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 1,396,009

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,196,009

NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure projects: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-2-005)

Reappropriation:

UW Bldg Acct--State \$ 5,200,000

Prior Biennia (Expenditures) \$ 1,871,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,071,000

NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON

Tacoma Branch Campus--Phase II: Predesign (94-2-500)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 33,455,244

Appropriation:

St Bldg Constr Acct--State \$ 5,700,000

Prior Biennia (Expenditures) \$ 17,738,913

Future Biennia (Projected Costs) \$ 35,320,000

TOTAL \$ 92,214,157

NEW SECTION. Sec. 534. FOR THE UNIVERSITY OF WASHINGTON

Suzzallo Library renovation--Phase I design: To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 717,600
St Bldg Constr Acct--State \$ 2,142,275
Subtotal Appropriation \$ 2,859,875

Prior Biennia (Expenditures) \$ 517,750
Future Biennia (Projected Costs) \$ 29,076,925
TOTAL \$ 32,454,550

NEW SECTION. **Sec. 535. FOR THE UNIVERSITY OF WASHINGTON**

Minor safety repairs: Preservation (96-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 3,700,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,000,000
TOTAL \$ 19,700,000

NEW SECTION. **Sec. 536. FOR THE UNIVERSITY OF WASHINGTON**

Minor works: Building renewal (96-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

UW Bldg Acct--State \$ 7,047,000
St Bldg Constr Acct--State \$ 2,000,000
Subtotal Appropriation \$ 9,047,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 53,000,000
TOTAL \$ 62,047,000

NEW SECTION. **Sec. 537. FOR THE UNIVERSITY OF WASHINGTON**

Minor works: Utility infrastructure (96-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 5,900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 26,000,000
TOTAL \$ 31,900,000

NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON

Law School Building--Design and development: To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 1,140,000

Prior Biennia (Expenditures) \$ 128,000
Future Biennia (Projected Costs) \$ 33,860,000
TOTAL \$ 35,128,000

NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center BB Tower Elevators--Design and construction: To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower (96-1-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 210,700
St Bldg Constr Acct--State \$ 4,981,900
Subtotal Appropriation \$ 5,192,600

Prior Biennia (Expenditures) \$ 117,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,309,600

NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center D-Wing Dent Student Lab: Design and construction (96-1-016)

Appropriation:

UW Bldg Acct--State \$ 112,100
St Bldg Constr Acct--State \$ 2,905,000
Subtotal Appropriation \$ 3,017,100

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,017,100

NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON

Social Work third floor addition--Design and construction: To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

Appropriation:

UW Bldg Acct--State \$ 126,400
St Bldg Constr Acct--State \$ 2,789,200
Subtotal Appropriation \$ 2,915,600

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,915,600

NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON

Hogness/Health Sciences Center Lobby: Americans with Disabilities Act improvements (96-1-022)

Appropriation:

St Bldg Constr Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,300,000

NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON

Ocean and Fisheries Science Buildings II & III: Design and site preparation: To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction (96-2-006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.
- (2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 1,548,150
St Bldg Constr Acct--State \$ 5,932,025
Subtotal Appropriation \$ 7,480,175

Prior Biennia (Expenditures) \$ 558,400
Future Biennia (Projected Costs) \$ 65,758,625
TOTAL \$ 73,797,200

NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON

West Electrical Power Station: To design and construct the installation of new transformers, switch gear facilities, and primary distribution feeders at the west receiving station (96-2-011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 204,000
St Bldg Constr Acct--State \$ 6,600,000
Subtotal Appropriation \$ 6,804,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,804,000

NEW SECTION. **Sec. 545.** It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

NEW SECTION. **Sec. 546. FOR THE UNIVERSITY OF WASHINGTON**

Power Plant Boiler #7--Design and construction: To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 (96-2-020)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 288,703
St Bldg Constr Acct--State \$ 9,623,297
Subtotal Appropriation \$ 9,912,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,912,000

NEW SECTION. **Sec. 547. FOR THE UNIVERSITY OF WASHINGTON**

Southwest Campus utilities phase I--Design and construction: To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 285,600
St Bldg Constr Acct--State \$ 9,023,900
Subtotal Appropriation \$ 9,309,500

Prior Biennia (Expenditures) \$ 152,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,461,500

NEW SECTION. **Sec. 548. FOR WASHINGTON STATE UNIVERSITY**

Branch campus acquisition (90-5-002)

Reappropriation:

St Bldg Constr Acct--State \$ 42,000

Prior Biennia (Expenditures) \$ 735,424

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,424

NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY

Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

Reappropriation:

St Bldg Constr Acct--State \$ 991,640

Prior Biennia (Expenditures) \$ 197,714

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,189,354

NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY

Todd Hall renovation: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 3,478,000

St Bldg Constr Acct--State \$ 2,626,444

Subtotal Reappropriation \$ 6,104,444

Prior Biennia (Expenditures) \$ 8,577,065

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,681,509

NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY

Veterinary Teaching Hospital--Construction: To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

H Ed Reimb Constr Acct--State \$ 10,214,399

St Bldg Constr Acct--State \$ 2,200,000

Subtotal Reappropriation \$ 12,414,399

Prior Biennia (Expenditures) \$ 19,643,672

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,058,071

NEW SECTION. Sec. 552. FOR WASHINGTON STATE UNIVERSITY

Fulmer Hall--Fulmer Annex renovation: To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 12,212,322

Prior Biennia (Expenditures) \$ 908,367

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,120,689

NEW SECTION. Sec. 553. FOR WASHINGTON STATE UNIVERSITY

Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 10,173,300

Prior Biennia (Expenditures) \$ 4,826,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,000,000

NEW SECTION. Sec. 554. FOR WASHINGTON STATE UNIVERSITY

Records and maintenance materials: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Reappropriation:

WSU Bldg Acct--State \$ 1,250,000

Prior Biennia (Expenditures) \$ 395,826

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,645,826

NEW SECTION. Sec. 555. FOR WASHINGTON STATE UNIVERSITY

Minor capital renewal (94-1-004)

Reappropriation:

St Bldg Constr Acct--State \$ 2,784,260

Prior Biennia (Expenditures) \$ 3,215,740

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000

NEW SECTION. Sec. 556. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym renovation--Design: To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 391,500
St Bldg Constr Acct--State \$ 1,496,600
Subtotal Appropriation \$ 1,888,100

Prior Biennia (Expenditures) \$ 49,000
Future Biennia (Projected Costs) \$ 14,462,500
TOTAL \$ 16,399,600

NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY

Prosser: Septic system (94-1-500)

Reappropriation:

WSU Bldg Acct--State \$ 757,192

Prior Biennia (Expenditures) \$ 492,808
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,250,000

NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSITY

Infrastructure savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 559. FOR WASHINGTON STATE UNIVERSITY

Minor works (94-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,192,401

Prior Biennia (Expenditures) \$ 1,807,599
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

NEW SECTION. Sec. 560. FOR WASHINGTON STATE UNIVERSITY

Minor capital improvements (94-2-002)

Reappropriation:

WSU Bldg Acct--State \$ 2,430,690

Prior Biennia (Expenditures) \$ 3,569,310
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 6,000,000

NEW SECTION. Sec. 561. FOR WASHINGTON STATE UNIVERSITY

Hazardous waste facilities (94-2-006)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 211,000
Future Biennia (Projected Costs) \$ 12,037,774
TOTAL \$ 13,748,774

NEW SECTION. Sec. 562. FOR WASHINGTON STATE UNIVERSITY

Pathological and biomedical incinerator: Design and construction (94-2-012)

Reappropriation:

St Bldg Constr Acct--State \$ 3,443,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,443,000

NEW SECTION. Sec. 563. FOR WASHINGTON STATE UNIVERSITY

Communication infrastructure renewal (94-2-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Constr Acct--State \$ 5,000,000

St Bldg Constr Acct--State \$ 4,203,432

Subtotal Reappropriation \$ 9,203,432

Appropriation:

WSU Bldg Acct--State \$ 4,159,625

Prior Biennia (Expenditures) \$ 12,796,568
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 26,159,625

NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY

Engineering Teaching and Research Laboratory Building: Construction (94-2-014)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 226,379

Appropriation:

General Fund--Federal \$ 8,000,000

St Bldg Constr Acct--State \$ 17,140,300

Subtotal Appropriation \$ 25,140,300

Prior Biennia (Expenditures) \$ 1,143,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,510,300

NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY

Chemical waste collection facilities: Design and construction (94-2-016)

Reappropriation:

WSU Bldg Acct--State \$ 2,084,274

Appropriation:

WSU Bldg Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 252,726

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,337,000

NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym Addition--Design and construction: To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 477,000

Appropriation:

WSU Bldg Acct--State \$ 399,800

St Bldg Constr Acct--State \$ 8,960,400

Subtotal Appropriation \$ 9,360,200

Prior Biennia (Expenditures) \$ 517,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,354,200

NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY

Animal Science Laboratory Building--Design and Construction: To construct a 20,200 gross square foot animal science lab (94-4-018)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 143,532

Appropriation:

St Bldg Constr Acct--State \$ 6,332,300

WSU Bldg Acct--State \$ 255,000

Subtotal Appropriation \$ 6,587,300

Prior Biennia (Expenditures) \$ 451,468

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,182,300

NEW SECTION. Sec. 568. FOR WASHINGTON STATE UNIVERSITY

Kimbrough Hall addition and remodeling: To design a 32,000 gross square foot addition and remodel the existing Kimbrough Hall (94-2-019)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 238,425

St Bldg Constr Acct--State \$ 965,700

Subtotal Appropriation \$ 1,204,125

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 10,448,875

TOTAL \$ 11,733,000

NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education: To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

Reappropriation:

St Bldg Constr Acct--State \$ 2,525,202

Prior Biennia (Expenditures) \$ 974,798

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 570. FOR WASHINGTON STATE UNIVERSITY

Washington State University--Vancouver: New campus construction (94-2-902)

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 23,580,000

Appropriation:

St Bldg Constr Acct--State \$ 9,066,000

Prior Biennia (Expenditures) \$ 10,994,362

Future Biennia (Projected Costs) \$ 35,000,000

TOTAL \$ 78,640,362

NEW SECTION. Sec. 571. FOR WASHINGTON STATE UNIVERSITY

Puyallup: Greenhouse replacements (94-2-027)

Reappropriation:

St Bldg Constr Acct--State \$ 2,126,945

Prior Biennia (Expenditures) \$ 114,055

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,241,000

NEW SECTION. Sec. 572. FOR WASHINGTON STATE UNIVERSITY

Washington State University Tri-Cities: Consolidated Information Center (94-2-905)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 730,500

Appropriation:

St Bldg Constr Acct--State \$ 9,709,000

Prior Biennia (Expenditures) \$ 679,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,119,000

NEW SECTION. Sec. 573. FOR WASHINGTON STATE UNIVERSITY

Minor works: Preservation (96-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 5,900,000

WSU Bldg Acct--State \$ 252,000
Subtotal Appropriation \$ 6,152,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 34,690,000
TOTAL \$ 40,842,000

NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY

Minor works: Safety and environmental (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1,600,000
WSU Bldg Acct--State \$ 1,000,000
Subtotal Appropriation \$ 2,600,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 17,400,000
TOTAL \$ 20,000,000

NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY

Minor works: Program (96-2-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WSU Bldg Acct--State \$ 5,150,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 41,016,000
TOTAL \$ 46,166,000

NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY

Plant growth--Wheat Research Center: Construction (96-2-047)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

Appropriation:

General Fund--Private \$ 1,000,000
General Fund--Federal \$ 3,000,000
St Bldg Constr Acct--State \$ 4,000,000
Subtotal Appropriation \$ 8,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,000,000

NEW SECTION. Sec. 577. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education--Spokane, Yakima, and Wenatchee Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)

Appropriation:

WSU Bldg Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000

NEW SECTION. Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY

Sutton Hall remodel: To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 4,730,092

Prior Biennia (Expenditures) \$ 526,494

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,256,586

NEW SECTION. Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY

Science Building addition and remodel: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,100,480

Prior Biennia (Expenditures) \$ 18,934,987

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,467

NEW SECTION. Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY

Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)

Reappropriation:

EWU Cap Proj Acct--State \$ 4,300,000

St Bldg Constr Acct--State \$ 1,438,000

Subtotal Reappropriation \$ 5,738,000

Prior Biennia (Expenditures) \$ 7,685,782

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 13,423,782

NEW SECTION. Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY

Telecommunications network and cable replacement (90-2-004)

Appropriation:

EWU Cap Proj Acct--State \$ 1,593,800

Prior Biennia (Expenditures) \$ 4,080,000
Future Biennia (Projected Costs) \$ 2,000,000
TOTAL \$ 7,673,800

NEW SECTION. Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY

JFK Library addition and remodel--Construction: To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,678,756

Appropriation:

EWU Cap Proj Acct--State \$ 152,174
St Bldg Constr Acct--State \$ 19,692,130
Subtotal Appropriation \$ 19,844,304

Prior Biennia (Expenditures) \$ 536,244
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 22,059,304

NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY

Removal of underground storage tanks (92-1-003)

Reappropriation:

EWU Cap Proj Acct--State \$ 193,438

Prior Biennia (Expenditures) \$ 56,110
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 249,548

NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY

Spokane Center remodel and fire egress (92-5-008)

Reappropriation:

EWU Cap Proj Acct--State \$ 43,686

Prior Biennia (Expenditures) \$ 1,756,314
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,800,000

NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY

Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 2,318,877

Appropriation:

St Bldg Constr Acct--State \$ 3,361,600

EWU Cap Proj Acct--State \$ 638,400

Subtotal Appropriation \$ 4,000,000

Prior Biennia (Expenditures) \$ 91,123

Future Biennia (Projected Costs) \$ 3,275,000

TOTAL \$ 9,685,000

NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure project: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY

Showalter Hall Auditorium: Preservation (96-1-001)

Appropriation:

EWU Cap Proj Acct--State \$ 977,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 977,800

NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY

Monroe Hall Remodel (96-1-002)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

EWU Cap Proj Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 6,000,000
TOTAL \$ 6,100,000

NEW SECTION. Sec. 589. FOR EASTERN WASHINGTON UNIVERSITY

Campus classrooms--Renewal: To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

EWU Cap Proj Acct--State \$ 3,650,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 14,925,000
TOTAL \$ 18,575,000

NEW SECTION. Sec. 590. FOR EASTERN WASHINGTON UNIVERSITY

Americans with Disabilities Act projects (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 193,089

Prior Biennia (Expenditures) \$ 132,711
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 325,800

NEW SECTION. Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY

Life and safety improvements (92-1-030)

Reappropriation:

CWU Cap Proj Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 208,267
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 333,267

NEW SECTION. Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY

Barge Hall renovation (92-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 263,000

Prior Biennia (Expenditures) \$ 11,318,970
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,581,970

NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY

Shaw/Smyser Hall renovation (90-2-005)

Reappropriation:

H Ed Reimb Constr Acct \$ 302,000

Prior Biennia (Expenditures) \$ 12,983,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000

NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY

Minor capital projects (92-2-050)

Reappropriation:

CWU Cap Proj Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 1,623,120

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,223,120

NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY

Boullion asbestos: Construction (94-1-001)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,160,000

Prior Biennia (Expenditures) \$ 1,163,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,323,000

NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Preservation (94-1-005)

Reappropriation:

CWU Cap Proj Acct--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 1,562,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,562,000

NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY

Underground tank replacement (94-1-007)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 176,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000

NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY

Electrical cable replacement (94-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 1,700,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,750,000

NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY

Steamline replacement (94-1-009)

Reappropriation:

St Bldg Constr Acct--State \$ 790,000

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY

Science Facility design and construction (94-2-002)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

CWU Cap Proj Acct--State \$ 4,000,000

St Bldg Constr Acct--State \$ 53,590,000

Subtotal Reappropriation \$ 57,590,000

Prior Biennia (Expenditures) \$ 610,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 58,200,000

NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Program (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 815,000

Prior Biennia (Expenditures) \$ 1,692,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,507,000

NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY

Black Hall--Design and construction: To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

CWU Cap Proj Acct--State \$ 15,000

Appropriation:

CWU Cap Proj Acct--State \$ 875,100
St Bldg Constr Acct--State \$ 26,369,300

Subtotal Appropriation \$ 27,244,400

Prior Biennia (Expenditures) \$ 144,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 27,403,400

NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Infrastructure preservation (96-1-040)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

Appropriation:

St Bldg Constr Acct--State \$ 1,687,100
CWU Cap Proj Acct--State \$ 712,900

Subtotal Appropriation \$ 2,400,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 6,000,000
TOTAL \$ 8,300,000

NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Preservation (96-1-120)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

Appropriation:

CWU Cap Proj Acct--State \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,850,000

TOTAL \$ 20,350,000

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

Hertz Hall addition (96-2-050)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,350,000

TOTAL \$ 13,475,000

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Program (96-2-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

Appropriation:

CWU Cap Proj Acct--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,110,000

TOTAL \$ 13,610,000

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

Campus: Air quality improvement (96-1-001)

Appropriation:

TESC Cap Proj Acct--State \$ 492,425

St Bldg Constr Acct \$ 528,896

Subtotal Appropriation \$ 1,021,321

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,021,321

NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE

Minor works: Preservation (96-1-002)

Appropriation:

TESC Cap Proj Acct--State \$ 970,245
St Bldg Constr Acct--State \$ 2,154,876
Subtotal Appropriations \$ 3,125,121

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 20,488,124
TOTAL \$ 23,613,245

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

Campus: Preservation (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 1,599,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,749,000

NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE
Classroom Facility: Longhouse design and construction (94-2-008)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 1,800,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,200,000

NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE

Emergency repairs (96-1-003)

Appropriation:

TESC Cap Proj Acct--State \$ 238,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,076,000
TOTAL \$ 1,314,000

NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE

Computer Network phase III (96-2-006)

Appropriation:

St Bldg Constr Acct--State \$ 162,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,000

NEW SECTION. Sec. 614. FOR THE EVERGREEN STATE COLLEGE

Communications Building: Retrofit (96-2-007)

Appropriation:

St Bldg Constr Acct--State \$ 1,726,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,726,300

NEW SECTION. Sec. 615. FOR THE EVERGREEN STATE COLLEGE

Library Building renovation (96-2-009)

Appropriation:

St Bldg Constr Acct--State \$ 772,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500

NEW SECTION. Sec. 616. FOR THE JOINT CENTER FOR HIGHER EDUCATION

Riverpoint Campus: Design and construction (94-2-001)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 9,000,000

Prior Biennia (Expenditures) \$ 8,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,000,000

NEW SECTION. Sec. 617. FOR THE JOINT CENTER FOR HIGHER EDUCATION

Riverpoint Campus phase II (96-2-001)

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements

on or before July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 3,310,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 21,690,000
TOTAL \$ 25,000,000

NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase II: Construction (92-1-007)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct \$ 2,400,000

Prior Biennia (Expenditures) \$ 17,650,533
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 20,050,553

NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY

Fire detection systems (94-1-030)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 643,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 743,000

NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY

Underground storage tank removal (94-1-032)

Reappropriation:

St Bldg Constr Acct--State \$ 58,200

Prior Biennia (Expenditures) \$ 1,800
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 60,000

NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY

Pool chlorine gas system (94-1-033)

Reappropriation:

WWU Cap Proj Acct--State \$ 10,300

Prior Biennia (Expenditures) \$ 24,700

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 35,000

NEW SECTION. **Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY**

Exterior and roofing renewal (94-1-034)

Reappropriation:

St Bldg Constr Acct--State \$ 309,000

Prior Biennia (Expenditures) \$ 292,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 601,000

NEW SECTION. **Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY**

Boiler system (94-1-035)

Reappropriation:

WWU Cap Proj Acct--State \$ 859,884

Prior Biennia (Expenditures) \$ 40,116
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 900,000

NEW SECTION. **Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY**

Utility upgrade (94-1-037)

Reappropriation:

St Bldg Constr Acct--State \$ 103,000

Prior Biennia (Expenditures) \$ 302,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 405,000

NEW SECTION. **Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY**

Interior renewal (94-1-038)

Reappropriation:

WWU Cap Proj Acct--State \$ 74,000

Prior Biennia (Expenditures) \$ 24,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 98,000

NEW SECTION. **Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY**

Interior painting (94-1-041)

Reappropriation:

WWU Cap Proj Acct--State \$ 272,000

Prior Biennia (Expenditures) \$ 129,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 401,000

NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure projects: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase III: Construction (94-2-014)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 11,473,119

Prior Biennia (Expenditures) \$ 96,988
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,570,107

NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY

Haggard Hall renovation and abatement: Construction (94-2-015)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 950,000

Appropriation:

WWU Cap Proj Acct--State \$ 3,735,420
St Bldg Constr Acct--State \$ 17,352,985
Subtotal Appropriation \$ 21,088,405

Prior Biennia (Expenditures) \$ 166,000
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 22,204,405

NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Program (94-2-028)

Reappropriation:

WWU Cap Proj Acct--State \$ 3,200,000

Prior Biennia (Expenditures) \$ 2,900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,100,000

NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Preservation (96-1-030)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WWU Cap Proj Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,200,000

TOTAL \$ 10,500,000

NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Infrastructure preservation (96-1-061)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1,650,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,050,000

NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY

Campus Services Facility (96-2-025)

Appropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 7,883,400

TOTAL \$ 7,983,400

NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Program (96-2-028)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WWU Cap Proj Acct--State \$ 2,000,000
St Bldg Constr Acct \$ 3,850,000
Subtotal Appropriation \$ 5,850,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 25,500,000
TOTAL \$ 31,350,000

NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY

Integrated signal distribution--Design: To design a campus network system (96-2-056)

Appropriation:

WWU Cap Proj Acct--State \$ 229,650
St Bldg Constr Acct--State \$ 985,750
Subtotal Appropriation \$ 1,215,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 9,339,400
TOTAL \$ 10,554,800

NEW SECTION. Sec. 636. FOR WESTERN WASHINGTON UNIVERSITY

Wilson Library renovation (96-2-057)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 105,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,331,900
TOTAL \$ 8,436,900

NEW SECTION. Sec. 637. FOR WESTERN WASHINGTON UNIVERSITY

Recreation and physical education fields phase I (96-2-051)

Appropriation:

St Bldg Constr Acct--State \$ 2,535,200
WWU Cap Proj Acct--State \$ 130,800
Subtotal Appropriation \$ 2,666,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,666,000

NEW SECTION. Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Complete construction of Washington state History Museum (94-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) \$50,000 of the new appropriation in this section shall be provided as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

Reappropriation:

St Bldg Constr Acct--State \$ 6,859,978

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 35,592,643

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 42,752,621

NEW SECTION. Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Stadium Way facility: Preservation (96-1-102)

Reappropriation:

St Bldg Constr Acct--State \$ 60,000

Appropriation:

St Bldg Constr Acct--State \$ 487,500

Prior Biennia (Expenditures) \$ 1,254,500

Future Biennia (Projected Costs) \$ 335,469

TOTAL \$ 2,137,469

NEW SECTION. Sec. 640. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Bremerton Shellbanks Retreat: Preservation (96-1-103)

Appropriation:

St Bldg Constr Acct--State \$ 68,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 250,000

TOTAL \$ 318,000

NEW SECTION. Sec. 641. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

State Capital Museum: Preservation (96-1-105)

Appropriation:

St Bldg Constr Acct--State \$ 122,592

Prior Biennia (Expenditures) \$ 107,500

Future Biennia (Projected Costs) \$ 199,628

TOTAL \$ 429,720

NEW SECTION. Sec. 642. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Stadium Way facility: Collection storage and access (96-2-204)

Appropriation:

St Bldg Constr Acct--State \$ 230,600

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,420,000

TOTAL \$ 1,650,600

**NEW SECTION. Sec. 643. FOR THE EASTERN WASHINGTON STATE
HISTORICAL SOCIETY**

Campbell House restoration (86-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 30,000

Prior Biennia (Expenditures) \$ 100,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,500

**NEW SECTION. Sec. 644. FOR THE EASTERN WASHINGTON STATE
HISTORICAL SOCIETY**

Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)

Appropriation:

St Bldg Constr Acct--State \$ 285,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 285,000

**NEW SECTION. Sec. 645. FOR THE EASTERN WASHINGTON STATE
HISTORICAL SOCIETY**

Cheney Cowles Museum: Preservation (96-1-004)

Appropriation:

St Bldg Constr Acct--State \$ 175,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 875,000

**NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND
TECHNICAL COLLEGES**

Learning Resource Center--Skagit Valley College Whidbey Campus (88-5-020)

Reappropriation:

St Bldg Constr Acct--State \$ 5,408

Prior Biennia (Expenditures) \$ 2,117,591

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999

NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Science, Fine Art, and Physical Education Building--South Puget Sound Community College (88-5-021)

Reappropriation:

St Bldg Constr Acct--State \$ 21,933

Prior Biennia (Expenditures) \$ 5,976,066

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999

NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Library addition and remodel--Columbia Basin College (88-5-023)

Reappropriation:

St Bldg Constr Acct--State \$ 21,573

Prior Biennia (Expenditures) \$ 1,961,132

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705

NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Vocational Shop Building--Centralia College (88-5-024)

Reappropriation:

St Bldg Constr Acct--State \$ 36,519

Prior Biennia (Expenditures) \$ 2,035,306

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825

NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Art Commission carryover (88-5-026)

Reappropriation:

St Bldg Constr Acct \$ 9,378

Prior Biennia (Expenditures) \$ 2,984,655

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033

NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Business Education Building--Spokane Community College (88-5-027)

Reappropriation:

St Bldg Constr Acct--State \$ 20,846

Prior Biennia (Expenditures) \$ 6,291,122

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968

NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Student Activity Center and Physical Education Building--Seattle Central (88-5-028)

Reappropriation:

St Bldg Constr Acct--State \$ 1,681,465

Prior Biennia (Expenditures) \$ 9,519,434

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899

NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Fire and security system repairs (90-1-004)

Reappropriation:

St Bldg Constr Acct--State \$ 134,433

Prior Biennia (Expenditures) \$ 236,508

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941

NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor asbestos removal (90-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 323,914

Prior Biennia (Expenditures) \$ 992,167

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,316,081

NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof and structural repairs (90-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 8,779

Prior Biennia (Expenditures) \$ 706,514

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293

NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)

Reappropriation:

St Bldg Constr Acct--State \$ 50,944

Prior Biennia (Expenditures) \$ 947,439

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383

NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Facility repairs (90-3-007)

Reappropriation:

St Bldg Constr Acct--State \$ 24,471

Prior Biennia (Expenditures) \$ 503,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016

NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (90-5-009)

Reappropriation:

St Bldg Constr Acct--State \$ 120,737

Prior Biennia (Expenditures) \$ 2,904,787

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524

NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Physical Education Facility--North Seattle Community College (90-5-011))

Reappropriation:

St Bldg Constr Acct--State \$ 6,883,057

Prior Biennia (Expenditures) \$ 1,671,143

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,200

NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Applied Arts Facility--Spokane Falls Community College (90-5-012)

Reappropriation:

St Bldg Constr Acct--State \$ 2,848,249

Prior Biennia (Expenditures) \$ 2,643,840

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,492,089

NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Industrial Tech Building--Spokane Community College (90-5-013)

Reappropriation:

St Bldg Constr Acct--State \$ 3,016,150

Prior Biennia (Expenditures) \$ 3,915,945

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,095

NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Vocational Art Facility--Shoreline Community College (90-5-014)

Reappropriation:

St Bldg Constr Acct--State \$ 2,885,749

Prior Biennia (Expenditures) \$ 179,656

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405

NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Business Education Building--Clark College (90-5-015)

Reappropriation:

St Bldg Constr Acct--State \$ 2,439,646

Prior Biennia (Expenditures) \$ 3,851,620

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266

NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Student Center Building--South Seattle Community College (90-5-016)

Reappropriation:

St Bldg Constr Acct--State \$ 4,188,316

Prior Biennia (Expenditures) \$ 1,193,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093

NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Library addition--Skagit Valley College (90-5-017)

Reappropriation:

St Bldg Constr Acct--State \$ 602,270

Prior Biennia (Expenditures) \$ 1,403,729

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999

NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Business Complex renovation--Clover Park Technical College (91-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 26,062

Prior Biennia (Expenditures) \$ 2,473,938

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000

NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Administration Office renovation--Bellingham Technical College (91-3-002)

Reappropriation:

St Bldg Constr Acct--State \$ 155,844

Prior Biennia (Expenditures) \$ 1,456,156

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000

NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Acquisition: Auto Shop--Olympic College (92-1-604)

Reappropriation:

St Bldg Constr Acct--State \$ 575,155

Prior Biennia (Expenditures) \$ 124,845

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal (92-2-102)

Reappropriation:

St Bldg Constr Acct--State \$ 96,033

Prior Biennia (Expenditures) \$ 1,300,819
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,396,852

NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Legal and code requirement--Repairs (92-2-103)

Reappropriation:

St Bldg Constr Acct--State \$ 340,786

Prior Biennia (Expenditures) \$ 831,214
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,172,000

NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof repairs (92-2-104)

Reappropriation:

St Bldg Constr Acct--State \$ 373,515

Prior Biennia (Expenditures) \$ 7,083,485
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,457,000

NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Exterior and structure repairs (92-2-105)

Reappropriation:

St Bldg Constr Acct--State \$ 138,431

Prior Biennia (Expenditures) \$ 678,569
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 817,000

NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Heating, ventilation, and air conditioning repairs (92-2-106)

Reappropriation:

St Bldg Constr Acct--State \$ 1,913,684

Prior Biennia (Expenditures) \$ 1,160,315
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,073,999

NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Electrical repair (92-2-107)

Reappropriation:

St Bldg Constr Acct--State \$ 174,538

Prior Biennia (Expenditures) \$ 2,132,462

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000

NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Mechanical repairs (92-2-108)

Reappropriation:

St Bldg Constr Acct--State \$ 824,457

Prior Biennia (Expenditures) \$ 1,683,543

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000

NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Fire and security repairs (92-2-109)

Reappropriation:

St Bldg Constr Acct--State \$ 418,730

Prior Biennia (Expenditures) \$ 273,269

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999

NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Interior repairs (92-2-110)

Reappropriation:

St Bldg Constr Acct--State \$ 427,638

Prior Biennia (Expenditures) \$ 1,012,361

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999

NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Site repairs (92-2-111)

Reappropriation:

St Bldg Constr Acct--State \$ 98,377

Prior Biennia (Expenditures) \$ 1,230,622

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,328,999

NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Pool repairs (92-2-112)

Reappropriation:

St Bldg Constr Acct--State \$ 5,133

Prior Biennia (Expenditures) \$ 594,867
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 600,000

NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Administration addition--Lake Washington Technical College (92-5-003)

Reappropriation:

St Bldg Constr Acct--State \$ 2,498,016

Prior Biennia (Expenditures) \$ 6,644,183
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 9,142,199

NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvements (92-5-200)

Reappropriation:

St Bldg Constr Acct--State \$ 1,979,165

Prior Biennia (Expenditures) \$ 14,950,834
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 16,929,999

NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof repair--Clover Park Technical College (93-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 5,130

Prior Biennia (Expenditures) \$ 183,869
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 188,999

NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repairs and minor improvements (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 28,290,145

Prior Biennia (Expenditures) \$ 8,709,855

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 37,000,000

NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Asbestos abatement (94-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 112,447

Prior Biennia (Expenditures) \$ 441,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 554,233

NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal and remediation (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 158,727

Prior Biennia (Expenditures) \$ 765,990

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 924,717

NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal (94-1-370)

Reappropriation:

St Bldg Constr Acct--State \$ 197,830

Prior Biennia (Expenditures) \$ 4,170

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000

NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Asbestos abatement (94-1-390)

Reappropriation:

St Bldg Constr Acct--State \$ 326,887

Prior Biennia (Expenditures) \$ 124,440

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 451,327

NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Renovate Seattle Vocational Institute facility: Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute (94-1-733)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 7,523,494

Prior Biennia (Expenditures) \$ 59,506
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 7,583,000

NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (94-2-400)

Reappropriation:

St Bldg Constr Acct--State \$ 7,640,466

Prior Biennia (Expenditures) \$ 3,837,534
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 11,478,000

NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (94-2-500)

Reappropriation:

St Bldg Constr Acct--State \$ 590,517

Prior Biennia (Expenditures) \$ 38,483
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 629,000

NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Pierce College--Puyallup phase II (94-2-601)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 862,234

Appropriation:

St Bldg Constr Acct--State \$ 12,852,618

Prior Biennia (Expenditures) \$ 164,686
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 13,879,538

NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Skagit Valley College Vocational Building (94-2-602)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 152,981

Appropriation:

St Bldg Constr Acct--State \$ 2,320,000

Prior Biennia (Expenditures) \$ 16,063
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,489,044

NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 342,967

Appropriation:

St Bldg Constr Acct--State \$ 7,930,000

Prior Biennia (Expenditures) \$ 262,669
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 8,535,636

NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 728,058

Appropriation:

St Bldg Constr Acct--State \$ 12,343,480

Prior Biennia (Expenditures) \$ 138,578
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,210,116

NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct South Puget Sound Community College Technical Education Building (94-2-605)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 512,534

Appropriation:

St Bldg Constr Acct--State \$ 6,430,000

Prior Biennia (Expenditures) \$ 135,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,078,067

NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Green River Community College Center for Information Technology (94-2-606)

Reappropriation:

St Bldg Constr Acct--State \$ 1,069,426

Appropriation:

St Bldg Constr Acct--State \$ 16,800,000

Prior Biennia (Expenditures) \$ 324,303

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,193,729

NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Pre-design (94-2-650)

Reappropriation:

St Bldg Constr Acct--State \$ 43,379

Prior Biennia (Expenditures) \$ 206,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000

NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Acquisitions (94-2-700)

Reappropriation:

St Bldg Constr Acct--State \$ 28,591

Prior Biennia (Expenditures) \$ 480,409
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 509,000

NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Americans with Disabilities Act projects (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 3,190,091

Prior Biennia (Expenditures) \$ 231,807
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,421,898

NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair and minor improvement (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 40,000,000
TOTAL \$ 50,000,000

NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair roofs (96-1-010)

Appropriation:

St Bldg Constr Acct--State \$ 5,406,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,000,000
TOTAL \$ 21,406,000

NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair heating, ventilation, and air conditioning (96-1-030)

Appropriation:

St Bldg Constr Acct--State \$ 7,588,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 32,000,000
TOTAL \$ 39,588,000

NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair mechanical (96-1-060)

Appropriation:

St Bldg Constr Acct--State \$ 1,262,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,262,000

NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair electrical (96-1-080)

Appropriation:

St Bldg Constr Acct--State \$ 2,192,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,192,000

NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair exterior (96-1-100)

Appropriation:

St Bldg Constr Acct--State \$ 2,419,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,419,000

NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair interiors (96-1-120)

Appropriation:

St Bldg Constr Acct--State \$ 1,254,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,254,000

NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Site improvements (96-1-140)

Appropriation:

St Bldg Constr Acct--State \$ 2,465,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000
TOTAL \$ 10,465,000

NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Infrastructure project savings (96-1-500)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Clover Park Technical College: Aviation trades complex, site acquisition, and related costs

Appropriation:

St Bldg Constr Acct--State \$ 2,100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,100,000

NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor program remodel and improvements (96-2-199)

Appropriation:

St Bldg Constr Acct--State \$ 13,300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 56,000,000
TOTAL \$ 69,300,000

NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Project artwork consolidation account (96-2-400)

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1

NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

North Seattle Community College: To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 895,712

Prior Biennia (Expenditures) \$ 43,512
Future Biennia (Projected Costs) \$ 12,047,538
TOTAL \$ 12,986,762

NEW SECTION. Sec. 713. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Everett Community College: To procure land for a new access to the college and for a new Instruction Technology Center (96-2-652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 3,558,440

Prior Biennia (Expenditures) \$ 25,140
Future Biennia (Projected Costs) \$ 12,251,270
TOTAL \$ 15,834,850

NEW SECTION. Sec. 714. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

South Seattle Community College: To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 592,266

Prior Biennia (Expenditures) \$ 21,466
Future Biennia (Projected Costs) \$ 7,064,600
TOTAL \$ 7,678,332

NEW SECTION. Sec. 715. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Olympic College Satellite--Poulsbo: Design (96-2-654)

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

Appropriation:

St Bldg Constr Acct \$ 755,000

Prior Biennia (Expenditures) \$ 26,359

Future Biennia (Projected Costs) \$ 10,248,000

TOTAL \$ 11,029,359

NEW SECTION. Sec. 716. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Bellevue Community College Classroom/Laboratory Building: Design (96-2-655)

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 587,000

Prior Biennia (Expenditures) \$ 34,423

Future Biennia (Projected Costs) \$ 9,116,160

TOTAL \$ 9,737,583

NEW SECTION. Sec. 717. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Tacoma Community College: To acquire land for the Gig Harbor center.

Appropriation:

St Bldg Constr Acct--State \$ 421,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 421,000

**PART 6
MISCELLANEOUS**

NEW SECTION. Sec. 801. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,710,000 during the 1995-97 fiscal period; \$86,791,000 during the 1997-99 fiscal period; \$123,561,000 during the 1999-2001 fiscal period; \$123,500,000 during the 2001-03 fiscal period; and \$123,450,000 during the 2003-05 fiscal period.

NEW SECTION. Sec. 802. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal

amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000;

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000; and

(c) Enter into a financing agreement on behalf of the department of corrections in the amount \$10,000,000 and reserves pursuant to chapter 39.94 RCW, to construct a new correctional industries dairy and creamery. It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project costs savings may be realized. The department shall reevaluate costs using inmate labor and submit new estimates to the office of financial management before entering into any agreements. Milk and other products of the dairy shall be sold exclusively to correctional facilities and jails.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus.

(b) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$5,600,000 for off-campus aircraft training programs;

(c) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(d) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(e) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(f) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(g) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(h) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

(i) Lease-purchase or enter into a financing contract on behalf of Walla Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(j) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops.

(k) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(l) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(m) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

(n) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

(o) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

(p) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

(q) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

(r) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

(s) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management; and

(t) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(u) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

(v) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

(w) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds; and

(x) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

(6) Washington State University:

(a) Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract; and

(b) Enter into a financing contract for \$7,500,000 plus financing costs to construct a portion of the Consolidated Information Center at the Tri-Cities Branch Campus. Washington State University will be reimbursed for the cost of the financing contract from federal money received for the operation and/or construction of the center.

(7) Western Washington State University:

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

(8) Washington state fruit commission:

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

(10) Washington state convention and trade center:

(a) Enter into a financing contract in the amount of \$8,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for refinancing the parking revenue note issued by the corporation to Industrial Indemnity Corporation and held by its successor, Resolution Credit Service Corporation; and

(b) Enter into a financing contract in the amount of \$111,700,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for the construction of a \$130,000,000 expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995 in lieu of bonds described therein. The balance of the expansion project funds shall be provided from interest earnings and public or private funds.

NEW SECTION. Sec. 803. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology

shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

NEW SECTION. Sec. 804. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 805. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 806. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

NEW SECTION. Sec. 807. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 808. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 809. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 810. Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 811. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 812. The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 813. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

NEW SECTION. Sec. 814. Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

NEW SECTION. **Sec. 815.** Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

NEW SECTION. **Sec. 816.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. **Sec. 817.** The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

NEW SECTION. **Sec. 818.** No moneys in this act shall be used to develop facilities for juvenile offenders at Rainier school.

NEW SECTION. **Sec. 819.** STUDYING THE FEASIBILITY OF ESTABLISHING A POOLED REVENUE DISTRIBUTION SYSTEM FOR STATE TRUST LANDS. The board of natural resources shall evaluate the feasibility of establishing a pooled revenue distribution system for state lands, as defined in RCW 79.01.004, to provide a more consistent and predictable revenue stream to trust beneficiaries. For the purposes of this section, a "pooled revenue distribution system" means a system that distributes revenues to each trust beneficiary based on the proportional net present value of revenue forecasted for each trust ownership over a defined time period. Actual revenue distribution to each trust during a fiscal period would be based on the assigned proportional benefit multiplied by the actual total revenues produced from all state lands during the period. The board shall report to the legislature on its evaluation, including any recommendations for implementation, by November 1, 1995. The report shall include necessary modifications to the legal framework governing state trust

land revenues, and a proposed valuation methodology, as well as a forecast of potential revenue distributions using a pooled revenue distribution system.

NEW SECTION. Sec. 820. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 821. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sehlin moved that the House not concur in the Senate amendments to Second Engrossed Substitute House Bill No. 1070 and ask the Senate to recede therefrom. The motion was carried.

There being no objection, Second Engrossed Substitute House Bill No. 1070 was immediately transmitted to the Senate.

MESSAGES FROM THE SENATE

May 24, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071,
HOUSE BILL NO. 1102,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
HOUSE BILL NO. 2110,

and the same are herewith transmitted.

Marty Brown, Secretary

May 24, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1057,

and the same is herewith transmitted.

Marty Brown, Secretary

SPEAKER SIGNED

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071,
SUBSTITUTE HOUSE BILL NO. 1057,
HOUSE BILL NO. 1102,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
HOUSE BILL NO. 2110,

There being no objection, the House reverted to the fourth order of business.

There being no objection, Engrossed Senate Bill No. 5269 was read the first time.

There being no objection, the rules were suspended and Engrossed Senate Bill No. 5269 was advanced to second reading and read the second time in full.

ENGROSSED SENATE BILL NO. 5269, by Senators Rasmussen, Pelz, Heavey, Winsley, Franklin, Oke and Deccio

Raising the maximum cost for raffle tickets to twenty-five dollars.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives B. Thomas and Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Senate Bill No. 5269.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5269, and the bill passed the House by the following vote: Yeas - 86, Nays - 10, Absent - 0, Excused - 2.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Chopp, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Dyer, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Kremen, Lambert, Mason, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sherstad, Silver, Skinner, Sommers, Sterk, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Voloria, Wolfe and Mr. Speaker - 86.

Voting nay: Representatives Casada, Honeyford, Koster, Lisk, McMahan, Patterson, Rust, Sheldon, Smith and Stevens - 10.

Excused: Representatives Chappell and Goldsmith - 2.

Engrossed Senate Bill No. 5269, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Engrossed Senate Bill No. 5269.

DAVE CHAPPELL, 20th District

There being no objection, the House reverted to the fourth order of business.

There being no objection, Substitute Senate Bill No. 5364 was read the first time.

There being no objection, the rules were suspended and Substitute Senate Bill No. 5364 was advanced to second reading and read the second time in full.

SUBSTITUTE SENATE BILL NO. 5364, by Senate Committee on Transportation (originally sponsored by Senator Owen; by request of Office of Financial Management)

Authorizing bonds for transportation projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative K. Schmidt spoke in favor of passage of the bill.

Representative R. Fisher spoke against passage of the bill.

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5364.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5364, and the bill passed the House by the following vote: Yeas - 64, Nays - 32, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pelesky, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 64.

Voting nay: Representatives Appelwick, Basich, Brown, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hargrove, Jacobsen, Kessler, Kremen, Mason, Morris, Ogden, Patterson, Poulsen, Quall, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 32.

Excused: Representatives Chappell and Goldsmith - 2.

Substitute Senate Bill No. 5364, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Bill No. 5364.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objections, Rule 13C was suspended.

SENATE AMENDMENTS TO HOUSE BILL

May 24, 1995

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation (FY 1996) \$ 23,862,000

General Fund Appropriation (FY 1997) \$ 23,685,000

TOTAL APPROPRIATION \$ 47,547,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in

the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation (FY 1996) \$ 17,397,000

General Fund Appropriation (FY 1997) \$ 19,198,000

TOTAL APPROPRIATION \$ 36,595,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$125,000 of the appropriation in this section is for the joint legislative ethics board.

(2) The legislature shall establish a medical assistance fiscal study group to analyze health care costs and utilization to seek solutions to the rapid increases in medical assistance expenditures.

(3) The legislature shall study the process and information used to determine eligibility for the general assistance-unemployable program administered by the department of social and health services economic services administration. The legislature shall: (a) Seek assistance from medical professionals with experience in assessing physical and mental disabilities; (b) explore options to provide designated training or support services for general assistance-unemployable recipients to enable them to become employable; and (c) propose program changes to meet the funding levels provided in the 1995-97 biennial budget. Findings and proposed program changes shall be reported to the fiscal committees of the legislature no later than December 20, 1995.

(4)(a) The respective fiscal committees of the house of representatives and the senate shall evaluate the fiscal notes used by the legislature to inform it of the costs and savings estimated to result from proposed legislation. The evaluation shall identify: (i) Whether the process for developing fiscal notes has adequate controls to ensure that the data and methodologies used are current and reliable, and (ii) how the accuracy, reliability and timeliness of fiscal notes can be improved.

(b) The study shall include: (i) A review of fiscal notes on legislation pertaining to a variety of state programs; (ii) a survey of fiscal note requirements, systems, and agencies in other states; (iii) an analysis of methods used in the public and private sectors that could be used to improve the reliability and accuracy and timeliness of fiscal notes; (iv) identification of statutes, policies, and rules that should be changed to improve the reliability and accuracy of fiscal notes; (v) recommendations on when fiscal notes should be required; (vi) recommendations on the appropriate assignment of responsibility for the development of fiscal notes; and (vii) recommendations on how the process for developing fiscal notes can be changed to reduce the time it takes to produce a reliable and accurate fiscal note.

(5) Within the funds provided in this section, the legislature shall review and identify state programs or services that may be competitively contracted to produce cost savings or improvements in the quality or level of services without harm to the public good. The review will include an evaluation of results obtained in other states that have competitively contracted for these and other programs or services. The review may include specific information regarding the feasibility of privatizing the construction and operation of correctional institutions and juvenile rehabilitation facilities. A preliminary report shall be completed by January 1, 1996, and a final report by January 1, 1997.

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation (FY 1996) \$ 1,557,000
General Fund Appropriation (FY 1997) \$ 1,268,000
TOTAL APPROPRIATION \$ 2,825,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 is provided solely for the legislative budget committee to conduct a performance audit of the office of the superintendent of public instruction and report its finding to the appropriate committees of the legislature by December 31, 1995. In addition to the standard items reviewed in a performance audit, the committee is directed to provide the following: (a) A determination of methods to maximize the amount of federal funds received by the state; (b) the identification of potential cost savings from any office programs which could be eliminated or transferred to the private sector; (c) an analysis of gaps and overlaps in office programs; and (d) an evaluation of the efficiency with which the office of the superintendent of public instruction operates the programs under its jurisdiction and fulfills the duties assigned to it by law. In conducting the performance audit, the legislative budget committee is also directed to use performance measures or standards used by other states or other large education organizations in developing its findings.

(2) The general fund appropriation contains sufficient funds for the legislative budget committee to perform the study required in Second Substitute Senate Bill No. 5574 regarding the transfer of forest board lands to the counties.

NEW SECTION. Sec. 104. FOR THE PERFORMANCE PARTNERSHIP COUNCIL

General Fund Appropriation (FY 1996) \$ 250,000

NEW SECTION. Sec. 105. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation (FY 1996) \$ 1,162,000
General Fund Appropriation (FY 1997) \$ 1,162,000
TOTAL APPROPRIATION \$ 2,324,000

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account
Appropriation \$ 1,573,000

NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation (FY 1996) \$ 4,450,000
General Fund Appropriation (FY 1997) \$ 4,450,000
TOTAL APPROPRIATION \$ 8,900,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 108. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation (FY 1996) \$ 3,076,000
General Fund Appropriation (FY 1997) \$ 3,356,000
TOTAL APPROPRIATION \$ 6,432,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$55,000 is provided solely for the uniform legislation commission.
- (2) \$40,000 is provided for the compilation and publication of a quarterly report on agency rule-making activity pursuant to section 704 of Engrossed Substitute House Bill No. 1010 (regulatory reform).

NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES. In order to implement cost reduction measures required by this act and to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, legislative budget committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 110. FOR THE SUPREME COURT

General Fund Appropriation (FY 1996) \$ 4,419,000
General Fund Appropriation (FY 1997) \$ 4,456,000
TOTAL APPROPRIATION \$ 8,875,000

NEW SECTION. Sec. 111. FOR THE LAW LIBRARY

General Fund Appropriation (FY 1996) \$ 1,607,000
General Fund Appropriation (FY 1997) \$ 1,608,000
TOTAL APPROPRIATION \$ 3,215,000

NEW SECTION. Sec. 112. FOR THE COURT OF APPEALS

General Fund Appropriation (FY 1996) \$ 8,834,000
General Fund Appropriation (FY 1997) \$ 8,834,000
TOTAL APPROPRIATION \$ 17,668,000

NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation (FY 1996) \$ 595,000
General Fund Appropriation (FY 1997) \$ 606,000
TOTAL APPROPRIATION \$ 1,201,000

NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation (FY 1996) \$ 11,658,000
General Fund Appropriation (FY 1997) \$ 11,728,000
Public Safety and Education Account
Appropriation \$ 41,403,000
Judicial Information Systems Account
Appropriation \$ 6,446,000
TOTAL APPROPRIATION \$ 71,235,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account shall be used to fund computer systems for the supreme court, the court of appeals, and the office of the administrator for the courts. Expanding services to the courts, technology improvements, and criminal justice proposals shall receive priority consideration for the use of these funds.

(2) \$63,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5235 (judgeship for Clark county). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$6,510,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$9,326,000 of the public safety and education account is provided solely for the indigent appeals program.

(5) \$26,000 of the public safety and education account and \$110,000 of the judicial information systems account are to implement Engrossed Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(6) \$138,000 of the public safety and education account is provided solely for Thurston county impact costs.

(7) \$223,000 of the public safety and education account is provided solely for the gender and justice commission.

(8) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(9) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and the county or counties in which the judges serve. The administrator for the courts shall establish procedures for the collection and disbursement of these employer contributions.

NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation (FY 1996) \$ 2,899,000
General Fund Appropriation (FY 1997) \$ 2,898,000
TOTAL APPROPRIATION \$ 5,797,000

NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation (FY 1996) \$ 242,000
General Fund Appropriation (FY 1997) \$ 243,000
TOTAL APPROPRIATION \$ 485,000

NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation (FY 1996) \$ 1,107,000
General Fund Appropriation (FY 1997) \$ 1,045,000
Industrial Insurance Premium Refund Account
Appropriation \$ 725
TOTAL APPROPRIATION \$ 2,152,725

NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE

General Fund Appropriation (FY 1996) \$ 9,175,000
General Fund Appropriation (FY 1997) \$ 5,924,000
Archives and Records Management Account
Appropriation \$ 4,330,000
Department of Personnel Service Account
Appropriation \$ 647,000
TOTAL APPROPRIATION \$ 20,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,859,975 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$5,183,762 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(3) \$140,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) The general fund appropriation for fiscal year 1996 shall be reduced by \$726,000 if Engrossed Senate Bill No. 5852 (presidential preference primary) is enacted by March 15, 1996.

(5) \$10,000 is provided solely for the purposes of Substitute House Bill No. 1497 (preservation of electronic public records),

NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 151,000

General Fund Appropriation (FY 1997) \$ 152,000

TOTAL APPROPRIATION \$ 303,000

NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 173,000

General Fund Appropriation (FY 1997) \$ 173,000

TOTAL APPROPRIATION \$ 346,000

NEW SECTION. Sec. 121. FOR THE STATE TREASURER

State Treasurer's Service Account

Appropriation \$ 10,454,000

NEW SECTION. Sec. 122. FOR THE STATE AUDITOR

General Fund Appropriation (FY 1996) \$ 12,000

General Fund Appropriation (FY 1997) \$ 10,000

Municipal Revolving Account

Appropriation \$ 24,886,000

Auditing Services Revolving Account

Appropriation \$ 11,814,000

TOTAL APPROPRIATION \$ 36,722,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) The state auditor, in consultation with the legislative budget committee, shall conduct a performance audit of the state investment board. In conducting the audit, the state auditor shall: (a) Establish and publish a schedule of the performance audit and shall solicit public comments relative to the operations of the state investment board at least three months prior to conducting the scheduled performance audit; (b) under the provisions of chapter 39.29 RCW, obtain and utilize a private firm to conduct the audit. The firm selected shall utilize professional staff possessing the education, training, and practical experience in auditing private and governmental entities responsible for the investment of funds necessary to capably conduct the audit required by this subsection. The firm selected for the audit shall determine the extent to which the state investment board is operating consistently with the performance audit measures developed by the state auditor, acting together with the board, the legislative budget committee, the office of financial management, the state treasurer, and other state agencies, as appropriate. The audit measures shall incorporate appropriate institutional investment industry criteria for measuring management practices and operations. The firm shall recommend in its report any actions deemed appropriate that the board can take to operate more consistently with such

measures. The cost of the performance audit conducted shall be paid by the board from nonappropriated investment earnings.

NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation (FY 1996) \$ 6,000
General Fund Appropriation (FY 1997) \$ 59,000
TOTAL APPROPRIATION \$ 65,000

NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 1996) \$ 3,228,000
General Fund--State Appropriation (FY 1997) \$ 3,225,000
General Fund--Federal Appropriation \$ 1,624,000
Public Safety and Education Account
Appropriation \$ 1,250,000
State Investment Board Expense Account
Appropriation \$ 4,000,000
New Motor Vehicle Arbitration Account
Appropriation \$ 1,782,000
Legal Services Revolving Account
Appropriation \$ 113,972,000
Health Services Account Appropriation \$ 300,000
TOTAL APPROPRIATION \$ 129,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies.

(3) \$4,000,000 from the state investment board expense account appropriation is provided solely for attorney general costs and related expenses in aggressively pursuing litigation related to real estate investments on behalf of the state investment board. To the maximum extent possible, attorney general staff shall be used in pursuing this litigation.

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

Securities Regulation Account
Appropriation \$ 4,515,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 1996) \$ 48,627,000
General Fund--State Appropriation (FY 1997) \$ 47,328,000
General Fund--Federal Appropriation \$ 147,991,000
General Fund--Private/Local Appropriation \$ 1,676,000
Public Safety and Education Account
Appropriation \$ 8,764,000

Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 2,006,000
Washington Marketplace Program Account	
Appropriation	\$ 150,000
Public Works Assistance Account	
Appropriation	\$ 1,068,000
Building Code Council Account	
Appropriation	\$ 1,289,000
Administrative Contingency Account	
Appropriation	\$ 1,776,000
Low-Income Weatherization Assistance Account	
Appropriation	\$ 923,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 6,027,000
Manufactured Home Installation Training Account	
Appropriation	\$ 150,000
Washington Housing Trust Account	
Appropriation	\$ 4,686,000
Public Facility Construction Revolving Account	
Appropriation	\$ 238,000
Solid Waste Management Account Appropriation	\$ 700,000
Growth Management Planning and Environmental	
Review Fund Appropriation	\$ 3,000,000
TOTAL APPROPRIATION	\$ 276,399,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,065,000 of the general fund--state appropriation is provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1993-95 biennium.

(2) \$538,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1724 (growth management).

(3) In order to offset reductions in federal community services block grant funding for community action agencies, the department shall set aside \$4,800,000 of federal community development block grant funds for distribution to local governments to allocate to community action agencies state-wide.

(4) \$8,915,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1996 as follows:

- (a) \$3,603,250 to local units of government to continue multijurisdictional drug task forces;
- (b) \$934,000 to the Washington state patrol for coordination, technical assistance, and investigative and supervisory staff support for multijurisdictional narcotics task forces;
- (c) \$456,000 to the department to continue the state-wide drug prosecution assistance program;
- (d) \$93,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
- (e) \$744,000 to the department to continue the youth violence prevention and intervention projects;
- (f) \$240,000 to the department for grants to support tribal law enforcement needs;
- (g) \$495,000 is provided to the Washington state patrol for a state-wide integrated narcotics system;
- (h) \$538,000 to the department for grant administration and program evaluation, monitoring, and reporting, pursuant to federal requirements;
- (i) \$51,000 to the Washington state patrol for data collection;

(j) \$445,750 to the office of financial management for the criminal history records improvement program;

(k) \$42,000 to the department to support local services to victims of domestic violence;

(l) \$300,000 to the department of community, trade, and economic development for domestic violence legal advocacy;

(m) \$300,000 to the department of community, trade, and economic development for grants to provide a defender training program; and

(n) \$673,000 to the department of corrections for the expansion of correctional industries projects that place inmates in a realistic working and training environment.

(5) \$3,960,000 of the public safety and education account appropriation is provided solely for the office of crime victims' advocacy.

(6) \$216,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$200,000 of the general fund--state appropriation is provided solely as a grant for the community connections program in Walla Walla county.

(8) \$30,000 of the Washington housing trust account appropriation is provided solely for the department to conduct an assessment of the per square foot cost associated with constructing or rehabilitating buildings financed by the housing trust fund for low-income housing. The department may contract with specially trained teams to conduct this assessment. The department shall report to the legislature by December 31, 1995. The report shall include:

(a) The per square foot cost of each type of housing unit financed by the housing trust fund;

(b) An assessment of the factors that affect the per square foot cost;

(c) Recommendations for reducing the per square foot cost, if possible;

(d) Guidelines for housing costs per person assisted; and

(e) Other relevant information.

(9) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(10) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

(12) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

(13) \$150,000 of the general fund--state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.

(14) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to

implement a plan for assessing fees for services provided by the project. It is the intent of the legislature that the revenues raised to defray the expenditures of this program will be increased to fifty percent of the expenditures in fiscal year 1996 and seventy-five percent of the expenditures in fiscal year 1997. Beginning in fiscal year 1998, the legislature intends that this program will be fully self-supporting.

(18) \$4,804,000 of the public safety and education account appropriation is provided solely for contracts with qualified legal aid programs for civil indigent legal representation pursuant to RCW 43.08.260. It is the intent of the legislature to ensure that legal aid programs receiving funds appropriated in this act pursuant to RCW 43.08.260 comply with all applicable restrictions on use of these funds. To this end, during the 1995-97 fiscal biennium the department shall monitor compliance with the authorizing legislation, shall oversee the implementation of this subsection, and shall report directly to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(a) It is the intent of the legislature to improve communications between legal aid programs and persons affected by the activities of legal aid programs. There is established for the 1995-97 fiscal biennium a task force on agricultural interests/legal aid relations. The task force shall promote better understanding and cooperation between agricultural interests and legal aid programs and shall provide a forum for discussion of issues of common concern. The task force shall not involve itself in pending litigation.

(i) The task force shall consist of the following sixteen members: Four representatives of agricultural organizations, to be appointed by the legislator members; two individuals who represent the corresponding interests of legal clients, to be appointed by organizations designated by the three legal services programs; two representatives of Evergreen Legal Services, to be appointed by its board of directors; one representative each from Puget Sound Legal Assistance Foundation and Spokane Legal Services Center, each to be appointed by its directors; one member from each of the majority and minority caucuses of the house of representatives, to be appointed by the speaker of the house of representatives; one member from each of the majority and minority caucuses of the senate, to be appointed by the president of the senate; and two members of the supreme court-appointed access to justice board, to be appointed by the board. During fiscal year 1996, the task force shall be chaired by a legislative member, to be selected by the task force members. During fiscal year 1997, the committee shall be chaired by a nonlegislator member, to be selected by the task force members.

(ii) All costs associated with the meetings shall be borne by the individual task force members or by the organizations that the individuals represent. No task force member shall be eligible for reimbursement of expenses under RCW 43.03.050 or 43.03.060. Nothing in this subsection prevents the legal aid programs from using funds appropriated in this act to reimburse their representatives or the individuals representing legal clients.

(iii) The task force will meet at least four times during the first year of the biennium and as frequently as necessary thereafter at mutually agreed upon times and locations. Any member of the task force may place items on meeting agendas. Members present at the first two task force meetings shall agree upon a format for subsequent meetings.

(b) The legislature recognizes that farmworkers have the right to receive basic information and to consult with attorneys at farm labor camps without fear of intimidation or retaliation. It is the intent of the legislature and in the interest of the public to ensure the safety of all persons affected by legal aid programs' farm labor camp outreach activities. Legal aid program employees have the legal right to enter the common areas of a labor camp or to request permission of employees to enter their dwellings. Employees living in grower supplied housing have the right to refuse entry to anyone including attorneys unless they have a warrant. Individual employees living in employer supplied housing do not have the right to force legal aid program employees to leave common areas of housing (outside) as long as one person who resides in the associated dwellings wants that person to be there. Any legal aid program employee wishing to visit employees housed on grower property has the right to enter the driveway commonly used by the housing occupants. This means that if agricultural employees must use a grower's personal driveway to get to their housing, legal aid program employees also may use that driveway to access the housing without a warrant so long as at least some of the housing is occupied. When conducting outreach activities that involve entry onto labor camps, legal

aid programs shall establish and abide by policies regarding conduct of outreach activities. The policies shall include a requirement that legal aid program employees identify themselves to persons whom they encounter at farm labor camps. The legal aid programs shall provide copies of their current outreach policies to known agricultural organizations and shall provide copies upon request to any owner of property on which farmworkers are housed. Legal aid program employees involved in outreach activities shall attempt to inform operators of licensed farm labor camps or their agents, and known grower organizations of the approximate time frame for outreach activities and shall cooperate with operators of farm labor camps at which farmworkers are housed in assuring compliance with all pertinent laws and ordinances, including those related to trespass and harassment. Employers who believe that Evergreen Legal Services Outreach Guidelines have been violated shall promptly provide all available information on the alleged violation to the director of Evergreen Legal Services and to the chair of the Task Force on Agricultural Interests/Legal Aid Relations. Evergreen Legal Services will promptly investigate any alleged violations of the outreach guidelines and inform the complaining party of the result. If the resolution of the investigation is not satisfactory to the complainant, the matter shall be placed on the Task Force agenda for discussion at the next scheduled meeting. Employers who believe that Evergreen Legal Services staff members have trespassed should immediately contact local law enforcement authorities.

(c) It is the intent of the legislature to provide the greatest amount of legal services to the largest number of clients by discouraging inefficient use of state funding for indigent legal representation. To this end, it is the intent of the legislature that, prior to the commencement of litigation against any private employer relating to the terms and conditions of employment legal aid programs receiving funds appropriated in this act make good faith written demand for the requested relief, a good faith offer of settlement or an offer to submit to nonbinding arbitration prior to filing a lawsuit, unless the making of the offer is, in the opinion of the director of the legal services program or his/her designee, clearly prejudicial to: (i) The health, safety, or security of the client; or (ii) the timely availability of judicial relief. The director of the legal aid program may designate not more than two persons for purposes of making the determination of prejudice permitted by this section.

(d)(i) The legislature encourages legal aid programs to devote their state and nonstate funding to the basic, daily legal needs of indigent persons. No funds appropriated under this act may be used for legal representation and activities outside the scope of RCW 43.08.260.

(ii) No funds appropriated in this act may be used for lobbying as defined in RCW 43.08.260(3). Legal aid programs receiving funds appropriated in this act shall comply with all restrictions on lobbying contained in Federal Legal Services Corporation Act (P.L. 99-951) and regulations promulgated thereunder.

(e) No funds appropriated in this act may be used by legal aid programs for representation of undocumented aliens.

(f) The legislature recognizes the duty of legal aid programs to preserve inviolate and prevent the disclosure of, in the absence of knowing and voluntary client consent, client information protected by the United States Constitution, the Washington Constitution, the attorney-client privilege, or any applicable attorney rule of professional conduct. However, to the extent permitted by applicable law, legal aid programs receiving funds appropriated in this act shall, upon request, provide information on their activities to the department and to legislators for purposes of monitoring compliance with authorizing legislation and this subsection.

(g) Nothing in this subsection is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, and the Federal Legal Services Corporation, to resolve complaints or disputes within their jurisdiction.

NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation (FY 1996) \$ 410,000

General Fund Appropriation (FY 1997) \$ 410,000

TOTAL APPROPRIATION \$ 820,000

NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 1996) \$ 9,482,000
 General Fund--State Appropriation (FY 1997) \$ 9,138,000
 General Fund--Federal Appropriation \$ 12,432,000
 General Fund--Private/Local Appropriation \$ 720,000
 Health Services Account Appropriation \$ 330,000
 Public Safety and Education Account
 Appropriation \$ 200,000
 TOTAL APPROPRIATION \$ 32,302,000

The appropriations in this subsection are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely as the state's share of funding for the "Americorps" youth employment program.

NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account
 Appropriation \$ 14,487,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL

General Fund--State Appropriation (FY 1996) \$ 360,000
 General Fund--State Appropriation (FY 1997) \$ 360,000
 General Fund--Federal Appropriation \$ 700,000
 Personnel Data Revolving Account Appropriation \$ 880,000
 Department of Personnel Service Account
 Appropriation \$ 15,354,000
 Higher Education Personnel Services Account
 Appropriation \$ 1,656,000
 TOTAL APPROPRIATION \$ 19,310,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall reduce its charge for personnel services to the lowest rate possible.
- (2) \$32,000 of the department of personnel service fund appropriation is provided solely for the creation, printing, and distribution of the personal benefits statement for state employees.
- (3) The general fund--state appropriation, the general fund--federal appropriation, the personnel data revolving account appropriation, and \$300,000 of the department of personnel service account appropriation shall be used solely for the establishment of a state-wide human resource information data system and network within the department of personnel and to improve personnel data integrity. Authority to expend these amounts is conditioned on compliance with section 902 of this act. The personnel data revolving account is hereby created in the state treasury to facilitate the transfer of moneys from dedicated funds and accounts. To allocate the appropriation from the personnel data revolving account among the state's dedicated funds and accounts based on each fund or account's pro rata share of the state salary base, the state treasurer is directed to transfer sufficient money from each fund or account to the personnel data revolving account in accordance with schedules provided by the office of financial management.
- (4) The department of personnel shall charge all administrative services costs incurred by the committee for deferred compensation or the department of retirement systems for the deferred compensation program to the deferred compensation administrative account. Department billings to the committee or the department of retirement systems shall be for actual costs only.
- (5) The department of personnel service fund appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.
- (6) \$500,000 of the department of personnel service account appropriation is provided solely for a career transition program to assist state employees who are separated or are at risk of lay-off due to reduction-in-force, including employee retraining and career counseling.
- (7) The department of personnel has the authority to charge agencies for expenses resulting from the administration of a benefits contribution plan established by the health care authority.

Fundings to cover these expenses shall be realized from agency FICA tax savings associated with the benefits contributions plan.

NEW SECTION. Sec. 131. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

Dependent Care Administrative Account
Appropriation \$ 166,000

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account
Appropriation \$ 18,813,000

NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE GAMBLING COMMISSION

Industrial Insurance Premium Refund Account
Appropriation \$ 14,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation (FY 1996) \$ 195,000
General Fund Appropriation (FY 1997) \$ 195,000
TOTAL APPROPRIATION \$ 390,000

NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation (FY 1996) \$ 148,000
General Fund Appropriation (FY 1997) \$ 146,000
TOTAL APPROPRIATION \$ 294,000

NEW SECTION. Sec. 136. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account
Appropriation \$ 1,593,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- OPERATIONS

Department of Retirement Systems Expense Account
Appropriation \$ 30,152,000
Dependent Care Administrative Account
Appropriation \$ 183,000
TOTAL APPROPRIATION \$ 30,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$857,000 of the department of retirement systems expense account appropriation is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$779,000 of the department of retirement systems expense account appropriation is provided solely for the in-house design development, and implementation of the information systems project known as the disbursement system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) \$1,900,000 of the department of retirement systems expense account appropriation and the entire dependent care administrative account appropriation are provided solely for the implementation of Substitute House Bill No. 1206 (restructuring retirement systems). If the bill is not enacted by June 30, 1995, the amount provided in this subsection from the department of retirement systems expense

account shall lapse, and the entire dependent care administrative account appropriation shall be transferred to the committee for deferred compensation.

NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account
Appropriation \$ 8,068,000

The appropriation in this section is subject to the following conditions and limitations: The board shall conduct a feasibility study on the upgrade or replacement of the state-wide investment accounting system and report its findings to the fiscal committees of the legislature by January 1, 1996.

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation (FY 1996) \$ 62,528,000
General Fund Appropriation (FY 1997) \$ 63,139,000
Timber Tax Distribution Account
Appropriation \$ 4,585,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 95,000
State Toxics Control Account
Appropriation \$ 67,000
Solid Waste Management Account
Appropriation \$ 88,000
Oil Spill Administration Account
Appropriation \$ 14,000
Pollution Liability Insurance Program Trust Account
Appropriation \$ 230,000
TOTAL APPROPRIATION \$ 130,746,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,197,000 of the general fund appropriation is provided solely for senior citizen property tax deferral distribution. \$103,000 of this amount is provided solely to reimburse counties for the expansion of the senior citizen property tax deferral program enacted by Substitute House Bill No. 1673.

(2) \$280,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) The general fund appropriation contains sufficient funds for the department of revenue to collect use tax on advertising materials printed outside the state and mailed directly to Washington residents at the direction of an in-state business to promote sales of products or services, pursuant to RCW 82.12.010(5).

(4) The general fund appropriation contains sufficient funds for the department of revenue to study the feasibility of rewriting Titles 82 and 84 RCW for clarity and ease of understanding, without making substantive changes in the law. The department may study this issue by redrafting certain sections of the existing law and reviewing with legislators, interest groups, and affected parties whether or not such a project is feasible. The department shall report the results of this study to the legislature in the 1996 legislative session.

NEW SECTION. Sec. 140. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation (FY 1996) \$ 993,000
General Fund Appropriation (FY 1997) \$ 996,000
TOTAL APPROPRIATION \$ 1,989,000

NEW SECTION. Sec. 141. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation (FY 1996) \$ 1,593,000

General Fund Appropriation (FY 1997) \$ 1,637,000
TOTAL APPROPRIATION \$ 3,230,000

NEW SECTION. Sec. 142. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account
Appropriation \$ 2,121,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 1996) \$ 284,000
General Fund--State Appropriation (FY 1997) \$ 283,000
General Fund--Federal Appropriation \$ 1,304,000
General Fund--Private/Local Appropriation \$ 388,000
Motor Transport Account Appropriation \$ 10,814,000
Industrial Insurance Premium Refund Account
Appropriation \$ 140,000
Air Pollution Control Account
Appropriation \$ 111,000
Department of General Administration Facilities
and Services Revolving Account
Appropriation \$ 21,271,000
Central Stores Revolving Account
Appropriation \$ 3,056,000
Risk Management Account Appropriation \$ 2,033,000
TOTAL APPROPRIATION \$ 39,684,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,776 of the industrial insurance premium refund account appropriation is provided solely for the Washington school directors association.
- (2) The cost of purchasing and material control operations may be recovered by the department through charging agencies utilizing these services. The department must begin directly charging agencies utilizing the services on September 1, 1995. Amounts charged may not exceed the cost of purchasing and contract administration. Funds collected may not be used for purposes other than cost recovery and must be separately accounted for within the central stores revolving fund.

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account
Appropriation \$ 3,847,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The department shall provide a toll-free telephone number and operator service staff for the general public to call for information about state agencies. The department may provide such staff, equipment, and facilities as are necessary for this purpose. The director shall adopt rules to fix terms and charges for these services. All state agencies and the legislature shall participate in the information program and shall reimburse the department of information services in accordance with rules established by the director. The department shall also provide conference calling services for state and other public agencies on a fee-for-service basis.
- (2) \$364,000 of the data processing revolving account appropriation is provided solely for maintenance and support of the WIN Network. The department is authorized to recover the costs through billings to affected agencies.

NEW SECTION. Sec. 145. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$ 104,000

Insurance Commissioner's Regulatory Account
Appropriation \$ 20,126,000
TOTAL APPROPRIATION \$ 20,230,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The insurance commissioner shall obtain the approval of the department of information services for any feasibility plan for proposed technology improvements.

(2) \$895,000 of the insurance commissioner's regulatory account appropriation is provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 146. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account
Appropriation \$ 1,293,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 of the certified public accountants' account appropriation is provided solely to conduct a study in conjunction with the higher education coordinating board of the financial impact on public and private higher education institutions of any increase in the education requirements for CPA certification. Such study shall include impacts on enrollment and access of other students to higher education. No rule to increase education requirements may be implemented until such study has been completed and reported to the higher education and fiscal committees of both houses of the legislature.

NEW SECTION. Sec. 147. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 12,000

NEW SECTION. Sec. 148. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Account Appropriation \$ 4,733,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) The commission shall conduct a complete examination of Playfair racecourse, identifying problems and offering possible solutions that are designed to resolve the continuing decline in parimutuel racing at that track.

NEW SECTION. Sec. 149. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Account Appropriation \$ 113,461,000

NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State
Appropriation \$ 25,802,000
Public Service Revolving Account--Federal
Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 26,002,000

NEW SECTION. Sec. 151. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension
Administrative Account Appropriation \$ 442,000

NEW SECTION. Sec. 152. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 1996) \$ 7,474,000
General Fund--State Appropriation (FY 1997) \$ 7,477,000

General Fund--Federal Appropriation \$ 28,293,000
 General Fund--Private/Local Appropriation \$ 237,000
 Enhanced 911 Account Appropriation \$ 18,541,000
 Industrial Insurance Premium Refund Account
 Appropriation \$ 34,000
TOTAL APPROPRIATION \$ 62,056,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$205,238 of the total appropriation is provided solely to pay loan obligations on the energy partnership contract number 90-07-01. This obligation includes unpaid installments from September 1993 through June 1997. This amount may be reduced by any payments made in the 1993-95 Biennium on installments made in the 1993-95 Biennium on installments due between September 1993 and June 1995.

(2) \$70,000 of the general fund--state appropriation is provided solely for the north county emergency medical service.

NEW SECTION. Sec. 153. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation (FY 1996) \$ 1,647,000
 General Fund Appropriation (FY 1997) \$ 1,667,000
TOTAL APPROPRIATION \$ 3,314,000

NEW SECTION. Sec. 154. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund Appropriation (FY 1996) \$ 1,331,000
 General Fund Appropriation (FY 1997) \$ 1,334,000
TOTAL APPROPRIATION \$ 2,665,000

NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Operations
 Account Appropriation \$ 25,606,000

**PART II
 HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The department of social and health services is prohibited from requiring special authorization for nonmedical reasons for prescription drugs and medications for medicaid-eligible recipients.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 144,801,000

General Fund--State Appropriation (FY 1997) \$ 151,569,000

General Fund--Federal Appropriation \$ 263,843,000

General Fund--Private/Local Appropriation \$ 400,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 5,719,000

TOTAL APPROPRIATION \$ 566,332,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,660,000 of the general fund--state appropriation for fiscal year 1996 and \$10,086,000 of the general fund--federal appropriation are provided solely for the modification of the case and management information system (CAMIS). Authority to expend these funds is conditioned on compliance with section 902 of this act.

(2) \$5,524,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of this amount:

(a) \$150,000 of the general fund--state appropriation is provided in fiscal year 1996 to develop a plan for children at risk. The department shall work with a variety of service providers and community representatives, including the community public health and safety networks, and shall present the plan to the legislature and the governor by December 1, 1995. The plan shall contain a strategy for the development of an intensive treatment system with outcome-based information on the level of services that are achievable under an annual appropriation of \$5,000,000, \$7,000,000, and \$9,000,000; address the issue of chronic runaways; and determine caseload impacts.

(b) \$219,000 of the general fund--state appropriation is provided in fiscal year 1996 and \$4,678,000 of the general fund--state appropriation is provided in fiscal year 1997 for crisis residential center training and administrative duties and secure crisis residential center contracts.

(c) \$266,000 of the general fund--state appropriation is provided for the multidisciplinary teams and \$211,000 of the general fund--state appropriation is provided in fiscal year 1997 for family reconciliation services.

(d) The state may enter into agreements with the counties to provide residential and treatment services to runaway youth at a rate of reimbursement to be negotiated by the state and county.

(3) \$1,997,000 of the violence reduction and drug enforcement account appropriation and \$8,421,000 of the general fund--federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Of these amounts:

(a) \$1,060,000 of the violence reduction and drug enforcement account appropriation is provided solely for distribution to the community public health and safety networks for planning in fiscal year 1996.

(b) \$937,000 of the violence reduction and drug enforcement account appropriation is provided for staff in the children and family services division of the department of social and health services to support family policy council activities. The family policy council is directed to provide training, design, technical assistance, consultation, and direct service dollars to the networks. Of this amount, \$300,000 is provided for the evaluation activities outlined in RCW 70.190.050, to be conducted exclusively by the Washington state institute for public policy. To the extent that private funds can be raised for the evaluation activities, the state funding may be retained by the department to support the family policy council activities.

(c) \$8,421,000 of the general fund--federal appropriation is provided solely for the delivery of services authorized by the federal family preservation and support act.

(4) \$2,575,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5885 (family preservation services). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse. Of this amount:

(a) \$75,000 is provided in fiscal year 1996 to develop an implementation and evaluation plan for providing intensive family preservation services and family preservation services. The department shall present the plan to the legislature and the governor no later than December 1, 1995. The plan shall contain outcome based information on the level of services that are achievable under an annual appropriation of \$3,000,000, \$5,000,000, and \$7,000,000; and

(b) \$2,500,000 is provided in fiscal year 1997 for additional family preservation services based upon the report.

(5) \$4,646,000 of the general fund--state is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(6) \$2,672,000 of the general fund--state is provided solely to increase payment rates to contracted social services child care providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(7) \$854,000 of the violence reduction and drug enforcement account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(8) \$700,000 of the general fund--state appropriation and \$262,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996)	\$ 24,944,000
General Fund--State Appropriation (FY 1997)	\$ 25,771,000
General Fund--Federal Appropriation	\$ 20,167,000
General Fund--Private/Local Appropriation	\$ 286,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 5,695,000
TOTAL APPROPRIATION	\$ 76,863,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$650,000 of the general fund--state appropriation for fiscal year 1996 and \$650,000 of the general fund--state appropriation for fiscal year 1997 are provided solely for operation of learning and life skills centers established pursuant to chapter 152, Laws of 1994.

(b) \$1,379,000 of the general fund--state appropriation and \$134,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996)	\$ 25,701,000
General Fund--State Appropriation (FY 1997)	\$ 29,120,000
General Fund--Federal Appropriation	\$ 23,011,000
General Fund--Private/Local Appropriation	\$ 830,000

Violence Reduction and Drug Enforcement Account
Appropriation \$ 10,634,000
TOTAL APPROPRIATION \$ 89,296,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 1,021,000
General Fund--State Appropriation (FY 1997) \$ 1,024,000
General Fund--Federal Appropriation \$ 881,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 421,000
TOTAL APPROPRIATION \$ 3,347,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 107,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 1,177,000
TOTAL APPROPRIATION \$ 1,284,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 1996) \$ 162,878,000
General Fund--State Appropriation (FY 1997) \$ 169,206,000
General Fund--Federal Appropriation \$ 241,564,000
General Fund--Private/Local Appropriation \$ 9,000,000
Health Services Account Appropriation \$ 19,647,000
TOTAL APPROPRIATION \$ 602,295,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$8,160,000 of the general fund--state appropriation and \$279,000 of the health services account appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(c) From the general fund--state appropriation in this section, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that are used by enrolled regional support network consumers by reason of their psychiatric disability. The secretary of social and health services shall convene representatives from the aging and adult services program, the mental health division, and the regional support networks to establish an equitable and efficient mechanism for accomplishing this reimbursement.

(d) The appropriations in this section assume that expenditures for voluntary psychiatric hospitalization total \$23,600,000 from the general fund--state appropriation and \$4,300,000 from the health services account appropriation in fiscal year 1996, and \$26,200,000 from the general fund--state appropriation and \$4,600,000 from the health services account appropriation in fiscal year 1997. To the extent that regional support networks succeed in reducing hospitalization costs below these levels, one-half of the funds saved shall be provided as bonus payments to regional support networks for delivery of additional community mental health services, and one-half shall revert to the state treasury. Actual expenditures and bonus payments shall be calculated at the end of each biennial quarter, except for the final quarter, when expenditures and bonuses shall be projected based on actual experience through the end of April 1997.

(e) \$1,000,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 56,033,000
General Fund--State Appropriation (FY 1997) \$ 56,579,000
General Fund--Federal Appropriation \$ 112,097,000
General Fund--Private/Local Appropriation \$ 42,512,000
Industrial Insurance Premium Refund Account
Appropriation \$ 747,000
TOTAL APPROPRIATION \$ 267,968,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The mental health program at Western state hospital shall continue to utilize labor provided by the Tacoma prerelease program of the department of corrections.

(b) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations, when it is cost-effective to do so.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1996) \$ 3,378,000
General Fund Appropriation (FY 1997) \$ 3,378,000
TOTAL APPROPRIATION \$ 6,756,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 6,341,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,549,000
General Fund--State Appropriation (FY 1997) \$ 2,544,000
General Fund--Federal Appropriation \$ 1,511,000
TOTAL APPROPRIATION \$ 6,604,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 1996) \$ 117,802,000
General Fund--State Appropriation (FY 1997) \$ 121,580,000
General Fund--Federal Appropriation \$ 165,632,000
Health Services Account Appropriation \$ 4,699,000
TOTAL APPROPRIATION \$ 409,713,000

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 62,357,000
General Fund--State Appropriation (FY 1997) \$ 62,953,000
General Fund--Federal Appropriation \$ 139,600,000
General Fund--Private/Local Appropriation \$ 9,100,000
TOTAL APPROPRIATION \$ 274,010,000

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 2,837,000
General Fund--State Appropriation (FY 1997) \$ 2,848,000
General Fund--Federal Appropriation \$ 777,000
TOTAL APPROPRIATION \$ 6,462,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$ 7,878,000

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) \$6,569,000 of the general fund--state appropriation and \$19,000 of the health services account appropriation and \$4,298,000 of the general fund--federal appropriation are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) \$1,447,000 of the general fund--state appropriation is provided solely for employment or other day programs for eligible persons who complete a high school curriculum during the 1995-97 biennium.

(c) \$500,000 of the health services account appropriation is provided solely for fiscal year 1996 and \$3,500,000 of the health services account appropriation is provided solely for fiscal year 1997 for family support services for families who need but are currently unable to receive such services because of funding limitations. The fiscal year 1996 amount shall be prioritized for unserved families who have the most critical need for assistance. The fiscal year 1997 amount shall be distributed among unserved families according to priorities developed in consultation with organizations representing families of people with developmental disabilities.

(d) The secretary of social and health services shall work with provider organizations and advocacy groups to plan and implement strategies for increasing the efficiency of community residential services funded under this section. As a result of those efforts, the average number of persons receiving out-of-home community residential care, on a full-time rather than respite basis, shall be increased by at least 50 persons during fiscal year 1996 over the June 1995 level, and by at least 100 more during fiscal year 1997. Priority for such services shall be given to persons who are residing with elderly parents or relatives. The secretary shall report on plans and progress to the appropriate fiscal and policy committees of the legislature by November 15, 1995, and November 15, 1996.

(e) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(f) The secretary of social and health services shall investigate and by November 15, 1995, report to the appropriations committee of the house of representatives and the ways and means committee of the senate on the feasibility of obtaining a federal managed-care waiver under which growth which would otherwise occur in state and federal spending for the medicaid personal care and targeted case management programs is instead capitated and used to provide a flexible array of employment, day program, and in-home supports.

(g) \$1,015,000 of the program support general fund--state appropriation is provided solely for distribution among the five regional deaf centers for services for the deaf and hard of hearing.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 1996)	\$ 378,972,000
General Fund--State Appropriation (FY 1997)	\$ 393,491,000
General Fund--Federal Appropriation	\$ 793,250,000
Health Services Account--State Appropriation	\$ 9,885,000
TOTAL APPROPRIATION	\$ 1,575,598,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,492,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(2) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for medicaid personal care services exceed allotted levels, the secretary of social and health services shall immediately take action in accordance with RCW 74.09.520 to adjust functional eligibility standards and/or service levels sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(3) If, at the end of any biennial quarter, either the total expenditures or the average cost per recipient for the community options program entry system exceed allotted levels, the secretary of social and health services shall immediately take action to adjust functional eligibility standards, service

levels, and/or the terms of the medicaid waiver sufficiently to bring expenditures back within appropriated levels, except to the extent that such over-expenditures are offset by under-expenditures elsewhere within the program's general fund--state appropriation.

(4) The department shall seek a federal plan amendment to increase the home maintenance needs allowance for unmarried COPES recipients only to 100 percent of the federal poverty level. No changes shall be implemented in COPES home maintenance needs allowances until the amendment has been approved.

(5) The secretary of social and health services shall transfer funds appropriated under section 207(2) of this act to this section for the purpose of integrating and streamlining programmatic and financial eligibility determination for long-term care services.

(6) A maximum of \$2,603,000 of the general fund--state appropriation and \$2,670,000 of the general fund--federal appropriation for fiscal year 1996 and \$5,339,000 of the general fund--state appropriation and \$5,380,000 of the general fund--federal appropriation for fiscal year 1997 are provided to fund the medicaid share of any prospective payment rate adjustments as may be necessary in accordance with RCW 74.46.460.

(7) The health services account appropriation is to be used solely for the enrollment of home care workers employed through state contracts in the basic health plan.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

(1) GRANTS AND SERVICES TO CLIENTS

General Fund--State Appropriation (FY 1996) \$ 403,859,000
General Fund--State Appropriation (FY 1997) \$ 405,332,000
General Fund--Federal Appropriation \$ 677,127,000
TOTAL APPROPRIATION \$ 1,486,318,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$300,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size: 1 2 3 4 5 6 7 8 or more
Exemption: \$55 71 86 102 117 133 154 170

(b) \$18,000 of the general fund--state appropriation for fiscal year 1996 and \$37,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(c) Not more than \$7,700,000 of the general fund--state appropriation may be expended to provide cash assistance through the general assistance for pregnancy program as specified in RCW 74.04.005 as amended (Substitute House Bill No. 2083).

(2) PROGRAM SUPPORT

General Fund--State Appropriation (FY 1996) \$ 113,329,000
General Fund--State Appropriation (FY 1997) \$ 110,137,000
General Fund--Federal Appropriation \$ 202,152,000
Health Services Account Appropriation \$ 750,000
TOTAL APPROPRIATION \$ 426,368,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$16,000 of the general fund--state appropriation for fiscal year 1996 and \$34,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to

contracted social service providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(b) The department shall report to the fiscal committees of the legislature no later than December 20, 1995, concerning the number and dollar value of contracts for services provided as part of the job opportunities and basic skills program. This report shall indicate the criteria used in the choice of state agencies or private entities for a particular contract, the total value of contracts with state agencies, and the total value of contracts with private entities. The report shall also indicate what, if any, performance criteria are included in job opportunities and basic skills program contracts.

(c) The department shall:

(i) Reinstate the SAVE program by September 30, 1995, and report to the fiscal committees of the house of representatives and senate by December 1, 1995, regarding the progress of implementation and outcomes by region of the program;

(ii) Coordinate with other state agencies, including but not limited to the employment security department, to ensure that persons receiving federal or state funds are eligible in terms of citizenship and residency status;

(iii) Post at every community service office a sign letting applicants and recipients know that illegal aliens will be reported to the United States immigration and naturalization service and that the systematic alien verification for entitlements system is in use in the office; and

(iv) Systematically use all processes available to verify eligibility in terms of the citizenship and residency status of applicants and recipients for public assistance.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 1996) \$ 8,199,000

General Fund--State Appropriation (FY 1997) \$ 8,736,000

General Fund--Federal Appropriation \$ 76,400,000

Violence Reduction and Drug Enforcement Account

Appropriation \$ 71,900,000

Health Services Account Appropriation \$ 969,000

TOTAL APPROPRIATION \$ 166,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,544,000 of the total appropriation is provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$400,000 of the health services account appropriation is provided solely to implement Second Substitute Senate bill No. 5688 (fetal alcohol syndrome). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$502,000 of the general fund--state appropriation and \$435,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1996 and \$1,015,000 of the general fund--state appropriation and \$1,023,000 of the violence reduction and drug enforcement account appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted and subcontract social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(4) \$552,000 of the general fund--state appropriation is provided solely to implement the division's responsibilities under Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth).

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 1996) \$ 670,792,000

General Fund--State Appropriation (FY 1997) \$ 692,015,000

General Fund--Federal Appropriation \$ 1,761,005,000

General Fund--Private/Local Appropriation \$ 242,525,000
Health Services Account Appropriation \$ 199,571,000
TOTAL APPROPRIATION \$ 3,565,908,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994. The department shall also continue to provide consistent reporting on other medicaid children served through the basic health plan.

(2) The department shall contract for the services of private debt collection agencies to maximize financial recoveries from third parties where it is not cost-effective for the state to seek the recovery directly.

(3) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(4) \$3,682,000 of the general fund--state appropriation for fiscal year 1996 and \$7,844,000 of the general fund--state appropriation for fiscal year 1997 are provided solely to increase payment rates to contracted medical services providers.

(5)(a) Pursuant to RCW 74.09.700, the medically needy program shall be limited to include only the following groups: Those persons who, except for income and resources, would be eligible for the medicaid categorically needy aged, blind, or disabled programs and medically needy persons under age 21 or over age 65 in institutions for mental diseases or in intermediate care facilities for the mentally retarded. Existing departmental rules concerning income, resources, and other aspects of eligibility for the medically needy program shall continue to apply to these groups. The medically needy program will not provide coverage for caretaker relatives of medicaid-eligible children or for adults in families with dependent children who, except for income and resources, would be eligible for the medicaid categorically needy aid to families with dependent children program.

(b) Notwithstanding (a) of this subsection, the medically needy program shall provide coverage until December 31, 1995, to those persons who, except for income and resources, would be eligible for the medicaid aid to families with dependent children program. Not more than \$2,020,000 of the general fund--state appropriation may be expended for this purpose.

(6) These appropriations may not be used for any purpose related to a supplemental discount drug program or agreement created under WAC 388-91-007 and 388-91-010.

(7) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(8) \$160,000 of the general fund--state appropriation and \$160,000 of the general fund--federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(9) \$3,128,000 of the general fund--state appropriation is provided solely for treatment of low-income kidney dialysis patients.

(10) Funding is provided in this section to fund payment of insurance premiums for persons with human immunodeficiency virus who are not eligible for medicaid.

(11) Not more than \$11,410,000 of the general fund--state appropriation may be expended for the purposes of operating the medically indigent program during fiscal year 1996. Funding is provided solely for emergency transportation and acute emergency hospital services, including emergency room physician services and related inpatient hospital physician services. Funding for such services is to be provided to an eligible individual for a maximum of three months following a hospital admission and only after \$2,000 of emergency medical expenses have been incurred in any twelve-month period.

(12) Not more than \$10,000,000 of the health services account appropriation may be expended for the purposes of providing reimbursement during fiscal year 1997 to those hospitals and physicians most adversely affected by the provision of uncompensated emergency room and uncompensated inpatient hospital care. The department shall develop rules stating the conditions for and rates of compensation.

(13) \$21,525,000 of the health services account appropriation and \$21,031,000 of the general fund--federal appropriation are provided solely to increase access to dental services and to increase the use of preventative dental services for title XIX categorically eligible children.

(14) After considering administrative and cost factors, the department shall adopt measures to realize savings in the purchase of prescription drugs, hearing aids, home health services, wheelchairs and other durable medical equipment, and disposable supplies. Such measures may include, but not be limited to, point-of-sale pharmacy adjudication systems, modification of reimbursement methodologies or payment schedules, selective contracting, and inclusion of such services in managed care rates.

(15) As part of the long-term care reforms contained in Engrossed Second Substitute House Bill No. 1908, after receiving acute inpatient hospital care, eligible clients shall be transferred from the high cost institutional setting to the least restrictive, least costly, and most appropriate facility as soon as medically reasonable. Physical medicine and rehabilitation services (acute rehabilitation) shall take place in the least restrictive environment, at the least cost and in the most appropriate facility as determined by the department in coordination with appropriate health care professionals and facilities. Facilities providing physical medicine and rehabilitation services must meet the quality care certification standards required of acute rehabilitation hospitals and rehabilitation units of hospitals.

(16) The department is authorized to provide no more than five chiropractic service visits per person per year for those eligible recipients with acute conditions.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 1996) \$ 7,741,000
General Fund--State Appropriation (FY 1997) \$ 7,846,000
General Fund--Federal Appropriation \$ 73,180,000
General Fund--Private/Local Appropriation \$ 2,904,000
TOTAL APPROPRIATION \$ 91,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund--state appropriation is provided solely to increase payment rates to contracted social services providers. It is the legislature's intent that these funds shall be used primarily to increase compensation for persons employed in the direct delivery of service to clients.

(2) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(3) \$310,000 of the general fund--state appropriation and \$1,144,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for individuals with developmental disabilities who complete a high school curriculum during the 1995-97 biennium.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 25,933,000
General Fund--State Appropriation (FY 1997) \$ 25,934,000
General Fund--Federal Appropriation \$ 41,503,000
General Fund--Private/Local Appropriation \$ 270,000
TOTAL APPROPRIATION \$ 93,640,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(2) \$500,000 of the general fund--state appropriation and \$300,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). The department may transfer all or a portion of these amounts to the appropriate divisions of the department for this purpose. If Engrossed Substitute House Bill No. 1010 (regulatory reform) is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILD SUPPORT PROGRAM

General Fund--State Appropriation (FY 1996) \$ 18,058,000
General Fund--State Appropriation (FY 1997) \$ 18,169,000
General Fund--Federal Appropriation \$ 135,488,000
General Fund--Local Appropriation \$ 33,232,000
TOTAL APPROPRIATION \$ 204,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The department shall request a waiver from federal support enforcement regulations to replace the current program audit criteria, which is process-based, with performance measures based on program outcomes.

(3) The amounts appropriated in this section for child support legal services shall only be expended by means of contracts with local prosecutor's offices.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 1996) \$ 21,112,000
General Fund--State Appropriation (FY 1997) \$ 20,668,000
General Fund--Federal Appropriation \$ 16,281,000
TOTAL APPROPRIATION \$ 58,061,000

NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE POLICY BOARD

General Fund--Private/Local Appropriation \$ 110,000
Health Services Account Appropriation \$ 4,229,000
TOTAL APPROPRIATION \$ 4,339,000

NEW SECTION. Sec. 215. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 1996) \$ 3,403,000
General Fund--State Appropriation (FY 1997) \$ 3,403,000
State Health Care Authority Administrative
Account Appropriation \$ 15,744,000
Health Services Account Appropriation \$ 249,642,000
TOTAL APPROPRIATION \$ 272,192,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,806,000 of the general fund appropriation and \$5,590,000 of the health services account appropriation are provided solely for health care services provided through local community clinics.

(2) \$1,268,000 of the health care authority administrative fund appropriation is provided to accommodate additional enrollment from school districts that voluntarily choose to purchase employee benefits through public employee benefits board programs. The office of financial management is

directed to monitor K-12 enrollment in PEBB plans and to reduce allotments proportionally if the number of K-12 active employees enrolled after January 1995 is less than 11,837.

NEW SECTION. Sec. 216. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 1996) \$ 1,905,000
General Fund--State Appropriation (FY 1997) \$ 1,912,000
General Fund--Federal Appropriation \$ 1,344,000
General Fund--Private/Local Appropriation \$ 402,000
TOTAL APPROPRIATION \$ 5,563,000

NEW SECTION. Sec. 217. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account
Appropriation \$ 20,000
Accident Account Appropriation \$ 9,806,000
Medical Aid Account Appropriation \$ 9,807,000
TOTAL APPROPRIATION \$ 19,633,000

NEW SECTION. Sec. 218. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Death Investigations Account Appropriation \$ 38,000
Public Safety and Education Account
Appropriation \$ 10,654,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 344,000
TOTAL APPROPRIATION \$ 11,036,000

The appropriations in this section are subject to the following conditions and limitations: \$28,000 of the public safety and education account is provided solely to implement Engrossed Second Substitute Senate Bill No. 5219 (domestic violence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation (FY 1996) \$ 5,270,000
General Fund Appropriation (FY 1997) \$ 5,311,000
Public Safety and Education Account--State
Appropriation \$ 19,547,000
Public Safety and Education Account--Federal
Appropriation \$ 6,002,000
Public Safety and Education Account--Private/Local
Appropriation \$ 972,000
Electrical License Account Appropriation \$ 19,321,000
Farm Labor Revolving Account--Private/Local
Appropriation \$ 28,000
Worker and Community Right-to-Know Account
Appropriation \$ 2,138,000
Public Works Administration Account
Appropriation \$ 1,928,000
Accident Account--State Appropriation \$ 137,909,000
Accident Account--Federal Appropriation \$ 9,112,000
Medical Aid Account--State Appropriation \$ 148,204,000
Medical Aid Account--Federal Appropriation \$ 1,592,000
Plumbing Certificate Account Appropriation \$ 682,000
Pressure Systems Safety Account Appropriation \$ 2,053,000

TOTAL APPROPRIATION \$ 360,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "crime victims--prime migration" and "document imaging--field offices" are conditioned upon compliance with section 902 of this act. In addition, funds for the "document imaging--field offices" project shall not be released until the required components of a feasibility study are completed and approved by the department of information services.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) Institute copayments for services; (b) develop preferred provider and managed care contracts; and (c) coordinate with the department of social and health services to use public safety and education account funds as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$108,000 of the general fund appropriation is provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1995, and every six months thereafter, on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) By November 1, 1995, the director of labor and industries shall report to the appropriate policy and fiscal committees of the legislature with a plan for establishing within existing resources a designated claims unit to specialize in claims by state employees.

(6)(a) The appropriations in this section may not be used to implement or enforce rules that are not in compliance with the regulatory fairness act, under chapter 19.85 RCW.

(b) The appropriations in this section may not be used to implement or enforce rules that the joint administrative rules review committee finds are not within the intent of the legislature as expressed by the statute that the rule implements.

(7) \$450,000 of the accident account--state appropriation and \$450,000 of the medical aid account--state appropriation are provided solely to implement an on-line claims data access system that will include all employers in the retrospective rating plan program.

(8) Within the appropriations provided in this section, the department shall implement an integrated state-wide on-line verification system for pharmacy providers. The system shall be implemented by means of contracts that are competitively bid. Until this system is implemented, no department rules may take effect that reduce the dispensing fee for industrial insurance pharmacy services in effect on January 1, 1995.

NEW SECTION. Sec. 220. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation (FY 1996) \$ 1,199,000
General Fund Appropriation (FY 1997) \$ 1,086,000
TOTAL APPROPRIATION \$ 2,285,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund Appropriation (FY 1996) \$ 1,227,000
General Fund Appropriation (FY 1997) \$ 1,226,000
Industrial Insurance Refund Account
Appropriation \$ 25,000
Charitable, Educational, Penal, and Reformatory
Institutions Account Appropriation \$ 4,000
TOTAL APPROPRIATION \$ 2,482,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 1996) \$ 1,853,000
General Fund--State Appropriation (FY 1997) \$ 1,852,000
General Fund--Federal Appropriation \$ 736,000
General Fund--Private/Local Appropriation \$ 85,000
TOTAL APPROPRIATION \$ 4,526,000

(3) VETERANS HOME

General Fund--State Appropriation (FY 1996) \$ 4,127,000
General Fund--State Appropriation (FY 1997) \$ 3,984,000
General Fund--Federal Appropriation \$ 10,703,000
General Fund--Private/Local Appropriation \$ 7,527,000
TOTAL APPROPRIATION \$ 26,341,000

(4) SOLDIERS HOME

General Fund--State Appropriation (FY 1996) \$ 3,135,000
General Fund--State Appropriation (FY 1997) \$ 3,049,000
General Fund--Federal Appropriation \$ 6,158,000
General Fund--Private/Local Appropriation \$ 4,667,000
TOTAL APPROPRIATION \$ 17,009,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 1996) \$ 44,314,000
General Fund--State Appropriation (FY 1997) \$ 44,313,000
General Fund--Federal Appropriation \$ 233,122,000
General Fund--Private/Local Appropriation \$ 25,476,000
Hospital Commission Account Appropriation \$ 3,019,000
Medical Disciplinary Account Appropriation \$ 1,798,000
Health Professions Account Appropriation \$ 32,592,000
Safe Drinking Water Account Appropriation \$ 2,751,000
Public Health Services Account Appropriation \$ 23,753,000
Waterworks Operator Certification
Appropriation \$ 605,000
Water Quality Account Appropriation \$ 3,079,000
State Toxics Control Account Appropriation \$ 2,824,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 469,000
Medical Test Site Licensure Account
Appropriation \$ 1,822,000
Youth Tobacco Prevention Account Appropriation \$ 1,412,000
Health Services Account Appropriation \$ 16,516,000
State and Local Improvements Revolving
Account--Water Supply Facilities
Appropriation \$ 40,000
TOTAL APPROPRIATION \$ 437,905,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,466,000 of the general fund--state appropriation is provided for the implementation of the Puget Sound water quality management plan.

(2) \$10,000,000 of the public health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(3) \$4,750,000 of the public health account appropriation is provided solely for distribution to local health departments for capacity building and community assessment and mobilization.

(4) \$2,000,000 of the health services account appropriation is provided solely for public health information systems development. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(5) \$1,000,000 of the health services account appropriation is provided solely for state level capacity building.

(6) \$1,000,000 of the health services account appropriation is provided solely for training of public health professionals.

(7) \$200,000 of the health services account appropriation is provided solely for the American Indian health plan.

(8) \$1,640,000 of the health services account appropriation is provided solely for health care quality assurance and health care data standards activities as required by Engrossed Substitute House Bill No. 1589 (health care quality assurance).

(9) \$1,000,000 of the health services account appropriation is provided solely for development of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(10) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(11) \$981,000 of the general fund--state appropriation and \$3,873,000 of the general fund--private/local appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(12) The department is authorized to raise existing fees for nursing assistants and hypnotherapists in excess of the fiscal growth factor established by Initiative 601, if necessary, in order to meet the actual costs of investigative and legal services due to disciplinary activities.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation (FY 1996) \$ 12,269,000

General Fund Appropriation (FY 1997) \$ 12,047,000

TOTAL APPROPRIATION \$ 24,316,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$211,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 5088 (sexually violent predators). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (a) shall lapse.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) Appropriations in this section provide sufficient funds to implement the provisions of Second Engrossed Second Substitute House Bill 2010 (corrections cost-efficiency and inmate responsibility omnibus act).

(e) In treating sex offenders at the Twin Rivers corrections center, the department of corrections shall prioritize treatment services to reduce recidivism and shall develop and implement an evaluation tool that: (i) States the purpose of the treatment; (ii) measures the amount of treatment provided; (iii) identifies the measure of success; and (iv) determines the level of successful and unsuccessful outcomes. The department shall report to the legislature by December 1, 1995, on how treatment services were prioritized among categories of offenses and provide a description of the evaluation tool and its incorporation into the treatment program.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 1996) \$ 265,008,000
General Fund--State Appropriation (FY 1997) \$ 270,221,000
General Fund--Federal Appropriation \$ 2,000,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 1,214,000
TOTAL APPROPRIATION \$ 538,443,000

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1996) \$ 80,068,000
General Fund Appropriation (FY 1997) \$ 81,226,000
Violence Reduction and Drug Enforcement Account
Appropriation \$ 400,000
TOTAL APPROPRIATION \$ 161,694,000

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1996) \$ 3,330,000
General Fund Appropriation (FY 1997) \$ 3,503,000
TOTAL APPROPRIATION \$ 6,833,000

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1996) \$ 6,223,000
General Fund Appropriation (FY 1997) \$ 6,223,000
TOTAL APPROPRIATION \$ 12,446,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 1996) \$ 1,466,000
General Fund--State Appropriation (FY 1997) \$ 1,123,000
General Fund--Federal Appropriation \$ 9,683,000
General Fund--Private/Local Appropriation \$ 80,000
TOTAL APPROPRIATION \$ 12,352,000

NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation (FY 1996) \$ 517,000
General Fund Appropriation (FY 1997) \$ 469,000
TOTAL APPROPRIATION \$ 986,000

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 1996) \$ 334,000
General Fund--State Appropriation (FY 1997) \$ 334,000
General Fund--Federal Appropriation \$ 190,936,000
General Fund--Private/Local Appropriation \$ 21,965,000
Unemployment Compensation Administration
Account--Federal Appropriation \$ 177,891,000
Administrative Contingency Account--Federal
Appropriation \$ 8,146,000

Employment Services Administrative Account--
 Federal Appropriation \$ 12,294,000
 Employment and Training Trust Account
 Appropriation \$ 9,294,000
 TOTAL APPROPRIATION \$ 421,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account--federal appropriation for the general unemployment insurance development effort (GUIDE) project. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) The employment and training trust account appropriation shall not be expended until a plan for such expenditure is reviewed and approved by the workforce training and education coordinating board for consistency with chapter 226, Laws of 1993 (employment and training for unemployed workers), and the comprehensive plan for workforce training provided in RCW 28C.18.060(4).

(3) \$95,000 of the employment services administrative account--federal appropriation is provided solely for a study of the financing provisions of the state's unemployment insurance law pursuant to Engrossed Senate Bill No. 5925.

PART III
 NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation (FY 1996) \$ 508,000
 General Fund--Federal Appropriation \$ 8,896,000
 General Fund--Private/Local Appropriation \$ 3,417,000
 Geothermal Account Appropriation \$ 21,000
 Industrial Insurance Premium Refund
 Appropriation \$ 2,000
 Building Code Council Account Appropriation \$ 10,000
 Air Pollution Control Account Appropriation \$ 3,138,000
 Energy Efficiency Services Account
 Appropriation \$ 493,000
 TOTAL APPROPRIATION \$ 16,485,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided solely for the public policy institute, in consultation with the office of financial management and the state energy office, to review options regarding the distribution of energy-related functions to other entities and develop an implementation plan for the closure of the state energy office. The plan shall include but not be limited to: (1) The feasibility of providing energy-related services through a nonprofit organization or organizations; (2) recommendations for the distribution of energy-related functions to other entities; (3) corresponding recommendations regarding statutory changes necessary to distribute functions and implement the plan; and (4) a time schedule for eliminating functions or transferring functions to other entities. The public policy institute shall submit the plan to the appropriate committees of the house of representatives and the senate by November 1, 1995. It is the intent of the legislature that the state continue to receive oil overcharge restitution funds for the citizens of the state and that every effort be made to maximize federal funds available for energy conservation purposes. To this end, the state energy office or its successor organizations may enter into contracts with appropriate entities to carry out energy conservation programs.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 1996) \$ 287,000
 General Fund--State Appropriation (FY 1997) \$ 290,000

General Fund--Private/Local Appropriation \$ 524,000
TOTAL APPROPRIATION \$ 1,101,000

The appropriations in this section are subject to the following conditions and limitations: State agencies shall provide to the commission, without charge, all available data and information necessary to complete its review of the Columbia River Gorge management plan.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 1996) \$ 22,125,000
General Fund--State Appropriation (FY 1997) \$ 20,639,000
General Fund--Federal Appropriation \$ 42,131,000
General Fund--Private/Local Appropriation \$ 1,385,000
Special Grass Seed Burning Research Account
Appropriation \$ 42,000
Reclamation Revolving Account Appropriation \$ 2,664,000
Flood Control Assistance Account Appropriation \$ 4,000,000
State Emergency Water Projects Revolving Account
Appropriation \$ 312,000
Waste Reduction, Recycling, and Litter Control
Account Appropriation \$ 5,461,000
State and Local Improvements Revolving Account--
Waste Disposal Appropriation \$ 1,000,000
State and Local Improvements Revolving Account--
Water Supply Facilities Appropriation \$ 1,344,000
Basic Data Account Appropriation \$ 182,000
Vehicle Tire Recycling Account Appropriation \$ 3,283,000
Water Quality Account Appropriation \$ 3,420,000
Worker and Community Right to Know Account
Appropriation \$ 408,000
State Toxics Control Account Appropriation \$ 49,924,000
Local Toxics Control Account Appropriation \$ 3,342,000
Water Quality Permit Account Appropriation \$ 19,600,000
Underground Storage Tank Account
Appropriation \$ 2,336,000
Solid Waste Management Account Appropriation \$ 3,631,000
Hazardous Waste Assistance Account
Appropriation \$ 3,476,000
Air Pollution Control Account Appropriation \$ 13,458,000
Oil Spill Administration Account Appropriation \$ 2,939,000
Water Right Permit Processing Account
Appropriation \$ 500,000
Wood Stove Education Account Appropriation \$ 1,251,000
Air Operating Permit Account Appropriation \$ 4,548,000
Freshwater Aquatic Weeds Account Appropriation \$ 1,187,000
Oil Spill Response Account Appropriation \$ 7,060,000
Metals Mining Account Appropriation \$ 300,000
Water Pollution Control Revolving Account--State
Appropriation \$ 165,000
Water Pollution Control Revolving Account--Federal
Appropriation \$ 1,019,000
TOTAL APPROPRIATION \$ 223,132,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,324,000 of the general fund--state appropriation is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$394,000 of the general fund--federal appropriation, \$819,000 of the state toxics control account appropriation, \$3,591,000 of the water quality permit fee account appropriation, \$883,000 of the water quality account appropriation, and \$2,715,000 of the oil spill administration account appropriation may be used for the implementation of the Puget Sound water quality management plan.

(2) \$200,000 of the general fund--state appropriation is provided solely for implementing Substitute House Bill No. 1327 or substantially similar legislation (water rights claims filing). If the bill or substantially similar legislation is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$150,000 of the state toxics control account appropriation and \$150,000 of the local toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1810 (hazardous substance cleanup). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$581,000 of the general fund--state appropriation, \$170,000 of the air operating permit account appropriation, \$80,000 of the water quality permit account appropriation, and \$63,000 of the state toxics control account appropriation are provided solely for implementing Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(6) \$250,000 of the flood control assistance account is provided solely for a grant or contract to the lead local entity for technical analysis and coordination with the Army Corps of Engineers and local agencies to address the breach in the south jetty at the entrance of Grays Harbor.

(7) \$70,000 of the general fund--state appropriation, \$90,000 of the state toxics control account appropriation, and \$55,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1724 (growth management). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(8) If Engrossed Substitute House Bill No. 1125 (dam safety inspections), or substantially similar legislation, is not enacted by June 30, 1995, then the department shall not expend any funds appropriated in this section for any regulatory activity authorized under RCW 90.03.350 with respect to hydroelectric facilities which require a license under the federal power act, 16 U.S.C.S. Sec. 791a et seq. If Engrossed Substitute House Bill No. 1125, or substantially similar legislation, is enacted by June 30, 1995, then the department may apply all available funds appropriated under this section for regulatory activity authorized under RCW 90.03.350 for the purposes of inspecting and regulating the safety of dams under the exclusive jurisdiction of the state.

(9) \$425,000 of the general fund--state appropriation and \$525,000 of the general fund--federal appropriation are provided solely for the Padilla Bay national estuarine research reserve and interpretive center.

(10) \$500,000 of the water right permit processing account appropriation and \$1,854,000 of the general fund--state appropriation are provided solely for continuing the department's participation in the Yakima adjudicative process.

(11) The water right permit processing account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used solely for water right permit processing, regional water planning, and implementation of regional water plans.

(12) \$1,298,000 of the general fund--state appropriation, \$188,000 of the general fund--federal appropriation, and \$883,000 of the water quality account appropriation are provided solely to coordinate and implement the activities required by the Puget Sound water quality management plan and to perform the powers and duties under chapter 90.70 RCW.

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 1996)	\$ 18,020,000
General Fund--State Appropriation (FY 1997)	\$ 17,877,000
General Fund--Federal Appropriation	\$ 1,930,000
General Fund--Private/Local Appropriation	\$ 1,463,000
Winter Recreation Program Account	
Appropriation	\$ 725,000
Off Road Vehicle Account Appropriation	\$ 241,000
Snowmobile Account Appropriation	\$ 2,174,000
Aquatic Lands Enhancement Account	
Appropriation	\$ 313,000
Public Safety and Education Account	
Appropriation	\$ 48,000
Industrial Insurance Premium Refund Account	
Appropriation	\$ 10,000
Waste Reduction, Recycling, and Litter Control	
Account Appropriation	\$ 34,000
Water Trail Program Account Appropriation	\$ 26,000
Parks Renewal and Stewardship Account	
Appropriation	\$ 22,461,000
TOTAL APPROPRIATION	\$ 65,322,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely to implement the Puget Sound water quality plan.

(2) The general fund--state appropriation and the parks renewal and stewardship account appropriation are provided to maintain full funding and continued operation of all state parks and state parks facilities.

(3) \$1,800,000 of the general fund--state appropriation is provided solely for the Washington conservation corps program established under chapter 43.220 RCW.

(4) \$3,591,000 of the parks renewal and stewardship account appropriation is provided for operation of a centralized reservation system.

(5) \$100,000 of the general fund--state appropriation is provided solely for a state match to local funds to prepare a master plan for Mt. Spokane state park.

NEW SECTION. Sec. 305. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms Range Account Appropriation	\$ 108,000
Recreation Resources Account--State	
Appropriation	\$ 2,387,000
Recreation Resources Account--Federal	
Appropriation	\$ 200,000
NOVA Appropriation	\$ 524,000
TOTAL APPROPRIATION	\$ 3,219,000

The appropriations in this section are subject to the following conditions and limitations: \$338,000 of the recreation resources account--state appropriation, \$150,000 of the recreation resources

account--federal appropriation, and \$82,000 of the firearms range account appropriation are provided solely for the development and implementation of a grant tracking and management system.

NEW SECTION. Sec. 306. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation (FY 1996) \$ 715,000
General Fund Appropriation (FY 1997) \$ 713,000
TOTAL APPROPRIATION \$ 1,428,000

NEW SECTION. Sec. 307. FOR THE CONSERVATION COMMISSION

General Fund Appropriation (FY 1996) \$ 852,000
General Fund Appropriation (FY 1997) \$ 810,000
Water Quality Account Appropriation \$ 202,000
TOTAL APPROPRIATION \$ 1,864,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$362,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan. In addition, \$130,000 of the water quality account appropriation is provided for the implementation of the Puget Sound water quality management plan.

(3) \$42,000 of the general fund appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5616 (watershed restoration projects). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$750,000 of the general fund appropriation is provided solely for grants to local conservation districts.

NEW SECTION. Sec. 308. FOR THE OFFICE OF MARINE SAFETY

State Toxics Control Account
Appropriation \$ 276,000
Oil Spill Administrative Account
Appropriation \$ 3,506,000
TOTAL APPROPRIATION \$ 3,782,000

The appropriations in this section are subject to the following conditions and limitations:

\$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 1996) \$ 32,380,000
General Fund--State Appropriation (FY 1997) \$ 32,339,000
General Fund--Federal Appropriation \$ 54,098,000
General Fund--Private/Local Appropriation \$ 15,986,000
Off Road Vehicle Account Appropriation \$ 476,000
Aquatic Lands Enhancement Account
Appropriation \$ 5,412,000
Public Safety and Education Account
Appropriation \$ 590,000
Industrial Insurance Premium Refund Account
Appropriation \$ 156,000
Recreational Fisheries Enhancement Account

Appropriation	\$ 2,200,000
Wildlife Account Appropriation	\$ 49,741,000
Special Wildlife Account Appropriation	\$ 1,884,000
Oil Spill Administration Account Appropriation	\$ 831,000
TOTAL APPROPRIATION	\$ 196,093,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,532,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$250,000 of the general fund--state appropriation is provided solely for attorney general costs on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (*United States v. Washington*, subproceeding 89-3). The attorney general costs shall be paid as an interagency reimbursement.

(3) \$500,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5632 (flood damage reduction). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(4) \$350,000 of the wildlife account appropriation is provided solely for control and eradication of class B designate weeds on department owned and managed lands.

(5) \$250,000 of the general fund--state appropriation is provided solely for costs associated with warm water fish production. Expenditure of this amount shall be consistent with the goals established under RCW 77.12.710 for development of a warm water fish program. No portion of this amount may be expended for any type of feasibility study.

(6) \$634,000 of the general fund--state appropriation and \$50,000 of the wildlife account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(7) \$2,000,000 of the general fund--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5157 (mass marking), chapter 372, Laws of 1995, under the following conditions:

(a) If, by October 1, 1995, the state reaches agreement with Canada on a marking and detection program, implementation will begin with the 1994 Puget Sound brood coho.

(b) If, by October 1, 1995, the state does not reach agreement with Canada on a marking and detection program, a pilot project shall be conducted with 1994 Puget Sound brood coho.

(c) Full implementation will begin with the 1995 brood coho.

(d) \$700,000 of the department's equipment funding and \$300,000 of the department's administration funding will be redirected toward implementation of Second Substitute Senate Bill No. 5157 during the 1995-97 biennium.

(8) The department shall request a reclassification study be conducted by the personnel resources board for hatchery staff. Any implementation of the study, if approved by the board, shall be pursuant to section 911 of this act.

(9) Within the appropriations in this section, the department shall maintain the Issaquah hatchery at the current 1993-95 operational level.

(10) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(11) \$110,000 of the aquatic lands enhancement account appropriation may be used for publishing a brochure concerning hydraulic permit application requirements for the control of spartina and purple loosestrife.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 1996)	\$ 20,300,000
General Fund--State Appropriation (FY 1997)	\$ 20,299,000
General Fund--Federal Appropriation	\$ 3,024,000
General Fund--Private/Local Appropriation	\$ 414,000

Forest Development Account Appropriation \$ 37,946,000
 Off Road Vehicle Account Appropriation \$ 3,074,000
 Surveys and Maps Account Appropriation \$ 1,788,000
 Aquatic Lands Enhancement Account Appropriation \$ 2,512,000
 Resource Management Cost Account Appropriation \$ 11,624,000
 Waste Reduction, Recycling, and Litter Control
 Account Appropriation \$ 440,000
 Surface Mining Reclamation Account
 Appropriation \$ 1,273,000
 Wildlife Account Appropriation \$ 1,300,000
 Water Quality Account Appropriation \$ 2,000,000
 Aquatic Land Dredged Material Disposal Site
 Account Appropriation \$ 734,000
 Natural Resources Conservation Areas Stewardship
 Account Appropriation \$ 1,003,000
 Air Pollution Control Account Appropriation \$ 921,000
 Watershed Restoration Account Appropriation \$ 5,000,000
 Metals Mining Account Appropriation \$ 41,000
 TOTAL APPROPRIATION \$ 113,693,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,998,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$36,000 of the general fund--state appropriations is provided solely for the implementation of the Puget Sound water quality management plan. In addition, \$957,000 of the aquatics lands enhancement account is provided for the implementation of the Puget Sound water quality management plan.

(3) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(4) \$22,000 of the general fund--state appropriation is provided solely to implement Substitute House Bill No. 1437 (amateur radio repeater sites). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(5) \$49,000 of the air pollution control account appropriation is provided solely to implement Substitute House Bill No. 1287 (silvicultural burning). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(6) \$290,000 of the general fund--state appropriation, \$10,000 of the surface mining reclamation account appropriation, and \$29,000 of the air pollution control account appropriation are provided solely to implement Engrossed Substitute House Bill No. 1010 (regulatory reform). If this bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

(7) By September 30, 1995, the agency shall report to the appropriate fiscal committees of the legislature on fire suppression costs incurred during the 1993-95 biennium. The report shall provide the following information: (a) An object breakdown of costs for the 1993-95 fire suppression subprogram; (b) the amount of reimbursement provided for personnel, services, and equipment outside the agency; (c) FTE levels and salary amounts by fund of positions backfilled as a result of the fires; (d) overtime costs paid to agency personnel; (e) equipment replacement costs, and (f) final allocation of costs for the Hatchery and Tyee fires between the United States forest service, local governments, and the state.

(8) By December 1, 1995, the department shall report to the house committee on natural resources and the senate committee on natural resources on measures taken to improve the health of the Loomis state forest.

(9) \$13,000 of the general fund--state appropriation is provided solely to pay a portion of the rent charged to nonprofit television reception improvement districts pursuant to chapter 294, Laws of 1994.

(10) \$1,200,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(11) Up to \$572,000 of the general fund--state appropriation may be expended for the natural heritage program.

(12) \$13,000,000, of which \$5,000,000 is from the watershed restoration account appropriation, \$1,300,000 is from the wildlife account appropriation, \$2,500,000 is from the resource management cost account appropriation, \$500,000 is from the forest development account appropriation, \$2,000,000 is from the water quality account appropriation, and \$1,700,000 is from the general fund--federal appropriation, is provided solely for the jobs in the environment program and/or the watershed restoration partnership program.

(a) These funds shall be used to:

(i) Restore and protect watersheds in accordance with priorities established to benefit fish stocks in critical or depressed condition as determined by the watershed coordinating council;

(ii) Conduct watershed restoration and protection projects primarily on state lands in coordination with federal, local, tribal, and private sector efforts; and

(iii) Create market wage jobs in environmental restoration for displaced natural resource impact area workers, as defined under Second Substitute Senate Bill No. 5342 (rural natural resource impact areas).

(b) Except as provided in subsection (c) of this section, these amounts are solely for projects jointly selected by the department of natural resources and the department of fish and wildlife. Funds may be expended for planning, design, and engineering for projects that restore and protect priority watersheds identified by the watershed coordinating council and conform to priorities for fish stock recovery developed through watershed analysis conducted by the department of natural resources and the department of fish and wildlife. Funds expended shall be used for specific projects and not for on-going operational costs. Eligible projects include, but are not limited to, closure or improvement of forest roads, repair of culverts, clean-up of stream beds, removal of fish barriers, installation of fish screens, fencing of streams, and construction and planting of fish cover.

(c) The department of natural resources and the department of fish and wildlife, in consultation with the watershed coordinating council, the office of financial management, and other appropriate agencies, shall report to the appropriate committees of the legislature on January 1, 1996, and annually thereafter, on any expenditures made from these amounts and a plan for future use of the moneys provided in this subsection. The plan shall include a prioritized list of watersheds and future watershed projects. The plan shall also consider future funding needs, the availability of federal funding, and the integration and coordination of existing watershed and protection programs.

(d) All projects shall be consistent with any development regulations or comprehensive plans adopted under the growth management act for the project areas. No funds shall be expended to acquire land through condemnation.

(e) Funds from the wildlife account appropriation shall be available only to the extent that the department of fish and wildlife sells surplus property.

(f) Funds from the resource management cost account appropriation shall only be used for projects on trust lands. Funds from the forest development account shall only be used for projects on county forest board lands.

(g) Projects under contract as of June 1, 1995 will be given first priority.

NEW SECTION. Sec. 311. RESOURCE MANAGEMENT. There is hereby appropriated from the resource management cost account for the operations of the department of natural resources, subject to the requirement that the department of natural resources shall not expend any moneys from any source to implement any habitat conservation plan or other agreement or commitment intended to induce the issuance of a permit from the federal government that affects more than ten thousand acres of public and/or state forest land for five or more years without a specific appropriation for that purpose and prior report to the legislative committees on natural resources as provided in this section, seventy-one million dollars for the biennium ending June 30, 1997.

(1) The department of natural resources shall report to the standing committees on natural resources of the legislature before entering into any agreement or making any commitment intended to induce the issuance of a permit from the federal government which, individually or together with any other agreement or commitment, affects more than ten thousand acres of public and/or state forest land for five or more years. Agreements and commitments to which this section applies include but are not limited to conservation plans and incidental take permits under 16 U.S.C. sec. 1539, and all other agreements, management plans, and "no-take" or similar letters relating to the federal endangered species act. The department shall provide the standing committees with copies of all proposed plans, agreements, and commitments, together with an analysis demonstrating that the proposed agreement or commitment is in the best interests of the trust beneficiaries.

(2) The department shall submit the following with each biennial budget request:

(a) An analysis of the impacts of any agreement or contract on state lands;

(b) Detailed funding requirements to implement the agreement or contract in the next biennium;

and

(c) An accounting of expenditures during the current biennium with respect to any agreement or contract.

(3) The legislature shall review the department's funding request and funds appropriated shall be separate budget items. The legislature shall ensure that the appropriations made to implement any agreements or contracts are in conformity with Article 8, section 4 of the state Constitution and chapter 43.88 RCW.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 1996) \$ 6,770,000

General Fund--State Appropriation (FY 1997) \$ 6,572,000

General Fund--Federal Appropriation \$ 4,278,000

General Fund--Private/Local Appropriation \$ 406,000

Aquatic Lands Enhancement Account

Appropriation \$ 800,000

Industrial Insurance Premium Refund Account

Appropriation \$ 178,000

State Toxics Control Account Appropriation \$ 1,088,000

TOTAL APPROPRIATION \$ 20,092,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for consumer protection activities of the department's weights and measures program. Moneys provided in this subsection may not be used for device inspection of the weights and measures program.

(2) \$142,000 of the general fund--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation is provided solely for grasshopper and mormon cricket control.

(4) \$200,000 of the general fund--state appropriation is provided solely for the agricultural showcase.

NEW SECTION. Sec. 313. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust

Account Appropriation \$ 966,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the pollution liability insurance program trust account appropriation is provided solely to conduct a study of privatization of the functions performed by the pollution liability insurance program. The study will be conducted by the pollution liability insurance program management. Results of the study

shall be reported to the financial institutions and housing committees of the legislature by November 30, 1995.

PART IV
TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation (FY 1996)	\$ 4,229,000
General Fund Appropriation (FY 1997)	\$ 4,257,000
Architects' License Account Appropriation	\$ 872,000
Cemetery Account Appropriation	\$ 167,000
Professional Engineers' Account Appropriation	\$ 2,235,000
Real Estate Commission Account Appropriation	\$ 6,172,000
Master License Account Appropriation	\$ 5,800,000
Uniform Commercial Code Account Appropriation	\$ 4,929,000
Real Estate Education Account Appropriation	\$ 606,000
Funeral Directors and Embalmers Account Appropriation	\$ 400,000
TOTAL APPROPRIATION	\$ 29,667,000

The appropriations in this section are subject to the following conditions and limitations: \$637,000 of the general fund appropriation is provided solely to implement sections 1001 through 1007 of Engrossed Substitute House Bill No. 1010 (regulatory reform). If the bill is not enacted by June 30, 1995, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 1996)	\$ 7,198,000
General Fund--State Appropriation (FY 1997)	\$ 7,883,000
General Fund--Federal Appropriation	\$ 1,035,000
General Fund--Private/Local Appropriation	\$ 254,000
Public Safety and Education Account Appropriation	\$ 4,492,000
County Criminal Justice Assistance Appropriation	\$ 3,572,000
Municipal Criminal Justice Assistance Account Appropriation	\$ 1,430,000
Fire Services Trust Account Appropriation	\$ 90,000
Fire Services Training Account Appropriation	\$ 1,740,000
State Toxics Control Account Appropriation	\$ 425,000
Violence Reduction and Drug Enforcement Account Appropriation	\$ 2,133,000
TOTAL APPROPRIATION	\$ 30,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures from the nonappropriated fingerprint identification account for the automation of pre-employment background checks for public and private employers and background checks for firearms dealers and firearm purchasers are subject to office of financial management approval of a completed feasibility study.

(2) Expenditures from the county criminal justice assistance account appropriation and municipal criminal justice assistance account appropriation in this section shall be expended solely for enhancements to crime lab services.

(3) The Washington state patrol shall report to the department of information services and office of financial management by October 30, 1995, on the implementation and financing plan for the state-wide integrated narcotics system.

(4) \$300,000 of the violence reduction and drug enforcement account appropriation is provided solely for enhancements to the organized crime intelligence unit.

PART V
EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation (FY 1996)	\$ 18,341,000
General Fund--State Appropriation (FY 1997)	\$ 17,819,000
General Fund--Federal Appropriation	\$ 39,791,000
Health Services Account Appropriation	\$ 400,000
Public Safety and Education Account	
Appropriation	\$ 338,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 3,122,000
TOTAL APPROPRIATION	\$ 79,811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$770,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$659,000 of the general fund--state appropriation is provided solely for investigation activities of the office of professional practices.

(c) \$1,700,000 of the general fund--state appropriation is provided solely to reprogram computer applications for collecting and processing school fiscal, personnel, and student data and for calculating apportionment payments and to upgrade agency computer hardware. A maximum of \$600,000 of this amount shall be used for computer hardware.

By December 15, 1995, and before implementation of a new state-wide data system, the superintendent shall present a plan to the house of representatives and senate education and fiscal committees which identifies state data base uses that could involve potentially sensitive data on students and parents. The plan shall detail methods that the superintendent shall employ internally and recommend to school organizations to insure integrity and proper use of data in any student data base, with particular attention to eliminating unnecessary and intrusive data about nonschool related information.

(d) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund--state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund--state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,654,000 of the general fund--state appropriation is provided for educational centers, including state support activities.

(d) \$3,093,000 of the general fund--state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(e) \$4,370,000 of the general fund--state appropriation is provided for complex need grants. Grants shall be provided according to funding ratios established in LEAP Document 30C as developed on May 21, 1995, at 23:46 hours.

(f) \$3,050,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) Districts receiving allocations from subsections (2) (d) and (e) of this section shall submit an annual report to the superintendent of public instruction on the use of all district resources to address the educational needs of at-risk students in each school building. The superintendent of public instruction shall make copies of the reports available to the office of financial management and the legislature.

(h) \$500,000 of the general fund--federal appropriation is provided for plan development and coordination as required by the federal goals 2000: Educate America Act. The superintendent shall collaborate with the commission on student learning for the plan development and coordination and submit quarterly reports on the plan development to the education committees of the legislature.

(i) \$400,000 of the health services account appropriation is provided solely for media productions by students at up to 40 sites to focus on issues and consequences of teenage pregnancy and child rearing. The projects shall be consistent with the provisions of Engrossed Second Substitute House Bill No. 2798 as passed by the 1994 legislature, including a local/private or public sector match equal to fifty percent of the state grant; and shall be awarded to schools or consortia not granted funds in 1993-94.

(j) \$7,000 of the general fund--state appropriation is provided to the state board of education to establish teacher competencies in the instruction of braille to legally blind and visually impaired students.

(k) \$50,000 of the general fund--state appropriation is provided solely for matching grants to school districts for analysis of budgets for classroom-related activities as specified in chapter 230, Laws of 1995.

(l) \$3,050,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5439 (nonoffender at-risk youth). Of that amount, \$50,000 is provided for a contract in fiscal year 1996 to the Washington state institute for public policy to conduct an evaluation and review as outlined in section 81 of Engrossed Second Substitute Senate Bill No. 5439. Allocation of the remaining amount shall be based on the number of petitions filed in each district.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation (FY 1996) \$ 3,174,826,000

General Fund Appropriation (FY 1997) \$ 3,284,918,000

TOTAL APPROPRIATION \$ 6,459,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for certificated staff salaries for the 1995-96 and 1996-97 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the

greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3; and

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students;

(ii) Skills center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; and

(iii) Indirect cost charges to vocational-secondary programs shall not exceed 10 percent;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1995-96 and 1996-97 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.71 percent in the 1995-96 school year and 20.71 percent in the 1996-97 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.77 percent in the 1995-96 school year and 18.77 percent in the 1996-97 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent;

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,656 per certificated staff unit in the 1995-96 school year and a maximum of \$7,893 per certificated staff unit in the 1996-97 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$14,587 per certificated staff unit in the 1995-96 school year and a maximum of \$15,039 per certificated staff unit in the 1996-97 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$341 for the 1995-96 school year and \$341 per year for the 1996-97 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1994-95 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$3,122,000 outside the basic education formula during fiscal years 1996 and 1997 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$431,000 may be expended in fiscal year 1996 and a maximum of \$444,000 may be expended in fiscal year 1997;

(b) For summer vocational programs at skills centers, a maximum of \$1,938,000 may be expended in the 1995-96 school year; and

(c) A maximum of \$309,000 may be expended for school district emergencies.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.2 percent from the 1994-95 school year to the 1995-96 school year, and 1.5 percent from the 1995-96 school year to the 1996-97 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2) (b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2) (a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12C, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12C.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100;

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours; and

(c) "LEAP Document 12C" means the computerized tabulation of 1995-96 and 1996-97 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on May 21, 1995, at 23:35 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 20.07 percent for certificated staff and 15.27 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR SCHOOL YEARS 1995-96 AND 1996-97

Years of
Service BA BA+ 15 BA+ 30 BA+ 4 BA+ 90

0	22,282	22,884	23,508	24,131	26,137
1	23,012	23,633	24,277	24,942	27,007
2	23,757	24,398	25,060	25,790	27,889
3	24,539	25,200	25,881	26,651	28,787
4	25,336	26,037	26,738	27,549	29,740
5	26,169	26,889	27,609	28,482	30,709
6	27,037	27,754	28,515	29,450	31,710
7	27,919	28,654	29,434	30,429	32,745
8	28,814	29,590	30,388	31,465	33,813
9	30,559	31,396	32,512	34,915	
10	32,417	33,613	36,048		
11	34,746	37,235			
12	35,843	38,452			
13	39,700				
14	40,955				
15 or more		42,020			

Years of
Service BA+ 135 MA MA+ 45 or PHD

0	27,429	26,715	28,720	30,012
1	28,316	27,526	29,590	30,899
2	29,238	28,374	30,472	31,820
3	30,195	29,235	31,370	32,779
4	31,188	30,133	32,324	33,771
5	32,214	31,065	33,292	34,797
6	33,253	32,033	34,294	35,837
7	34,347	33,013	35,329	36,931
8	35,473	34,048	36,397	38,057

9	36,632	35,095	37,499	39,215
10	37,822	36,196	38,632	40,405
11	39,044	37,329	39,818	41,627
12	40,316	38,508	41,036	42,900
13	41,620	39,726	42,284	44,203
14	42,972	40,981	43,619	45,556
15 or more	44,089	42,046	44,753	46,740

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1994-95 school year.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 or as hereafter amended.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7)(a) Credits earned by certificated instructional staff after September 1, 1995, shall be counted only if the content of the course: (i) Is consistent with the school district's strategic plan for improving student learning; (ii) is consistent with a school-based plan for improving student learning developed under section 520(2) of this act for the school in which the individual is assigned; (iii) pertains to the individual's current assignment or expected assignment for the following school year; (iv) is necessary for obtaining an endorsement as prescribed by the state board of education; (v) is specifically required for obtaining advanced levels of certification; or (vi) is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certificated instructional staff.

(b) Once credits earned by certificated instructional staff have been determined to meet one or more of the criteria in (a) of this subsection, the credits shall be counted even if the individual transfers to other school districts.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund Appropriation (FY 1996) \$ 96,500,000

General Fund Appropriation (FY 1997) \$ 123,377,000

TOTAL APPROPRIATION \$ 219,877,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$218,748,000 is provided for cost of living adjustments of 4.0 percent effective September 1, 1995, for state-formula staff units. The appropriation includes associated incremental fringe benefit

allocations for both years at rates 20.07 percent for certificated staff and 15.27 percent for classified staff.

(a) The appropriation in this section includes the increased portion of salaries and incremental fringe benefits for all relevant state funded school programs in PART V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in the Special Appropriations sections of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 503 of this act.

(b) The appropriation in this section provides salary increase and incremental fringe benefit allocations for the following programs based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.77 per weighted pupil-mile for the 1995-96 school year and maintained for the 1996-97 school year;

(ii) For learning assistance, an increase of \$11.24 per eligible student for the 1995-96 school year and maintained for the 1996-97 school year;

(iii) For education of highly capable students, an increase of \$8.76 per formula student for the 1995-96 school year and maintained for the 1996-97 school year; and

(iv) For transitional bilingual education, an increase of \$22.77 per eligible bilingual student for the 1995-96 school year and maintained for the 1996-97 school year.

(2) The maintenance rate for insurance benefits shall be \$313.95 for the 1995-96 school year and \$314.51 for the 1996-97 school year. Funding for insurance benefits is included within appropriations made in other sections of Part V of this act.

(3) Effective September 1, 1995, a maximum of \$1,129,000 is provided for a 4 percent increase in the state allocation for substitute teachers in the general apportionment programs.

(4) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. INCREMENT SALARY INCREASES The appropriations in sections 502 through 519 of this act contain \$27,880,000 in fiscal year 1996 and \$63,950,000 in fiscal year 1997 for funding of experience and education increments for certificated instructional staff. This provides an average salary increase of 1.55 percent per year.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation (FY 1996) \$ 155,970,000

General Fund Appropriation (FY 1997) \$ 164,511,000

TOTAL APPROPRIATION \$ 320,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$1,347,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district. The 1994 travel time to contiguous school district study shall be continued and a report submitted to the fiscal committees of the legislature by December 1, 1995.

(3) A maximum of \$40,000 is provided to complete the computerized state map project containing school bus routing information. This information and available data on school buildings shall be consolidated. Data formats shall be compatible with the geographic information system (GIS) and included insofar as possible in the GIS system.

(4) \$180,000 is provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(5) Beginning with the 1995-96 school year, the superintendent of public instruction shall implement a state bid process for the purchase of school buses pursuant to Engrossed Substitute Senate Bill No. 5408.

(6) Of this appropriation, a maximum of \$8,807,000 may be allocated in the 1995-96 school year and a maximum of \$8,894,000 may be allocated in the 1996-97 school year for hazardous walking conditions. The superintendent shall ensure that the conditions specified in RCW 28A.160.160(4) for state funding of hazardous walking conditions for any district are fully and strictly adhered to, and that no funds are allocated in any instance in which a district is not actively and to the greatest extent possible engaged in efforts to mitigate hazardous walking conditions.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 3,000,000
General Fund--State Appropriation (FY 1997) \$ 3,000,000
General Fund--Federal Appropriation \$ 183,619,000
TOTAL APPROPRIATION \$ 189,619,000

NEW SECTION. Sec. 508. SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 380,179,000
General Fund--State Appropriation (FY 1997) \$ 373,289,000
General Fund--Federal Appropriation \$ 98,684,000
TOTAL APPROPRIATION \$ 852,152,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) In recognition of the need for increased flexibility at the local district level to facilitate the provision of appropriate education to children with disabilities, and the need for substantive educational reform for a significant portion of the school population, the funding formula for special education is modified. These changes result from a 1994 study and recommendations by the institute for public policy and the legislative budget committee, aided by the office of the superintendent of public instruction and the statewide task force for the development of special education funding alternatives. The new formula is for allocation purposes only and is not intended to prescribe or imply any particular pattern of special education service delivery other than that contained in a properly formulated, locally determined, individualized education program.

(3) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the mandatory special education program for special education students ages three to twenty-one and the optional birth through age two program for developmentally delayed infants and toddlers. The superintendent shall review current state eligibility criteria for the fourteen special education categories and consider changes which would reduce assessment time and administrative costs associated with the special education program.

(4) For the 1995-96 and 1996-97 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the enrollment percent, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(5) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff

in grades K-3, and 46/1000 in grades 4-12), and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" shall mean the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1995-96 and the 1996-97 school years, each district's enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined; or

(C) For 1995-96, the 1994-95 enrollment percent reduced by 25 percent of the difference between the district's 1994-95 enrollment percent and 12.7. For 1996-97, the 1994-95 enrollment percent reduced by 50 percent of the difference between the district's 1994-95 enrollment percent and 12.7.

(6) A minimum of \$4.5 million of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of individual special education students.

(7) From the general fund--state appropriation, \$14,600,000 is provided for the 1995-96 school year, and \$19,575,000 for the 1996-97 school year, for safety net purposes for districts with demonstrable funding needs for special education beyond the combined amounts provided in subsection (4) of this section. The superintendent of public instruction shall, by rule, establish procedures and standards for allocation of safety net funds. School districts shall submit their requests for safety net funds to the appropriate regional committee established by the superintendent of public instruction. Regional committees shall make recommendations to the state oversight committee for approval. The following conditions and limitations shall be applicable to school districts requesting safety net funds:

(a) For a school district requesting state safety net funds due to special characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the funding formula, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas;

(iii) The district's programs are operated in a reasonably efficient manner and that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices;

(iv) Indirect costs charged to this program do not exceed the allowable percent for the federal special education program;

(v) Any available federal funds are insufficient to address the additional needs; and

(vi) The costs of any supplemental contracts are not charged to this program for purposes of making these determinations.

(b) For districts requesting safety net funds due to federal maintenance of effort requirements, the procedures and standards shall permit relief only if a district can demonstrate at a minimum that:

(i) Individualized education plans are appropriate and are properly and efficiently prepared and formulated;

(ii) The district is making a reasonable effort to provide appropriate program services for special education students utilizing state funds generated by the apportionment and special education funding formulas; and

(iii) Calculations made in accordance with subsection (8) of this section with respect to state fund allocations justify a need for additional funds for compliance with federal maintenance of effort requirements.

(8)(a) For purposes of making safety net determinations pursuant to subsection (7) of this section, the superintendent shall make available to each school district, from available data, prior to June 1st of each year:

(i) The district's 1994-95 enrollment percent;

(ii) For districts with a 1994-95 enrollment percent over 12.7 percent, the maximum 1995-96 enrollment percent, and prior to 1996-97 the maximum 1996-97 enrollment percent;

(iii) The estimate to be used for purposes of subsection (7) of this section of each district's 1994-95 special education allocation showing the excess cost and the basic education portions; and

(iv) If necessary, a process for each district to estimate the 1995-96 school year excess cost allocation for special education and the portion of the basic education allocation formerly included in the special education allocation. This process may utilize the allocations generated pursuant to subsection (4) of this section, each district's 1994-95 estimated basic education backout percent for the 1994-95 school year, and state compensation increases for 1995-96.

(b) The superintendent, in consultation with the state auditor, shall take all necessary steps to successfully transition to the new formula and minimize paperwork at the district level associated with maintenance of effort calculations. The superintendent shall develop such rules and procedures as are necessary to implement this process for the 1995-96 school year, and may use the same process for the 1996-97 school year if found necessary for federal maintenance of effort calculations.

(9) Prior to adopting any standards, procedures, or processes required to implement this section, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) Membership of the regional committees may include, but not be limited to:

(a) A representative of the superintendent of public instruction;

(b) One or more representatives from school districts including board members, superintendents, special education directors, and business managers; and

(c) One or more staff from an educational service district.

(11) The state oversight committee appointed by the superintendent of public instruction shall consist of:

(a) Staff of the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff from the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) The institute for public policy, in cooperation with the superintendent of public instruction, the office of financial management, and the fiscal committees of the legislature, shall evaluate the operation of the safety nets under subsections (6) and (7) of this section and shall prepare an interim report by December 15, 1995, and a final report on the first school year of operation by October 15, 1996.

(13) A maximum of \$678,000 may be expended from the general fund--state appropriation to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) Not more than \$80,000 of the general fund--federal appropriation shall be expended for development of an inservice training program to identify students with dyslexia who may be in need of special education.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account
Appropriation \$ 17,488,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1995-96 and 1996-97 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1995-96 and 1996-97 school years.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation (FY 1996) \$ 4,411,000
General Fund Appropriation (FY 1997) \$ 4,410,000
TOTAL APPROPRIATION \$ 8,821,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$225,000 of the general fund appropriation is provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) \$360,000 of the general fund appropriation is provided solely to continue implementation of chapter 109, Laws of 1993 (collaborative development school projects).

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation (FY 1996) \$ 75,408,000
General Fund Appropriation (FY 1997) \$ 79,592,000
TOTAL APPROPRIATION \$ 155,000,000

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FUNDED UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT

General Fund--Federal Appropriation \$ 222,376,000

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATION OF INDIAN CHILDREN

General Fund--Federal Appropriation \$ 370,000

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 15,417,000
General Fund--State Appropriation (FY 1997) \$ 15,795,000
General Fund--Federal Appropriation \$ 8,548,000

TOTAL APPROPRIATION \$ 39,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution and other state funding assumptions shall be those specified in the legislative budget notes.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation (FY 1996) \$ 4,254,000

General Fund Appropriation (FY 1997) \$ 4,277,000

TOTAL APPROPRIATION \$ 8,531,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1994-95 school year.

(2) Allocations for school district programs for highly capable students shall be distributed for up to one and one-half percent of each district's full-time equivalent basic education act enrollment.

(3) \$436,000 of the appropriation is for the Centrum program at Fort Worden state park.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 1996) \$ 17,904,000

General Fund--State Appropriation (FY 1997) \$ 18,062,000

General Fund--Federal Appropriation \$ 12,500,000

TOTAL APPROPRIATION \$ 48,466,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,819,000 of the general fund--state appropriation is provided solely for the operation of the commission on student learning under RCW 28A.630.883 through 28A.630.953. The commission on student learning shall report on a regular basis regarding proposed activities and expenditures of the commission.

(2) \$4,890,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for development of assessments as required in RCW 28A.630.885 as amended by House Bill No. 1249.

(3) \$2,190,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,970,000 of the general fund--state appropriation is provided for school-to-work transition projects in the common schools, including state support activities, under RCW 28A.630.861 through 28A.630.880.

(5) \$2,970,000 of the general fund--state appropriation is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(6) \$1,620,000 of the general fund--state appropriation is provided for superintendent and principal internships, including state support activities, under RCW 28A.415.270 through 28A.415.300.

(7) \$4,050,000 of the general fund--state appropriation is provided for improvement of technology infrastructure, the creation of a student database, and educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(8) \$7,200,000 of the general fund--state appropriation is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(9) \$5,000,000 of the general fund--state appropriation is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155 and shall be distributed as follows:

(a) \$442,000 is provided solely for start-up grants for schools not eligible for federal start-up grants and for summer food service programs; and

(b) \$4,558,000 of the general fund--state appropriation is provided solely to increase the state subsidy for free and reduced-price breakfasts.

(10) \$1,260,000 of the general fund--state appropriation is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(11) \$1,700,000 of the general fund--federal appropriation is provided for professional development grants.

(12) \$10,000,000 of the general fund--federal appropriation is provided solely for competitive grants to school districts for implementation of education reform. To the extent that additional federal goals 2000 funds become available, the superintendent shall also allocate such additional funds for the same purpose.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund--Federal Appropriation \$ 51,216,000

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation (FY 1996) \$ 27,286,000

General Fund Appropriation (FY 1997) \$ 29,566,000

TOTAL APPROPRIATION \$ 56,852,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) The superintendent shall distribute a maximum of \$623.21 per eligible bilingual student in the 1995-96 school year and \$623.31 in the 1996-97 school year.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation (FY 1996) \$ 56,293,000

General Fund Appropriation (FY 1997) \$ 57,807,000

TOTAL APPROPRIATION \$ 114,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.

(3) Funding for school district learning assistance programs shall be allocated at a maximum rate of \$366.74 per unit for the 1995-96 school year and a maximum of \$366.81 per unit in the 1996-97 school year. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(a) A school district's units for the 1995-96 school year shall be the sum of the following:

(i) The 1995-96 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(ii) The 1995-96 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.96; and

(iii) If the district's percentage of October 1994 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1995-96 K-12 annual average full-time equivalent enrollment times 11.68 percent.

(b) A school district's units for the 1996-97 school year shall be the sum of the following:

(i) The 1996-97 full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The 1996-97 full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If the district's percentage of October 1995 headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeds the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's 1996-97 K-12 annual average full-time equivalent enrollment times 22.30 percent.

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund Appropriation (FY 1996) \$ 57,126,000

General Fund Appropriation (FY 1997) \$ 58,429,000

TOTAL APPROPRIATION \$ 115,555,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation provides such funds as are necessary for the remaining months of the 1994-95 school year.

(2) School districts receiving moneys pursuant to this section shall expend at least fifty-eight percent of such moneys in school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and RCW 28A.630.885. Districts receiving the moneys shall have a policy regarding the involvement of school staff, parents, and community members in instructional decisions. Each school using the moneys shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The remaining forty-two percent of such moneys may be used to meet other educational needs as identified by the school district. Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding constitute levy reduction funds for purposes of RCW 84.52.0531.

(3) Forty-two percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$26.30 for the 1995-96 and 1996-97 school years. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Fifty-eight percent of the allocations to school districts shall be calculated on the basis of full-time enrollment at an annual rate per student of up to \$36.69 for the 1995-96 and 1996-97 fiscal years. The state schools for the deaf and the blind may qualify for allocations of funds under this subsection. For school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(5) Beginning with the 1995-96 school year, to provide parents, the local community, and the legislature with information on the student learning improvement block grants, schools receiving funds for such purpose shall include, in the annual performance report required in RCW 28A.320.205, information on how the student learning improvement block grant moneys were spent and what results were achieved. Each school district shall submit the reports to the superintendent of public instruction and the superintendent shall provide the legislature with an annual report.

(6) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that the district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding).

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. The appropriations in sections 502, 504, 506, 508, 510, 514, 515, 518, and 519 of this act include amounts to pay increased state retirement system contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA).

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2) Operating resources that are not used to meet authorized salary increases and other mandated expenses shall be invested in measures that (a) reduce the time-to-degree, (b) provide additional access to postsecondary education, (c) improve the quality of undergraduate education, (d) provide improved access to courses and programs that meet core program requirements and are consistent with needs of the state labor market, (e) provide up-to-date equipment and facilities for training in current technologies, (f) expand the integration between the K-12 and postsecondary systems and among the higher education institutions, (g) provide additional access to postsecondary education for place-bound and remote students, and (h) improve teaching and research capability through the funding of distinguished professors. The institutions shall establish, in consultation with the board, measurable goals for increasing the average scheduled course contact hours by type of faculty, and shall report to the appropriate policy and fiscal committees of the legislature each December 1st as to performance on such goals.

To reduce the time it takes students to graduate, the institutions shall establish policies and reallocate resources as necessary to increase the number of undergraduate degrees granted per full-time equivalent instructional faculty.

(3) The salary increases provided or referenced in this subsection shall be the maximum allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention,

and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(a) No more than \$300,000 of the appropriations provided in sections 602 through 608 of this act may be expended for purposes designated in section 911 of this act.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 4.0 percent on July 1, 1995. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 4.0 percent on July 1, 1995. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement.

(c) Funds under section 717 of this act are in addition to any increases provided in (a) and (b) of this subsection. Specific salary increases authorized in sections 603 and 604 of this act are in addition to any salary increase provided in this subsection.

NEW SECTION. Sec. 602. The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for student full-time equivalent enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institution assumed in this act.

	1995-96	1996-97
	Annual	Annual
	Average	Average
	FTE	FTE
University of Washington		
Main campus	29,857	29,888
Evening Degree Program	571	617
Tacoma branch	588	687
Bothell branch	533	617
Washington State University		
Main campus	16,205	16,419
Spokane branch	283	308
Tri-Cities branch	624	707
Vancouver branch	723	851
Central Washington University	6,903	6,997
1410Eastern Washington University	7,656	7,739
The Evergreen State College	3,278	3,298
Western Washington University	9,483	9,606
State Board for Community and Technical Colleges	111,986	113,586
Higher Education Coordinating Board	50	50

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 1996) \$ 345,763,000
 General Fund--State Appropriation (FY 1997) \$ 348,728,000
 General Fund--Federal Appropriation \$ 11,404,000

Employment and Training Trust Account
Appropriation \$ 58,575,000
TOTAL APPROPRIATION \$ 764,470,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,883,000 of the general fund appropriation is provided solely for 500 supplemental FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(2) \$58,575,000 of the employment and training trust account appropriation is provided solely for training and related support services specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Of this amount:

(a) \$41,090,000 is to provide enrollment opportunity for 6,100 full-time equivalent students in fiscal year 1996 and 7,200 full-time equivalent students in fiscal year 1997. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for the allocation of the full-time equivalents provided in this subsection.

(b) \$8,403,000 is to provide child care assistance, transportation, and financial aid for the student enrollments funded in (a) of this subsection.

(c) \$7,632,000 is to provide financial assistance for student enrollments funded in (a) of this subsection in order to enhance program completion for those enrolled students whose unemployment benefit eligibility will be exhausted before their training program is completed. The state board for community and technical colleges shall submit to the workforce training and education coordinating board for review and approval a plan for eligibility and disbursement criteria to be used in determining the award of moneys provided in this subsection.

(d) \$750,000 is provided solely for an interagency agreement with the workforce training and education coordinating board for an independently contracted net-impact study to determine the overall effectiveness and outcomes of retraining and other services provided under chapter 226, Laws of 1993, (employment and training for unemployed workers). The net-impact study shall be completed and delivered to the legislature no later than December 31, 1996.

(e) \$700,000 is to provide the operating resources for seven employment security department job service centers located on community and technical college campuses.

(3) \$3,725,000 of the general fund appropriation is provided solely for assessment of student outcomes at community and technical colleges.

(4) \$1,412,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(5) \$3,296,720 of the general fund appropriation is provided solely for instructional equipment.

(6) \$688,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(7) Up to \$4,200,000 of the appropriations in this section may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments.

(8) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees authorized in Substitute Senate Bill No. 5325.

(9) Up to \$6,000,000 of general operating funds may be used to address accreditation issues at the technical colleges.

(10) Up to \$50,000, if matched by an equal amount from private sources, may be used to initiate an international trade education consortium, composed of selected community colleges, to fund and promote international trade education and training services in a variety of locations throughout the state, which services shall include specific business skills needed to develop and sustain international business opportunities that are oriented toward vocational, applied skills. The board shall report to appropriate legislative committees on these efforts at each regular session of the legislature.

NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation (FY 1996) \$ 263,981,000

General Fund Appropriation (FY 1997) \$ 258,321,000

Death Investigations Account Appropriation \$ 1,685,000
 Accident Account Appropriation \$ 4,335,000
 Medical Aid Account Appropriation \$ 4,330,000
 Health Services Account Appropriation \$ 6,244,000
 TOTAL APPROPRIATION \$ 538,896,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,516,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. Of this amount, \$237,000 is provided solely for continuation of the two-plus-two program operated jointly with the Olympic Community College.

(2) \$9,438,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus.

(3) \$2,300,000 of the health services account appropriation is provided solely for the implementation of chapter 492, Laws of 1993 (health care reform) to increase the supply of primary health care providers.

(4) \$300,000 of the health services account appropriation is provided solely to expand community-based training for physician assistants.

(5) \$300,000 of the health services account appropriation is provided solely for the advanced registered nurse program.

(6) \$2,909,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(8) \$648,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(9) \$1,471,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(10) \$500,000 of the general fund appropriation is provided solely for enhancements to the mathematics, engineering and science achievement (MESA) program.

(11) \$227,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

(12) The university shall begin implementation of the professional staff and librarian market gap remedy plan II, which was submitted to the legislature in response to section 603(3), chapter 24, Laws of 1993 sp. sess. and section 603(3), chapter 6, Laws of 1994 sp. sess. As part of the implementation of the plan, an average salary increase of 5.0 percent may be provided to librarians and professional staff on July 1, 1995, to meet salary gaps as described in the plan.

(13) \$184,000 of the health services account appropriation is provided solely for participation of the University of Washington dental school in migrant/community health centers in the Yakima valley.

(14) At least \$50,000 of the general fund appropriation shall be used for research at the Olympic natural resources center.

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation (FY 1996) \$ 150,520,000
 General Fund Appropriation (FY 1997) \$ 153,906,000
 Industrial Insurance Premium Refund Account
 Appropriation \$ 33,000
 Health Services Account Appropriation \$ 1,400,000
 TOTAL APPROPRIATION \$ 305,859,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,008,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Vancouver branch campus. \$1,198,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(2) \$7,534,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses and other educational services offered at the Tri-Cities branch campus. \$53,000 of this amount is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(3) \$7,691,000 of the general fund appropriation is provided solely to operate graduate and professional level courses and other educational services offered at the Spokane branch campus.

(4) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$280,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(6) \$1,400,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

(7) \$2,167,000 of the general fund appropriation is provided for new building operations and maintenance on the main campus and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

(8) \$525,000 of the general fund appropriation is provided solely to implement House Bill No. 1741 (wine and wine grape research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(9) \$1,000,000 of the general fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1009 (pesticide research). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(10) \$314,000 of the general fund appropriation is provided solely for implementation of the Puget Sound water quality management plan.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996)	\$ 36,741,000
General Fund Appropriation (FY 1997)	\$ 37,084,000
Health Services Account Appropriation	\$ 200,000
TOTAL APPROPRIATION	\$ 74,025,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.

(3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996)	\$ 33,683,000
General Fund Appropriation (FY 1997)	\$ 34,055,000
Industrial Insurance Premium Refund Account Appropriation	\$ 10,000
Health Services Account Appropriation	\$ 140,000
TOTAL APPROPRIATION	\$ 67,888,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$140,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (3) \$140,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation (FY 1996) \$ 18,436,000
General Fund Appropriation (FY 1997) \$ 18,504,000
TOTAL APPROPRIATION \$ 36,940,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$94,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (3) \$58,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1996) \$ 42,533,000
General Fund Appropriation (FY 1997) \$ 43,173,000
Health Services Account Appropriation \$ 200,000
TOTAL APPROPRIATION \$ 85,906,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$372,000 of the general fund appropriation is provided solely for assessment of student outcomes.
- (2) \$186,000 of the general fund appropriation is provided solely to recruit and retain minority students and faculty.
- (3) \$200,000 of the health services account appropriation is provided solely for health benefits for teaching and research assistants pursuant to RCW 28B.10.660 (graduate service appointment health insurance).
- (4) \$275,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (1996) \$ 1,933,000
General Fund--State Appropriation (1997) \$ 1,811,000
General Fund--Federal Appropriation \$ 1,073,000
TOTAL APPROPRIATION \$ 4,817,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations: \$560,000 of the general fund--state appropriation is provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.580 (timber dependent communities). The number of students served shall be 50 full-time equivalent students per fiscal year. The higher education coordinating board (HECB) in cooperation with the state board for community and technical college

education (SBCTC) shall review the outcomes of the timber program and report to the governor and legislature by November 1, 1995. The review should include programs administered by the HECB and SBCTC. The review should address student satisfaction, academic success, and employment success resulting from expenditure of these funds. The boards should consider a broad range of recommendations, from strengthening the program with existing resources to terminating the program.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (1996) \$ 71,412,000
General Fund--State Appropriation (1997) \$ 71,613,000
General Fund--Federal Appropriation \$ 3,579,000
State Educational Grant Account Appropriation \$ 40,000
Health Services Account Appropriation \$ 2,230,000
TOTAL APPROPRIATION \$ 148,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,044,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$431,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(3) \$230,000 of the health services account appropriation is provided solely for the health personnel resources plan.

(4) \$2,000,000 of the health services account appropriation is provided solely for scholarships and loans under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$140,543,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$110,504,000 is provided solely for the state need grant program;

(b) \$24,200,000 is provided solely for the state work study program;

(c) \$1,000,000 is provided solely for educational opportunity grants;

(d) A maximum of \$2,650,000 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) \$633,000 is provided solely for the educator's excellence awards;

(f) \$876,000 is provided solely to implement the Washington scholars program pursuant to Second Substitute House Bill No. 1318 or substantially similar legislation (Washington scholars program); and

(g) \$680,000 is provided solely to implement Substitute House Bill No. 1814 (Washington award for vocational excellence). If the bill is not enacted by June 30, 1995, the amount provided in this subsection (g) shall lapse.

NEW SECTION. Sec. 612. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation (FY 1996) \$ 1,127,000
General Fund Appropriation (FY 1997) \$ 1,311,000
TOTAL APPROPRIATION \$ 2,438,000

The appropriation in this section is subject to the following conditions and limitations: \$765,000 of the general fund appropriation is provided for new building operations and maintenance and shall be placed in reserve and expended only pursuant to allotment authority provided by the office of financial management.

NEW SECTION. Sec. 613. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 1996) \$ 1,634,000

General Fund--State Appropriation (FY 1997) \$ 1,634,000
General Fund--Federal Appropriation \$ 34,641,000
TOTAL APPROPRIATION \$ 37,909,000

NEW SECTION. Sec. 614. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation (FY 1996) \$ 7,069,000
General Fund--State Appropriation (1997) \$ 7,071,000
General Fund--Federal Appropriation \$ 4,799,000
General Fund--Private/Local Appropriation \$ 46,000
Industrial Insurance Premium Refund Account
Appropriation \$ 7,000
TOTAL APPROPRIATION \$ 18,992,000

The appropriations in this section are subject to the following conditions and limitations:
\$2,439,516 of the general fund--state appropriation and federal funds are provided for a contract with the Seattle public library for library services for the Washington book and braille library.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (1996) \$ 2,236,000
General Fund--State Appropriation (1997) \$ 1,929,000
General Fund--Federal Appropriation \$ 934,000
Industrial Insurance Premium Refund Account
Appropriation \$ 1,000
TOTAL APPROPRIATION \$ 5,100,000

NEW SECTION. Sec. 616. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation (FY 1996) \$ 1,965,000
General Fund Appropriation (FY 1997) \$ 2,186,000
TOTAL APPROPRIATION \$ 4,151,000

The appropriation in this section is subject to the following conditions and limitations:
\$1,731,000 is provided solely for the new Washington state historical society operations and maintenance located in Tacoma.

NEW SECTION. Sec. 617. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation (FY 1996) \$ 473,000
General Fund Appropriation (FY 1997) \$ 473,000
TOTAL APPROPRIATION \$ 946,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (1996) \$ 3,421,000
General Fund--State Appropriation (1997) \$ 3,440,000
Industrial Insurance Premium Refund Account
Appropriation \$ 7,000
TOTAL APPROPRIATION \$ 6,868,000

NEW SECTION. Sec. 619. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (1996) \$ 6,182,000
General Fund--State Appropriation (1997) \$ 6,215,000
Industrial Insurance Premium Refund Account
Appropriation \$ 15,000
TOTAL APPROPRIATION \$ 12,412,000

PART VII
SPECIAL APPROPRIATIONS

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation \$ 852,281,000
State Building and Construction Account
Appropriation \$ 21,500,000
TOTAL APPROPRIATION \$ 873,781,000

The general fund appropriation is for deposit into the account listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account
Appropriation \$ 24,179,000
Accident Account Appropriation \$ 5,548,000
Medical Account Appropriation \$ 5,548,000
TOTAL APPROPRIATION \$ 35,275,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund Appropriation \$ 37,031,000
Higher Education Reimbursable Construction Account
Appropriation \$ 197,000
Community College Capital Construction Bond
Retirement Fund 1975 Appropriation \$ 450,000
Higher Education Bond Retirement Fund 1979
Appropriation \$ 2,887,000
TOTAL APPROPRIATION \$ 40,565,000

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967
Appropriation \$ 6,923,000
State Building and Parking Bond Redemption
Fund 1969 Appropriation \$ 2,453,000
TOTAL APPROPRIATION \$ 9,376,000

NEW SECTION. Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund Appropriation \$ 1,535,000
State Convention and Trade Center Account
Appropriation \$ 15,000
State Building Construction Account
Appropriation \$ 364,000
Higher Education Reimbursable Construction
Account Appropriation \$ 3,000

TOTAL APPROPRIATION \$ 1,917,000

Total Bond Retirement and Interest Appropriations
contained in sections 701 through 705 of this
act \$ 960,914,000

NEW SECTION. Sec. 706. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation (FY 1996) \$ 1,815,000
General Fund Appropriation (FY 1997) \$ 1,815,000
Wildlife Fund Appropriation \$ 78,000
TOTAL APPROPRIATION \$ 3,708,000

NEW SECTION. Sec. 707. FOR THE GOVERNOR--AMERICANS WITH DISABILITIES ACT

Americans with Disabilities Special Revolving Fund
Appropriation \$ 426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall be used solely to fund requests from state agencies complying with the program requirements of the federal Americans with disabilities act. This appropriation will be administered by the office of financial management and will be apportioned to agencies meeting distribution criteria.

(2) To facilitate payment from special funds dedicated to agency programs receiving allocations under this section, the state treasurer is directed to transfer sufficient moneys from the special funds to the Americans with disabilities special revolving fund, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 708. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation (FY 1996) \$ 965,000
General Fund Appropriation (FY 1997) \$ 966,000
TOTAL APPROPRIATION \$
Special Fund Agency Tort Defense Services
Revolving Fund Appropriation \$ 1,287,000
TOTAL APPROPRIATION \$ 3,218,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund Appropriation (FY 1996) \$ 850,000
General Fund Appropriation (FY 1997) \$ 850,000
TOTAL APPROPRIATION \$ 1,700,000

The appropriation in this section is for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 710. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 711. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 1996) \$ 2,390,000
General Fund--State Appropriation (FY 1997) \$ 2,561,000
General Fund--Federal Appropriation \$ 1,835,000
General Fund--Private/Local Appropriation \$ 136,000
Salary and Insurance Increase Revolving Account
Appropriation \$ 4,105,000
TOTAL APPROPRIATION \$ 11,027,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly contribution for insurance benefit premiums shall not exceed \$308.14 per eligible employee for fiscal year 1996, and \$308.96 for fiscal year 1997.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$5.81 per eligible employee for fiscal year 1996, and \$5.55 for fiscal year 1997.

(c) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs or due to employee waivers of coverage may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without subsequent legislative authorization.

(d) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From July 1, 1995, through December 31, 1995, the subsidy shall be \$34.20 per month. From January 1, 1996, through December 31, 1996, the subsidy shall be \$36.77 per month. Starting January 1, 1997, the subsidy shall be \$39.52 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:

(a) For each full-time employee, \$14.79 per month beginning October 1, 1995, and \$14.80 per month beginning September 1, 1996;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.79 each month beginning October 1, 1995, and \$14.80 each month beginning September 1, 1996, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes funds sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1995-97 transportation appropriations act.

(6) Rates charged to school districts voluntarily purchasing employee benefits through the health care authority shall be equivalent to the actual insurance costs of benefits and administration costs for state and higher education employees except:

(a) The health care authority is authorized to reduce rates charged to school districts for up to 10,000 new subscribers by applying surplus funds accumulated in the public employees' and retirees' insurance account. Rates may be reduced up to a maximum of \$10.93 per subscriber per month in fiscal year 1996 and a maximum of \$7.36 per subscriber per month in fiscal year 1997; and

(b) For employees who first begin receiving benefits through the health care authority after September 1, 1995, districts shall remit the additional costs of health care authority administration resulting from their enrollment. The additional health care authority administration costs shall not exceed \$.30 per month per subscriber.

**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

FY 1996 FY 1997

General Fund Appropriation \$ 87,500,000 87,500,000

(2) There is appropriated for contributions to the judicial retirement system:

FY 1996 FY 1997

General Fund Appropriation \$ 6,500,000 6,500,000

(3) There is appropriated for contributions to the judges retirement system:

FY 1996 FY 1997

General Fund Appropriation \$ 800,000 800,000

**NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

FY 1996 FY 1997

General Fund--State
Appropriation \$ 1,007,000 1,224,000
General Fund--Federal
Appropriation \$ 367,000 447,000
Special Account Retirement Contribution
Increase Revolving Account
Appropriation \$ 904,000 1,089,000
TOTAL APPROPRIATION \$ 5,038,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of Substitute Senate Bill No. 5119 (uniform COLA). If the bill is not enacted by June 30, 1995, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 714. SALARY COST OF LIVING ADJUSTMENT

General Fund--State Appropriation (FY 1996) \$ 36,020,000
General Fund--State Appropriation (FY 1997) \$ 36,590,000
General Fund--Federal Appropriation \$ 29,603,000

Salary and Insurance Increase Revolving Account
 Appropriation \$ 60,213,000
TOTAL APPROPRIATION \$ 162,426,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) In addition to the purposes set forth in subsections (2), (3), and (4) of this section, appropriations in this section are provided solely for a 4.0 percent salary increase effective July 1, 1995, for all classified employees (including those employees in the Washington management service) and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 4.0 percent salary increase for general government, legislative, and judicial employees exempt from merit system rules whose salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 4.0 percent cost-of-living adjustment, effective July 1, 1995, for ferry workers consistent with the 1995-97 transportation appropriations act.

(4) The appropriations in this section include funds sufficient to fund the salary increases approved by the commission on salaries for elected officials for legislators and judges.

(5) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

NEW SECTION. Sec. 715. FOR THE ATTORNEY GENERAL--SALARY ADJUSTMENTS

General Fund Appropriation (FY 1996) \$ 1,129,000
 General Fund Appropriation (FY 1997) \$ 1,129,000
 Attorney General Salary Increase Revolving
 Account Appropriation \$ 1,542,000
TOTAL APPROPRIATION \$ 3,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for increases in salaries and related benefits of assistant attorneys general. The attorney general shall distribute these funds in a manner that will maintain or increase the quality and experience of the attorney general's staff. Market value, specialization, retention, and merit (including billable hours) shall be the factors in determining the distribution of these funds.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 716. SALARY INCREMENT INCREASES. General government and higher education general service employees whose salaries were frozen in the 1993-95 biennium and who are below the top step of their salary range will receive a step increase on their next periodic increment date on or after July 1, 1995. Thereafter, periodic increments will occur on the subsequent increment dates. Affected Washington management service (WMS) employees may receive increments as provided in the pertinent WMS rules on or after July 1, 1995. Civil service exempt employees who are below the top step may receive an increase at the discretion of the relevant appointing authority.

NEW SECTION. Sec. 717. INCREMENT SALARY INCREASES. The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$28,000,000 from the general fund--state and \$34,000,000 from other funds for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), chapter 41.56 RCW, and other statutes. This amount will provide average salary increases of 1.0 percent during the 1995-97 biennium.

**NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT--
COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD**

General Fund Appropriation (FY 1997) \$ 5,000,000
Salary and Insurance Increase Revolving
Account Appropriation (FY 1997) \$ 5,000,000
TOTAL APPROPRIATION \$ 10,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be expended solely for the purposes designated in section 911 of this act.

(2) In addition to the moneys appropriated in this section, state agencies may expend up to an additional \$2,500,000 from other general fund--state appropriations in this act and \$2,500,000 from appropriations from other funds and accounts for the purposes and under the procedures designated in section 911 of this act.

PART VIII
OTHER TRANSFERS AND APPROPRIATIONS

**NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT
AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT**

State General Obligation Bond Retirement Fund 1979
Fund Appropriation \$ 852,281,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 701 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 802. FOR THE STATE TREASURER--BOND RETIREMENT
AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY AS PRESCRIBED BY
STATUTE**

State General Obligation Bond Retirement Fund 1979
Appropriation \$ 37,031,000

The total expenditures from the state treasury under the appropriation in this section and the general fund appropriation in section 703 of this act shall not exceed the total appropriation in this section.

**NEW SECTION. Sec. 803. FOR THE STATE TREASURER--STATE REVENUES FOR
DISTRIBUTION**

General Fund Appropriation for fire insurance
premiums distribution \$ 6,025,000
General Fund Appropriation for public utility
district excise tax distribution \$ 29,885,000
General Fund Appropriation for prosecuting
attorneys' salaries \$ 2,800,000
General Fund Appropriation for motor vehicle
excise tax distribution \$ 72,684,000
General Fund Appropriation for local mass
transit assistance \$ 335,869,000
General Fund Appropriation for camper and
travel trailer excise tax distribution \$ 3,554,000

General Fund Appropriation for boating
 safety/education and law enforcement
 distribution \$ 3,224,000
 General Fund Appropriation for public health
 distribution \$ 36,465,000
 Aquatic Lands Enhancement Account Appropriation
 for harbor improvement revenue
 distribution \$ 130,000
 Liquor Excise Tax Account Appropriation for
 liquor excise tax distribution \$ 22,185,000
 Liquor Revolving Fund Appropriation for liquor
 profits distribution \$ 42,778,000
 Timber Tax Distribution Account Appropriation
 for distribution to "Timber" counties \$ 115,950,000
 Municipal Sales and Use Tax Equalization Account
 Appropriation \$ 58,181,000
 County Sales and Use Tax Equalization Account
 Appropriation \$ 12,940,000
 Death Investigations Account Appropriation
 for distribution to counties for publicly
 funded autopsies \$ 1,200,000
 County Criminal Justice Account Appropriation \$ 69,940,000
 Municipal Criminal Justice Account
 Appropriation \$ 27,972,000
 County Public Health Account Appropriation \$ 29,709,000
 TOTAL APPROPRIATION \$ 871,491,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal
 forest reserve fund distribution \$ 50,740,000
 General Fund Appropriation for federal flood
 control funds distribution \$ 48,000
 General Fund Appropriation for federal grazing
 fees distribution \$ 73,000
 General Fund Appropriation for distribution of
 federal funds to counties in conformance with
 P.L. 97-99 Federal Aid to Counties \$ 220,000
 TOTAL APPROPRIATION \$ 51,081,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

Public Works Assistance Account: For transfer to the
 Flood Control Assistance Account \$ 4,000,000
 General Fund: For transfer to the Natural Resources
 New Motor Vehicle Arbitration Account: For transfer to
 the Public Safety and Education Account \$ 3,200,000
 Fund--Water Quality Account \$ 18,471,000
 Water Quality Account: For transfer to the Water

Pollution Revolving Fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit \$ 25,000,000

Water Quality Account: For transfer to the Water Right Permit Processing Account \$ 500,000

Trust Land Purchase Account: For transfer to the Parks Renewal and Stewardship Account \$ 1,304,000

General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before June 30, 1997, an amount up to \$7,361,000 in excess of the cash requirements of the state treasurer's service account \$ 7,361,000

Health Services Account: For transfer to the Public Health Services Account \$ 26,003,000

Public Health Services Account: For transfer to the County Public Health Account \$ 2,250,000

Public Works Assistance Account: For transfer to the Growth Management Planning and Environmental Review Fund \$ 3,000,000

Basic Health Plan Trust Account: For transfer to the General Fund--State Account (FY 1996) \$ 2,664,778

Basic Health Plan Trust Account: For transfer to the General Fund--State Account (FY 1997) \$ 2,664,778

Oil Spill Response Account: For transfer to the Oil Spill Administration Account \$ 1,718,000

NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- TRANSFERS

General Fund Appropriation: For transfer to the department of retirement systems expense fund \$ 18,000

NEW SECTION. Sec. 807. FOR COMMON SCHOOL CONSTRUCTION. The sum of one hundred and ten million dollars is appropriated from the general fund to the common school construction fund for the purposes under RCW 28A.515.320.

This section is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, costs and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and postimplementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written postimplementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the postimplementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the postimplementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this

act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapter 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 906. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 907. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1995.

NEW SECTION. Sec. 908. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 909. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

Sec. 910. RCW 19.118.110 and 1995 c . . . s 7 (ESSB 5629) are each amended to read as follows:

A three-dollar arbitration fee shall be collected by either the new motor vehicle dealer or vehicle lessor from the consumer upon execution of a retail sale or lease agreement. The fee shall be forwarded to the department of licensing at the time of title application for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriation. During the 1995-97 fiscal biennium, the legislature may transfer moneys from the account to the extent that the moneys are not necessary for the purposes of this chapter.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

Sec. 911. RCW 41.06.150 and 1993 sp.s. c 24 s 913 and 1993 c 281 s 27 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive

bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position. (~~However, beginning July 1, 1993, through June 30, 1995,~~) The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW. Beginning July 1, 1995, through June 30, 1997:

(a) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(i) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(ii) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(iii) The implementation is a result of emergent conditions. Emergent conditions are defined as newly mandated programs for which moneys are not appropriated, establishment of positions necessary for the preservation of the public health, safety, or general welfare, and related issues which do not exceed \$250,000 of the moneys identified in section 718(2) of this act.

(b) The board may approve the implementation of salary increases resulting from adjustments to the classification plan for implementation in the 1997-99 fiscal biennium only if the implementation will not result in additional net costs or the implementation has been approved by the legislature in the omnibus appropriations act or other legislation.

(c) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(d) Adjustments made to the higher education hospital special pay plan are exempt from (a) through (c) of this subsection;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((However, beginning July 1, 1993, through June 30, 1995, increment increases shall not be provided to any classified or exempt employees under the jurisdiction of the board whose monthly salary on or after July 1, 1993, exceeds three thousand seven hundred fifty dollars;))~~

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions (~~under chapter 28B.16 RCW~~) before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 912. RCW 43.08.250 and 1993 sp.s. c 24 s 917 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, ~~((1995))~~ 1997, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, and Washington state patrol criminal justice activities.

Sec. 913. RCW 70.47.030 and 1993 c 492 s 210 are each amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used

exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 914. RCW 70.105D.070 and 1994 c 252 s 5 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(d) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; and (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW. Funds for plans

and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account. During the 1995-97 fiscal biennium no moneys deposited into the state and local toxics control accounts may be committed to public participation grants, except in the case where public participation grants assist in the implementation of the pilot projects established pursuant to Engrossed Substitute House Bill No. 1810.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

Sec. 915. RCW 86.26.007 and 1993 sp.s. c 24 s 928 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ((1995-97)) 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. To the extent that moneys in the flood control assistance account are not appropriated during the ((1993-95)) 1995-97 fiscal biennium for flood control assistance, the legislature may direct their transfer to the state general fund.

NEW SECTION. **Sec. 916.** No funding appropriated in this act shall be expended to support efforts to establish the northwest marine straits sanctuary.

NEW SECTION. **Sec. 917.** No funding appropriated in this act shall be expended to establish or publish rules which exceed federal requirements for providing habitat protection for northern spotted owls.

Sec. 918. RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. During the ((1993-95)) 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the ((1993-95)) 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2)

completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access.

Sec. 919. RCW 69.50.520 and 1994 sp.s. c 7 s 910 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(~~(5)~~)(7), 66.24.210(4), 66.24.290(3), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 (~~(1st)~~) sp. sess., including state incarceration costs. After July 1, 1997, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 920. RCW 70.146.020 and 1993 sp.s. c 24 s 923 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Account" means the water quality account in the state treasury.

(2) "Department" means the department of ecology.

(3) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

(4) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

(5) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control facilities or other means. During the (~~(1993-1995)~~) 1995-1997 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.

(6) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(7) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(8) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(9) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

Sec. 921. RCW 70.146.030 and 1991 sp.s. c 13 s 61 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

(4) During the fiscal biennium ending June 30, 1997, moneys in the account may be transferred by the legislature to the water right permit processing account.

Sec. 922. RCW 74.14C.065 and 1992 c 214 s 11 are each amended to read as follows:

Any federal funds made available under RCW 74.14C.060 shall be used to supplement and shall not supplant state funds to carry out the purposes of this chapter. However, during the 1995-97 fiscal biennium, federal funds made available under RCW 74.14C.060 may be used to supplant state funds to carry out the purposes of this chapter.

Sec. 923. RCW 79.24.580 and 1994 c 219 s 12 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, 1995, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock. During the fiscal biennium ending June 30, 1997, the funds may be appropriated for shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

NEW SECTION. Sec. 924. FISCAL YEAR EXPENDITURE LIMITS. An agency's total general fund--state expenditures by fiscal year shall not exceed the amount approved by the office of financial management (OFM) in expenditure plans authorized under RCW 43.88.070 and 43.88.110. OFM shall ensure that these plans conform with fiscal year expenditures in the OFM budget database as updated to reflect legislative appropriations and governor's vetoes. In no case shall the state-wide total of agency allotments exceed the Initiative 601 expenditure limit. The allotments of elected officials must match the GFS fiscal year split contained in the updated OFM database.

NEW SECTION. Sec. 925. Unless otherwise required by law, no moneys appropriated in this act may be expended for mandatory diversity training for state employees. No moneys appropriated in this act may be expended for voluntary diversity training offered to state employees where a record is

made of attendance or nonattendance or where state employees may be subject to reprimand or other disciplinary action for participating or not participating.

NEW SECTION. Sec. 926. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 807 of this act shall take effect immediately. The remainder of the act shall take effect July 1, 1995.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1995, and ending June 30, 1997; amending RCW 19.118.110, 43.08.250, 70.47.030, 70.105D.070, 86.26.007, 43.155.050, 69.50.520, 70.146.020, 70.146.030, 74.14C.065, 79.24.580, 43.21I.005, 43.21I.010, 43.21I.030, 43.21I.040, 88.46.922, 88.46.925, and 90.56.510; amending 1991 c 200 s 1120 (uncodified); amending 1993 c 281 s 73 (uncodified); reenacting and amending RCW 41.06.150; adding a new section to chapter 90.56 RCW; creating new sections; recodifying RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040; repealing RCW 43.21I.020, 88.46.920, and 88.46.923; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Marty Brown, Secretary

MOTION

Representative Silver moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 1410 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1410 as amended by the Senate.

Representatives Silver and Foreman spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Foreman yielded to a question by Representative B. Thomas.

Representative B. Thomas: Subsection 2 of Section 143 deals with the purchasing administrative fee charged other state agencies by the Department of General Administration for arranging state purchasing contracts. Does this language prohibit the Department from having vendors collect the purchasing administration fee for the Department of General Administration for purchases buy other state agencies?

Representative Foreman: Yes, the language in subsection 2 of Section 143 only allows the Department of General Administration to charge purchasing administration fees directly to the agencies and does not allow the Department to have vendors collect the fee from various state agencies for the Department of General Administration.

Representatives Sommers and Ebersole spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1410 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 53, Nays - 39, Absent - 4, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hickel, Honeyford, Horn, Huff, Johnson, Lambert, Lisk, Mastin, McMorris, Mielke, Mitchell, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Van Luven and Mr. Speaker - 53.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hargrove, Hymes, Jacobsen, Koster, Kremen, Mason, McMahan, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Regala, Rust, Scott, Sheldon, Sherstad, Sommers, Thibaudeau, Thompson, Tokuda, Valle, Veloria and Wolfe - 39.

Absent: Representatives Dellwo, Hatfield, Kessler and Romero - 4.

Excused: Representatives Chappell and Goldsmith - 2.

Engrossed Substitute House Bill No. 1410 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted NAY on Engrossed Substitute House Bill No. 1410.

DAVE CHAPPELL, 20th District

MOTION FOR RECONSIDERATION

Representative Foreman: Having voted on the prevailing side of Engrossed Substitute House Bill No. 1410 moved that the House immediately reconsider the vote.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1410 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1410 on reconsideration, and the bill passed the House by the following vote: Yeas - 54, Nays - 42, Absent - 0, Excused - 2.

Voting yea: Representatives Backlund, Ballasiotes, Beeksma, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cooke, Crouse, Delvin, Dyer, Elliot, Foreman, Fuhrman, Hankins, Hickel, Honeyford, Horn, Huff, Johnson, Kessler, Lambert, Lisk, Mastin, McMorris, Mielke, Mitchell, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Sehlin, Sheahan, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Van Luven and Mr. Speaker - 54.

Voting nay: Representatives Appelwick, Basich, Brown, Chopp, Cody, Cole, Conway, Costa, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hargrove, Hatfield, Hymes, Jacobsen, Koster, Kremen, Mason, McMahan, Morris, Mulliken, Ogden, Patterson, Pelesky, Poulsen, Quall, Regala, Romero, Rust, Scott, Sheldon, Sherstad, Sommers, Thibaudeau, Thompson, Tokuda, Valle, Veloria and Wolfe - 42.

Excused: Representatives Chappell and Goldsmith - 2.

Engrossed Substitute House Bill No. 1410 on reconsideration, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted NAY on Engrossed Substitute House Bill No. 1410.

DAVE CHAPPELL, 20th District

POINT OF PERSONAL PRIVILEGE

Representative Foreman: Thank you Mr. Speaker. I would like to thank all of the members of the staff; especially the Appropriation staff, but all of the members of the staff who worked so very hard putting together the Operating Budget. Thank you.

SPEAKER'S PRIVILEGE

Just one personal observation from the Speaker. I join Representative Foreman in the experience in watching the budget process and whenever we say thank you to the staff, I think everyone who has had anything to do with the process understands that we have an outstanding staff and they have done a great job and we all appreciate that.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Foreman, the House adjourned until 9:00 a.m., Thursday, May 25, 1995.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

FIRST DAY, MAY 24, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

SECOND DAY

MORNING SESSION

Second Special Session

House Chamber, Olympia, Thursday, May 25, 1995

The House was called to order at 9:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dave Mangino and Bill Baxter. Prayer was offered by Representative McMahan.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

May 25, 1995

Mr. Speaker:

The Senate has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1997, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"Aquatic Lands Acct" means the Aquatic Lands Enhancement Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, design, engineering, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;
 "Data Proc Rev Acct" means Data Processing Revolving Account;
 "EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;
 "For Dev Acct" means Forest Development Account;
 "Res Mgmt Cost Acct" means Resource Management Cost Account;
 "Game Spec Wildlife Acct" means Game Special Wildlife Account;
 "H Ed Constr Acct" means Higher Education Construction Account 1979;
 "H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;
 "LIRA" means State and Local Improvement Revolving Account;
 "LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;
 "LIRA, Water Sup Fac" means State and Local Improvements Revolving Account--Water supply facilities;
 "Lapse" or "revert" means the amount shall return to an unappropriated status;
 "Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account;
 "NOVA" means the Nonhighway and Off-Road Vehicle Activities Program Account;
 "ORA" means Outdoor Recreation Account;
 "Provided solely" means the specified amount may be spent only for the specified purpose.
 Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;
 "Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;
 "Public Safety and Education Acct" means Public Safety and Education Account;
 "Public Safety Reimb Bond" means Public Safety Reimbursable Bond Account;
 "Rec Fisheries Enh Acct" means Recreational Fisheries Enhancement Account;
 "St Conv & Trade Ctr Acct" means State Convention and Trade Center Account;
 "St Bldg Constr Acct" means State Building Construction Account;
 "State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;
 "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
 "Thoroughbred Racing Acct" means Washington Thoroughbred Racing Account;
 "Thurston County Cap Fac Acct" means Thurston County Capital Facilities Account;
 "UW Bldg Acct" means University of Washington Building Account;
 "WA Housing Trust Acct" means Washington Housing Trust Account;
 "WA St Dev Loan Acct" means Washington State Development Loan Account;
 "Water Pollution Cont Rev Fund" means Water Pollution Control Revolving Fund;
 "WSU Bldg Acct" means Washington State University Building Account;
 "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.
 Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

PART 1
 GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE OFFICE OF THE SECRETARY OF STATE

Northwest Washington Regional Archives: Construction (90-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 3,970

Prior Biennia (Expenditures) \$ 128,341

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,311

NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE

Central Washington Regional Archives--Central Washington University Campus (93-2-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 434,000

Prior Biennia (Expenditures) \$ 3,500,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,934,000 -----

NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE

Essential Records Storage Site--Asbestos survey and abatement (94-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 50,000 -----

NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE

Eastern Washington Branch Archives: Predesign (94-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 6,200

Prior Biennia (Expenditures) \$ 52,000

Future Biennia (Projected Costs) \$ 4,540,612

TOTAL \$ 4,598,812 -----

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE

Puget Sound Branch Archives--Building design and construction (94-2-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 6,700,125

Prior Biennia (Expenditures) \$ 40,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,740,125 -----

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE

Puget Sound Branch--Building "C" asbestos abatement and demolition (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 125,000 -----

**NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Community economic revitalization (86-1-001)

Reappropriation:

Public Works Assistance Acct--State \$ 3,321,298

Pub Fac Constr Loan Rev Acct--State \$ 3,862,729

St Bldg Constr Acct--State \$ 2,106,034

Subtotal Reappropriation \$ 9,290,061 -----

Appropriation:

Pub Fac Constr Loan Rev Acct--State \$ 1,500,000

Public Works Assistance Acct--State \$ 4,000,000

Subtotal Appropriation \$ 5,500,000 -----

Prior Biennia (Expenditures) \$ 7,026,937

Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ 45,816,998 -----

**NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Development loan fund (88-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 2,000,000

Wa St Dev Loan Acct--Federal \$ 186,654

Subtotal Reappropriation \$ 2,186,654 -----

Appropriation:

Wa St Dev Loan Acct--Federal \$ 3,500,000

Prior Biennia (Expenditures) \$ 5,932,935

Future Biennia (Projected Costs) \$ 20,000,000

TOTAL \$ 31,619,589 -----

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Grays Harbor dredging (88-3-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(2) Expenditure of moneys from this reappropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(4) The port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in subsection (2) of this section. Any money, up to \$10,000,000 provided from such sources other than those in subsection (2) of this section, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct--State \$ 5,788,144

Prior Biennia (Expenditures) \$ 4,211,856

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000 -----

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing assistance, weatherization, and affordable housing program (88-5-015)

The appropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the reappropriation from the state building and construction account, \$2,000,000 of the reappropriation from the charitable, educational, penal, and reformatory institutions account, and \$2,000,000 of the appropriation from the state building and construction account are provided solely for development of at least 367 safe and affordable housing units for persons eligible for services from the division of developmental disabilities in the department of social and health services. The housing assistance program shall implement this initiative in coordination with the managed care initiative developed by the division of developmental disabilities in accordance with the 1995-97 operating budget.

Reappropriation:

St Bldg Constr Acct--State \$ 33,214,000

CEP & RI Acct--State \$ 2,830,959

Subtotal Reappropriation \$ 36,044,959 -----

Appropriation:

St Bldg Constr Acct--State \$ 47,800,000

WA Housing Trust Acct \$ 2,200,000

Subtotal Appropriation \$ 50,000,000 -----

Prior Biennia (Expenditures) \$ 77,601,500

Future Biennia (Projected Costs) \$ 100,000,000

TOTAL \$ 263,646,451

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

A Contemporary Theatre (ACT)--Seattle (90-1-006)

This reappropriation is provided solely for the construction or renovation of a new theater in Seattle. If the project funded from the reappropriation in this section is not substantially complete by December 31, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 914,696

Prior Biennia (Expenditures) \$ 85,031

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 999,727

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Seattle Center redevelopment: For upgrading the Coliseum, including engineering and other studies to determine renovation alternatives for the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages and fencing **(92-1-019)**

The reappropriation in this section shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Reappropriation:

St Bldg Constr Acct--State \$ 2,735,637

Prior Biennia (Expenditures) \$ 5,764,364

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,500,001

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility **(92-2-001)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(2) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

(3) If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 2,991,000

Prior Biennia (Expenditures) \$ 9,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

7th Street Theatre (90-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall be matched by at least \$200,000 from nonstate sources. The match may include cash or in-kind contributions. If the project funded from the reappropriation in this section is not substantially complete by December 30, 1996, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Minor works: Emergency Management Building (92-2-009)

Reappropriation:

St Bldg Constr Acct--State \$ 62,263

Prior Biennia (Expenditures) \$ 223,737

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 286,000 -----

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Snohomish County drainage: To purchase land in drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct--State \$ 348,950

Prior Biennia (Expenditures) \$ 1,050

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 350,000

**NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Resource Center for the Handicapped: To acquire and improve the facilities in which the center currently operates (92-5-000)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources expended for the same purposes. The matching money may include lease-purchase payments made by the center prior to May 28, 1993.

Reappropriation:

St Bldg Constr Acct--State \$ 407,203

Prior Biennia (Expenditures) \$ 792,797

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,200,000

**NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Washington Technology Center laboratories (92-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,262,945

Prior Biennia (Expenditures) \$ 1,419,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,682,603

**NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Columbia River dredging feasibility: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this reappropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose. If the project funded from the reappropriation in this section is not substantially complete by June 30, 1997, the reappropriation shall lapse.

Reappropriation:

St Bldg Constr Acct--State \$ 598,200

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

**NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions **(92-5-100)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Phase 1 Estimated Total

Capital Cost

Seattle Children's Theatre \$ 8,000,000
Admiral Theatre (Bremerton) \$ 4,261,000
Pacific Northwest Ballet \$ 7,500,000
Seattle Symphony \$ 54,000,000
Seattle Repertory Theatre
(Phase 1) \$ 4,000,000
Broadway Theatre District
(Tacoma) \$ 11,800,000
Allied Arts of Yakima \$ 500,000
Spokane Art School \$ 454,000
Seattle Art Museum \$ 4,862,500

Total \$ 95,377,500

Phase 2 Estimated Total

Capital Cost

Bainbridge Performing
Arts Center \$ 1,200,000
The Children's Museum \$ 2,850,000
Everett Community Theatre \$ 12,119,063
Kirkland Center for
the Performing Arts \$ 2,500,000
Makah Cultural and
Research Center \$ 1,600,000
Mount Baker Theatre Center \$ 1,581,000
Seattle Group Theatre \$ 334,751
Seattle Opera Association \$ 985,000
Seattle Repertory Theatre
(Phase 2) \$ 4,000,000
Valley Museum of Northwest
Art \$ 1,100,000
Village Theatre \$ 6,000,000
Tacoma Little Theatre \$ 1,250,000
The Washington Center
for the Performing Arts \$ 400,000
Whidbey Island Center
for the Arts \$ 1,200,000

Total \$ 37,119,814

Phase 3 Estimated Total

Capital Cost

ACT Theatre	\$ 28,100,000
Corbin Art Theater (Spokane)	\$ 69,055
Cutter Theater	\$ 725,511
Depot Arts Center (Anacortes)	\$ 68,000
Little Theater (Walla Walla)	\$ 100,000
Meadow for the Arts (Gig Harbor)	\$ 2,550,000
New City Theater	\$ 281,000
Northwest Puppet Theater	\$ 413,300
Paramount Theater	\$ 14,705,262
Rainier Valley Cultural Center	\$ 600,000
Seattle Children's Theater	\$ 3,200,000
Steilacoom Cultural Center	\$ 65,000
Meyendenbauer Theater	\$ 2,400,000
Tu-Ha-Buts Cultural Center	\$ 777,405
Vancouver Arts School	\$ 8,549,313
World Kite Museum	\$ 900,000
Clallam County Gallery	\$ 174,314
Columbia Theater	\$ 500,000
Total	\$ 64,178,160

(2) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(3) State funding shall be distributed to projects in the order in which matching requirements have been met.

(4) The department shall submit a list of recommended performing arts, museum, and cultural organization projects for funding in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon: Uniform criteria for the selection of projects and awarding of grants for up to fifteen percent of the total project cost; local community support for the project; a requirement that the sites for the projects are secured or optioned for purchase; and a state-wide geographic distribution of projects.

(5) The reappropriation and new appropriation in this section are provided to fund the state share for phase 1, 2, and 3 of the building for the arts program. Within this amount the department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The department may require that projects re compete for funding.

(6) No single project shall exceed \$4,500,000 unless there are uncommitted funds from the appropriations in this section after January 1, 1997. Nothing in this subsection (6) prevents the department from submitting a request for an increased state share of any project subject to this limitation in the department's 1997-99 capital budget request.

(7) The department is authorized to allocate the amounts appropriated in this section among the eligible projects in phases 1, 2, 3 and to set matching requirements for individual projects.

(8) By December 15, 1995, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

Reappropriation:

St Bldg Constr Acct--State \$ 8,000,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 9,209,986

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,209,986

**NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Columbia Gorge Interpretive Center (92-5-101)

The reappropriation in this section shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,886

Prior Biennia (Expenditures) \$ 3,999,114

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000 -----

**NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Tri-Cities Trade Center (93-5-003)

The appropriations in this section may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. These appropriations shall be matched by at least \$2,800,000 provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 2,527,385

Prior Biennia (Expenditures) \$ 272,615

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,800,000 -----

**NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Martin Luther King Jr. Memorial (93-5-005)

Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from other sources expended for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 95,450

Prior Biennia (Expenditures) \$ 4,550

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

**NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:
(1) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and
(2) Each dollar expended from the appropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 322,908

Prior Biennia (Expenditures) \$ 477,092

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000 -----

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Emergency Management Building: Preservation (94-1-018)

Reappropriation:

St Bldg Constr Acct--State \$ 71,759

Prior Biennia (Expenditures) \$ 13,325

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 85,084 -----

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public works trust fund loans (94-2-001)

The appropriation in this section is subject to the following conditions and limitations:
Up to \$20,000,000 of the new appropriation may be used for preconstruction activity loans under chapter 363, Laws of 1995.

Reappropriation:

Public Works Assistance Acct--State \$ 105,699,689

Appropriation:

Public Works Assistance Acct--State \$ 148,900,000

Prior Biennia (Expenditures) \$ 151,561,725

Future Biennia (Projected Costs) \$ 695,900,000

TOTAL \$ 1,102,061,414 -----

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Washington Technology Center: Equipment (94-2-002)

The reappropriation in this section is provided solely for equipment installations on the first floor of Fluke Hall. The appropriation shall be transferred to and administered by the University of Washington.

Reappropriation:

St Bldg Constr Acct--State \$ 947,785

Prior Biennia (Expenditures) \$ 32,215

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 980,000 -----

**NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Bigelow House: For restoration and renovation of this historic home to accommodate public visitors **(94-2-004)**

The reappropriation in this section is contingent on the project being owned and operated by a public or nonprofit organization.

Reappropriation:

St Bldg Constr Acct--State \$ 298,923

Prior Biennia (Expenditures) \$ 9,077

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 308,000 -----

**NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Olympic Peninsula Natural History Museum (94-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

Reappropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000 -----

**NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Thorp Grist Mill: To develop the ice pond park and provide facilities to accommodate public access **(94-2-007)**

The reappropriation in this section shall be matched by at least \$100,000 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill Town Historical Preservation Society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 30,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,000 -----

**NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Camp North Bend Environmental Center: For restoration of the historic Camp North Bend (Camp Waskowitz) owned and operated by the Highline school district as an environmental education center (**94-2-008**)

The reappropriation in this section shall be matched by \$100,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000 -----

**NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Boren Field repairs: To provide financial assistance to the Seattle school district for repairs to Boren Field (**94-2-011**)

The reappropriation in this section shall be matched by at least \$50,000 from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 275,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 275,000 -----

**NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Camelot community flooding assistance: To provide financial assistance to King county to relieve flooding in the Camelot community (**94-2-012**)

The reappropriation in this section is subject to the following conditions and limitations: Each dollar expended from the reappropriation shall be matched by at least five dollars from nonstate sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 75,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 75,000 -----

**NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Daybreak Star Center: Remodel (94-2-100)

Reappropriation:

St Bldg Constr Acct--State \$ 88,484

Prior Biennia (Expenditures) \$ 138,516

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 227,000 -----

**NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Pacific Science Center (96-1-900)

The appropriation in this section is provided for capital facilities improvements.

Appropriation:

St Bldg Constr Acct--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000 -----

**NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Timber ports capital asset improvements: To assist the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities **(94-2-102)**

The reappropriation in this section is subject to the following conditions and limitations:
(1) Each port shall provide, at a minimum, six dollars of nonstate match for each five dollars received from this reappropriation. The match may include cash and land value.
(2) State assistance to each port shall not exceed the following amounts:

Port	Amount
Port of Grays Harbor	\$ 564,000
Port of Port Angeles	\$ 1,500,000
Port of Longview	\$ 1,855,000

Reappropriation:

St Bldg Constr Acct--State \$ 3,281,019

Prior Biennia (Expenditures) \$ 618,981

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,900,000 -----

**NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE,
AND ECONOMIC DEVELOPMENT**

Community Action Agencies: For grants to nonprofit community action agencies to assist in acquiring, developing, or rehabilitating buildings for the purpose of providing community-based family services under RCW 43.63A.115

The appropriation in this section is subject to the following conditions and limitations:

- (1) The state grant may provide no more than twenty-five percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash, land value, and other in-kind contributions;
- (2) State funding shall be distributed to projects in the order in which matching requirements for specific project phases have been met; and
- (3) The following projects are eligible for funding:

	Estimated Total	State
	Capital Cost	Grant
Benton Franklin Community Action Committee	\$ 1,200,000	\$ 300,000
Central Area Motivation Project	\$ 1,000,000	\$ 250,000
Community Action Center of Whitman County	\$ 390,000	\$ 90,000
Community Action Council of Lewis, Mason, and Thurston Counties	\$ 700,000	\$ 175,000
El Centro de la Raza	\$ 1,250,000	\$ 300,000
Fremont Public Association	\$ 3,000,000	\$ 600,000
Kitsap Community Action Program	\$ 465,000	\$ 110,000
Kittitas Community Action Council	\$ 600,000	\$ 150,000
Lower Columbia Community Action Council	\$ 1,331,625	\$ 300,000
Metropolitan Development Council	\$ 880,000	\$ 220,000
Multiservice Centers of North and East King County	\$ 1,600,000	\$ 350,000
Northeast Washington Rural Resources Development Association	\$ 1,200,000	\$ 350,000
Okanogan County Community Action Council	\$ 350,000	\$ 80,000
South King County Multiservice Center	\$ 800,000	\$ 200,000
Spokane Neighborhood Action Programs	\$ 1,500,000	\$ 375,000
Yakima Valley Farmworker Clinic	\$ 605,000	\$ 150,000
Total	\$ 16,871,625	\$ 4,000,000

Appropriation:

St Bldg Constr Acct--State \$ 4,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,000,000 -----

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Juvenile detention facilities: For financial assistance to local governments to build or expand juvenile detention facilities

Individual counties or consortiums of counties are eligible to make specific requests for loan authorizations under chapter 39.94 RCW for assistance in the construction or expansion of local juvenile detention centers. If such loans are authorized by the legislature, the participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this section.

NEW SECTION. Sec. 139. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Collocated Cascadia Community College and University of Washington Branch Campus (94-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided to acquire property, design, and construct a new branch campus to meet the higher education needs of the north King and south Snohomish county area;

(2) The location of the property to be acquired for the new collocated campus shall be determined by the higher education coordinating board. The higher education coordinating board shall acquire a site contingent upon a satisfactory site selection environmental impact statement, any necessary environmental permits, and fiscal approval by the office of financial management;

(3) The moneys provided in this section may be allocated to the appropriate institution or institutions or fiscal agency as specified in the joint-operating agreement as approved by the higher education coordinating board; and

(4) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 14,500,000

Appropriation:

St Bldg Constr Acct--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 10,710,000

Future Biennia (Projected Costs) \$ 75,000,000 -----

TOTAL \$ 105,210,000

NEW SECTION. Sec. 140. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Underground storage tank: Pool (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost

estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

Reappropriation:

CEP & RI Acct--State \$ 105,000
St Bldg Constr Acct--State \$ 665,000

Subtotal Reappropriation \$ 770,000 -----

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 4,248,146
Future Biennia (Projected Costs) \$ 7,000,000 -----

TOTAL \$ 15,018,146

NEW SECTION. Sec. 141. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Asbestos abatement and associated minor demolition: Pool (96-1-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Reappropriation:

St Bldg Constr Acct--State \$ 2,500,000

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 6,358,088
Future Biennia (Projected Costs) \$ 16,000,000 -----

TOTAL \$ 27,858,088

NEW SECTION. Sec. 142. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Americans with Disabilities Act: Pool (96-1-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. The office of financial management shall implement an agency request and evaluation procedure similar to the one adopted in the 1993-95 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,000

Appropriation:

St Bldg Constr Acct--State \$ 6,000,000

Prior Biennia (Expenditures) \$ 8,360,000
Future Biennia (Projected Costs) \$ 33,000,000

TOTAL \$ 48,360,000

NEW SECTION. **Sec. 143. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Seismic retrofit: Pool (96-1-004)

Appropriation:

General Fund--Federal \$ 1,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. **Sec. 144. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Capital budget system improvements (96-1-006)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 300,000
Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,900,000

NEW SECTION. **Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Lake repairs: To repair dam gates and shoreline areas damaged by erosion (92-1-015)

Reappropriation:

St Bldg Constr Acct--State \$ 985,000

Prior Biennia (Expenditures) \$ 140,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

NEW SECTION. **Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus geotechnical and hydrologic survey (92-2-108)

Reappropriation:

St Bldg Constr Acct--State \$ 75,000

Prior Biennia (Expenditures) \$ 125,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

NEW SECTION. **Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

CFC/Halon fire control systems (94-1-009)

Reappropriation:

Cap Bldg Constr Acct--State \$ 325,000

Prior Biennia (Expenditures) \$ 139,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 464,000 -----

NEW SECTION. **Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus preservation (94-1-010)

Reappropriation:

Cap Bldg Constr Acct--State \$ 910,000

Prior Biennia (Expenditures) \$ 2,748,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,658,000 -----

NEW SECTION. **Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Lake dredging: To develop a dredging plan and to dredge Capitol Lake (92-1-019)

\$200,000 of the reappropriation in this section is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this section, the department shall coordinate with the departments of natural resources, ecology, fish and wildlife, and transportation, and with affected local governments and Indian tribes.

Reappropriation:

St Bldg Constr Acct--State \$ 1,430,000

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000 -----

NEW SECTION. **Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Plaza--Department of Transportation Garage renovation: Design and construction (96-1-002)

Appropriation:

Cap Bldg Constr Acct--State \$ 400,000
St Bldg Constr Acct--State \$ 8,921,200

Subtotal Appropriation \$ 9,321,200 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 11,158,500

TOTAL \$ 20,479,700 -----

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Building--Preservation: To make critical repairs to the electrical service of the General Administration Building (96-1-003)

Appropriation:

Cap Bldg Constr Acct--State \$ 2,200,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000 -----

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol campus controls systems phase 4 (96-1-004)

Appropriation:

Cap Bldg Constr Acct--State \$ 868,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 868,000 -----

NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park--Phased development: To provide for a public access trail linking the campus to Capitol lake, slope stabilization, environmental review, and design and permitting for future phases (92-5-105)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,035,000

Prior Biennia (Expenditures) \$ 7,030,000
Future Biennia (Projected Costs) \$ 11,492,000

TOTAL \$ 19,557,000 -----

NEW SECTION. Sec. 154. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Roof repairs and replacement (96-1-010)

Appropriation:

Thurston County Cap Fac Acct--State \$ 775,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,200,000

TOTAL \$ 3,975,000 -----

NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

CFC/Halon fire control systems: Removal and replacement (96-1-011)

Appropriation:

St Bldg Constr Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,500,000 -----

NEW SECTION. Sec. 156. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Archives Building heating, ventilation, and air conditioning: Repairs (96-1-012)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000 -----

NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Thurston County buildings: Preservation (96-1-013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management, including electrical improvements, elevator and escalator preservation, building preservation, infrastructure preservation, and emergency and small repairs.

(2) The department shall develop designs and plans for handrails in the legislative building and shall report its design recommendations and associated costs to the legislature.

(3) \$50,000 of the appropriation in this section is provided solely to improve handicapped accessibility between the legislative building and the John L. O'Brien and John A. Cherberg buildings.

Appropriation:

Thurston County Cap Fac Acct--State \$ 2,021,200

Cap Bldg Constr Acct--State \$ 4,445,000

St Bldg Constr Acct--State \$ 518,800

Subtotal Appropriation \$ 6,985,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,700,000

TOTAL \$ 23,685,000

NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Washington State Training and Conference Center--Preservation (96-1-016)

Appropriation:

St Bldg Constr Acct--State \$ 620,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 620,000

NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Monumental buildings--Preservation: To replace stone, repair and patch cracked stones, miscellaneous stone consolidation, water and chemical cleaning, and sealing the stone surface of campus monumental buildings (96-1-017)

Appropriation:

Cap Bldg Constr Acct--State \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,800,000

TOTAL \$ 8,500,000

NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Library: Preservation (96-1-018)

Appropriation:

Cap Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 800,000

NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration engineering and architectural services: Project management (96-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for

additional fees to manage exceptional projects or those that require services in addition to core services and that are described as optional and extra services in the task list.

(2) The department shall utilize a project management cost allocation procedure approved by the office of financial management to allocate costs under the appropriation, and costs under any negotiated agreements for additional services, at the agency, object, and subobject levels. In addition, the department shall allocate costs at the project level for projects valued over \$500,000.

Appropriation:

St Bldg Constr Acct--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 8,000,000

Future Biennia (Projected Costs) \$ 30,000,000

TOTAL \$ 45,500,000 -----

NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: To replace the central heating system with individual building heating systems.

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act and shall not be expended until the office of financial management has made a determination that the replacement individual heating systems will have a cost efficiency payback of less than five years.

Appropriation:

St Bldg Constr Acct--State \$ 577,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 577,000 -----

NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Washington State Trading and Conference Center: To construct a mock city, indoor firing range, and running track (96-2-004)

Appropriation:

Public Safety Reimb Bond--State \$ 2,912,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,572,000

TOTAL \$ 4,484,000 -----

NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multiservice Center: For critical life/safety and preservation projects (94-1-014)

Reappropriation:

CEP & RI Acct \$ 625,000

Prior Biennia (Expenditures) \$ 247,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 872,000 -----

NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF INFORMATION SERVICES

Campus transport system phase I: Design and construct (95-2-002)

In the 1997-99 biennium the department will start charging the benefiting agencies, through their rate structure, amounts sufficient to recover the costs (principal and interest) for the entire transport system over a fifteen year period.

Appropriation:

Data Proc Rev Acct--State \$ 3,450,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 1,650,000

TOTAL \$ 5,100,000 -----

NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF INFORMATION SERVICES

Washington Information Network kiosks (95-2-003)

Funding is provided solely for the acquisition and installation of up to 30 multimedia kiosks for the Washington Information Network.

Appropriation:

Data Proc Rev Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000 -----

NEW SECTION. Sec. 167. FOR THE WASHINGTON HORSE RACING COMMISSION

Horse Racing Commission (94-5-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the benefit and support of thoroughbred horse racing;
- (2) Expenditures from this appropriation shall only be made to construct horse race or related facilities after the commission has made a determination that the applicant has the ability to complete the construction of a facility and fund its operation and the applicant has completed all state and federal permitting requirements;
- (3) The Washington horse racing commission shall insure that any expenditure from this appropriation will protect the state's long-term interest in the continuation and development of thoroughbred horse racing.

Reappropriation:

**Thoroughbred Racing
Acct--State \$ 8,200,000**

Appropriation:

Thoroughbred Racing
Acct--State \$ 168,065

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,368,065 -----

NEW SECTION. **Sec. 168. FOR THE LIQUOR CONTROL BOARD**

Distribution Center: Security fence replacement (94-1-003)

Reappropriation:

Liquor Revolving Acct--State \$ 28,800

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 28,800 -----

NEW SECTION. **Sec. 169. FOR THE LIQUOR CONTROL BOARD**

Distribution Center: Warehouse reroof and repairs (94-1-005)

Reappropriation:

Liquor Revolving Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 500,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 625,000 -----

NEW SECTION. **Sec. 170. FOR THE LIQUOR CONTROL BOARD**

Distribution Center--Predesign: To complete predesign for a new warehouse in accordance with the predesign manual published by the office of financial management (96-2-001)

Appropriation:

Liquor Revolving Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 100,000 -----

NEW SECTION. **Sec. 171. FOR THE MILITARY DEPARTMENT**

001) Yakima Armory demolition: To reimburse the city of Yakima for demolition costs (94-2-

Appropriation:

General Fund--Federal \$ 155,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 155,000

NEW SECTION. Sec. 172. FOR THE MILITARY DEPARTMENT

State-wide: Preservation (93-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 850,000

Prior Biennia (Expenditures) \$ 2,518,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,368,400 -----

NEW SECTION. Sec. 173. FOR THE MILITARY DEPARTMENT

Camp Murray buildings: Preservation (96-1-002)

Appropriation:

General Fund--Federal \$ 1,050,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 658,000

TOTAL \$ 1,708,000 -----

NEW SECTION. Sec. 174. FOR THE MILITARY DEPARTMENT

Everett Armory: Preservation (96-1-003)

Appropriation:

General Fund--Federal \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000 -----

NEW SECTION. Sec. 175. FOR THE MILITARY DEPARTMENT

Camp Murray infrastructure: Preservation (96-1-006)

Appropriation:

General Fund--Federal \$ 500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 2,500,000 -----

NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT

Minor works: To provide support of federal construction projects (96-1-007)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

General Fund--Federal \$ 3,855,000
St Bldg Constr Acct--State \$ 448,000

Subtotal Appropriation \$ 4,303,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 19,553,700 -----

TOTAL \$ 23,856,700

NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT

Emergency Coordination Center: For design and construction of an emergency coordination center and remodeling of associated facilities at Camp Murray

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) The appropriation in this section represents the maximum amount of funding available for this project. To the extent moneys in this appropriation are not needed to complete the project, as mutually determined by the military department and the office of financial management, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund; and

(3) If federal match or reimbursement funding is received by the state from the federal emergency management agency for this project, the appropriation in this section shall be reduced accordingly and remaining funds shall be transferred to the state general fund.

Appropriation:

General Fund--Federal \$ 9,066,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 9,066,000

NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT

Buildings and infrastructure savings (96-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1

NEW SECTION. Sec. 179. FOR THE STATE CONVENTION AND TRADE CENTER

Minor works (93-2-001) (89-5-002) (89-5-003)

If the projects funded from the reappropriation in this section are not substantially complete by January 1, 1997, the reappropriation shall lapse.

Reappropriation:

St Conv & Trade Ctr Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 333,926

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,633,926 -----

**PART 2
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Sanitary sewer (88-1-400)

Reappropriation:

St Bldg Constr Acct--State \$ 179,908

Prior Biennia (Expenditures) \$ 10,092

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 190,000 -----

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glenn--Perimeter fence (90-5-002)

Reappropriation:

St Bldg Constr Acct--State \$ 48,223

Prior Biennia (Expenditures) \$ 426,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 475,000 -----

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital--Ward renovation phase 3 (92-1-340)

Reappropriation:

St Bldg Constr Acct--State \$ 818,536

Prior Biennia (Expenditures) \$ 5,429,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,248,322 -----

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane--Level 2 security units (92-2-230)

Reappropriation:

St Bldg Constr Acct--State \$ 11,718

Prior Biennia (Expenditures) \$ 746,781

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 758,499 -----

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study--Education Center 1 (92-2-319)

Reappropriation:

St Bldg Constr Acct--State \$ 896,907

Prior Biennia (Expenditures) \$ 2,928,093

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,825,000 -----

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Energy conservation management and planning (94-1-006)

Reappropriation:

CEP & RI Acct \$ 127,559

Prior Biennia (Expenditures) \$ 102,917

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 230,476 -----

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Underground Storage Tanks (94-1-060)

Reappropriation:

St Bldg Constr Acct--State \$ 142,641

Prior Biennia (Expenditures) \$ 81,359

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 224,000 -----

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation Phase 5 (92-1-314)

Reappropriation:

St Bldg Constr Acct--State \$ 2,042,000

Prior Biennia (Expenditures) \$ 10,009,327

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,051,327 -----

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Level 1 Security Units--Maple Lane School (92-2-225)

Reappropriation:

St Bldg Constr Acct--State \$ 3,895,110

Prior Biennia (Expenditures) \$ 3,017,906

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,913,016 -----

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fire safety and sewer improvements--Maple Lane School (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 427,281

Prior Biennia (Expenditures) \$ 42,719

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 470,000 -----

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Administration Building renovation--Maple Lane School (94-1-127)

The reappropriation in this section is subject to the following conditions and limitations: The department shall preserve the architectural style of the entrance to the building to the extent feasible.

Reappropriation:

St Bldg Constr Acct--State \$ 3,768,842

Prior Biennia (Expenditures) \$ 154,658

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,923,500 -----

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate apartment--Fircrest School (94-1-142)

Reappropriation:

CEP & RI Acct--State \$ 2,119,168

Prior Biennia (Expenditures) \$ 13,944

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,133,112 -----

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Wastewater Treatment Plant--Maple Lane School (94-1-201)

Reappropriation:

St Bldg Constr Acct--State \$ 764,277

Prior Biennia (Expenditures) \$ 8,223

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Water system improvements--Naselle Youth Camp (94-1-202)

Reappropriation:

St Bldg Constr Acct--State \$ 1,165,694

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,165,694 -----

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Replace Eagle Lodge--Naselle Youth Camp (94-1-204)

Reappropriation:

St Bldg Constr Acct--State \$ 954,831

Prior Biennia (Expenditures) \$ 1,145,169

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000 -----

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Clinic--Echo Glen Children's Center (94-1-207)

Reappropriation:

St Bldg Constr Acct--State \$ 1,025,262

Prior Biennia (Expenditures) \$ 61,352

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,086,614 -----

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eagle Lodge rehabilitation--Naselle Youth Camp (94-1-210)

Reappropriation:

St Bldg Constr Acct--State \$ 224,455

Prior Biennia (Expenditures) \$ 57,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000 -----

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center--Administration Building renovation (94-1-306)

Reappropriation:

CEP & RI Acct--State \$ 766,205

Prior Biennia (Expenditures) \$ 11,395

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 777,600 -----

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Security improvements (94-1-310)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation phase 6 (94-1-316)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 11,905,826
Appropriation:
St Bldg Constr Acct--State \$ 819,000

Prior Biennia (Expenditures) \$ 245,174
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,970,000 -----

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Frances Haddon Morgan Center--Remodel (94-1-402)

Reappropriation:
St Bldg Constr Acct--State \$ 1,707,781

Prior Biennia (Expenditures) \$ 13,519
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,721,300 -----

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: Repairs (94-1-510)

The reappropriation in this section is provided for minor repairs, including but not limited to fire and safety code repairs, and kitchen roof repair or replacement.

Reappropriation:
St Bldg Constr Acct--State \$ 108,337

Prior Biennia (Expenditures) \$ 131,663
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 240,000 -----

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Psychiatric Triage Unit grant (94-2-005)

The reappropriation is provided to develop secure beds in Spokane county for persons in need of emergency short-term evaluation, treatment, and stabilization as a result of a psychiatric crisis. The department shall assure that: (1) Funding for the project shall be contingent upon a plan approved by the department of social and health services and upon an agreement by the participating regional support networks to reduce their utilization of eastern state hospital by at least 30 beds early in the 1995-97 biennium; and (2) the state's investment shall be promptly repaid if the facility is converted to use other than psychiatric care for publicly assisted individuals before the useful life of the project funded by this appropriation has expired.

Reappropriation:
St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Asbestos abatement (96-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 349,260

Appropriation:

St Bldg Constr Acct--State \$ 755,000

Prior Biennia (Expenditures) \$ 367,764

Future Biennia (Projected Costs) \$ 3,253,650

TOTAL \$ 4,725,674

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor capital renewal (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

CEP & RI Acct--State \$ 1,739,331

St Bldg Constr Acct--State \$ 397,207

Subtotal Reappropriation \$ 2,136,538

Appropriation:

CEP & RI Acct--State \$ 5,400,000

St Bldg Constr Acct--State \$ 9,700,000

Subtotal Appropriation \$ 15,100,000

Prior Biennia (Expenditures) \$ 6,131,034

Future Biennia (Projected Costs) \$ 68,000,000

TOTAL \$ 91,367,572

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Agency capital project management (96-1-005)

Appropriation:

CEP & RI Acct--State \$ 1,237,496

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 4,800,000

TOTAL \$ 6,037,496

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Resource conservation: Fircrest heating study (96-1-006)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996

Appropriation:

CEP & RI Acct--State \$ 132,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 132,000 -----

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency projects (96-1-007)

Reappropriation:

CEP & RI Acct--State \$ 107,460

Appropriation:

CEP & RI Acct--State \$ 250,000

Prior Biennia (Expenditures) \$ 321,454

Future Biennia (Projected Costs) \$ 1,000,000

TOTAL \$ 1,678,914 -----

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Chlorofluorocarbon abatement (96-1-008)

Reappropriation:

CEP & RI Acct--State \$ 100,000

Appropriation:

CEP & RI Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 150,000

TOTAL \$ 400,000 -----

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School infrastructure: Predesign (96-1-009)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Reappropriation:

St Bldg Constr Acct--State \$ 192,078

Prior Biennia (Expenditures) \$ 157,923
Future Biennia (Projected Costs) \$ 30,300,000

TOTAL \$ 30,650,001 -----

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile facilities preservation and rehabilitation (96-1-020)

Reappropriation:

St Bldg Constr Acct--State \$ 1,705,275

Prior Biennia (Expenditures) \$ 374,325
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,079,600 -----

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects--Mental health (96-1-030)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1,412,297

Appropriation:

St Bldg Constr Acct--State \$ 1,950,000

Prior Biennia (Expenditures) \$ 433,004
Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 17,795,301 -----

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor projects--Division of Developmental Disabilities (96-1-040)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

CEP & RI Acct--State \$ 864,813

Appropriation:

St Bldg Constr Acct--State \$ 539,000

Prior Biennia (Expenditures) \$ 1,658,687
Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 9,062,500

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Underground storage tanks removal and replacement (96-1-060)

Reappropriation:

CEP & RI Acct--State \$ 159,286

Appropriation:

CEP & RI Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 832,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,191,286

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maintenance management and planning (96-1-150)

Reappropriation:

CEP & RI Acct--State \$ 140,323

Appropriation:

CEP & RI Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 279,124
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 544,447

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Medical Lake wastewater treatment facility: Design (96-1-301)

Reappropriation:

St Bldg Constr Acct--State \$ 699,903

Appropriation:

St Bldg Constr Acct--State \$ 1,264,000

Prior Biennia (Expenditures) \$ 2,014,097
Future Biennia (Projected Costs) \$ 750,000

TOTAL \$ 4,728,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital--Ward renovation Phase 7 (96-1-316)

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 16,770,018

TOTAL \$ 17,470,018 -----

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital Legal Offenders Unit: Predesign (96-1-318)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 550,000

Future Biennia (Projected Costs) \$ 22,300,000

TOTAL \$ 23,000,000 -----

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Legal Offenders Unit: Predesign, design and construct (96-1-319)

The design and construction phase of this appropriation shall not be expended until the predesign document developed in accordance with the predesign manual published by the office of financial management has been reviewed and approved. Funds for design and construction shall be released subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 28,624

Future Biennia (Projected Costs) \$ 11,238,276

TOTAL \$ 12,266,900 -----

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Replace Boiler #1 (96-1-322)

Appropriation:

St Bldg Constr Acct--State \$ 1,440,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,440,000 -----

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Rehabilitation Administration new 300-bed institution: Site selection and environmental impact statement (96-2-228)

To conduct a site selection process for the project described in this section.

Appropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 45,000,000

TOTAL \$ 45,200,000 -----

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen new beds and infrastructure (96-2-229)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 6,484,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,484,300 -----

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill redevelopment (96-2-230)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act;

(2) \$380,000 of the appropriation in this section is provided for a facility and site master plan and environmental impact statement. Moneys for design and construction shall not be expended until the facility and site master plan is approved by the office of financial management; and

(3) New residential units constructed with this appropriation shall be designed to accommodate a sustained operating capacity of at least forty-two residents, except for intake units, mental health units, and units housing sex offenders.

Appropriation:

St Bldg Constr Acct--State \$ 34,374,536

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 3,000,000

TOTAL \$ 37,374,536 -----

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School support services renovation and infrastructure improvements (96-2-231)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 5,855,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,855,500 -----

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp sewer and infrastructure improvements (96-2-232)

Appropriation:

St Bldg Constr Acct--State \$ 2,125,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,125,500 -----

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mission Creek preservation projects (96-2-233)

Appropriation:

St Bldg Constr Acct--State \$ 414,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 414,800 -----

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Crisis Residential Centers (96-1-900)

The appropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

Appropriation:

St Bldg Constr Acct--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Indian Ridge utility upgrade projects (96-2-234)

Appropriation:

St Bldg Constr Acct--State \$ 1,521,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,521,500

NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$5,000 from this appropriation may be used to acquire the surplus military base at Camp Bonneville for the purpose of developing a juvenile rehabilitation facility.

Appropriation:

St Bldg Constr Acct--State \$ 344,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 344,400

NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Buildings and infrastructure savings (96-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child care facilities for state employees, including higher education employees (92-4-050)

Reappropriation:

St Bldg Constr Acct--State \$ 1,490,000

Prior Biennia (Expenditures) \$ 2,010,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000 -----

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH

Referendum 38--Water bonds (86-2-099)

Reappropriation:

LIRA, Water Sup Fac--State \$ 1,900,000

Prior Biennia (Expenditures) \$ 7,208,954

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,108,954 -----

NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH

Health Laboratory: Repairs and improvements (96-1-001)

Reappropriation:

CEP & RI Acct--State \$ 450,000

St Bldg Constr Acct--State \$ 350,000

Subtotal Reappropriation \$ 800,000 -----

Appropriation:

St Bldg Constr Acct--State \$ 863,992

Prior Biennia (Expenditures) \$ 118,204

Future Biennia (Projected Costs) \$ 2,478,536

TOTAL \$ 4,260,870 -----

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF HEALTH

Emergency power system (96-1-009)

Appropriation:

CEP & RI Acct--State \$ 596,790

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 596,790 -----

NEW SECTION. **Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Underground storage tank: Replacement (94-1-019)

Reappropriation:

CEP & RI Acct--State \$ 52,000

Prior Biennia (Expenditures) \$ 103,902

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 155,902 -----

NEW SECTION. **Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Main kitchen upgrade, Washington Soldiers' Home (95-1-001)

Appropriation:

CEP & RI Acct--State \$ 1,096,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,096,000 -----

NEW SECTION. **Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Roof repair and replacement, Washington Veterans' Home (95-1-002)

Reappropriation:

CEP & RI Acct--State \$ 50,000

Appropriation:

CEP & RI Acct--State \$ 402,000

Prior Biennia (Expenditures) \$ 327,895

Future Biennia (Projected Costs) \$ 775,000

TOTAL \$ 1,554,895 -----

NEW SECTION. **Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Mechanical, electrical, and heating, ventilation, and air conditioning improvements, Washington Veterans' Home (95-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 600,000

Appropriation:

CEP & RI Acct--State \$ 360,000

Prior Biennia (Expenditures) \$ 1,346,611

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 3,906,611 -----

NEW SECTION. **Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Building connection and automatic doors, Washington Soldiers' Home (95-1-005)

Appropriation:

CEP & RI Acct--State \$ 511,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 511,000 -----

NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Mechanical, electrical, heating, ventilation and air conditioning projects, Washington Soldiers' Home (95-1-006)

Reappropriation:

St Bldg Constr Acct--State \$ 250,000

Appropriation:

CEP & RI Acct--State \$ 235,000

Prior Biennia (Expenditures) \$ 587,057

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,672,057 -----

NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Replace failing sewer line, Washington Soldiers' Home (95-1-011)

Appropriation:

CEP & RI Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 275,595

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 375,595 -----

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Roof maintenance and demolition, Washington Soldiers' Home (95-1-012)

Reappropriation:

CEP & RI Acct--State \$ 30,000

Appropriation:

CEP & RI Acct--State \$ 120,000

Prior Biennia (Expenditures) \$ 511,570

Future Biennia (Projected Costs) \$ 525,000

TOTAL \$ 1,186,570 -----

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Emergency projects (95-1-013)

Appropriation:

CEP & RI Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 150,000
Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 1,900,000 -----

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Occupational Therapy and Physical Therapy Room addition in Building 10, Washington Veterans' Home (95-2-009)

Appropriation:

CEP & RI Acct--State \$ 110,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 110,000 -----

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island master plan development (94-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,519,000

Prior Biennia (Expenditures) \$ 11,359,689
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,878,689 -----

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Correctional Center improvements and infrastructure for 512-bed expansion (94-2-016)

Reappropriation:

St Bldg Constr Acct--State \$ 4,355,000

Prior Biennia (Expenditures) \$ 12,248,062
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,603,062 -----

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS

State-wide preservation projects (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation shall support the detailed list of projects maintained by the office of financial management; and
- (2) Moneys from the appropriation may be spent for critical repairs at the western Washington prerelease facility and to evaluate options for continued utilization and possible expansion of the facility on the western state hospital campus. The department shall report such options to the legislature by December 1, 1995.
- (3) Up to \$350,000 from the appropriation may be used for repairs to the creamery facility necessary to continue the operation of the dairy and creamery at the Monroe honor farm.

Reappropriation:

St Bldg Constr Acct--State \$ 17,000,000

Appropriation:

St Bldg Constr Acct--State \$ 14,879,313

Prior Biennia (Expenditures) \$ 54,525,756

Future Biennia (Projected Costs) \$ 94,000,000

TOTAL \$ 180,405,069

NEW SECTION. **Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS**

Underground storage tank and above-ground storage tank program (96-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 794,729

Prior Biennia (Expenditures) \$ 940,348

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,735,077

NEW SECTION. **Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS**

Emergency projects (96-1-015)

Reappropriation:

CEP & RI Acct--State \$ 106,000

Appropriation:

CEP & RI Acct--State \$ 1,602,750

St Bldg Constr Acct--State \$ 200,000

Subtotal Appropriation \$ 1,802,750

Prior Biennia (Expenditures) \$ 2,376,811

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 10,285,561

NEW SECTION. **Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS**

Washington State Penitentiary steam system replacement (96-1-016)

Appropriation:

St Bldg Constr Acct--State \$ 4,411,252

Prior Biennia (Expenditures) \$ 2,482,811

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,894,063

NEW SECTION. **Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women: Replace "G" Units with 256-bed unit (96-2-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,611,187

Appropriation:

St Bldg Constr Acct--State \$ 8,317,839

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,929,026 -----

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

400-bed minimum facility for Washington State Reformatory (96-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 18,733,120

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,783,120 -----

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Correctional Center 512-bed expansion (96-2-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,055,776

Appropriation:

St Bldg Constr Acct--State \$ 17,155,382

Prior Biennia (Expenditures) \$ 4,439,774

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 23,650,932 -----

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS

1936-bed multicustody facility design, land acquisition, utilities, and site work (96-2-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) In order to coordinate the initial development of the new prison funded in this section with the privatization evaluation in Engrossed Substitute House Bill No. 1410 (omnibus operating budget), moneys in this appropriation may be spent solely for land acquisition, utility development, site work, design and engineering activities related to utilities and site work, schematic design of buildings to determine placement on the building site, and related activities. Moneys in this appropriation may also be spent for detailed design and engineering of buildings with the approval of the office of financial management and concurrence of the chairs of the house of representatives capital budget committee and senate ways and means committee.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 19,263,733

Prior Biennia (Expenditures) \$ 900,000

Future Biennia (Projected Costs) \$ 166,190,016

TOTAL \$ 186,453,749 -----

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS

Yakima Prerelease: Design and construction (96-2-008)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 7,527,900

Prior Biennia (Expenditures) \$ 240,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,767,900 -----

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS

Larch and Cedar Creek expansion to 400-bed camps (96-2-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) The design and construction phase of this appropriation shall not be expended until the facility predesign documents developed in accordance with the predesign manual published by the office of financial management have been reviewed and approved. The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) If the appropriation in this section is in excess of the amount required to complete the expansion of the Larch and Cedar Creek camps, the office of financial management may authorize the transfer of excess appropriation authority to match federal grant funds received by the department to expand inmate capacity at the work ethic camp on McNeil Island. The office of financial management may also authorize the transfer of excess appropriation authority to expand the inmate capacity of the Olympic corrections center. The office of financial management shall notify the appropriate committees of the house of representatives and senate within ten days of any such transfer.

(3) It is the intent of the legislature that inmate labor be used to reduce costs so that as much as \$2,000,000 in project cost savings may be realized.

(4) The department shall construct secure perimeter fencing as part of the expansion of the Larch corrections center.

(5) The department shall not house alien offenders at the Larch corrections center on or after January 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 22,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,000,000 -----

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS

Special Offenders Unit: Predesign (96-2-011)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. The predesign will be coordinated with the department of social and health services and will address civil commitment needs as well as the department of corrections need for expanded mental health services. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 427,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 15,985,140

TOTAL \$ 16,412,540 -----

NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS

State-wide program projects (96-2-012)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 7,428,000

Appropriation:

St Bldg Constr Acct--State \$ 8,074,963

Prior Biennia (Expenditures) \$ 45,659,492

Future Biennia (Projected Costs) \$ 70,000,000

TOTAL \$ 131,162,455 -----

PART 3
NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY

Referendum 26 waste disposal facilities (74-2-004)

Reappropriation:

LIRA--State \$ 6,216,000

Prior Biennia (Expenditures) \$ 2,711,028

Future Biennia (Projected Costs) \$ 863,680

TOTAL \$ 9,790,708 -----

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 water supply facilities (74-2-006)

\$2,500,000 of the state and local improvements revolving account is provided solely for funding the state's cost share in the water conservation demonstration project--Yakima river reregulation reservoir.

Reappropriation:

LIRA, Water Sup Fac--State \$ 9,374,371

Appropriation:

LIRA, Water Sup Fac--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 5,738,929

Future Biennia (Projected Costs) \$ 20,712,800

TOTAL \$ 36,826,100 -----

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

State emergency water projects revolving account (76-2-003)

Reappropriation:

St Emerg Water Proj Rev--State \$ 7,749,052

Prior Biennia (Expenditures) \$ 1,187,225

Future Biennia (Projected Costs) \$ 236,956

TOTAL \$ 9,173,233 -----

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY

Referendum 39 waste disposal facilities (82-2-005)

No expenditure from the appropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

- (1) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;
- (2) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and
- (3) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Fac 1980--State \$ 18,423,360

Appropriation:

LIRA, Waste Fac 1980--State \$ 638,273

Prior Biennia (Expenditures) \$ 32,125,342

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 51,186,975

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY

Centennial clean water fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the appropriation is provided solely for the extended grant payment to Metro/King county.

(2) \$10,000,000 of the appropriation is provided solely for an extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$14,986,000 of the appropriation shall be allocated by the department for point source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.

(4) \$7,492,000 of the appropriation shall be allocated by the department for nonpoint source pollution prevention facilities and activities. The department is directed to emphasize implementation activities over planning activities.

Reappropriation:

Water Quality Acct--State \$ 72,995,194

Appropriation:

Water Quality Acct--State \$ 57,478,000

Prior Biennia (Expenditures) \$ 156,707,408

Future Biennia (Projected Costs) \$ 300,000,000

TOTAL \$ 587,180,602

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY

Local toxics control account (88-2-008)

Reappropriation:

**Local Toxics Control Acct--
State \$ 29,538,197**

Appropriation:

**Local Toxics Control Acct--
State \$ 42,467,860**

Prior Biennia (Expenditures) \$ 81,326,814

Future Biennia (Projected Costs) \$ 201,245,135

TOTAL \$ 354,578,006

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY

Water pollution control revolving account (90-2-002)

Reappropriation:

Water Pollution Cont Rev
Fund--State \$ 12,000,000
Water Pollution Cont Rev
Fund--Federal \$ 77,857,990

Subtotal Reappropriation \$ 89,857,990 -----

Appropriation:

Water Pollution Cont Rev Fund--
State \$ 13,000,000
Water Pollution Cont Rev Fund--
Federal \$ 62,000,000
Water Pollution Cont Rev Fund--
Private/Local \$ 4,265,272

Subtotal Appropriation \$ 79,265,272 -----

Prior Biennia (Expenditures) \$ 111,343,108
Future Biennia (Projected Costs) \$ 175,000,000

TOTAL \$ 455,466,370 -----

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY

Methow Basin water conservation (92-2-009)

The reappropriation in this section shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Reappropriation:

St Bldg Constr Acct--State \$ 171,000

Prior Biennia (Expenditures) \$ 229,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000 -----

**NEW SECTION. Sec. 309. FOR THE STATE PARKS AND RECREATION
COMMISSION**

Spokane Centennial Trail (89-5-112)

Reappropriation:

General Fund--Federal \$ 432,618

Prior Biennia (Expenditures) \$ 7,000,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,432,618 -----

NEW SECTION. Sec. 310. FOR THE STATE PARKS AND RECREATION COMMISSION

Doug's Beach development (90-1-171)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 12,206

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 62,206 -----

NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION

Deception Pass State Park: Sewer development (91-2-006)

Reappropriation:

St Bldg Constr Acct--State \$ 925,000

Appropriation:

LIRA, Waste Fac 1980--State \$ 2,229,000

Prior Biennia (Expenditures) \$ 37,433

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,191,433 -----

NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION

Triton Cove State Park: Phase 1 (91-2-008)

Reappropriation:

ORA--State \$ 400,000

Prior Biennia (Expenditures) \$ 228,140

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 628,140 -----

NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION

Omnibus boating facilities (91-2-009)

Reappropriation:

ORA--State \$ 200,000

Prior Biennia (Expenditures) \$ 54,780

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 254,780 -----

NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION

St. Edwards State Park--Gym renovation and parking expansion (92-2-501)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 152,137

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 552,137 -----

NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION

Sewer facility improvements (93-2-001)

Reappropriation:

LIRA, Waste Fac 1980--State \$ 650,000

Prior Biennia (Expenditures) \$ 935,820

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,585,820 -----

NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION

Boating facility preservation (94-1-057)

Reappropriation:

ORA--State \$ 2,400,000

General Fund--Federal \$ 150,000

Subtotal Reappropriation \$ 2,550,000 -----

Appropriation:

General Fund--Federal \$ 700,000

Prior Biennia (Expenditures) \$ 570,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,820,000 -----

NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION

Asbestos abatement projects: State-wide (95-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 650,000

Prior Biennia (Expenditures) \$ 350,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION

Iron Horse Trail State Park: Acquisition (95-2-000)

Reappropriation:

St Bldg Constr Acct--State \$ 70,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 70,000

NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION

Emergency projects (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 850,000

Future Biennia (Projected Costs) \$ 2,450,000

TOTAL \$ 3,800,000

NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION

Underground storage tanks: Phase 3 (96-1-002)

That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 2,600,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,300,000

NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: General (96-1-003)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 932,200

Appropriation:

St Bldg Constr Acct--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 291,300

Future Biennia (Projected Costs) \$ 21,000,000

TOTAL \$ 23,723,500 -----

NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: Buildings (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,801,500

Appropriation:

St Bldg Constr Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 598,500

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 16,900,000 -----

NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION

Park preservation projects: Utilities (96-1-005)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,995,000

Appropriation:

St Bldg Constr Acct--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 1,505,000

Future Biennia (Projected Costs) \$ 13,000,000

TOTAL \$ 19,500,000 -----

NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION

State park program projects (96-2-007)

Appropriation:

St Bldg Constr Acct--State \$ 1,880,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 11,880,400 -----

NEW SECTION. Sec. 325. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating facilities (I-215) (96-2-001)

Reappropriation:

ORA--State \$ 7,398,959

Appropriation:

Recreation Resources Acct--State \$ 7,500,000

Prior Biennia (Expenditures) \$ 5,108,690

Future Biennia (Projected Costs) \$ 35,584,384

TOTAL \$ 55,592,033 -----

NEW SECTION. Sec. 326. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway road and off-road vehicle activities (NOVA) (96-2-002)

Reappropriation:

ORA--State \$ 7,651,387

Appropriation:

NOVA--State \$ 5,120,000

Prior Biennia (Expenditures) \$ 6,346,803

Future Biennia (Projected Costs) \$ 20,912,228

TOTAL \$ 40,030,418 -----

NEW SECTION. Sec. 327. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington wildlife and recreation program (96-2-003)

The appropriations in this section for the Washington wildlife and recreation program under chapter 43.98A RCW are subject to the following conditions and limitations:

(1) The new appropriations in this section are provided solely for the approved list of projects included in LEAP CAPITAL DOCUMENT NO. 4 as developed on May 24, 1995, at 3:00 p.m.

(2) All land acquired by a state agency with moneys from these appropriations shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(3) No moneys from the appropriations in this section shall be spent for the Lewis and Clark equestrian area project (project number 92-502A).

(4) The entire appropriation from the wildlife account is provided solely for the critical habitat project category.

(5) Acquisitions occurring pursuant to the new appropriation provided in this section shall be deemed public improvements for the purposes of RCW 8.26.180. This subsection shall not be deemed to prevent any state agency from accepting a gift of real property or from purchasing any property at less than fair market value.

Reappropriation:

ORA--State \$ 13,943,479
Habitat Conservation Acct--State \$ 9,134,101
Aquatic Lands Acct--State \$ 33,335
St Bldg Constr Acct--State \$ 48,691,974

Subtotal Reappropriation \$ 71,802,889 -----

Appropriation:

Wildlife Acct--State \$ 1,400,000
Habitat Conservation Acct--State \$ 21,100,000
ORA--State \$ 22,500,000

Subtotal Appropriation \$ 45,000,000 -----

Prior Biennia (Expenditures) \$ 118,234,493
Future Biennia (Projected Costs) \$ 200,000,000 -----

TOTAL \$ 435,037,382 -----

NEW SECTION. Sec. 328. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms range program (96-2-004)

Reappropriation:

Firearms Range Acct--State \$ 487,382

Appropriations:

Firearms Range Acct--State \$ 900,000

Prior Biennia (Expenditures) \$ 554,621
Future Biennia (Projected Costs) \$ 2,249,798 -----

TOTAL \$ 4,191,801 -----

NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and water conservation fund (96-2-005)

Reappropriation:

ORA--Federal \$ 2,180,812

Appropriation:

Recreation Resources Acct--Federal \$ 1,050,000

Prior Biennia (Expenditures) \$ 1,341,684
Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 8,572,496 -----

NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Act (96-2-006)

Reappropriation:

ORA--Federal \$ 125,000

Prior Biennia (Expenditures) \$ 125,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000 -----

NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Recreational facility acquisition and development projects (96-2-007)

Reappropriation:

St Bldg Constr Acct--State \$ 195,090

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 195,090 -----

NEW SECTION. Sec. 332. FOR THE STATE CONSERVATION COMMISSION

Water quality account projects (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,253,101 of the reappropriation is provided solely for technical assistance and grants for dairy waste management and facility planning and implementation.

(2) The new appropriation provided in this section shall be allocated by the commission for nonpoint source pollution prevention facilities and activities.

Reappropriation:

Water Quality Acct--State \$ 3,360,475

Appropriation:

Water Quality Acct--State \$ 5,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 18,860,475 -----

NEW SECTION. Sec. 333. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Devils creek acclimation pond (87-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 370,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,000 -----

NEW SECTION. Sec. 334. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Luhrs Landing Access Interpretive Building (92-5-017)

Reappropriation:

St Bldg Constr Acct--State \$ 345,000

Prior Biennia (Expenditures) \$ 105,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 450,000 -----

NEW SECTION. Sec. 335. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Grandy Creek Hatchery (92-5-024)

Reappropriation:

St Bldg Constr Acct--State \$ 4,006,000

Prior Biennia (Expenditures) \$ 494,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,500,000 -----

NEW SECTION. Sec. 336. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Warm water fish facility: To purchase and develop property in eastern or central Washington for a warm water fish facility (92-5-025)

The appropriation in this section is subject to the following conditions and limitations:

The appropriations in this section shall not be expended for the purchase of property until the department has made a determination that:

- (1) The water rights to the property being transferred to the department, as part of the purchase agreement, are sufficient to operate the hatchery; and
- (2) The operation of a warm water fish hatchery on the property is feasible.

Reappropriation:

St Bldg Constr Acct--State \$ 1,134,622

Prior Biennia (Expenditures) \$ 127,378
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,262,000 -----

NEW SECTION. Sec. 337. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tideland acquisitions (94-2-003)

Reappropriation:

General Fund--Federal \$ 1,664,600

Prior Biennia (Expenditures) \$ 3,335,400

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

NEW SECTION. Sec. 338. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Sprague Lake Access Area development (94-2-008)

Reappropriation:

Wildlife Acct--Federal \$ 48,000

ORA--State \$ 101,000

Subtotal Reappropriation \$ 149,000

Prior Biennia (Expenditures) \$ 24,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 173,000

NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor works: Preservation (96-1-001)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 624,000

Appropriation:

General Fund--Federal \$ 2,000,000

Prior Biennia (Expenditures) \$ 4,934,887

Future Biennia (Projected Costs) \$ 7,000,000

TOTAL \$ 14,558,887

NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Underground storage tank (UST) removal and replacement (96-1-002)

The appropriations in this section are subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Appropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 1,299,000
Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 1,799,000

NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Emergency repair (96-1-003)

Appropriation:

St Bldg Constr Acct--State \$ 650,000

Prior Biennia (Expenditures) \$ 1,200,000
Future Biennia (Projected Costs) \$ 2,750,000

TOTAL \$ 4,600,000

NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facilities renovation (96-1-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 130,000

Appropriation:

St Bldg Constr Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 3,056,300
Future Biennia (Projected Costs) \$ 4,700,000

TOTAL \$ 8,886,300

NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery renovation (96-1-005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) No funds will be provided to increase residential capacity at any state hatchery facility.
- (2) The appropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 2,880,000

Wildlife Acct--Federal \$ 120,000

Subtotal Reappropriation \$ 3,000,000

Appropriation:

St Bldg Constr Acct--State \$ 3,200,000

Prior Biennia (Expenditures) \$ 4,626,155
Future Biennia (Projected Costs) \$ 15,000,000

TOTAL \$ 25,826,155

NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Recreational access redevelopment (96-1-007)

Reappropriation:

Wildlife Acct--Federal \$ 75,000
ORA--State \$ 172,903

Subtotal Reappropriation \$ 247,903

Appropriation:

General Fund--Federal \$ 500,000
St Bldg Constr Acct--State \$ 250,000

Subtotal Appropriation \$ 750,000

Prior Biennia (Expenditures) \$ 2,741,629
Future Biennia (Projected Costs) \$ 3,250,000

TOTAL \$ 6,989,532

NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Shellfish laboratory and hatchery upgrades (96-1-009)

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 300,000

NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wildlife area renovation (96-1-010)

Reappropriation:

St Bldg Constr Acct--State \$ 275,000

Appropriation:

General Fund--Federal \$ 50,000
Wildlife Acct--State \$ 625,000

Subtotal Appropriation \$ 675,000

Prior Biennia (Expenditures) \$ 764,000
Future Biennia (Projected Costs) \$ 2,950,000

TOTAL \$ 4,664,000

NEW SECTION. **Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Issaquah Hatchery Utilization Study and Improvements: To prepare a facilities master plan for the hatchery and for improvements to the hatchery, its water supply, and in-stream fish passage facilities (96-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000.00 of the state building construction account appropriation is provided solely for the master plan for the improvements to the hatchery. The master plan's primary consideration is to identify, prioritize, and design improvements which will aid in the continued production of salmon at this facility. The master plan shall also focus on improvements which will enable this facility with the merger of the departments to aid in wild stock restoration for migratory fish species previously under management of the department of wildlife. It shall also consider the educational, cultural, watershed management, research, tourism, tribal interests, and community development aspects of the hatchery. This master plan shall incorporate participation and recommendations from the Issaquah fishery management task force. A report is due to the legislature by January 1996.

(2) State dollars for construction and improvements shall be matched by at least \$1.00 from nonstate sources for each dollar provided by the state. Up to \$150,000.00 of the construction and improvement appropriation shall be immediately released and combined with matching funds to expedite in-stream improvements which meet the following criteria: Improvements will be designed and constructed which: (a) Facilitate better fish passage for utilization of up-stream habitat; (b) provide for flexible management strategies for a variety of fish stocks including small runs, threatened or endangered species and game fish; (c) minimally impact future operating expenses while reaching these objectives; and (d) provide for raising of the pumps at the lower intake and make other improvements which protect in-stream structures from seasonal high water.

(3) The remainder of the funds may be spent for hatchery improvements following approval of the master plan by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 650,000

General Fund--Private Local \$ 500,000

Subtotal Appropriation \$ 1,150,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,150,000

NEW SECTION. **Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Coast and Puget Sound salmon enhancement and wildstock restoration habitat (96-2-012)

Reappropriation:

St Bldg Constr Acct--State \$ 1,100,000

Appropriation:

General Fund--Federal \$ 800,000

St Bldg Constr Acct--State \$ 3,645,000

General Fund--Private/Local \$ 800,000

Subtotal Appropriation \$ 5,245,000 -----

Prior Biennia (Expenditures) \$ 6,770,000

Future Biennia (Projected Costs) \$ 15,500,000

TOTAL \$ 28,615,000 -----

NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Coast and Puget Sound wildstock restoration: Hatchery improvements (96-2-013)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Appropriation:

General Fund--Federal \$ 700,000

St Bldg Constr Acct--State \$ 800,000

Subtotal Appropriation \$ 1,500,000 -----

Prior Biennia (Expenditures) \$ 3,280,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 9,180,000 -----

NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish protection facilities (96-2-014)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Appropriation:

General Fund--Federal \$ 2,075,000

General Fund--Private/Local \$ 200,000

Subtotal Appropriation \$ 2,275,000 -----

Prior Biennia (Expenditures) \$ 2,656,000

Future Biennia (Projected Costs) \$ 10,830,000

TOTAL \$ 15,811,000 -----

NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Game farm renovation (96-2-015)

Appropriation:

Wildlife Acct--State \$ 700,000

Prior Biennia (Expenditures) \$ 1,125,000

Future Biennia (Projected Costs) \$ 600,000

TOTAL \$ 2,425,000 -----

NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Nemah Hatchery Building and incubation system replacement (96-1-006)

Appropriation:

General Fund--Federal \$ 1,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,700,000 -----

NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minter Creek Hatchery phase 2 (96-2-019)

Funding from this appropriation shall not be used to construct agency residential structures at the hatchery.

Reappropriation:

St Bldg Constr Acct--State \$ 10,000

Appropriation:

St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 4,329,000

Future Biennia (Projected Costs) \$ 200,000

TOTAL \$ 5,339,000 -----

NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE

State-wide fencing renovation and construction (96-2-020)

Reappropriation:

St Bldg Constr Acct--State \$ 175,000

Appropriation:

St Bldg Constr Acct--State \$ 575,000

Prior Biennia (Expenditures) \$ 1,875,000

Future Biennia (Projected Costs) \$ 2,650,000

TOTAL \$ 5,275,000 -----

NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Clam and oyster beach enhancement (96-2-021)

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Appropriation:

Aquatic Lands Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 2,716,201

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 5,616,201 -----

NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory waterfowl habitat and acquisition and development (96-2-024)

Appropriation:

Wildlife Acct--State \$ 500,000

Prior Biennia (Expenditures) \$ 1,299,335

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 3,799,335

NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation projects (96-2-025)

Reappropriation:

Special Wildlife Acct--Private/Local \$ 871,000

Appropriation:

Special Wildlife Acct--State \$ 50,000

General Fund--Federal \$ 6,000,000

General Fund--Private/Local \$ 5,000,000

Subtotal Appropriation \$ 11,050,000

Prior Biennia (Expenditures) \$ 54,000

Future Biennia (Projected Costs) \$ 64,250,000

TOTAL \$ 76,225,000

NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Water access and development (96-2-027)

Reappropriation:

ORA--State \$ 1,170,000

Prior Biennia (Expenditures) \$ 694,600

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,864,600

NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Recreational fish enhancement (96-2-028)

Reappropriation:

Rec Fisheries Enh Acct--State \$ 150,000

Appropriation:

Rec Fisheries Enh Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 150,000

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 9,300,000

NEW SECTION. **Sec. 360. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Emergency repairs--Recreation sites (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 120,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 480,000

TOTAL \$ 700,000 -----

NEW SECTION. **Sec. 361. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Recreation health and safety improvements (96-1-003)

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 300,000

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 1,800,000 -----

NEW SECTION. **Sec. 362. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural area preserve and natural resource conservation area Management (96-1-004)

Appropriation:

St Bldg Constr Acct--State \$ 350,000

Prior Biennia (Expenditures) \$ 350,000

Future Biennia (Projected Costs) \$ 1,400,000

TOTAL \$ 2,100,000 -----

NEW SECTION. **Sec. 363. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Emergency repairs (96-1-006)

Appropriation:

For Dev Acct--State \$ 53,000

Res Mgmt Cost Acct--State \$ 195,100

St Bldg Constr Acct--State \$ 30,000

Subtotal Appropriation \$ 278,100 -----

Prior Biennia (Expenditures) \$ 147,700

Future Biennia (Projected Costs) \$ 1,112,400

TOTAL \$ 1,538,200 -----

NEW SECTION. **Sec. 364. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Minor works: Preservation (96-1-112)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

For Dev Acct--State \$ 165,200
Res Mgmt Cost Acct--State \$ 611,100
St Bldg Constr Acct--State \$ 250,000

Subtotal Appropriation \$ 1,026,300 -----

Prior Biennia (Expenditures) \$ 494,800
Future Biennia (Projected Costs) \$ 4,105,200 -----

TOTAL \$ 5,626,300

NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF NATURAL RESOURCES

Small repairs and improvement (96-1-113)

Appropriation:

For Dev Acct--State \$ 14,500
Res Mgmt Cost Acct--State \$ 54,500

Subtotal Appropriation \$ 69,000 -----

Prior Biennia (Expenditures) \$ 69,000
Future Biennia (Projected Costs) \$ 276,000 -----

TOTAL \$ 414,000

NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF NATURAL RESOURCES

Hazardous waste cleanup (96-1-114)

Appropriation:

For Dev Acct--State \$ 100,000
Res Mgmt Cost Acct--State \$ 200,000

Subtotal Appropriation \$ 300,000 -----

Prior Biennia (Expenditures) \$ 450,000
Future Biennia (Projected Costs) \$ 1,200,000 -----

TOTAL \$ 1,950,000

NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation repairs and replacements (96-1-115)

Appropriation:

Res Mgmt Cost Acct--State \$ 235,000

Prior Biennia (Expenditures) \$ 730,000
Future Biennia (Projected Costs) \$ 2,375,000

TOTAL \$ 3,340,000 -----

NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF NATURAL RESOURCES

Repair, maintenance, and tenant improvements on state trust lease properties (96-1-117)

Appropriation:

Res Mgmt Cost Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 862,000
Future Biennia (Projected Costs) \$ 2,700,000

TOTAL \$ 4,162,000 -----

NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF NATURAL RESOURCES

Communication site repair (96-1-119)

Appropriation:

For Dev Acct--State \$ 25,000

Res Mgmt Cost Acct--State \$ 25,000

Subtotal Appropriation \$ 50,000 -----

Prior Biennia (Expenditures) \$ 300,000
Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 1,050,000 -----

NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road and bridge construction (96-2-001)

Appropriation:

For Dev Acct--State \$ 241,750

Res Mgmt Cost Acct--State \$ 678,450

Subtotal Appropriation \$ 920,200 -----

Prior Biennia (Expenditures) \$ 1,655,500
Future Biennia (Projected Costs) \$ 3,835,000

TOTAL \$ 6,410,700 -----

NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES

Region administrative facilities expansion (96-2-002)

Appropriation:

For Dev Acct--State \$ 294,488

Res Mgmt Cost Acct--State \$ 390,584

General Fund--Federal \$ 400,000

Subtotal Appropriation \$ 1,085,072 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 5,890,400

TOTAL \$ 6,975,472 -----

NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor works: Program (96-2-004)

The appropriation in this section is subject to the following conditions and limitations:
The appropriation shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

For Dev Acct--State \$ 152,900

Res Mgmt Cost Acct--State \$ 574,800

St Bldg Constr Acct--State \$ 100,000

Subtotal Appropriation \$ 827,700 -----

Prior Biennia (Expenditures) \$ 99,500

Future Biennia (Projected Costs) \$ 4,110,800

TOTAL \$ 5,038,000 -----

NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land bank program to enhance trust land holdings (96-2-005)

Appropriation:

Res Mgmt Cost Acct--State \$ 15,000,000

Prior Biennia (Expenditures) \$ 19,698,000

Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ 94,698,000 -----

NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right of way acquisition (96-2-006)

Appropriation:

For Dev Acct--State \$ 500,000

Res Mgmt Cost Acct--State \$ 500,000

Subtotal Appropriation \$ 1,000,000 -----

Prior Biennia (Expenditures) \$ 1,498,000

Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,898,000

NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES

Irrigation development (96-2-007)

Appropriation:

Res Mgmt Cost Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 336,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 4,736,000 -----

NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES

Communication site construction--Various (96-2-008)

Appropriation:

For Dev Acct--State \$ 460,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,310,000

TOTAL \$ 1,770,000 -----

NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mineral resource testing (96-2-009)

Reappropriation:

For Dev Acct--State \$ 10,000

Res Mgmt Cost Acct--State \$ 10,000

Subtotal Reappropriation \$ 20,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 80,000

TOTAL \$ 100,000 -----

NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial development: Local improvement districts (96-2-010)

Appropriation:

Res Mgmt Cost Acct--State \$ 470,000

Prior Biennia (Expenditures) \$ 860,000

Future Biennia (Projected Costs) \$ 2,420,000

TOTAL \$ 3,750,000 -----

NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic lands enhancement grants (96-2-012)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for grant funding from the new appropriation in this section in the amounts indicated:

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- Alki/Harbor/Duwamish Corridor, City of Seattle \$ 200,000
- ASARCO, Town of Ruston \$ 100,000
- Cape Flattery, Makah Tribe \$ 200,000
- Columbia River Renaissance, City of Vancouver \$ 2,800,000
- Columbia River Trail, East Wenatchee \$ 100,000
- Columbia River Trail Phase 2, LOOP Coalition \$ 400,000
- Cooperative Environmental Education, North
Mason School District \$ 300,000
- Duckabush River, Jefferson County \$ 350,000
- Latah Creek, City of Spokane \$ 300,000
- Little Spokane River, Spokane County \$ 300,000
- Odyssey Maritime Museum, Port of Seattle \$ 1,000,000
- Raymond Waterfront Park, City of Raymond \$ 200,000
- Seattle Aquarium, City of Seattle \$ 300,000
- South Lake Union, City of Seattle \$ 200,000
- Statewide Competitive Small Grant Program \$ 500,000
- Stevenson Waterfront Park, Port of Skamania \$ 75,000

Total \$ 7,300,000

(2) Grant funding shall be distributed based on the order in which projects are ready to proceed, as determined by the department, and the availability of funds.

(3) The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 1997-99 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects.

Reappropriation:

Aquatic Lands Acct--State \$ 2,500,000

Appropriation:

Aquatic Lands Acct--State \$ 4,500,000

Prior Biennia (Expenditures) \$ 276,000

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 19,276,000

NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural resources real property replacement account (96-2-013)

Appropriation:

Nat Res Prop Repl Acct--State \$ 25,000,000

Prior Biennia (Expenditures) \$ 30,826,750
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 55,826,750

NEW SECTION. **Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Seattle waterfront phase 2 development (96-2-014)

Reappropriation:

ORA--State \$ 1,562,835

Prior Biennia (Expenditures) \$ 84,765
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,647,600

**PART 4
TRANSPORTATION**

NEW SECTION. **Sec. 401. FOR THE WASHINGTON STATE PATROL**

To construct a new crime laboratory in Tacoma (92-2-003)

Reappropriation:

St Bldg Constr Acct--State \$ 172,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 172,000

NEW SECTION. **Sec. 402. FOR THE WASHINGTON STATE PATROL**

Spokane Crime Laboratory: Predesign (96-2-009)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 80,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,500,000

TOTAL \$ 5,580,000

NEW SECTION. **Sec. 403. FOR THE WASHINGTON STATE PATROL**

Fire Training Academy: Preservation (94-1-016)

The appropriation in this section is subject to the following conditions and limitations: That portion of the appropriation related to underground storage tanks may be expended only after compliance with section 140 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,221,018

Appropriation:

St Bldg Constr Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 128,982

Future Biennia (Projected Costs) \$ 1,200,000

TOTAL \$ 4,050,000 -----

NEW SECTION. Sec. 404. FOR THE WASHINGTON STATE PATROL

Fire Training Academy Portable Building Improvements (96-2-999)

Appropriation:

St Bldg Constr Acct--State \$ 99,410

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 99,410 -----

**PART 5
EDUCATION**

NEW SECTION. Sec. 501. FOR THE STATE BOARD OF EDUCATION

Public school building construction (85-2-001)

Reappropriation:

Common School Constr Fund--State \$ 335,780

Prior Biennia (Expenditures) \$ 656,119

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 991,899 -----

NEW SECTION. Sec. 502. FOR THE STATE BOARD OF EDUCATION

Public school building construction (87-2-001)

Reappropriation:

Common School Constr Fund--State \$ 1,473,203

Prior Biennia (Expenditures) \$ 2,193,257

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,666,460 -----

NEW SECTION. Sec. 503. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-001)

Reappropriation:

Common School Constr Fund--State \$ 1,573,705

Prior Biennia (Expenditures) \$ 24,362,530

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 25,936,235 -----

NEW SECTION. Sec. 504. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-002)

Reappropriation:

Common School Constr Fund--State \$ 1,730,000

Prior Biennia (Expenditures) \$ 17,521,803

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 19,251,803 -----

NEW SECTION. Sec. 505. FOR THE STATE BOARD OF EDUCATION

Public school building construction (89-2-003)

Reappropriation:

Common School Constr Fund--State \$ 4,211,005

Prior Biennia (Expenditures) \$ 41,637,585

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 45,848,590 -----

NEW SECTION. Sec. 506. FOR THE STATE BOARD OF EDUCATION

Public school building construction (91-2-001)

Reappropriation:

Common School Reimb Constr Acct--

State \$ 5,443,735

Common School Constr Fund--State \$ 6,115,606

Subtotal Reappropriation \$ 11,559,341 -----

Prior Biennia (Expenditures) \$ 78,816,301

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 90,375,642 -----

NEW SECTION. Sec. 507. FOR THE STATE BOARD OF EDUCATION

Public school building construction (94-2-001)

Reappropriation:

Common School Constr Fund--State \$ 59,729,325
St Bldg Constr Acct--State \$ 27,004,958

Subtotal Reappropriation \$ 86,734,283 -----

Prior Biennia (Expenditures) \$ 60,102,660
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 146,836,943

NEW SECTION. Sec. 508. FOR THE STATE BOARD OF EDUCATION

Public school building construction (96-2-001)

The appropriations in this subsection are subject to the following conditions and limitations:

(1) Not more than \$210,000,000 from this appropriation may be obligated in fiscal year 1996 for school district project design and construction.

(2) A maximum of \$630,000 may be expended for three full-time equivalent field staff with construction and architectural experience to assist in evaluation project requests and reviewing information reported by school districts and certifying the building condition data submitted by school districts.

(3) From the appropriation in this section the state board shall maintain a reserve contingency fund for emergency repair projects for school buildings which present imminent health and safety hazards to building occupants. Expenditures shall not exceed \$5,000,000 per fiscal year. The board shall establish policies for recovery of expenditures from subsequent releases of funds approved by the school board to any school district receiving funds under this subsection (3), from any insurance payments for the same repair projects for which a school district has received funds under this subsection (3), and from local funding sources.

(4) \$250,000 of the appropriation in this section may be expended for the office of the superintendent of public instruction and the office of financial management to jointly contract with qualified specially trained teams to conduct a value engineering and a constructability review on at least five pilot school facility construction projects. The purpose of the pilot program is to determine the potential advantages and savings of value engineering and constructability review processes on school facility construction. The pilot projects shall be wholly paid from this appropriation without a requirement for local matching, and project sites shall be selected jointly by the superintendent of public instruction and the office of financial management on the basis of size, geographical area, and grade level. The results of the pilot program and recommendations on the use of value engineering and constructability reviews and how the current value engineering process can be improved shall be reported to the state board of education and the legislature by January 1997.

(5) The state board shall conduct a study of school districts with less than twenty-five percent taxable property in the district. The study shall identify the school districts with less than twenty-five percent taxable property and for the identified districts calculate the percentage of state match for financial assistance for school facilities, compare the school levy rate per one thousand dollars of taxable property to the state average, verify the number of unhoused students, and make an assessment of the condition of existing school buildings in the district. The state board shall make recommendations to the 1996 legislature on potential state policy changes.

Appropriation:

Common School Constr Fund--State \$ 265,600,000
St Bldg Constr Acct--State \$ 100,000,000

Subtotal Appropriation \$ 365,600,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 365,600,000

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School facilities staff: To fund the direct costs of state administration of school construction funding (96-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(1) Up to \$100,000 of the common school construction fund appropriation is provided to complete the facility condition management database begun in the 1993-95 biennium.

(2) \$1,639,000 is provided solely for in-house or contracted technical assistance to school districts for evaluation, response and prevention of situations which present life or safety threats, fire hazard, or deficiencies relating to utility and electrical standards.

Appropriation:

Common School Constr Fund--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 5,444,000

TOTAL \$ 8,444,000

NEW SECTION. Sec. 510. FOR THE STATE BOARD OF EDUCATION

Clover Park School District transportation facilities (96-1-101)

The appropriation in this section is provided for design of a renovation project for a transportation-maintenance complex as described in the memorandum of understanding between the Clover Park technical college and the Clover Park school district. Future state appropriations for this project shall be matched by an equal amount from local funds.

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,200,000

TOTAL \$ 7,500,000

NEW SECTION. Sec. 511. FOR THE STATE SCHOOL FOR THE BLIND

Old Main: Seismic stabilization (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 850,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. **Sec. 512. FOR THE STATE SCHOOL FOR THE BLIND**

Minor works: Preservation (96-1-002)

Appropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,340,000

TOTAL \$ 2,740,000 -----

NEW SECTION. **Sec. 513. FOR THE STATE SCHOOL FOR THE DEAF**

Minor works: Preservation (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 570,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,925,000

TOTAL \$ 3,495,000 -----

NEW SECTION. **Sec. 514. FOR THE STATE SCHOOL FOR THE DEAF**

MacDonald and Deer Halls: Elevators (96-2-002)

Appropriation:

St Bldg Constr Acct--State \$ 550,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 550,000 -----

NEW SECTION. **Sec. 515. FOR THE UNIVERSITY OF WASHINGTON**

Power plant boiler (88-2-022)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 6,400,000

Prior Biennia (Expenditures) \$ 9,805,653

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,205,653 -----

NEW SECTION. **Sec. 516. FOR THE UNIVERSITY OF WASHINGTON**

Power generation, chiller, data communications, electrical distribution (90-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,175,700

Prior Biennia (Expenditures) \$ 3,703,053

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,878,753 -----

NEW SECTION. Sec. 517. FOR THE UNIVERSITY OF WASHINGTON

Chemistry Building: Construction (90-2-011)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 38,952,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,152,000 -----

NEW SECTION. Sec. 518. FOR THE UNIVERSITY OF WASHINGTON

Electrical Engineering and Computer Sciences Engineering Building: Construction (90-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 80,000,000

Prior Biennia (Expenditures) \$ 14,869,028

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 94,869,028 -----

NEW SECTION. Sec. 519. FOR THE UNIVERSITY OF WASHINGTON

Physics/Astronomy building construction (90-2-009)

Reappropriation:

H Ed Reimb Constr Acct \$ 3,000,000

Prior Biennia (Expenditures) \$ 69,564,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 72,564,000 -----

NEW SECTION. Sec. 520. FOR THE UNIVERSITY OF WASHINGTON

Old Physics Hall: Design and construction (92-2-008)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

UW Bldg Acct--State \$ 1,650,000
St Bldg Constr Acct--State \$ 32,544,400

Subtotal Reappropriation \$ 34,194,400 -----

Prior Biennia (Expenditures) \$ 912,600
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,107,000 -----

NEW SECTION. **Sec. 521. FOR THE UNIVERSITY OF WASHINGTON**

Ocean and Fishery Sciences II: Predesign (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,065,300

Prior Biennia (Expenditures) \$ 784,700
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,850,000 -----

NEW SECTION. **Sec. 522. FOR THE UNIVERSITY OF WASHINGTON**

Harborview Medical Center research (94-2-013)

Reappropriation:

St Bldg Constr Acct--State \$ 3,100,000

Appropriation:

St Bldg Constr Acct--State \$ 9,000,000
H Ed Constr Acct \$ 10,000,000

Subtotal Appropriation \$ 19,000,000 -----

Prior Biennia (Expenditures) \$ 520,000
Future Biennia (Projected Costs) \$ 56,380,000

TOTAL \$ 79,000,000 -----

NEW SECTION. **Sec. 523. FOR THE UNIVERSITY OF WASHINGTON**

Parrington Hall: Exterior and seismic repair (92-3-018)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

UW Bldg Acct--State \$ 5,008,499

Prior Biennia (Expenditures) \$ 264,001

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,272,500 -----

NEW SECTION. Sec. 524. FOR THE UNIVERSITY OF WASHINGTON

Henry Gallery: Addition (93-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$4,050,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 7,504,300

Prior Biennia (Expenditures) \$ 811,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,316,000 -----

NEW SECTION. Sec. 525. FOR THE UNIVERSITY OF WASHINGTON

Burke Museum: To study the museum's space needs, long-term physical facilities needs, and options for future expansion (93-2-002) and for exhibit renovation (94-1-002)

\$1,846,500 of the reappropriation in this section is for the exhibit renovation and shall be matched by at least \$615,000 from other sources for the same purpose.

Reappropriation:

St Bldg Constr Acct--State \$ 2,031,000

Prior Biennia (Expenditures) \$ 369,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,400,000 -----

NEW SECTION. Sec. 526. FOR THE UNIVERSITY OF WASHINGTON

Business Administration: Expansion (93-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

(2) The reappropriation in this section shall be matched by at least \$7,500,000 in cash provided from nonstate sources.

Reappropriation:

St Bldg Constr Acct--State \$ 6,600,000

Prior Biennia (Expenditures) \$ 900,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,500,000

NEW SECTION. Sec. 527. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs: Preservation (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 11,240,000
UW Bldg Acct--State \$ 276,400

Subtotal Reappropriation \$ 11,516,400

Prior Biennia (Expenditures) \$ 6,464,876
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,981,276

NEW SECTION. Sec. 528. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-1-004)

Reappropriation:

UW Bldg Acct--State \$ 6,850,000

Prior Biennia (Expenditures) \$ 5,757,630
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,607,630

NEW SECTION. Sec. 529. FOR THE UNIVERSITY OF WASHINGTON

Americans with Disabilities Act (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 200,000

Prior Biennia (Expenditures) \$ 1,325,150
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,525,150

NEW SECTION. Sec. 530. FOR THE UNIVERSITY OF WASHINGTON

Utilities projects (94-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 800,000

Prior Biennia (Expenditures) \$ 1,396,009
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,196,009

NEW SECTION. Sec. 531. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure projects: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 532. FOR THE UNIVERSITY OF WASHINGTON

Minor repairs (94-2-005)

Reappropriation:

UW Bldg Acct--State \$ 5,200,000

Prior Biennia (Expenditures) \$ 1,871,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,071,000 -----

NEW SECTION. Sec. 533. FOR THE UNIVERSITY OF WASHINGTON

Tacoma Branch Campus--Phase II: Predesign (94-2-500)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 33,455,244

Appropriation:

St Bldg Constr Acct--State \$ 5,700,000

Prior Biennia (Expenditures) \$ 17,738,913

Future Biennia (Projected Costs) \$ 35,320,000

TOTAL \$ 92,214,157 -----

NEW SECTION. **Sec. 534. FOR THE UNIVERSITY OF WASHINGTON**

Suzzallo Library renovation--Phase I design: To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (**94-1-015**)

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 717,600
St Bldg Constr Acct--State \$ 2,142,275

Subtotal Appropriation \$ 2,859,875 -----

Prior Biennia (Expenditures) \$ 517,750
Future Biennia (Projected Costs) \$ 29,076,925 -----

TOTAL \$ 32,454,550

NEW SECTION. **Sec. 535. FOR THE UNIVERSITY OF WASHINGTON**

Minor safety repairs: Preservation (96-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 3,700,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,000,000 -----

TOTAL \$ 19,700,000

NEW SECTION. **Sec. 536. FOR THE UNIVERSITY OF WASHINGTON**

Minor works: Building renewal (96-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

UW Bldg Acct--State \$ 7,047,000
St Bldg Constr Acct--State \$ 2,000,000

Subtotal Appropriation \$ 9,047,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 53,000,000 -----

TOTAL \$ 62,047,000

NEW SECTION. Sec. 537. FOR THE UNIVERSITY OF WASHINGTON

Minor works: Utility infrastructure (96-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 5,900,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 26,000,000

TOTAL \$ 31,900,000 -----

NEW SECTION. Sec. 538. FOR THE UNIVERSITY OF WASHINGTON

Law School Building--Design and development: To design a new law school and law library facility

In addition to any state appropriation for this project, at least one-third of the cost of this project, including the costs of design, construction and consulting services, shall be derived from private matching funds. The appropriation in this section shall not be expended on design documents until the University of Washington has secured \$10,000,000 in private matching funds. Such funds, in the form of cash or written pledges, must be secured by no later than July 1, 1997. In the event \$10,000,000 is not secured by that date, the appropriation in this section shall be null and void.

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 1,140,000

Prior Biennia (Expenditures) \$ 128,000

Future Biennia (Projected Costs) \$ 33,860,000

TOTAL \$ 35,128,000 -----

NEW SECTION. Sec. 539. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center BB Tower Elevators--Design and construction: To design and construct the addition of one elevator and upgrading of the existing elevators in the health sciences center BB-wing and tower **(96-1-013)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 210,700

St Bldg Constr Acct--State \$ 4,981,900

Subtotal Appropriation \$ 5,192,600 -----

Prior Biennia (Expenditures) \$ 117,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,309,600

NEW SECTION. Sec. 540. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center D-Wing Dent Student Lab: Design and construction (96-1-016)

Appropriation:

UW Bldg Acct--State \$ 112,100

St Bldg Constr Acct--State \$ 2,905,000

Subtotal Appropriation \$ 3,017,100

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,017,100

NEW SECTION. Sec. 541. FOR THE UNIVERSITY OF WASHINGTON

Social Work third floor addition--Design and construction: To design and construct a 12,000 gross square foot partial third floor addition to the Social Work and Speech and Hearing Sciences Building (96-2-010)

Appropriation:

UW Bldg Acct--State \$ 126,400

St Bldg Constr Acct--State \$ 2,789,200

Subtotal Appropriation \$ 2,915,600

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,915,600

NEW SECTION. Sec. 542. FOR THE UNIVERSITY OF WASHINGTON

Hogness/Health Sciences Center Lobby: Americans with Disabilities Act improvements (96-1-022)

Appropriation:

St Bldg Constr Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000

NEW SECTION. Sec. 543. FOR THE UNIVERSITY OF WASHINGTON

Ocean and Fisheries Science Buildings II & III: Design and site preparation: To design the 125,673 gross square foot OFS II (Fisheries) and 106,000 gross square foot OFS III (Oceanography) buildings and clear and prepare sites for future construction **(96-2-006)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$991,000 of the amount reappropriated in section 521 of this act for predesign of this project shall be used for design.

(2) The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 1,548,150
St Bldg Constr Acct--State \$ 5,932,025

Subtotal Appropriation \$ 7,480,175

Prior Biennia (Expenditures) \$ 558,400

Future Biennia (Projected Costs) \$ 65,758,625

TOTAL \$ 73,797,200

NEW SECTION. Sec. 544. FOR THE UNIVERSITY OF WASHINGTON

West Electrical Power Station: To design and construct the installation of new transformers, switch gear facilities, and primary distribution feeders at the west receiving station **(96-2-011)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 204,000
St Bldg Constr Acct--State \$ 6,600,000

Subtotal Appropriation \$ 6,804,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,804,000

NEW SECTION. Sec. 545. It is the intention of the legislature that the state dispose of its interest in the Wellington Hills property for consideration at fair market value and that the net proceeds of the sale be deposited into the state building construction account in the state treasury.

NEW SECTION. Sec. 546. FOR THE UNIVERSITY OF WASHINGTON

Power Plant Boiler #7--Design and construction: To design and construct an addition to the south end of the Power Plant to house a new Boiler #7 **(96-2-020)**

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 288,703
St Bldg Constr Acct--State \$ 9,623,297

Subtotal Appropriation \$ 9,912,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 9,912,000

NEW SECTION. Sec. 547. FOR THE UNIVERSITY OF WASHINGTON

Southwest Campus utilities phase I--Design and construction: To design and construct the extension of utilities to serve the southwest campus development (96-2-027)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

UW Bldg Acct--State \$ 285,600
St Bldg Constr Acct--State \$ 9,023,900

Subtotal Appropriation \$ 9,309,500 -----

Prior Biennia (Expenditures) \$ 152,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 9,461,500

NEW SECTION. Sec. 548. FOR WASHINGTON STATE UNIVERSITY

Branch campus acquisition (90-5-002)

Reappropriation:

St Bldg Constr Acct--State \$ 42,000

Prior Biennia (Expenditures) \$ 735,424

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 777,424

NEW SECTION. Sec. 549. FOR WASHINGTON STATE UNIVERSITY

Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

Reappropriation:

St Bldg Constr Acct--State \$ 991,640

Prior Biennia (Expenditures) \$ 197,714

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,189,354

NEW SECTION. Sec. 550. FOR WASHINGTON STATE UNIVERSITY

Todd Hall renovation: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-1-021)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 3,478,000

St Bldg Constr Acct--State \$ 2,626,444

Subtotal Reappropriation \$ 6,104,444

Prior Biennia (Expenditures) \$ 8,577,065

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 14,681,509

NEW SECTION. Sec. 551. FOR WASHINGTON STATE UNIVERSITY

Veterinary Teaching Hospital--Construction: To construct, equip, and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

H Ed Reimb Constr Acct--State \$ 10,214,399

St Bldg Constr Acct--State \$ 2,200,000

Subtotal Reappropriation \$ 12,414,399

Prior Biennia (Expenditures) \$ 19,643,672

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 32,058,071

NEW SECTION. Sec. 552. FOR WASHINGTON STATE UNIVERSITY

Fulmer Hall--Fulmer Annex renovation: To renovate Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 12,212,322

Prior Biennia (Expenditures) \$ 908,367
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,120,689

NEW SECTION. **Sec. 553. FOR WASHINGTON STATE UNIVERSITY**

Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 10,173,300

Prior Biennia (Expenditures) \$ 4,826,700
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 15,000,000

NEW SECTION. **Sec. 554. FOR WASHINGTON STATE UNIVERSITY**

Records and maintenance materials: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Reappropriation:

WSU Bldg Acct--State \$ 1,250,000

Prior Biennia (Expenditures) \$ 395,826
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,645,826

NEW SECTION. **Sec. 555. FOR WASHINGTON STATE UNIVERSITY**

Minor capital renewal (94-1-004)

Reappropriation:

St Bldg Constr Acct--State \$ 2,784,260

Prior Biennia (Expenditures) \$ 3,215,740
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000

NEW SECTION. **Sec. 556. FOR WASHINGTON STATE UNIVERSITY**

Bohler Gym renovation--Design: To design the renovation of the existing Bohler Gym (94-1-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 391,500
St Bldg Constr Acct--State \$ 1,496,600

Subtotal Appropriation \$ 1,888,100 -----

Prior Biennia (Expenditures) \$ 49,000
Future Biennia (Projected Costs) \$ 14,462,500

TOTAL \$ 16,399,600 -----

NEW SECTION. Sec. 557. FOR WASHINGTON STATE UNIVERSITY

Prosser: Septic system (94-1-500)

Reappropriation:

WSU Bldg Acct--State \$ 757,192

Prior Biennia (Expenditures) \$ 492,808
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,250,000 -----

NEW SECTION. Sec. 558. FOR WASHINGTON STATE UNIVERSITY

Infrastructure savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 559. FOR WASHINGTON STATE UNIVERSITY

Minor works (94-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 1,192,401

Prior Biennia (Expenditures) \$ 1,807,599
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000 -----

NEW SECTION. **Sec. 560. FOR WASHINGTON STATE UNIVERSITY**

Minor capital improvements (94-2-002)

Reappropriation:

WSU Bldg Acct--State \$ 2,430,690

Prior Biennia (Expenditures) \$ 3,569,310

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,000,000 -----

NEW SECTION. **Sec. 561. FOR WASHINGTON STATE UNIVERSITY**

Hazardous waste facilities (94-2-006)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 211,000

Future Biennia (Projected Costs) \$ 12,037,774

TOTAL \$ 13,748,774 -----

NEW SECTION. **Sec. 562. FOR WASHINGTON STATE UNIVERSITY**

Pathological and biomedical incinerator: Design and construction (94-2-012)

Reappropriation:

St Bldg Constr Acct--State \$ 3,443,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,443,000 -----

NEW SECTION. **Sec. 563. FOR WASHINGTON STATE UNIVERSITY**

Communication infrastructure renewal (94-2-013)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Constr Acct--State \$ 5,000,000

St Bldg Constr Acct--State \$ 4,203,432

Subtotal Reappropriation \$ 9,203,432 -----

Appropriation:

WSU Bldg Acct--State \$ 4,159,625

Prior Biennia (Expenditures) \$ 12,796,568
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,159,625 -----

NEW SECTION. Sec. 564. FOR WASHINGTON STATE UNIVERSITY

Engineering Teaching and Research Laboratory Building: Construction (94-2-014)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 226,379

Appropriation:

General Fund--Federal \$ 8,000,000

St Bldg Constr Acct--State \$ 17,140,300

Subtotal Appropriation \$ 25,140,300 -----

Prior Biennia (Expenditures) \$ 1,143,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 26,510,300 -----

NEW SECTION. Sec. 565. FOR WASHINGTON STATE UNIVERSITY

Chemical waste collection facilities: Design and construction (94-2-016)

Reappropriation:

WSU Bldg Acct--State \$ 2,084,274

Appropriation:

WSU Bldg Acct--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 252,726

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,337,000 -----

NEW SECTION. Sec. 566. FOR WASHINGTON STATE UNIVERSITY

Bohler Gym Addition--Design and construction: To construct a 45,800 gross square foot addition to Bohler Gym (94-2-017)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 477,000

Appropriation:

WSU Bldg Acct--State \$ 399,800

St Bldg Constr Acct--State \$ 8,960,400

Subtotal Appropriation \$ 9,360,200 -----

Prior Biennia (Expenditures) \$ 517,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,354,200

NEW SECTION. Sec. 567. FOR WASHINGTON STATE UNIVERSITY

Animal Science Laboratory Building--Design and Construction: To construct a 20,200 gross square foot animal science lab (94-4-018)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

WSU Bldg Acct--State \$ 143,532

Appropriation:

St Bldg Constr Acct--State \$ 6,332,300

WSU Bldg Acct--State \$ 255,000

Subtotal Appropriation \$ 6,587,300

Prior Biennia (Expenditures) \$ 451,468

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,182,300

NEW SECTION. Sec. 568. FOR WASHINGTON STATE UNIVERSITY

Kimbrough Hall addition and remodeling: To design a 32,000 gross square foot addition and remodel the existing Kimbrough Hall (94-2-019)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

WSU Bldg Acct--State \$ 238,425

St Bldg Constr Acct--State \$ 965,700

Subtotal Appropriation \$ 1,204,125

Prior Biennia (Expenditures) \$ 80,000

Future Biennia (Projected Costs) \$ 10,448,875

TOTAL \$ 11,733,000

NEW SECTION. Sec. 569. FOR WASHINGTON STATE UNIVERSITY

Intercollegiate Center for Nursing Education: To construct and equip a new nursing education facility in Yakima (94-2-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a new nursing facility to be located on or adjacent to the Yakima Valley Community College unless the higher education coordinating

board makes a finding that the location is not programmatically or financially feasible. The siting of the facility at a different location must be approved by the higher education coordinating board.

(2) The facility shall be equipped with a digital link to the Washington higher education telecommunications system (WHETS).

Reappropriation:

St Bldg Constr Acct--State \$ 2,525,202

Prior Biennia (Expenditures) \$ 974,798

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000 -----

NEW SECTION. Sec. 570. FOR WASHINGTON STATE UNIVERSITY

Washington State University--Vancouver: New campus construction (94-2-902)

The appropriations in this section are subject to the review and allotment procedures under sections 813 and 815 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 23,580,000

Appropriation:

St Bldg Constr Acct--State \$ 9,066,000

Prior Biennia (Expenditures) \$ 10,994,362

Future Biennia (Projected Costs) \$ 35,000,000

TOTAL \$ 78,640,362 -----

NEW SECTION. Sec. 571. FOR WASHINGTON STATE UNIVERSITY

Puyallup: Greenhouse replacements (94-2-027)

Reappropriation:

St Bldg Constr Acct--State \$ 2,126,945

Prior Biennia (Expenditures) \$ 114,055

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,241,000 -----

NEW SECTION. Sec. 572. FOR WASHINGTON STATE UNIVERSITY

Washington State University Tri-Cities: Consolidated Information Center (94-2-905)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 730,500

Appropriation:

St Bldg Constr Acct--State \$ 9,709,000

Prior Biennia (Expenditures) \$ 679,500
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,119,000 -----

NEW SECTION. Sec. 573. FOR WASHINGTON STATE UNIVERSITY

Minor works: Preservation (96-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 5,900,000
WSU Bldg Acct--State \$ 252,000

Subtotal Appropriation \$ 6,152,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 34,690,000

TOTAL \$ 40,842,000 -----

NEW SECTION. Sec. 574. FOR WASHINGTON STATE UNIVERSITY

Minor works: Safety and environmental (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1,600,000
WSU Bldg Acct--State \$ 1,000,000

Subtotal Appropriation \$ 2,600,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 17,400,000

TOTAL \$ 20,000,000 -----

NEW SECTION. Sec. 575. FOR WASHINGTON STATE UNIVERSITY

Minor works: Program (96-2-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WSU Bldg Acct--State \$ 5,150,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 41,016,000

TOTAL \$ 46,166,000

NEW SECTION. Sec. 576. FOR WASHINGTON STATE UNIVERSITY

Plant growth--Wheat Research Center: Construction (96-2-047)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

Appropriation:

General Fund--Private \$ 1,000,000
General Fund--Federal \$ 3,000,000
St Bldg Constr Acct--State \$ 4,000,000

Subtotal Appropriation \$ 8,000,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,000,000 -----

NEW SECTION. Sec. 577. FOR WASHINGTON STATE UNIVERSITY

**Intercollegiate Center for Nursing Education--Spokane, Yakima, and Wenatchee
Washington higher education telecommunication system classrooms, cabling, and connection (96-2-915)**

Appropriation:

WSU Bldg Acct--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000 -----

NEW SECTION. Sec. 578. FOR EASTERN WASHINGTON UNIVERSITY

Sutton Hall remodel: To complete the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 4,730,092

Prior Biennia (Expenditures) \$ 526,494
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,256,586 -----

NEW SECTION. Sec. 579. FOR EASTERN WASHINGTON UNIVERSITY

Science Building addition and remodel: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,100,480

Prior Biennia (Expenditures) \$ 18,934,987

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,467 -----

NEW SECTION. **Sec. 580. FOR EASTERN WASHINGTON UNIVERSITY**

Minor works preservation, repair, and renewal of campus facilities (86-1-002) (90-3-002) (92-1-001) (92-1-002) (92-3-004) (94-1-001) (94-1-006) (94-1-010) (94-1-014) (94-1-015) (94-2-012)

Reappropriation:

EWU Cap Proj Acct--State \$ 4,300,000

St Bldg Constr Acct--State \$ 1,438,000

Subtotal Reappropriation \$ 5,738,000 -----

Prior Biennia (Expenditures) \$ 7,685,782

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,423,782 -----

NEW SECTION. **Sec. 581. FOR EASTERN WASHINGTON UNIVERSITY**

Telecommunications network and cable replacement (90-2-004)

Appropriation:

EWU Cap Proj Acct--State \$ 1,593,800

Prior Biennia (Expenditures) \$ 4,080,000

Future Biennia (Projected Costs) \$ 2,000,000

TOTAL \$ 7,673,800 -----

NEW SECTION. **Sec. 582. FOR EASTERN WASHINGTON UNIVERSITY**

JFK Library addition and remodel--Construction: To construct the 73,500 gross square foot addition and remodeling of the JFK Library (90-5-003)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 1,678,756

Appropriation:

EWU Cap Proj Acct--State \$ 152,174

St Bldg Constr Acct--State \$ 19,692,130

Subtotal Appropriation \$ 19,844,304 -----

Prior Biennia (Expenditures) \$ 536,244

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 22,059,304

NEW SECTION. Sec. 583. FOR EASTERN WASHINGTON UNIVERSITY

Removal of underground storage tanks (92-1-003)

Reappropriation:

EWU Cap Proj Acct--State \$ 193,438

Prior Biennia (Expenditures) \$ 56,110

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 249,548

NEW SECTION. Sec. 584. FOR EASTERN WASHINGTON UNIVERSITY

Spokane Center remodel and fire egress (92-5-008)

Reappropriation:

EWU Cap Proj Acct--State \$ 43,686

Prior Biennia (Expenditures) \$ 1,756,314

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,800,000

NEW SECTION. Sec. 585. FOR EASTERN WASHINGTON UNIVERSITY

Chillers, heating, ventilation, and air conditioning, boiler replacement (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 2,318,877

Appropriation:

St Bldg Constr Acct--State \$ 3,361,600

EWU Cap Proj Acct--State \$ 638,400 -----

Subtotal Appropriation \$ 4,000,000

Prior Biennia (Expenditures) \$ 91,123

Future Biennia (Projected Costs) \$ 3,275,000 -----

TOTAL \$ 9,685,000

NEW SECTION. Sec. 586. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure project: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house or representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 587. FOR EASTERN WASHINGTON UNIVERSITY

Showalter Hall Auditorium: Preservation (96-1-001)

Appropriation:

EWU Cap Proj Acct--State \$ 977,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 977,800

NEW SECTION. Sec. 588. FOR EASTERN WASHINGTON UNIVERSITY

Monroe Hall Remodel (96-1-002)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

EWU Cap Proj Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 6,100,000

NEW SECTION. Sec. 589. FOR EASTERN WASHINGTON UNIVERSITY

Campus classrooms--Renewal: To renovate and upgrade classrooms and lab in various buildings on campus (96-2-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

EWU Cap Proj Acct--State \$ 3,650,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 14,925,000

TOTAL \$ 18,575,000 -----

NEW SECTION. Sec. 590. FOR EASTERN WASHINGTON UNIVERSITY

Americans with Disabilities Act projects (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 193,089

Prior Biennia (Expenditures) \$ 132,711
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 325,800 -----

NEW SECTION. Sec. 591. FOR CENTRAL WASHINGTON UNIVERSITY

Life and safety improvements (92-1-030)

Reappropriation:

CWU Cap Proj Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 208,267
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 333,267 -----

NEW SECTION. Sec. 592. FOR CENTRAL WASHINGTON UNIVERSITY

Barge Hall renovation (92-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 263,000

Prior Biennia (Expenditures) \$ 11,318,970
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,581,970 -----

NEW SECTION. Sec. 593. FOR CENTRAL WASHINGTON UNIVERSITY

Shaw/Smyser Hall renovation (90-2-005)

Reappropriation:

H Ed Reimb Constr Acct \$ 302,000

Prior Biennia (Expenditures) \$ 12,983,000
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,285,000 -----

NEW SECTION. Sec. 594. FOR CENTRAL WASHINGTON UNIVERSITY

Minor capital projects (92-2-050)

Reappropriation:

CWU Cap Proj Acct--State \$ 600,000

Prior Biennia (Expenditures) \$ 1,623,120

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,223,120 -----

NEW SECTION. Sec. 595. FOR CENTRAL WASHINGTON UNIVERSITY

Boullion asbestos: Construction (94-1-001)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 2,160,000

Prior Biennia (Expenditures) \$ 1,163,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,323,000 -----

NEW SECTION. Sec. 596. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Preservation (94-1-005)

Reappropriation:

CWU Cap Proj Acct--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 1,562,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,562,000 -----

NEW SECTION. Sec. 597. FOR CENTRAL WASHINGTON UNIVERSITY

Underground tank replacement (94-1-007)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 176,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 276,000 -----

NEW SECTION. Sec. 598. FOR CENTRAL WASHINGTON UNIVERSITY

Electrical cable replacement (94-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 50,000

Prior Biennia (Expenditures) \$ 1,700,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,750,000

NEW SECTION. Sec. 599. FOR CENTRAL WASHINGTON UNIVERSITY

Steamline replacement (94-1-009)

Reappropriation:

St Bldg Constr Acct--State \$ 790,000

Prior Biennia (Expenditures) \$ 60,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. Sec. 600. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

NEW SECTION. Sec. 601. FOR CENTRAL WASHINGTON UNIVERSITY

Science Facility design and construction (94-2-002)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

CWU Cap Proj Acct--State \$ 4,000,000

St Bldg Constr Acct--State \$ 53,590,000

Subtotal Reappropriation \$ 57,590,000

Prior Biennia (Expenditures) \$ 610,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 58,200,000 -----

NEW SECTION. Sec. 602. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Program (94-2-006)

Reappropriation:

CWU Cap Proj Acct \$ 815,000

Prior Biennia (Expenditures) \$ 1,692,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 2,507,000

NEW SECTION. Sec. 603. FOR CENTRAL WASHINGTON UNIVERSITY

Black Hall--Design and construction: To design and construct a 66,200 gross square foot addition to and complete remodel of the Black Hall (94-2-010)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

CWU Cap Proj Acct--State \$ 15,000

Appropriation:

CWU Cap Proj Acct--State \$ 875,100

St Bldg Constr Acct--State \$ 26,369,300

Subtotal Appropriation \$ 27,244,400 -----

Prior Biennia (Expenditures) \$ 144,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 27,403,400

NEW SECTION. Sec. 604. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Infrastructure preservation (96-1-040)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

Appropriation:

St Bldg Constr Acct--State \$ 1,687,100

CWU Cap Proj Acct--State \$ 712,900

Subtotal Appropriation \$ 2,400,000 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 8,300,000 -----

NEW SECTION. Sec. 605. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Preservation (96-1-120)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$85,000 from this appropriation may be expended for remodeling the president's residence.

Appropriation:

CWU Cap Proj Acct--State \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,850,000

TOTAL \$ 20,350,000 -----

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

Hertz Hall addition (96-2-050)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 125,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 13,350,000

TOTAL \$ 13,475,000 -----

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

Minor works: Program (96-2-130)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this appropriation may be expended for remodeling or repairing the president's residence.

Appropriation:

CWU Cap Proj Acct--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,110,000

TOTAL \$ 13,610,000 -----

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

Campus: Air quality improvement (96-1-001)

Appropriation:

TESC Cap Proj Acct--State \$ 492,425

St Bldg Constr Acct \$ 528,896

Subtotal Appropriation \$ 1,021,321 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,021,321

NEW SECTION. Sec. 609. FOR THE EVERGREEN STATE COLLEGE

Minor works: Preservation (96-1-002)

Appropriation:

TESC Cap Proj Acct--State \$ 970,245

St Bldg Constr Acct--State \$ 2,154,876

Subtotal Appropriations \$ 3,125,121 -----

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 20,488,124 -----

TOTAL \$ 23,613,245

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

Campus: Preservation (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 150,000

Prior Biennia (Expenditures) \$ 1,599,000

Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 1,749,000

NEW SECTION. Sec. 611. FOR THE EVERGREEN STATE COLLEGE

Classroom Facility: Longhouse design and construction (94-2-008)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 400,000

Prior Biennia (Expenditures) \$ 1,800,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,200,000 -----

NEW SECTION. Sec. 612. FOR THE EVERGREEN STATE COLLEGE

Emergency repairs (96-1-003)

Appropriation:

TESC Cap Proj Acct--State \$ 238,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,076,000

TOTAL \$ 1,314,000 -----

NEW SECTION. Sec. 613. FOR THE EVERGREEN STATE COLLEGE

Computer Network phase III (96-2-006)

Appropriation:

St Bldg Constr Acct--State \$ 162,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 162,000 -----

NEW SECTION. Sec. 614. FOR THE EVERGREEN STATE COLLEGE

Communications Building: Retrofit (96-2-007)

Appropriation:

St Bldg Constr Acct--State \$ 1,726,300

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,726,300 -----

NEW SECTION. Sec. 615. FOR THE EVERGREEN STATE COLLEGE

Library Building renovation (96-2-009)

Appropriation:

St Bldg Constr Acct--State \$ 772,500

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 772,500 -----

NEW SECTION. Sec. 616. FOR THE JOINT CENTER FOR HIGHER EDUCATION

Riverpoint Campus: Design and construction (94-2-001)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 9,000,000

Prior Biennia (Expenditures) \$ 8,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,000,000 -----

NEW SECTION. Sec. 617. FOR THE JOINT CENTER FOR HIGHER EDUCATION

Riverpoint Campus phase II (96-2-001)

To predesign, design, and make infrastructure improvements to the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996. The appropriation in this section is subject to the review and allotment requirements under sections 813 and 815 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 3,310,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 21,690,000

TOTAL \$ 25,000,000 -----

NEW SECTION. Sec. 618. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase II: Construction (92-1-007)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct \$ 2,400,000

Prior Biennia (Expenditures) \$ 17,650,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 20,050,533 -----

NEW SECTION. Sec. 619. FOR WESTERN WASHINGTON UNIVERSITY

Fire detection systems (94-1-030)

Reappropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 643,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 743,000

NEW SECTION. Sec. 620. FOR WESTERN WASHINGTON UNIVERSITY

Underground storage tank removal (94-1-032)

Reappropriation:

St Bldg Constr Acct--State \$ 58,200

Prior Biennia (Expenditures) \$ 1,800

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,000 -----

NEW SECTION. Sec. 621. FOR WESTERN WASHINGTON UNIVERSITY

Pool chlorine gas system (94-1-033)

Reappropriation:

WWU Cap Proj Acct--State \$ 10,300

Prior Biennia (Expenditures) \$ 24,700

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 35,000 -----

NEW SECTION. Sec. 622. FOR WESTERN WASHINGTON UNIVERSITY

Exterior and roofing renewal (94-1-034)

Reappropriation:

St Bldg Constr Acct--State \$ 309,000

Prior Biennia (Expenditures) \$ 292,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 601,000 -----

NEW SECTION. Sec. 623. FOR WESTERN WASHINGTON UNIVERSITY

Boiler system (94-1-035)

Reappropriation:

WWU Cap Proj Acct--State \$ 859,884

Prior Biennia (Expenditures) \$ 40,116

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 900,000 -----

NEW SECTION. Sec. 624. FOR WESTERN WASHINGTON UNIVERSITY

Utility upgrade (94-1-037)

Reappropriation:

St Bldg Constr Acct--State \$ 103,000

Prior Biennia (Expenditures) \$ 302,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 405,000 -----

NEW SECTION. Sec. 625. FOR WESTERN WASHINGTON UNIVERSITY

Interior renewal (94-1-038)

Reappropriation:

WWU Cap Proj Acct--State \$ 74,000

Prior Biennia (Expenditures) \$ 24,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 98,000 -----

NEW SECTION. Sec. 626. FOR WESTERN WASHINGTON UNIVERSITY

Interior painting (94-1-041)

Reappropriation:

WWU Cap Proj Acct--State \$ 272,000

Prior Biennia (Expenditures) \$ 129,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 401,000 -----

NEW SECTION. Sec. 627. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure projects: Savings (94-1-999)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 628. FOR WESTERN WASHINGTON UNIVERSITY

Science facility phase III: Construction (94-2-014)

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 11,473,119

Prior Biennia (Expenditures) \$ 96,988

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,570,107 -----

NEW SECTION. Sec. 629. FOR WESTERN WASHINGTON UNIVERSITY

Haggard Hall renovation and abatement: Construction (94-2-015)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 950,000

Appropriation:

WWU Cap Proj Acct--State \$ 3,735,420

St Bldg Constr Acct--State \$ 17,352,985

Subtotal Appropriation \$ 21,088,405 -----

Prior Biennia (Expenditures) \$ 166,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,204,405 -----

NEW SECTION. Sec. 630. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Program (94-2-028)

Reappropriation:

WWU Cap Proj Acct--State \$ 3,200,000

Prior Biennia (Expenditures) \$ 2,900,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,100,000 -----

NEW SECTION. Sec. 631. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Preservation (96-1-030)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WWU Cap Proj Acct--State \$ 1,300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 9,200,000

TOTAL \$ 10,500,000 -----

NEW SECTION. Sec. 632. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Infrastructure preservation (96-1-061)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

St Bldg Constr Acct--State \$ 1,650,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 4,400,000

TOTAL \$ 6,050,000 -----

NEW SECTION. Sec. 633. FOR WESTERN WASHINGTON UNIVERSITY

Campus Services Facility (96-2-025)

Appropriation:

St Bldg Constr Acct--State \$ 100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 7,883,400

TOTAL \$ 7,983,400 -----

NEW SECTION. Sec. 634. FOR WESTERN WASHINGTON UNIVERSITY

Minor works: Program (96-2-028)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

WWU Cap Proj Acct--State \$ 2,000,000
St Bldg Constr Acct \$ 3,850,000

Subtotal Appropriation \$ 5,850,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 25,500,000

TOTAL \$ 31,350,000 -----

NEW SECTION. Sec. 635. FOR WESTERN WASHINGTON UNIVERSITY

Integrated signal distribution--Design: To design a campus network system (96-2-056)

Appropriation:

WWU Cap Proj Acct--State \$ 229,650
St Bldg Constr Acct--State \$ 985,750

Subtotal Appropriation \$ 1,215,400 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 9,339,400 -----

TOTAL \$ 10,554,800

NEW SECTION. Sec. 636. FOR WESTERN WASHINGTON UNIVERSITY

Wilson Library renovation (96-2-057)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 1996.

Appropriation:

St Bldg Constr Acct--State \$ 105,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 8,331,900 -----

TOTAL \$ 8,436,900

NEW SECTION. Sec. 637. FOR WESTERN WASHINGTON UNIVERSITY

Recreation and physical education fields phase I (96-2-051)

Appropriation:

St Bldg Constr Acct--State \$ 2,535,200
WWU Cap Proj Acct--State \$ 130,800

Subtotal Appropriation \$ 2,666,000 -----

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0 -----

TOTAL \$ 2,666,000

NEW SECTION. Sec. 638. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Complete construction of Washington state History Museum (94-2-001)

The appropriations in this section are subject to the following conditions and limitations:
(1) The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.
(2) \$50,000 of the new appropriation in this section shall be provided as a grant to a local nonprofit organization to purchase land and provide exhibit space for the display of fossils.

Reappropriation:

St Bldg Constr Acct--State \$ 6,859,978

Appropriation:

St Bldg Constr Acct--State \$ 300,000

Prior Biennia (Expenditures) \$ 35,592,643

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 42,752,621

NEW SECTION. **Sec. 639. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Stadium Way facility: Preservation (96-1-102)

Reappropriation:

St Bldg Constr Acct--State \$ 60,000

Appropriation:

St Bldg Constr Acct--State \$ 487,500

Prior Biennia (Expenditures) \$ 1,254,500

Future Biennia (Projected Costs) \$ 335,469

TOTAL \$ 2,137,469

NEW SECTION. **Sec. 640. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Bremerton Shellbanks Retreat: Preservation (96-1-103)

Appropriation:

St Bldg Constr Acct--State \$ 68,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 250,000

TOTAL \$ 318,000

NEW SECTION. **Sec. 641. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

State Capital Museum: Preservation (96-1-105)

Appropriation:

St Bldg Constr Acct--State \$ 122,592

Prior Biennia (Expenditures) \$ 107,500

Future Biennia (Projected Costs) \$ 199,628

TOTAL \$ 429,720

NEW SECTION. **Sec. 642. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Stadium Way facility: Collection storage and access (96-2-204)

Appropriation:

St Bldg Constr Acct--State \$ 230,600

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,420,000

TOTAL \$ 1,650,600

**NEW SECTION. Sec. 643. FOR THE EASTERN WASHINGTON STATE
HISTORICAL SOCIETY**

Campbell House restoration (86-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 30,000

Prior Biennia (Expenditures) \$ 100,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 130,500

**NEW SECTION. Sec. 644. FOR THE EASTERN WASHINGTON STATE
HISTORICAL SOCIETY**

Cheney Cowles Museum: Parking lot grading and resurfacing (96-1-002)

Appropriation:

St Bldg Constr Acct--State \$ 285,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 285,000

**NEW SECTION. Sec. 645. FOR THE EASTERN WASHINGTON STATE
HISTORICAL SOCIETY**

Cheney Cowles Museum: Preservation (96-1-004)

Appropriation:

St Bldg Constr Acct--State \$ 175,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 700,000

TOTAL \$ 875,000

**NEW SECTION. Sec. 646. FOR THE STATE BOARD FOR COMMUNITY AND
TECHNICAL COLLEGES**

Learning Resource Center--Skagit Valley College Whidbey Campus (88-5-020)

Reappropriation:

St Bldg Constr Acct--State \$ 5,408

Prior Biennia (Expenditures) \$ 2,117,591

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,122,999

NEW SECTION. Sec. 647. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Science, Fine Art, and Physical Education Building--South Puget Sound Community College (88-5-021)

Reappropriation:

St Bldg Constr Acct--State \$ 21,933

Prior Biennia (Expenditures) \$ 5,976,066

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,997,999 -----

NEW SECTION. Sec. 648. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Library addition and remodel--Columbia Basin College (88-5-023)

Reappropriation:

St Bldg Constr Acct--State \$ 21,573

Prior Biennia (Expenditures) \$ 1,961,132

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,982,705 -----

NEW SECTION. Sec. 649. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Vocational Shop Building--Centralia College (88-5-024)

Reappropriation:

St Bldg Constr Acct--State \$ 36,519

Prior Biennia (Expenditures) \$ 2,035,306

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,071,825 -----

NEW SECTION. Sec. 650. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Art Commission carryover (88-5-026)

Reappropriation:

St Bldg Constr Acct \$ 9,378

Prior Biennia (Expenditures) \$ 2,984,655

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,994,033 -----

NEW SECTION. Sec. 651. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Business Education Building--Spokane Community College (88-5-027)

Reappropriation:

St Bldg Constr Acct--State \$ 20,846

Prior Biennia (Expenditures) \$ 6,291,122

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,311,968 -----

NEW SECTION. Sec. 652. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Student Activity Center and Physical Education Building--Seattle Central (88-5-028)

Reappropriation:

St Bldg Constr Acct--State \$ 1,681,465

Prior Biennia (Expenditures) \$ 9,519,434

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,200,899 -----

NEW SECTION. Sec. 653. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Fire and security system repairs (90-1-004)

Reappropriation:

St Bldg Constr Acct--State \$ 134,433

Prior Biennia (Expenditures) \$ 236,508

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 370,941 -----

NEW SECTION. Sec. 654. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor asbestos removal (90-1-008)

Reappropriation:

St Bldg Constr Acct--State \$ 323,914

Prior Biennia (Expenditures) \$ 992,167

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,316,081 -----

NEW SECTION. Sec. 655. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof and structural repairs (90-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 8,779

Prior Biennia (Expenditures) \$ 706,514

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 715,293 -----

NEW SECTION. Sec. 656. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Heating, ventilation, and air conditioning and mechanical repairs (90-2-003)

Reappropriation:

St Bldg Constr Acct--State \$ 50,944

Prior Biennia (Expenditures) \$ 947,439

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 998,383 -----

NEW SECTION. Sec. 657. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Facility repairs (90-3-007)

Reappropriation:

St Bldg Constr Acct--State \$ 24,471

Prior Biennia (Expenditures) \$ 503,545

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 528,016 -----

NEW SECTION. Sec. 658. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (90-5-009)

Reappropriation:

St Bldg Constr Acct--State \$ 120,737

Prior Biennia (Expenditures) \$ 2,904,787

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,025,524 -----

NEW SECTION. Sec. 659. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Physical Education Facility--North Seattle Community College (90-5-011))

Reappropriation:

St Bldg Constr Acct--State \$ 6,883,057

Prior Biennia (Expenditures) \$ 1,671,143

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,554,200 -----

NEW SECTION. Sec. 660. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Applied Arts Facility--Spokane Falls Community College (90-5-012)

Reappropriation:

St Bldg Constr Acct--State \$ 2,848,249

Prior Biennia (Expenditures) \$ 2,643,840

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,492,089 -----

NEW SECTION. Sec. 661. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Industrial Tech Building--Spokane Community College (90-5-013)

Reappropriation:

St Bldg Constr Acct--State \$ 3,016,150

Prior Biennia (Expenditures) \$ 3,915,945

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,932,095 -----

NEW SECTION. Sec. 662. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Vocational Art Facility--Shoreline Community College (90-5-014)

Reappropriation:

St Bldg Constr Acct--State \$ 2,885,749

Prior Biennia (Expenditures) \$ 179,656

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,065,405 -----

NEW SECTION. Sec. 663. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Business Education Building--Clark College (90-5-015)

Reappropriation:

St Bldg Constr Acct--State \$ 2,439,646

Prior Biennia (Expenditures) \$ 3,851,620

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 6,291,266

NEW SECTION. Sec. 664. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Student Center Building--South Seattle Community College (90-5-016)

Reappropriation:

St Bldg Constr Acct--State \$ 4,188,316

Prior Biennia (Expenditures) \$ 1,193,777

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,382,093

NEW SECTION. Sec. 665. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Library addition--Skagit Valley College (90-5-017)

Reappropriation:

St Bldg Constr Acct--State \$ 602,270

Prior Biennia (Expenditures) \$ 1,403,729

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,005,999

NEW SECTION. Sec. 666. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Business Complex renovation--Clover Park Technical College (91-2-001)

Reappropriation:

St Bldg Constr Acct--State \$ 26,062

Prior Biennia (Expenditures) \$ 2,473,938

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000

NEW SECTION. Sec. 667. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Administration Office renovation--Bellingham Technical College (91-3-002)

Reappropriation:

St Bldg Constr Acct--State \$ 155,844

Prior Biennia (Expenditures) \$ 1,456,156
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,612,000

NEW SECTION. Sec. 668. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Acquisition: Auto Shop--Olympic College (92-1-604)

Reappropriation:

St Bldg Constr Acct--State \$ 575,155

Prior Biennia (Expenditures) \$ 124,845
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 700,000

NEW SECTION. Sec. 669. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal (92-2-102)

Reappropriation:

St Bldg Constr Acct--State \$ 96,033

Prior Biennia (Expenditures) \$ 1,300,819
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,396,852

NEW SECTION. Sec. 670. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Legal and code requirement--Repairs (92-2-103)

Reappropriation:

St Bldg Constr Acct--State \$ 340,786

Prior Biennia (Expenditures) \$ 831,214
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,172,000

NEW SECTION. Sec. 671. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof repairs (92-2-104)

Reappropriation:

St Bldg Constr Acct--State \$ 373,515

Prior Biennia (Expenditures) \$ 7,083,485
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,457,000 -----

NEW SECTION. Sec. 672. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Exterior and structure repairs (92-2-105)

Reappropriation:

St Bldg Constr Acct--State \$ 138,431

Prior Biennia (Expenditures) \$ 678,569

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 817,000 -----

NEW SECTION. Sec. 673. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Heating, ventilation, and air conditioning repairs (92-2-106)

Reappropriation:

St Bldg Constr Acct--State \$ 1,913,684

Prior Biennia (Expenditures) \$ 1,160,315

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,073,999 -----

NEW SECTION. Sec. 674. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Electrical repair (92-2-107)

Reappropriation:

St Bldg Constr Acct--State \$ 174,538

Prior Biennia (Expenditures) \$ 2,132,462

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,307,000 -----

NEW SECTION. Sec. 675. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Mechanical repairs (92-2-108)

Reappropriation:

St Bldg Constr Acct--State \$ 824,457

Prior Biennia (Expenditures) \$ 1,683,543

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,508,000 -----

NEW SECTION. Sec. 676. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Fire and security repairs (92-2-109)

Reappropriation:

St Bldg Constr Acct--State \$ 418,730

Prior Biennia (Expenditures) \$ 273,269

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 691,999 -----

NEW SECTION. Sec. 677. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Interior repairs (92-2-110)

Reappropriation:

St Bldg Constr Acct--State \$ 427,638

Prior Biennia (Expenditures) \$ 1,012,361

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,439,999 -----

NEW SECTION. Sec. 678. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Site repairs (92-2-111)

Reappropriation:

St Bldg Constr Acct--State \$ 98,377

Prior Biennia (Expenditures) \$ 1,230,622

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,328,999 -----

NEW SECTION. Sec. 679. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Pool repairs (92-2-112)

Reappropriation:

St Bldg Constr Acct--State \$ 5,133

Prior Biennia (Expenditures) \$ 594,867

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000 -----

NEW SECTION. Sec. 680. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Administration addition--Lake Washington Technical College (92-5-003)

Reappropriation:

St Bldg Constr Acct--State \$ 2,498,016

Prior Biennia (Expenditures) \$ 6,644,183

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,142,199 -----

NEW SECTION. Sec. 681. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvements (92-5-200)

Reappropriation:

St Bldg Constr Acct--State \$ 1,979,165

Prior Biennia (Expenditures) \$ 14,950,834

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,929,999 -----

NEW SECTION. Sec. 682. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Roof repair--Clover Park Technical College (93-2-002)

Reappropriation:

St Bldg Constr Acct--State \$ 5,130

Prior Biennia (Expenditures) \$ 183,869

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 188,999 -----

NEW SECTION. Sec. 683. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repairs and minor improvements (94-1-001)

Reappropriation:

St Bldg Constr Acct--State \$ 28,290,145

Prior Biennia (Expenditures) \$ 8,709,855

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 37,000,000 -----

NEW SECTION. Sec. 684. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Asbestos abatement (94-1-002)

Reappropriation:

St Bldg Constr Acct--State \$ 112,447

Prior Biennia (Expenditures) \$ 441,786

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 554,233 -----

NEW SECTION. Sec. 685. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal and remediation (94-1-003)

Reappropriation:

St Bldg Constr Acct--State \$ 158,727

Prior Biennia (Expenditures) \$ 765,990

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 924,717 -----

NEW SECTION. Sec. 686. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Underground storage tank removal (94-1-370)

Reappropriation:

St Bldg Constr Acct--State \$ 197,830

Prior Biennia (Expenditures) \$ 4,170

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 202,000 -----

NEW SECTION. Sec. 687. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Asbestos abatement (94-1-390)

Reappropriation:

St Bldg Constr Acct--State \$ 326,887

Prior Biennia (Expenditures) \$ 124,440

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 451,327 -----

NEW SECTION. Sec. 688. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Renovate Seattle Vocational Institute facility: Top design and begin remodel on the first phase of improvements to Seattle Vocational Institute **(94-1-733)**

The reappropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 7,523,494

Prior Biennia (Expenditures) \$ 59,506

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,583,000 -----

NEW SECTION. Sec. 689. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (94-2-400)

Reappropriation:

St Bldg Constr Acct--State \$ 7,640,466

Prior Biennia (Expenditures) \$ 3,837,534

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,478,000 -----

NEW SECTION. Sec. 690. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor improvement projects (94-2-500)

Reappropriation:

St Bldg Constr Acct--State \$ 590,517

Prior Biennia (Expenditures) \$ 38,483

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 629,000 -----

NEW SECTION. Sec. 691. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Pierce College--Puyallup phase II (94-2-601)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 862,234

Appropriation:

St Bldg Constr Acct--State \$ 12,852,618

Prior Biennia (Expenditures) \$ 164,686

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,879,538 -----

NEW SECTION. Sec. 692. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Skagit Valley College Vocational Building (94-2-602)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 152,981

Appropriation:

St Bldg Constr Acct--State \$ 2,320,000

Prior Biennia (Expenditures) \$ 16,063

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,489,044 -----

NEW SECTION. Sec. 693. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Whatcom Community College Learning Resource Center, Fine Arts, Student Center (94-2-603)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 342,967

Appropriation:

St Bldg Constr Acct--State \$ 7,930,000

Prior Biennia (Expenditures) \$ 262,669

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,535,636 -----

NEW SECTION. Sec. 694. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Edmonds Community College Classroom and Laboratory Building (94-2-604)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 728,058

Appropriation:

St Bldg Constr Acct--State \$ 12,343,480

Prior Biennia (Expenditures) \$ 138,578

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 13,210,116 -----

NEW SECTION. Sec. 695. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct South Puget Sound Community College Technical Education Building (94-2-605)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Reappropriation:

St Bldg Constr Acct--State \$ 512,534

Appropriation:

St Bldg Constr Acct--State \$ 6,430,000

Prior Biennia (Expenditures) \$ 135,533

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,078,067 -----

NEW SECTION. Sec. 696. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Construct Green River Community College Center for Information Technology (94-2-606)

Reappropriation:

St Bldg Constr Acct--State \$ 1,069,426

Appropriation:

St Bldg Constr Acct--State \$ 16,800,000

Prior Biennia (Expenditures) \$ 324,303

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 18,193,729 -----

NEW SECTION. Sec. 697. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Predesign (94-2-650)

Reappropriation:

St Bldg Constr Acct--State \$ 43,379

Prior Biennia (Expenditures) \$ 206,621

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 250,000 -----

NEW SECTION. Sec. 698. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Acquisitions (94-2-700)

Reappropriation:

St Bldg Constr Acct--State \$ 28,591

Prior Biennia (Expenditures) \$ 480,409
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 509,000

NEW SECTION. Sec. 699. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Americans with Disabilities Act projects (94-5-001)

Reappropriation:

St Bldg Constr Acct--State \$ 3,190,091

Prior Biennia (Expenditures) \$ 231,807
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,421,898

NEW SECTION. Sec. 700. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair and minor improvement (96-1-001)

Appropriation:

St Bldg Constr Acct--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 40,000,000

TOTAL \$ 50,000,000

NEW SECTION. Sec. 701. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair roofs (96-1-010)

Appropriation:

St Bldg Constr Acct--State \$ 5,406,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 21,406,000

NEW SECTION. Sec. 702. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair heating, ventilation, and air conditioning (96-1-030)

Appropriation:

St Bldg Constr Acct--State \$ 7,588,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 32,000,000

TOTAL \$ 39,588,000 -----

NEW SECTION. Sec. 703. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair mechanical (96-1-060)

Appropriation:

St Bldg Constr Acct--State \$ 1,262,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,262,000 -----

NEW SECTION. Sec. 704. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair electrical (96-1-080)

Appropriation:

St Bldg Constr Acct--State \$ 2,192,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,192,000 -----

NEW SECTION. Sec. 705. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair exterior (96-1-100)

Appropriation:

St Bldg Constr Acct--State \$ 2,419,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,419,000 -----

NEW SECTION. Sec. 706. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Repair interiors (96-1-120)

Appropriation:

St Bldg Constr Acct--State \$ 1,254,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,000,000

TOTAL \$ 7,254,000 -----

NEW SECTION. Sec. 707. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Site improvements (96-1-140)

Appropriation:

St Bldg Constr Acct--State \$ 2,465,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,000,000

TOTAL \$ 10,465,000 -----

NEW SECTION. Sec. 708. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Infrastructure project savings (96-1-500)

Projects that are completed in accordance with section 812 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road and sidewalk repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilation, and air conditioning repairs; and (7) emergency repairs due to natural disasters or accidents.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management.

Reappropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 709. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Clover Park Technical College: Aviation trades complex, site acquisition, and related costs

Appropriation:

St Bldg Constr Acct--State \$ 2,100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,100,000 -----

NEW SECTION. Sec. 710. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Minor program remodel and improvements (96-2-199)

Appropriation:

St Bldg Constr Acct--State \$ 13,300,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 56,000,000

TOTAL \$ 69,300,000 -----

NEW SECTION. Sec. 711. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Project artwork consolidation account (96-2-400)

Appropriation:

St Bldg Constr Acct--State \$ 1

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1 -----

NEW SECTION. Sec. 712. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

North Seattle Community College: To design a Vocational Technical Center Building and a separate Child Care Center (96-2-651)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 895,712

Prior Biennia (Expenditures) \$ 43,512
Future Biennia (Projected Costs) \$ 12,047,538

TOTAL \$ 12,986,762 -----

NEW SECTION. Sec. 713. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Everett Community College: To procure land for a new access to the college and for a new Instruction Technology Center (96-2-652)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 3,558,440

Prior Biennia (Expenditures) \$ 25,140
Future Biennia (Projected Costs) \$ 12,251,270

TOTAL \$ 15,834,850 -----

NEW SECTION. Sec. 714. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

South Seattle Community College: To design the Integrated Learning Assistance Resource Center (ILARC) (96-2-653)

The appropriation in this section is subject to the review and allotment procedures under section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 592,266

Prior Biennia (Expenditures) \$ 21,466

Future Biennia (Projected Costs) \$ 7,064,600

TOTAL \$ 7,678,332 -----

NEW SECTION. Sec. 715. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Olympic College Satellite--Poulsbo: Design (96-2-654)

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

Appropriation:

St Bldg Constr Acct \$ 755,000

Prior Biennia (Expenditures) \$ 26,359

Future Biennia (Projected Costs) \$ 10,248,000

TOTAL \$ 11,029,359 -----

NEW SECTION. Sec. 716. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Bellevue Community College Classroom/Laboratory Building: Design (96-2-655)

The appropriation in this section is subject to the review and allotment procedures in section 813 of this act.

Appropriation:

St Bldg Constr Acct--State \$ 587,000

Prior Biennia (Expenditures) \$ 34,423

Future Biennia (Projected Costs) \$ 9,116,160

TOTAL \$ 9,737,583 -----

NEW SECTION. Sec. 717. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

Tacoma Community College: To acquire land for the Gig Harbor center.

Appropriation:
St Bldg Constr Acct--State \$ 421,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 421,000

PART 6
MISCELLANEOUS

NEW SECTION. **Sec. 801.** The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$14,710,000 during the 1995-97 fiscal period; \$86,791,000 during the 1997-99 fiscal period; \$123,561,000 during the 1999-2001 fiscal period; \$123,500,000 during the 2001-03 fiscal period; and \$123,450,000 during the 2003-05 fiscal period.

NEW SECTION. **Sec. 802.** ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements, or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts. Prior to the finalization of a financing contract authorized under this act there shall be placed on file with the office of financial management an amortization statement which provides a schedule of contracted payments by source of fund. In addition, the contracting agency shall provide to the office of financial management a condition statement regarding any existing facility which is acquired listing the expected renovation or improvement costs which shall be incurred within five years of occupancy. The office of financial management shall provide annual reports to the appropriate legislative committees summarizing the information regarding the payment schedule and facility condition.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

Long-term lease with an option to purchase or lease-purchase for office space and associated parking in downtown Tacoma. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(2) Liquor control board:

Lease-develop with an option to purchase a new liquor distribution center and materials handling center costing approximately \$30,000,000 to replace the current Seattle facility. A financial plan identifying all costs related to this project, and the sources and amounts of payments to cover these costs, shall be submitted for approval to the office of financial management prior to the execution of any contract. Copies of the financial plan shall also be provided to the senate ways and means committee and the house of representatives capital budget committee.

(3) Department of corrections:

(a) Lease-purchase property from the department of natural resources on which Cedar Creek, Larch, and Olympic correctional centers are located for up to \$1,000,000; and

(b) Lease-develop with the option to purchase or lease-purchase 240 work release beds in facilities throughout the state for \$10,080,000.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Clark College in the amount of \$4,200,000 and reserves pursuant to chapter 39.94 RCW, to purchase 12 acres and a 60,000 square foot building as an expansion site for the main campus.

(b) Enter into a long-term lease or lease-purchase contract for Clover Park Technical College in the amount of \$5,600,000 for off-campus aircraft training programs;

(c) Purchase from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3.3 acres and a 67,000 square foot building to house classrooms, office facilities, and physical plant activities;

(d) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$1,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.2 acres and a 10,923 square foot building to house international programs and adult basic education and English as a second language instruction and student and faculty services;

(e) Purchase in a lump sum from local funds or enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,600,000 and reserves pursuant to chapter 39.94 RCW, to purchase 1.1 acres and a 32,000 square foot building to house the extended learning center. This facility is currently being leased and maintained by the college;

(f) Enter into a financing contract on behalf of Green River Community College in the amount of \$4,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase a 28,000 square foot building, site and associated parking to house extension and business related programs;

(g) Enter into a financing contract on behalf of Highline Community College in the amount of \$300,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.45 acres and a 1,500 square foot building;

(h) Lease-purchase or enter into a financing contract on behalf of South Puget Sound Community College in the amount of \$1,400,000 and reserves pursuant to chapter 39.94 RCW, to purchase 6.69 acres contiguous to the main campus;

(i) Lease-purchase or enter into a financing contract on behalf of Walla Walla Community College in the amount of \$1,000,000 and reserves pursuant to chapter 39.94 RCW, to purchase 18 acres of land and 27,500 square feet of improvements contiguous to the site;

(j) Lease-purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$250,000 and reserves pursuant to chapter 39.94 RCW, to purchase 3 acres of land and erect a 7,500 square foot metal building to house physical plant shops.

(k) Lease-develop with option to purchase or enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 2 acres of land and construct additional parking for college faculty, staff, and students. This project is required by the City of Omak for the Wenatchee Valley College - North Campus;

(l) Lease-purchase or enter into a financing contract on behalf of Tacoma Community College in the amount of \$150,000 and reserves pursuant to chapter 39.94 RCW, to purchase 0.275 acres contiguous to the campus;

(m) Enter into a financing contract on behalf of Skagit Valley Community College in the amount of \$800,000 and reserves pursuant to chapter 39.94 RCW for the purchase and development of a 5,000 square foot educational and support services facility to provide instructional and meeting space for Skagit Valley Community College on San Juan Island;

(n) Lease-purchase or enter into a financing contract on behalf of Yakima Valley College in the amount of \$115,000 and reserves pursuant to chapter 39.94 RCW, to purchase two undeveloped lots adjacent to the campus for use as parking areas;

(o) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$2,880,000 and reserves pursuant to chapter 39.94 RCW, to purchase the Gig Harbor extension center and site;

(p) Enter into a financing contract on behalf of South Seattle Community College in the amount of \$5,350,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 11.08 acres of land to accommodate expansion of the Duwamish industrial education center;

(q) Enter into a long-term lease in a 11,097 square foot former bank building in Enumclaw by Green River Community College extension program for approximately \$90,000;

(r) Enter into a financing contract on behalf of Bellingham Technical College in the amount of \$1,100,000 and reserves pursuant to chapter 39.94 RCW, to purchase approximately 8.5 acres of land to accommodate expansion of the Bellingham Technical College;

(s) Lease-develop with option to purchase or lease-purchase a central data processing and telecommunications facility to serve the 33 community and technical colleges for \$5,000,000, subject to the approval of the office of financial management; and

(t) Lease-purchase 1.66 acres of land adjacent to Lake Washington Technical College for \$500,000;

(u) Lease-develop or lease-purchase property for the carpentry and electrical apprentice programs for Wenatchee Valley College for \$350,000;

(v) Acquire a residence that abuts the Bellevue Community College campus, valued at \$200,000, for use as an English language center and long term campus expansion;

(w) Enter into a financing contract on behalf of Columbia Basin College in the amount of \$3,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$4,000,000 work force and vocational training facility. Columbia Basin College shall provide the balance of project cost in local funds; and

(x) Enter into a financing contract on behalf of Shoreline Community College in the amount of \$400,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for construction of a \$3,500,000 vocational art facility. The balance of construction funds are appropriated in the capital budget.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$600,000 and reserves pursuant to chapter 39.94 RCW, to develop new campsite electrical hookups and expand group camp facilities statewide.

(6) Washington State University:

(a) Enter into a financing contract for \$8,600,000 plus financing costs to construct a facility on the Vancouver Branch Campus. The facility will be leased to the federal general services administration to house the Cascades Volcano Observatory and the lease payments shall reimburse Washington State University for the cost of the financing contract; and

(b) Enter into a financing contract for \$7,500,000 plus financing costs to construct a portion of the Consolidated Information Center at the Tri-Cities Branch Campus. Washington State University will be reimbursed for the cost of the financing contract from federal money received for the operation and/or construction of the center.

(7) Western Washington State University:

Lease-purchase property adjacent or near to the campus for future expansion for \$2,000,000.

(8) Washington state fruit commission:

Enter into a financing contract for the purpose of completing its new headquarters and visitor center facility in the principal amount of \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(9) The office of the state treasurer is authorized to enter into a financing contract pursuant to chapter 39.94 RCW for \$4,000,000 plus issuance expenses and required reserves to assist a consortium of Washington counties in the lease/purchase of leasehold improvements to Martin Hall, on the campus of eastern state hospital, in Medical Lake, and the renovation of the hall for use as a juvenile rehabilitation center. The participating counties shall be primarily and directly liable for the payments under the financing contract for the project and the office of the state treasurer shall be limited to a contingent obligation under the financing contract. In the event of any deficiency of payments by any of the participating counties under the financing contract, the office of the state treasurer is directed to withdraw from that county's share of state revenues for distribution an amount sufficient to fulfill the terms and conditions of the contract authorized under this subsection.

(10) Washington state convention and trade center:

(a) Enter into a financing contract in the amount of \$8,000,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for refinancing the parking revenue note issued by the corporation to Industrial Indemnity Corporation and held by its successor, Resolution Credit Service Corporation; and

(b) Enter into a financing contract in the amount of \$111,700,000, plus financing expenses and reserves pursuant to chapter 39.94 RCW, for the construction of a \$130,000,000 expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995 in lieu of bonds described therein. The balance of the expansion project funds shall be provided from interest earnings and public or private funds.

NEW SECTION. Sec. 803. COORDINATED FACILITY PLANNING AND SERVICE DELIVERY. The Washington state patrol, the department of licensing, and the department of ecology shall coordinate their activities when siting facilities and setting program delivery approaches related to vehicle licensing and registration. This action shall result in the coordination of driver and vehicle licensing, vehicle emission testing, and vehicle inspection service whenever practical in order to improve client services. Collocation should be considered along with options in the operating budget related to integration of programs and changes in assignment of responsibility among affected agencies.

NEW SECTION. Sec. 804. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1995-97 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 805. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 806. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1995, in the 1993-95 biennial appropriations for each project.

NEW SECTION. Sec. 807. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 808. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may

replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital budget.

NEW SECTION. Sec. 809. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 810. Notwithstanding any other provisions of law, for the 1995-97 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available to the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community and technical colleges need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 811. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the office of financial management and the department of general administration for possible consolidation, collocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 812. The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected. The director shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 813. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management.

NEW SECTION. Sec. 814. Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management.

NEW SECTION. Sec. 815. Appropriations for design and construction of facilities on higher education branch campuses shall proceed only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board; and (4) branch campus facility utilization policies and standards as determined by the office of financial management in consultation with the higher education coordinating board. The office of financial management shall report to the appropriate committees of the legislature, by December 1, 1996, the standards, policies and enrollment levels used as the basis for allotting funds for branch campus design and construction.

NEW SECTION. Sec. 816. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 817. The department of natural resources shall submit economic assumptions and forecast methodology for trust revenues to the economic and revenue forecast work group. The supervisor of the economic and revenue forecast council shall include the forecast of trust revenues in the economic and revenue forecasts described in RCW 82.33.020.

NEW SECTION. Sec. 818. No moneys in this act shall be used to develop facilities for juvenile offenders at Rainier school.

NEW SECTION. **Sec. 819.** STUDYING THE FEASIBILITY OF ESTABLISHING A POOLED REVENUE DISTRIBUTION SYSTEM FOR STATE TRUST LANDS. The board of natural resources shall evaluate the feasibility of establishing a pooled revenue distribution system for state lands, as defined in RCW 79.01.004, to provide a more consistent and predictable revenue stream to trust beneficiaries. For the purposes of this section, a "pooled revenue distribution system" means a system that distributes revenues to each trust beneficiary based on the proportional net present value of revenue forecasted for each trust ownership over a defined time period. Actual revenue distribution to each trust during a fiscal period would be based on the assigned proportional benefit multiplied by the actual total revenues produced from all state lands during the period. The board shall report to the legislature on its evaluation, including any recommendations for implementation, by November 1, 1995. The report shall include necessary modifications to the legal framework governing state trust land revenues, and a proposed valuation methodology, as well as a forecast of potential revenue distributions using a pooled revenue distribution system.

NEW SECTION. **Sec. 820.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 821.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Sehlin moved that the House concur in the Senate amendments to Second Engrossed Substitute House Bill No. 1070. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 1070 as amended by the Senate.

MOTION

On motion of Representative Talcott, Representatives Dyer and Beeksma were excused.

Representatives Sehlin and Ogden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1070 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 78, Nays - 16, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Ebersole, Elliot, Foreman, Fuhrman, Grant,

Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Lambert, Lisk, Mason, Mastin, Mielke, Mitchell, Morris, Mulliken, Ogden, Pelesky, Pennington, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Van Luven, Wolfe and Mr. Speaker - 78.

Voting nay: Representatives Campbell, Cody, Dickerson, Fisher, G., Fisher, R., Hargrove, Kremen, McMahan, McMorris, Patterson, Poulsen, Sheldon, Sherstad, Smith, Valle and Veloria - 16.

Excused: Representatives Beeksmas, Chappell, Dyer and Goldsmith - 4.

Second Engrossed Substitute House Bill No. 1070 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Second Engrossed Substitute House Bill No. 1070.

DAVE CHAPPELL, 20th District

SPEAKER'S PRIVILEGE

The Speaker would like to take a moment of personal privilege and ask the Clerk to read the following document.

RESOLUTION

JOHN WHITE

WHEREAS, A well-educated and informed citizenry is the foundation upon which representative democracy sustains its vitality and maintains its ability to ensure responsible and accountable government; and

WHEREAS, In that all political power is inherent in the people, government derives its just powers from the consent of the governed, and government is established to protect and maintain individual rights, the citizens of the great state of Washington have the paramount and manifest interest in being provided reliable, objective, and fair reports of the actions of the public officials they have chosen to represent them; and

WHEREAS, The media is an essential and instrumental agent in expressing and communicating the actions of government to the people of this state; and

WHEREAS, John White has exhibited the highest level of excellence and propriety as a distinguished member of the Washington State Press Corps representing the Associated Press since 1971; and

WHEREAS, John White has mastered the reporting and writing standards and practices that have made American journalism the most respected in the world; and

WHEREAS, John White has been a friend to generations of lawmakers, staff members, lobbyists, and other journalists throughout his long and prodigious career while maintaining his professional and personal integrity; and

WHEREAS, John White has always shown a quiet dignity and dedication that has inspired others to pursue excellence both in their craft and in their character; and

WHEREAS, John White has performed his duties in a conscientious and competent manner and has kept well-informed on both the great policy and process issues of the day; and

WHEREAS, John White has done his job with energy, humor, fairness, and class; and

WHEREAS, John White has proved his capability and decency as an intelligent, knowledgeable, and personable professional by being one of the most well-liked and well-respected members of the Washington State Press Corps; and

WHEREAS, John White is a source of great pride to the members of his profession, the legislature, and the citizenry;

NOW, THEREFORE, BE IT RESOLVED, John White is hereby honored for the decency and dedicated service that characterizes his life's work, for the outstanding example of diligence and excellence he has set for others, and for the hope that the future will bring him even greater levels of satisfaction and success.

POINT OF PERSONAL PRIVILEGE

Representative Ebersole: Thank you Mr. Speaker. I've known Colombo for about twelve years and it is a great honor. A couple nights ago I called the Speaker's Attorney figuring if anybody knew what was going on it would be the Speaker's Attorney, and I said to Allen "Are we going to get out of here tonight." Allen says "Yay, I think so." How do you know Allen, he says "Because John White thinks so."

John's been around a long time. John's pretty frugal. In the 1980's we had a fascinating character named P.J. Gallagher, who use to set up front and P.J. was my seat mate and he always use his time on the floor very productively. He would sleep and P.J. could only fall asleep if he had just lit a cigarette; so John would watch and P.J. would lit up and nod off and John would sneak over and take the cigarette out of P.J.'s fat little Irish hands and run off into the Majority Leader's office and smoke his cigarette.

We have come up with the top twelve reason's Johns White is retiring, and if you'll allow me:

12. John confided to wife Evy, I think I've got an attitude problem.
11. Chief Clerk Martin, requires clean and tidy press tables.
10. The morning House prayers are beginning without adequate warning.
9. Smoking Mariners game, not the same without the smoke.
8. John over hears colleague saying "John actually seems to be enjoying the Legislature process".
7. Tired of fake Sine Die's.
6. Governor desperately needs a good driver.
5. 17.6 billion, John's wondering what's in there for me.
4. John L. O'Brien tells John, "You've been here to long".
3. Late word from accounting, he's finally vested.
2. Good solid print Journalism is out of fashion.
1. Crusty exterior losses life long battle with kind heart.

SPEAKER'S PRIVILEGE

The Speaker would like to take a moment to share with all the members one thing that's going to solve a mystery as far as my office is concerned and we're finally able to solve this. We usually keep a large dish of M&M's on my table. It's one thing for people to come in and eat all the M&M's but it's another thing when people come in and only bite them into and leave the other half in the dish, so after carefully monitoring when John White comes into my office in which the M&M's are all whole and when John White leaves they are in halves. We would like to hear some words from the learned gentleman; John White.

POINT OF PERSONAL PRIVILEGE

John White: I've always wanted to do this. You got me and all I can say is Thank You and I'll miss you. It's been a heck of a twenty-five years. I'm just too emotional to talk. Thank you.

SPEAKER'S PRIVILEGE

The Speaker would like to take another moment of personal privilege. We've come through I think 137 days, and there is a possibility if somebody can help the Senate along we may be able to

conclude today. During thirteen years that I've served in the Legislature I've had the wonderful privilege of having a lot of friends even though we don't always agree in our own Caucus let alone across the aisle. The good part about serving in this institution is that you could put aside differences as far as the Budget and other things in the Legislative process after having intense debate and you can still maintain friendship and look forward to seeing those people that you serve with, with anticipation.

I would like to say thank you to the Minority Party for making this a very pleasurable session. We've had good debate and yet we have had respect for each other and that has made this presiding a pleasure. One of the individuals that I've had the great privilege of serving with in the time I've started in this legislative process and who we have switched roles back and forth (mostly I served in one and he got to serve in the other) and I would like to say thank you to the Minority Leader Representative Brian Ebersole. We have worked on a lot of issues. We have been good friends and that is part of these relationships that I will remember and be very much appreciative of. I like Brian's wit, his honesty, his straight forwardness and his willingness to be a problem solver bi-partisan manner, and I just wanted to make sure that I didn't miss this opportunity in case we Sine Die in the next day or so to publically say thank you Representative Ebersole.

POINT OF PERSONAL PRIVILEGE

Representative Ebersole: Thank you Mr. Speaker. To ensure that this farewell is appropriate, if you know any registered voters in the City of Tacoma, why please contact them. Let me say, assuming that this is my last day here, it's been an enormous privilege. I think we all feel that we are uniquely blessed to be able to serve in this body of 147 that represents five million people and yes there's a good deal that isn't perfect about our process but the rest of the world would trade there eye teeth to have this stability of our Democratic system. We do not make political decisions in the streets with machine guns. We do not coup's, we do not have disorderly transition of power from one political party another and those are things we take for granite, but they should not be because most of the world still solves their political disputes through violence and through inhumanity toward each other and we have a very stable democracy, not only in our nation, and our state and something that we should not take for granite.

It's been a great honor to serve here and my good friend Clyde Ballard has been a true friend for twelve years and I couldn't say enough good things about Speaker Ballard and his conduct to this legislative body. Thank you again.

MESSAGES FROM THE SENATE

May 24, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1023,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,

and the same are herewith transmitted.

Marty Brown, Secretary

May 24, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5269,

SUBSTITUTE SENATE BILL NO. 5364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5739,

and the same are herewith transmitted.

Marty Brown, Secretary

May 24, 1995

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1071,
SUBSTITUTE HOUSE BILL NO. 1057,
HOUSE BILL NO. 1102,
SUBSTITUTE HOUSE BILL NO. 1279,
THIRD ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913,
HOUSE BILL NO. 2110,

and the same are herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 1023,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,
ENGROSSED SENATE BILL NO. 5269,
SUBSTITUTE SENATE BILL NO. 5364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5739,

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

May 25, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5000,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objections, the House reverted to the fourth order of business.

There being no objection, Second Engrossed Substitute Senate Bill No. 5000 was read the first time.

There being no objections, Second Engrossed Substitute Senate Bill No. 5000 was advanced to second reading and read the second time in full.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5000, by Senate Committee on Ways & Means (originally sponsored by Senators Loveland, Snyder, Wojahn, Sheldon, Gaspard, Franklin, Haugen, Rasmussen, Quigley, Owen, McAuliffe, Winsley, McCaslin, Drew, Morton, Prentice, Bauer, Spanel, Hale and Deccio)

Reducing property taxes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative B. Thomas spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5000.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5000, and the bill passed the House by the following vote: Yeas - 88, Nays - 6, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 88.

Voting nay: Representatives Boldt, Chopp, Mason, Rust, Sommers and Thibaudeau - 6.

Excused: Representatives Beeksma, Chappell, Dyer and Goldsmith - 4.

Second Engrossed Substitute Senate Bill No. 5000, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Second Engrossed Substitute Senate Bill No. 5000.

DAVE CHAPPELL, 20th District

MOTION FOR RECONSIDERATION

Representative L. Thomas: Having voted on the prevailing side moved to immediately reconsider the vote on Second Engrossed Substitute Senate Bill No. 5000.

MOTION

On motion of Representative Robertson, Representative Beeksma was excused.

RECONSIDERATION

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 5000 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5000 on reconsideration, and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Clements, Cody, Cole, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 90.

Voting nay: Representatives Chopp, Rust, Sommers and Thibaudeau - 4.

Excused: Representatives Beeksma, Chappell, Dyer and Goldsmith - 4.

Second Engrossed Substitute Senate Bill No. 5000 on reconsideration, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Second Engrossed Substitute Senate Bill No. 5000.

DAVE CHAPPELL, 20th District

MESSAGES FROM THE SENATE

May 25, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1022,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 25, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 25, 1995

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

May 25, 1995

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1413,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1413,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,

MESSAGES FROM THE SENATE

May 25, 1995

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1023,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957,

and the same are herewith transmitted.

Marty Brown, Secretary

May 25, 1995

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SENATE AMENDMENTS TO HOUSE BILL

May 25, 1995

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2076, with the following amendments:

On page 1, after line 14, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 46.68.041; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to House Bill No. 2076 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 2076 as amended by the Senate.

Representative K. Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2076 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Benton, Blanton, Boldt, Brown, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Casada, Chandler, Chopp, Clements, Cody, Conway, Cooke, Costa, Crouse, Dellwo, Delvin, Dickerson, Ebersole, Elliot, Fisher, G., Fisher, R., Foreman, Fuhrman, Grant, Hankins, Hargrove, Hatfield, Hickel, Honeyford, Horn, Huff, Hymes, Jacobsen, Johnson, Kessler, Koster, Kremen, Lambert, Lisk, Mason, Mastin, McMahan, McMorris, Mielke, Mitchell, Morris, Mulliken, Ogden, Patterson, Pelesky, Pennington, Poulsen, Quall, Radcliff, Reams, Regala, Robertson, Romero, Rust, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sommers, Sterk, Stevens, Talcott, Thibaudeau, Thomas, B., Thomas, L., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 93.

Voting nay: Representative Cole - 1.

Excused: Representatives Beeksmas, Chappell, Dyer and Goldsmith - 4.

House Bill No. 2076 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on House Bill No. 2076.

DAVE CHAPPELL, 20th District

SPEAKER'S PRIVILEGE

The Speaker is pleased to announce the following appointments:

Legislative Transportation Commission

Representative K. Schmidt
Representative Buck
Representative Cairnes
Representative Chandler
Representative Elliot
Representative Hankins
Representative Mitchell
Representative Robertson
Representative R. Fisher
Representative Brown
Representative Kremen
Representative Romero

Washington Health Care Policy Board

Representative Dyer
Representative Dellwo

POINT OF PERSONAL PRIVILEGE

Representative Appelwick: Thank you Mr. Speaker. Mr. Speaker, I just wanted to take a moment to publically acknowledge and thank Representative Ebersole for the leadership that he has given to our Caucus. Some of you may not be aware that when the Gavel bangs Sine Die, Representative Ebersole has tendered a resignation as Minority Leader and wants to get his full attention to his Representative role and also his campaign. We wanted to take a minute certainly to say

thank you for what's been tremendous leadership. I spent an awful lot of time with Brian over the years, for awhile we were roommates, we were on the same committees together, he was one of the more ellequet Chairs you'd ever serve with. He had, I remember Representative Betzoff working with him and everyone was frustrated because the Republicans kept voting on Education Policy. He was such a smooth talker and he carried that over, and there was one thing I won't miss in the future years if he's successful after this election is that, I used to have to listen to those extremely long flowery speeches about the Speaker O'Brien. Somehow, well Speaker O'Brien never wanted to be recognized as Speaker Pro Tempore, but somehow he adopted Brian as his Chief Spokesman and it just went on. Brian has served us tremendously well and has been a great friend, been a great Majority Leader, been a great Speaker and an excellent Minority Leader and we're going to sorely miss you. Your good humor, your good charm, your eloquence on the floor, you throw a good elbow. I'm stumbling a little bit because I have the stuff that's suppose to be in the brochure but I misplaced it. I will sorely miss a couple of those personal traits because he's always taking my pens because he never carries them with him and I probably will now have something with me all the time. It will also be an opportunity for me to finish a cup of coffee or a drink, I almost had him broken of that at one time but he's notorious of borrowing your beverage and helping you finish it.

Well, the way I almost had him broken of it is I have been known on occasion to use chewing tobacco and on one night the beer bottle I had on my possession was not full of beer, that did slow him down a little bit, but I noticed this morning that the coffee cup on my desk was going over to his mouth more frequently, I think it was actually his, but anyway. Brian, it's been a tremendous pleasure, I thank you for all the friendship that you've given and all the guidance and leadership for the Caucus. As a person I wish you the very, very best, I'll feel safer coming to Tacoma as the results of your success there.

POINT OF PERSONAL PRIVILEGE

Representative Grant: Thank you Mr. Speaker. Well, this morning as we were honoring John White and Brian, my tongue was swollen to twice the size of my mouth so I couldn't speak; tears in my eyes; etc. I to would like to thank Brian for his leadership, I think with working with the Minority Party before now the Majority Party; I think Brian did an extremely good job in that role. We on our side certainly appreciate the ability he had to work with; with you Mr. Speaker when he was a Minority Leader. I think that carries on this year and I think it's worked out well for both our Caucus and for your Caucus and our ability like you mentioned this morning "Fight on the floor" but be good friends later on I appreciate Brian. Marlin said he could throw a good elbow, he can also throw a good fit. Once in a while, Brian can get on one of us and get his way in the end anyway, but we do appreciate Brian. We appreciate the ability he had to work with us. Sometimes an untamed crew, but never the less he was able to work with us and it worked out well with our Caucus and I think it worked out well for the State of Washington to, his abilities and the way he handled the Legislature of the House, at least as Speaker of the House. Again thank you Brian, I know you'll be back next year, I'm sure they'll be lobbying effort on the parts of the City of Tacoma and we'll be glad to welcome you down here and tell you no.

POINT OF PERSONAL PRIVILEGE

Representative Conway: Thank you Mr. Speaker. Mr. Speaker, on behalf of my district I feel compelled here to speak to the subject of Brian leaving us. Brian has represented the 29th District for thirteen years and certainly has ably represented our District. You know Brian has a reputation to being a man who has listened and articulated the needs of our District and frankly I think that this is a loss but he can still be with us for awhile. I also, my aide once said to me, here recently, you know one of the great virtues of the situation that we find ourselves in that we now have Brian Ebersole back on the floor because he missed Brian's speeches when he was the Majority Leader and now as Minority leader he has graced us once again with his great speaking ability. Thank you Mr. Speaker.

SENATE AMENDMENTS TO HOUSE BILL

May 25, 1995

Mr. Speaker:

The Senate has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080 with the following amendments:

Strike everything after the enacting clause and insert the following:

"TRANSPORTATION APPROPRIATIONS

NEW SECTION. Sec. 1. The legislature finds and declares that it is essential to maintain an efficient and effective transportation system. The legislature finds that certain agency practices need to be reexamined and specific policies put in place in order to ensure cost-effective program delivery. All planning, training, engineering, and related activities should be aimed at achieving delivery of projects and services. Staffing levels and equipment purchases should be commensurate with the workload assumed in this budget.

NEW SECTION. Sec. 2. (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1997.

(2) Legislation with fiscal impacts enacted in the 1995 legislative session not assumed in this act are not funded in the 1995-97 transportation budget.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 1996" or "FY 1996" means the fiscal year ending June 30, 1996.

(b) "Fiscal year 1997" or "FY 1997" means the fiscal year ending June 30, 1997.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

PART I

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation \$ 300,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department of agriculture shall report to the legislative transportation committee by January 1, 1996, and January 1, 1997, on the number of fuel samples tested and the findings of the tests for the motor fuel quality program.

NEW SECTION. Sec. 102. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 40,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The joint legislative systems committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995.

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM

Motor Vehicle Fund--State Appropriation \$ 205,000

The appropriation in this section is for fiscal year 1996 and is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The legislative evaluation and accountability program committee shall enter into a service level agreement with the legislative transportation committee by September 30, 1995.

NEW SECTION. Sec. 104. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 110,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF MARINE SAFETY

State Toxics Control Account--State
Appropriation \$ 70,000
Oil Spill Administration Account--State
Appropriation \$ 1,008,000
TOTAL APPROPRIATION \$ 1,078,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are for six months only pursuant to sections 514 through 524 of this act, which transfer the responsibilities of the office of marine safety to the department of ecology on January 1, 1996.

(2) The legislative transportation committee shall convene a task force comprised of representatives from the office of financial management, the department of ecology, the department of revenue, and other affected parties to: (a) Identify cost savings and efficiencies associated with the transfer of the office of marine safety to the department of ecology; (b) examine provisions pertaining to the oil spill accounts; (c) develop new strategies for handling oil spill administration account funding shortfalls in lieu of allowing transfers from the oil spill response account; and (d) evaluate ongoing oil spill planning and prevention needs. The findings and recommendations of the task force shall be used in the development of the 1996 supplemental budget, and accompanying policy legislation.

(3) \$170,000 of the oil spill administration account appropriation is provided solely for a contract with the University of Washington's SeaGrant program in order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. This funding is available for the implementation of the Puget Sound water quality management plan by the University of Washington.

NEW SECTION. Sec. 106. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

Motor Vehicle Fund--State Appropriation \$ 2,808,000
Marine Operating Fund--State Appropriation \$ 1,157,000
TOTAL APPROPRIATION \$ 3,965,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The amount of the transfers from the motor vehicle fund and the marine operating fund are to be transferred into the tort claims revolving fund only as claims have been settled or adjudicated to final conclusion and are ready for payout. The appropriation contained in this section is to retire tort obligations that occurred before July 1, 1990.

NEW SECTION. Sec. 107. FOR THE STATE PARKS AND RECREATION COMMISSION--OPERATING

Motor Vehicle Fund--State Appropriation \$ 927,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The commission shall not expend any state funds for maintenance, repair, or snow and ice removal on county or private roads.

NEW SECTION. Sec. 108. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Fund--State
Appropriation \$ 222,000

NEW SECTION. Sec. 109. FOR THE OFFICE OF THE STATE TREASURER

State Treasurer's Service Fund--State
Appropriation \$ 44,000

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Motor Vehicle Fund--State
Appropriation \$ 251,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is for the contracted staff at the Gateway Visitor Information Centers, and shall not be used for any other purpose.

**PART II
TRANSPORTATION AGENCIES**

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation \$ 428,000
Highway Safety Fund--Federal Appropriation \$ 5,160,000
Transportation Fund--State Appropriation \$ 1,100,000
TOTAL APPROPRIATION \$ 6,688,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$200,000 of the transportation fund--state appropriation shall be used by the commission to identify and implement programs to reduce the incidence of driving under the influence of controlled substances. The commission shall submit a progress report to the legislative transportation committee by December 31, 1995. The remaining transportation fund--state appropriation shall be used solely to fund community DUI task forces. Funding from the transportation fund for any community DUI task force may not exceed fifty percent of total expenditures in support of that task force.

NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation \$ 260,000

NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--Rural Arterial Trust
Account--State Appropriation \$ 37,553,000
Motor Vehicle Fund--State Appropriation \$ 1,340,000
Motor Vehicle Fund--Private/Local Appropriation \$ 508,000
Motor Vehicle Fund--County Arterial Preservation
Account --State Appropriation \$ 26,023,000
TOTAL APPROPRIATION \$ 65,424,000

NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Urban Arterial Trust
Account--State Appropriation \$ 38,997,000
Motor Vehicle Fund--Transportation Improvement
Account--State Appropriation \$ 143,061,000
Motor Vehicle Fund--City Hardship Assistance
Account--State Appropriation \$ 1,904,000
Motor Vehicle Fund--Small City Account--
State Appropriation \$ 5,702,000
TOTAL APPROPRIATION \$ 189,664,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 2,528,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The legislative transportation committee shall convene representatives from the department of transportation, Washington state patrol, department of licensing, and any other agency receiving an appropriation in this act, as necessary, to establish performance measures that are associated with the final legislative appropriation. The performance measures are to be established and will be tracked within the transportation executive information system.

(2) The legislative transportation committee shall convene one or more groups to address activities that result in the loss of transportation tax revenue. The groups shall present their findings to the legislative transportation committee and the office of financial management.

(3) The legislative transportation committee shall study the governance and operations of the ports.

NEW SECTION. Sec. 206. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 345,000

NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 677,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) For the fiscal year 1996, the commission shall not be compensated for workdays in excess of 504 (an average of seven workdays per commissioner, per month), except the chair who shall not be compensated for workdays in excess of 114 (an average of nine and one-half workdays per month).

(2) For the fiscal year 1997, up to \$45,000 is provided as compensation for commissioner work days. By December 15, 1995 the commission shall report back to the legislative transportation committee on the number of commissioner workdays expended and the adequacy of the fiscal year 1997 appropriation.

(3) None of the appropriation may be used to conduct studies or hire consultants without specific authorization from the legislative transportation committee prior to commencing any studies or hiring any consultants.

(4) In no event shall the commission hold meetings outside of the state of Washington. The commission is directed to seek methods of reducing travel and meeting costs.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS

Motor Vehicle Fund--State Patrol Highway	
Account--State Appropriation	\$ 140,251,000
Motor Vehicle Fund--State Patrol Highway	
Account--Federal Appropriation	\$ 3,196,000
Motor Vehicle Fund--State Appropriation	\$ 747,000
Marine Operating Fund--State Appropriation	\$ 927,000
TOTAL APPROPRIATION	\$ 145,121,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The state patrol shall have a staffing level of not less than 735 commissioned officers at the end of the 1995-97 biennium. This compares to a level of 700 commissioned officers that was established in the 1993-95 biennium. To achieve these levels: A class of not less than 30 cadets shall begin in July of 1995 and a class of not less than 40 cadets shall begin in January of 1996.

(2) Management levels, lieutenants and above, are redirected to perform direct traffic law enforcement activities equivalent to five field force FTE staff years. Management personnel engaged in management activity shall not exceed 55 FTE staff years. This level compares to 76 FTE management level staff years in January of 1993.

(3) Any user of Washington state patrol aircraft shall reimburse the Washington state patrol for its pro rata share of all operating and maintenance costs including capitalization.

(4) The state patrol may not sell or purchase any aircraft until the legislative transportation committee has completed a review of the type of air services provided by the various state agencies, and the feasibility of consolidating the state's air fleet.

(5) By January 1, 1996, the chief of the state patrol shall submit to the legislative transportation committee a plan to incorporate safety education officer functions into field force activities. In development of the plan, the chief may consult with various constituent groups including the Washington traffic safety commission, schools, businesses, and local traffic entities. Up to \$200,000 of the motor vehicle fund--state patrol highway account--state appropriation provided for in this section may be used for these purposes.

(6) The \$747,000 motor vehicle fund--state appropriation in this section is provided for the following traditional general fund purposes: The Governor's air travel, the license fraud program, and the special services unit. This motor vehicle fund--state appropriation shall not be recognized as a permanent funding source for these purposes, but rather as a temporary funding source subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--
INVESTIGATIVE SERVICES BUREAU**

Motor Vehicle Fund--State Appropriation \$ 4,509,000
Transportation Fund--State Appropriation \$ 1,642,000
TOTAL APPROPRIATION \$ 6,151,000

The appropriations provided for in this section are for the following traditional general fund purposes: Crime laboratories, used primarily for local law enforcement purposes; ACCESS, the computer system linking all law enforcement and criminal justice agencies in the state to one another; and, the identification section, which is responsible for performing criminal background checks. The motor vehicle fund--state appropriation and the transportation fund--state appropriation provided in this section shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT
SERVICES BUREAU**

Motor Vehicle Fund--State Patrol Highway
Account--State Appropriation \$ 53,229,000
Motor Vehicle Fund--State Appropriation \$ 1,491,000
Transportation Fund--State Appropriation \$ 2,636,000
TOTAL APPROPRIATION \$ 57,356,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The office of the chief of the state patrol shall prepare a strategic plan that represents the future of the Washington state patrol and how management envisions meeting the challenges identified in the plan. The plan shall address the future responsibilities of commissioned and non-commissioned personnel, and the use of technology in law enforcement. It will focus on maximizing joint services and projects with other transportation agencies such as communication systems, computer systems, and facilities. Additionally, the state patrol shall include any other issues it deems necessary and will provide a six-year financial plan to address the future challenges identified in the strategic plan. The plan outline shall be delivered to the legislative transportation committee by August 1, 1995, and the final plan delivered to the legislature by January 1, 1996.

(2) \$1,241,000 of the motor vehicle fund--state appropriation and \$2,363,000 of the transportation fund--state appropriation provided for in this section are for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. These appropriations shall not be recognized as permanent funding sources for these purposes, but rather as temporary funding sources subject to renewed evaluation during the 1997 legislative session.

**NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING--
MANAGEMENT AND SUPPORT SERVICES**

Highway Safety Fund--Motorcycle Safety Education Account--
State Appropriation \$ 78,000
State Wildlife Account--State Appropriation \$ 69,000
Highway Safety Fund--State Appropriation \$ 5,090,000
Motor Vehicle Fund--State Appropriation \$ 4,338,000
Transportation Fund--State Appropriation \$ 791,000
TOTAL APPROPRIATION \$ 10,366,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--
INFORMATION SYSTEMS**

General Fund--Wildlife Account--State
Appropriation \$ 118,000
Highway Safety Fund--State Appropriation \$ 7,820,000
Motor Vehicle Fund--State Appropriation \$ 12,871,000
Transportation Fund--State Appropriation \$ 1,302,000
TOTAL APPROPRIATION \$ 22,111,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$15,223,000 for the licensing application migration project (LAMP), of which \$9,134,000 is motor vehicle account--state, \$6,089,000 is highway safety fund--state.

Of the \$15,223,000 LAMP appropriation \$761,150 is provided solely as a contingency amount.

(2) The licensing application migration project (LAMP) shall comply with section 49, chapter 23, Laws of 1993 ex. sess.

(3) The steering committee specified in the licensing application migration project (LAMP) feasibility study, dated July 7, 1992, shall meet monthly. In addition to the existing steering committee membership established in the feasibility study, the LAMP project director, the LAMP contractor's project manager, the LAMP quality assurance consultant, and a representative of the Washington state patrol shall be ex officio members of the LAMP steering committee.

(4) The licensing application migration project (LAMP) quality assurance consultant shall provide the LAMP steering committee with bimonthly reports on the status of the LAMP project. The bimonthly reports shall be on alternate months from the bimonthly reports provided by the department of information services. The reports required in this subsection shall also be delivered to the senate and house of representatives transportation committee chairs.

(5) No moneys are provided in this act for the inclusion of general fund activities in the LAMP project.

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE
SERVICES**

General Fund--Marine Fuel Tax Refund Account--
State Appropriation \$ 26,000
General Fund--Wildlife Account--State
Appropriation \$ 534,000
Motor Vehicle Fund--State Appropriation \$ 46,554,000
Department of Licensing Services Account--
State Appropriation \$ 2,944,000
TOTAL APPROPRIATION \$ 50,058,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER
SERVICES**

Highway Safety Fund--Motorcycle Safety Education
Account--State Appropriation \$ 1,150,000
Highway Safety Fund--State Appropriation \$ 56,759,000
Transportation Fund--State Appropriation \$ 4,914,000
TOTAL APPROPRIATION \$ 62,823,000

**NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Fund--State Appropriation \$ 24,194,000
 Motor Vehicle Fund--Federal Appropriation \$ 400,000
 Motor Vehicle Fund--Transportation Capital
 Facilities Account--State Appropriation \$ 21,974,000
 TOTAL APPROPRIATION \$ 46,568,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--
 AVIATION--PROGRAM F**

Transportation Fund--Aeronautics Account--State
 Appropriation \$ 3,780,000
 Transportation Fund--Aeronautics Account--Federal
 Appropriation \$ 500,000
 Aircraft Search and Rescue, Safety, and Education
 Account--State Appropriation \$ 132,000
 TOTAL APPROPRIATION \$ 4,412,000

**NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--
 IMPROVEMENTS--PROGRAM I**

Motor Vehicle Fund--Economic Development Account--
 State Appropriation \$ 2,000,000
 Motor Vehicle Fund--State Appropriation \$ 235,055,000
 Motor Vehicle Fund--Federal Appropriation \$ 296,774,000
 Motor Vehicle Fund--Private/Local
 Appropriation \$ 47,750,000
 High Capacity Transportation Account--State
 Appropriation \$ 7,812,000
 Special Category C Account--State Appropriation \$ 177,600,000
 Special Category C Account--Local
 Appropriation \$ 50,000
 Transportation Fund--State Appropriation \$ 60,000,000
 Central Puget Sound Public Transportation Account--
 State Appropriation \$ 2,500,000
 Puyallup Tribal Settlement Account--State
 Appropriation \$ 21,000,000
 Puyallup Tribal Settlement Account--Federal
 Appropriation \$ 1,000,000
 Puyallup Tribal Settlement Account--Private/Local
 Appropriation \$ 2,300,000
 TOTAL APPROPRIATION \$ 853,841,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$32,204,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$7,525,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. No bond proceeds shall be used to pay for a federal demonstration study project.

(2) The special category C account--state appropriation of \$177,600,000 includes \$160,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817. The appropriation includes \$75,746,000 for the 1st avenue south bridge in Seattle, \$15,254,000 for North-South Corridor/Division street improvements in Spokane, and \$86,600,000 for selected sections of state route 18. However, the transportation commission may revise the allocation of the appropriation for these projects with the concurrence of the legislative transportation committee. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle fund--state appropriation includes \$8,710,000 in proceeds from the sale of bonds authorized by RCW 47.10.761 and 47.10.762. These funds shall be expended for the following projects:

- (a) Sea Tac International Blvd;
- (b) SR 99 to SR 5 - HOV Lanes;
- (c) SR 3 to Bremerton Ferry Terminal;
- (d) Leavenworth Intermodal Improvement;
- (e) Olympic Interchange;
- (f) Sunset Dr. I/C - I/C Modifications;
- (g) 94th Ave. E. Interchange;
- (h) 164th Ave. Interchange; and
- (i) NE 160th I/C Modifications (CN only).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(4) \$44,685,000 appropriated in this section, which includes: \$3,212,000 of the motor vehicle fund--state appropriation; \$39,886,000 of the transportation fund--state appropriation; \$1,328,000 of the motor vehicle fund--local appropriation; and \$259,000 of the economic development account--state appropriation, is to be expended on the following projects:

- (a) Spring St. to Johnson Rd;
- (b) W. Lk. Samm. Pkwy. to SR 202;
- (c) Diamond Lake Channelization;
- (d) 15th SW to SR 161 U-Xing;
- (e) Andresen Road to SR 503;
- (f) NE 144th St. to Battleground;
- (g) Steamboat Island Rd I/C;
- (h) Graham Hill Vicinity;
- (i) North of Winslow - Stage 1;
- (j) SR 5 to Blandford Drive;
- (k) North Sumner Interchange; and
- (l) Sunnyslope I/C - Stage 2.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(5) \$69,111,000 appropriated in this section, which includes: \$35,060,000 of the motor vehicle fund--state appropriation; \$18,948,000 of the transportation fund--state appropriation; and \$15,103,000 of the motor vehicle fund--federal appropriation, is to be expended on the following projects:

- (a) SO 360th St/Milton Rd SO to SR 18 - Stage 1;
- (b) SR 522 to 228th St. SE - Stage 1;
- (c) 104th Ave NE to 124th Ave NE I/C;
- (d) 124th NE I/C to W. Lake Samm. Pkwy.;
- (e) Lewis Street Interchange;
- (f) SR 202 Interchange;
- (g) SR 82 to Selah;
- (h) O'Brien to Lewis Rd;
- (i) NE 147th to 80th NE - HOV Lanes;
- (j) Old Cascade Hwy - to Deception CR - Stage 1;

(k) Prophets point to Old Cascade Hwy - Stage 2; and

(l) Sequim Bypass.

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

(6) The motor vehicle fund--state appropriation in this section includes \$47,072,000 for the following high occupancy vehicle lane projects:

(a) 15th St SW to 84th Ave. SO - Stage 2; and

(b) Pierce C.L. to Tukwila I/C - Stage 1.

Construction of the projects under this subsection is subject to the availability of revenue from the repeal of the gasohol exemption and credit.

(7) When the projects identified in subsections (4) through (6) of this section are complete, the legislature will have fulfilled the commitments made in 1990 associated with the passage of the 1990 transportation revenue package.

(8) The motor vehicle fund appropriation in this section includes \$17,800,000 for new preconstruction activities. Up to \$2,100,000 of the appropriation in this subsection is to be expended for preconstruction activities on the following project: 196th Street SW/SR 524 I/C.

(9) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(10) If chapter . . . (Substitute House Bill No. 1597), Laws of 1995 is enacted by the 1995 legislature, the department of transportation shall assess the impacts of the bill upon the department of transportation and provide a report on such impacts to the legislative transportation committee by January 1, 1997.

(11) The legislature needs to determine all possible causes for changes in a project's cost from the time the cost is identified in the transportation commission's budget recommendation provided to the governor and legislature in support of the proposed highway construction budget, through completion of project construction.

The department shall provide a historical data report showing changes throughout the life of selected projects. The historical data report shall quantify the reasons for project increases or decreases and include department of transportation actions taken to minimize such changes. The department is directed to assess whether construction cost efficiencies can be achieved by ensuring continuity between design efforts and construction administrative activities.

The department shall explicitly identify in its agency budget submittal any project for which funding is being requested as part of two or more budget items or programs. For each such project, the department shall identify the relevant budget items, the programs in which the budget items are contained, the amount being requested for the project in each budget item, and the total amount being requested for the project.

(12) The motor vehicle fund--state appropriation in this section includes \$2,700,000 solely for state match for the Blaine border crossing project to be used only if federal demonstration project funding is authorized for this project.

(13) The motor vehicle fund--state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(14) The economic development account--state appropriation in this section includes \$1,000,000 for state highway projects associated with the development of a horse racetrack in western Washington. With the funding of these projects, funding from the economic development account for state highway projects is fully obligated. The community economic revitalization board and the transportation commission shall not select any new projects pursuant to RCW 43.160.074 and 47.01.280, notwithstanding projects selected to fulfill the provisions of this subsection.

(15) The motor vehicle fund--state appropriation in this section includes \$2,500,000 solely for the department of transportation match for transportation improvement board projects ready for construction in fiscal year 1996.

(16) The motor vehicle fund--state appropriation in this section includes \$6,533,000 solely for additional all-weather highway projects.

(17) \$15,312,000 appropriated in this section, which includes: The entire high capacity transportation account appropriation; the entire central Puget Sound public transportation account appropriation; and \$4,700,000 of the motor vehicle fund--state appropriation, is for additional high occupancy vehicle projects.

(18) The motor vehicle fund--state appropriation in this section includes \$4,870,000 to be expended on the following project: SR 82, SR 823 UC to SR 12 UC. This project will complete the Selah project identified in subsection (5) of this section.

(19) \$93,000 of the appropriation in this section, including \$74,000 of the motor vehicle fund--federal appropriation and \$19,000 of the motor vehicle fund--state appropriation, is provided solely for the Aurora avenue bicycle/pedestrian overpass at Galer Street. The motor vehicle fund--federal appropriation in this subsection is to be provided from transportation enhancement moneys.

(20) The motor vehicle fund--state appropriation in this section includes \$3,300,000 for safety work associated with additional pavement preservation projects.

(21) The motor vehicle fund--state appropriation in this section includes \$400,000 for additional fish barrier removal projects on state highways.

(22) The motor vehicle fund--state appropriation in this section includes up to \$2,160,000 from the sale of bonds authorized in RCW 47.10.834.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Fund--State Appropriation \$ 221,368,000
Motor Vehicle Fund--Federal Appropriation \$ 461,000
Motor Vehicle Fund--Private/Local Appropriation \$ 3,305,000
TOTAL APPROPRIATION \$ 225,134,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters such as fire, flooding, and major slides, supplemental appropriations will be requested to restore funding for ongoing maintenance activities.

(2) If projected snow and ice expenditures exceed the plan of \$40,000,000, the department will continue service delivery as planned within the other major maintenance groups, and will request a supplemental appropriation in the following legislative session to fund the additional snow and ice expenditures.

(3) The department shall provide recommendations to the legislative transportation committee by December 15, 1995, on: (a) The feasibility of developing a maintenance management system; (b) methods for providing a consistent maintenance level of service throughout the state; (c) options for centralized versus decentralized management of the program; (d) improving accountability and oversight of the maintenance program; and (e) improving accountability and oversight of the transportation equipment fund program.

(4) The motor vehicle fund--state appropriation in this section includes \$250,000 solely for augmentation of the adopt-a-highway program, under Engrossed Substitute House Bill No. 1512.

(5) The motor vehicle fund--state appropriation in this section includes \$906,000 for payment of local stormwater assessment fees for fiscal year 1996. Funding for the remainder of the biennium is withheld pending the results of a legislative transportation committee review of local stormwater assessment fees charged to the department of transportation.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Motor Vehicle Fund--State Appropriation \$ 95,544,000

Motor Vehicle Fund--Federal Appropriation \$ 74,600,000
Motor Vehicle Fund--Private/Local Appropriation \$ 8,100,000
Transportation Fund--State Appropriation \$ 119,600,000
Transportation Fund--Federal Appropriation \$ 143,400,000
Transportation Fund--Private/Local Appropriation \$ 3,000,000
TOTAL APPROPRIATION \$ 444,244,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,300,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section include \$10,034,000 for seismic retrofit activities.

(3) The department shall not reduce its commitment to sexual harassment training and diversity training, notwithstanding the reduction in this section for training.

(4) \$36,000,000 of the appropriation in this section, including \$21,000,000 of the transportation fund--state appropriation and \$15,000,000 of the motor vehicle fund--state appropriation, is provided for additional pavement preservation projects.

(5) The appropriations in this section include \$6,879,000 for Washington state's share to replace the deck on the Lewis and Clark bridge. If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the bridge into Oregon's public/private partnership program, up to \$1,000,000 of this amount shall be used for Washington's share of emergency deck repairs to extend the service life of the bridge. The remaining funds may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by January 15, 1996.

**NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION SYSTEMS MANAGEMENT--PROGRAM Q**

Motor Vehicle Fund--State Appropriation \$ 10,241,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation contained in this section provides funding for fiscal year 1996 only.

(2) By December 31, 1995, the department shall increase the motorist information sign annual permit fee from ten dollars to fifty dollars, increase the motorist information sign initial application fee from seventy-five dollars to one hundred dollars, and provide recommendations to the legislative transportation committee for making the motorist information sign program and the billboard program fully self-supporting within three years. For the purposes of achieving a self-supporting program, the erection, maintenance, and replacement of backpanels shall not be considered part of the department's program costs.

**NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--
SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation \$ 368,000
Motor Vehicle Fund--Federal Appropriation \$ 400,000
Motor Vehicle Fund--Private/Local Appropriation \$ 2,232,000
TOTAL APPROPRIATION \$ 3,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) By December 1, 1995, the department of transportation is to provide the legislative transportation committee an analysis and recommended policy modifications, where appropriate, regarding the following regional practices:

(a) Recovery of full costs for reimbursable services; and

(b) Consistency of charging for reimbursable services across the department's regions.

(2) It is the intent of the legislature to continue the state's partnership with the federal government, local government, and the private sector in transportation construction and operations in the most cost-effective manner. The program is established to allow the department the ability to provide services on nonappropriated, outside requests through the unanticipated receipt process including both dollar and full-time equivalent staff increases.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Fund--Puget Sound Capital Construction
Account--State Appropriation \$ 1,109,000
Motor Vehicle Fund--State Appropriation \$ 60,781,000
Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 1,105,000
Transportation Fund--State Appropriation \$ 2,002,000
TOTAL APPROPRIATION \$ 64,997,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund--state appropriation includes \$8,370,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of projects selected under the public-private transportation initiative program. \$2,160,000 of the bond proceeds are to be deposited in the motor vehicle fund--state to pay back the loan recommended by the transportation commission and the legislative transportation committee.

(2) Any additional FTEs required to support the public-private initiatives in the transportation program established under chapter 47.46 RCW shall be funded from program management and administration fees paid by private entities participating in the program.

(3) The department of transportation shall provide quarterly reports to the legislative transportation committee and the office of financial management on the status of the public-private initiatives in the transportation program. The department shall conduct a program and fiscal review of the public-private initiatives in the transportation program, authorized under chapter 47.46 RCW, for the biennium ending June 30, 1997. Such review shall include, at a minimum, the extent to which the program has operated in the public interest and fulfilled its statutory obligation; the extent to which the program is operating in an efficient, effective, and economical manner; and the extent to which continuation of the program maintains, improves, or adversely impacts the transportation system of the state of Washington. The department shall provide a progress report on its program and fiscal review of the public-private initiatives in transportation program by June 30, 1996.

(4) It is the intent of the legislature that the department reduce the amount of money spent on nonessential training programs for its employees.

(5) One of the two full-time employees funded in this section for enhanced public involvement shall be responsible for improving communications between the department and the public. His or her responsibilities shall include: (a) Developing a more efficient and effective system for replying to inquiries from the public and (b) supporting new and existing programs related to public involvement.

(6) By December 1, 1995, the department of transportation shall implement: (a) Modifications to the construction administration system that promote prudent project management and standards that ensure state-wide consistency of approach among all departmental regions; and (b) modifications to the

preconstruction system that streamline processes, reduce the number of internal reviews, and eliminate duplicative documentation.

(7) To assure that maximum resources are available for the construction programs, the finance and administration division shall assess the financial condition of the transportation equipment fund programs and report to the legislative transportation committee and the office of financial management by December 1, 1995. The evaluation should address lower operating cash balances and reductions in the purchase of highway and computer equipment, and where possible, should identify any surplus equipment to match the downsizing of the department's work force.

**NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSIT RESEARCH AND INTERMODAL PLANNING--PROGRAM T**

Essential Rail Assistance Account--State
Appropriation \$ 1,036,000
Motor Vehicle Fund--State Appropriation \$ 13,653,000
Motor Vehicle Fund--Federal Appropriation \$ 16,198,000
High Capacity Transportation Account--
State Appropriation \$ 2,475,000
Essential Rail Banking Account--State
Appropriation \$ 52,000
Transportation Fund--State Appropriation \$ 37,770,000
Transportation Fund--Federal Appropriation \$ 11,643,000
Transportation Fund--Private/Local
Appropriation \$ 105,000
Central Puget Sound Public Transportation
Account--State Appropriation \$ 11,009,000
Public Transportation Systems Account--State
Appropriation \$ 3,082,000
TOTAL APPROPRIATION \$ 97,023,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$33,845,000 of the transportation fund--state appropriation and \$700,000 of the transportation fund--federal appropriation is provided for intercity rail passenger service including up to \$12,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000, subsidies for operating costs not to exceed \$10,000,000, to maintain service of one state contracted round trip between Seattle and Portland and Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours. The lease purchase of the train sets is predicated on the condition that the manufacturer of the trains has the obligation of establishing a corporate office in Washington state. The manufacturer is also obligated to spend a minimum of twenty-five percent of the total purchase price of the train sets on the assembly and manufacture of parts of the train sets in Washington state.

(2) Up to \$2,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1993-1995 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

(3) The appropriations from the central Puget Sound public transportation account and the public transportation systems account are transferred to the transportation improvement board should either chapter . . . (Engrossed Substitute House Bill No. 1107), Laws of 1995 or chapter . . . (Substitute Senate Bill No. 5199), Laws of 1995 be enacted, and contain provisions transferring responsibility for administration of these accounts from the department of transportation to the transportation improvement board, except \$1,000,000 of the appropriation from the public transportation systems account shall be utilized for the rural mobility program and be administered by the department of transportation. Priority for grants provided from these accounts shall be given to

projects and programs that can be accomplished in the 1995-1997 biennium and that are not primarily intended for the planning of facilities. Prior to July 1, 1996, no applications for grants from the central Puget Sound public transportation account may be accepted from, nor may funds from that account be granted to, the regional transit authority. The public transportation systems account funds provided to the rural mobility program are for the 1995-97 biennium and are not intended for grants which will have ongoing costs to this program.

(4) Up to \$700,000 of the high capacity transportation account--state appropriation is reappropriated for regional transit authority grants. However, this amount shall not exceed the amount of unexpended regional transit authority grants in the 1993-95 biennium.

(5) None of the high capacity transportation account--state appropriation or reappropriation may be used to disseminate information in a manner that attempts to persuade, rather than inform or educate, area residents regarding the adopted system plan. The appropriation and reappropriation also may not be used to lobby or advertise, or distribute free promotional materials.

(6) The department of transportation may not transfer high capacity transportation account--state funds to a regional transportation authority during the 1995-1997 biennium, unless the authority has provided a detailed report to the department of transportation and the house of representatives and senate transportation committees regarding its use of those funds during preceding biennia and how it proposes to spend additional state funds.

(7) The motor vehicle fund--state appropriation includes \$558,000 for the office of urban mobility. This appropriation is for fiscal year 1996 only, pending a legislative transportation committee review of the office of urban mobility's activities in relation to the planning functions of the department's regional offices.

NEW SECTION. Sec. 224. An appropriation of \$1,800,000 from the high capacity transportation account--state is made to the department of transportation--transit research and intermodal planning--program T for the regional transit authority.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT
Motor Vehicle Fund--State Appropriation \$ 4,646,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR
Motor Vehicle Fund--State Appropriation \$ 832,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES
Motor Vehicle Fund--State Appropriation \$ 3,374,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL
Motor Vehicle Fund--State Appropriation \$ 2,240,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION
Motor Vehicle Fund--State Appropriation \$ 5,049,000

The motor vehicle fund--state appropriation of \$5,049,000 in this subsection is provided for the self-insurance premium and for risk management administrative costs. The department of general administration, the office of financial management, and the department of transportation shall develop funding proposals for: (a) Participation by the department of transportation in the state-wide liability self-insurance program in fiscal year 1997, and (b) alternative methods for funding the department of transportation's tort claim payments, if appropriate. A report shall be made to the legislative transportation committee and the governor no later than October 31, 1995.

(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund--Puget Sound Ferry Operations
Account--State Appropriation \$ 2,000,000

(7) FOR PAYMENT OF COSTS OF THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Fund--State Appropriation \$ 508,000

(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Fund--State Appropriation \$ 95,000

(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Fund--State Appropriation \$ 361,000

(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 230,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ 244,659,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Federal Appropriation \$ 22,172,000

Transportation Fund--Passenger Ferry Account--State

Appropriation \$ 1,250,000

Motor Vehicle Fund--Puget Sound Capital Construction

Account--Private/Local Appropriation \$ 765,000

TOTAL APPROPRIATION \$ 268,846,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section are provided to carry out only the projects presented to the legislature (version 3) for the 1995-97 budget. The department shall reconcile the 1993-95 capital expenditures within ninety days of the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account--state appropriation includes \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$155,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The appropriations contained in this section shall not be expended for the development of park facilities at the Seattle Colman Dock Ferry Terminal.

(4) The Washington state ferries shall acquire an appropriate passenger-only vessel. If permissible under regulations governing the procurement of necessary federal funds, construction and assembly of any passenger-only vessels shall take place within Washington state. If the vessel is procured through the use of state funds, the construction and assembly of any passenger-only vessels shall take place within Washington state.

(5) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation \$ 244,187,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$30,297,190 for vessel operating fuel in the 1995-97 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation contained in this section provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1995-97 biennium may not exceed \$159,990,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$305.32 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1995-97 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1995, and thereafter, as established in the 1995-97 general fund operating budget.

(3) The appropriation in this section includes \$614,000 for the automated ticket vending program. These funds shall be expended only in accordance with the implementation of the automated ticket vending program.

(4) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation \$ 14,567,000
Motor Vehicle Fund--Federal Appropriation \$ 168,179,000
Motor Vehicle Fund--Private/Local Appropriation \$ 5,087,000
Transfer Relief Account--State Appropriation \$ 307,000
TOTAL APPROPRIATION \$ 188,140,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$13,100,000 of the motor vehicle fund--federal appropriation in this section is provided for construction of demonstration projects specified in the federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914). The motor vehicle fund--state appropriation includes \$3,275,000 in proceeds from the sale of bonds authorized in RCW 47.10.819(1) for the federal match requirements. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$5,000,000 of the motor vehicle fund--federal appropriation, transportation enhancement moneys, in this section shall be used in the following manner: Up to \$3,700,000 shall be used for the preservation of abandoned freight rail corridors; and \$1,300,000 shall be used for rehabilitation of the King Street Station in the City of Seattle. That portion of the \$3,700,000 for preservation of abandoned freight rail corridors that is not used for that purpose by April 1, 1996, shall be used for the rehabilitation of the King Street Station.

(3) The motor vehicle fund--state appropriation in this section includes \$1,750,000 solely to fund the state's share of the east marine view drive project. This amount represents a reappropriation of the funding first provided for Everett homeport transportation projects in 1987. With this reappropriation, the legislature has fulfilled its commitment for funding of special transportation projects associated with the Everett homeport.

(4) Up to \$1,430,000 of the motor vehicle fund--state appropriation contained in this section shall be used for evaluations that mutually benefit cities, counties, and the state department of transportation. The evaluations may include fuel tax evasion, license fraud, access management, regional mobility, and miscellaneous cost/benefit measures, as determined by the legislative transportation committee. Of this amount, up to \$750,000 may be used to develop a regional mobility plan that includes, but is not limited to, highways, paratransit, ridesharing, targeted telecommuting, no-fare transit, and vanpool subsidies on a least cost basis; a high occupancy vehicle lane completion analysis; and recommended statutory changes that would allow the plan to be submitted to a public vote by the regional transit authority.

(5) \$4,000,000 of the motor vehicle fund--state appropriation in this section is provided solely for infrastructure associated with development of a horse racetrack in western Washington. With this appropriation, the state has fulfilled its commitment to provide funding for infrastructure associated with development of a horse racetrack in western Washington.

PART III CAPITAL

NEW SECTION. **Sec. 301.** The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) JOINT PROJECTS

(a) FOR THE WASHINGTON STATE PATROL, DEPARTMENT OF LICENSING, AND DEPARTMENT OF TRANSPORTATION--TRANSPORTATION SERVICE CENTER-- PARKLAND

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 486,000
Motor Vehicle Fund--State Appropriation \$ 71,000
Highway Safety Fund--State Appropriation \$ 71,000
TOTAL APPROPRIATION \$ 628,000

(b) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF LICENSING-- UNION GAP

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 789,000

(c) FOR THE WASHINGTON STATE PATROL AND DEPARTMENT OF TRANSPORTATION--NORTH SPOKANE

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 215,000

(d) FOR THE DEPARTMENT OF TRANSPORTATION AND WASHINGTON STATE PATROL--BELLINGHAM

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 6,480,000

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 1,800,000
TOTAL APPROPRIATION \$ 8,280,000

(2) The agency listed first in the appropriation in subsection (1) of this section is designated as the lead agency responsible for management of the projects and shall receive the entire appropriation.

(3) The state patrol, the department of licensing, and the department of transportation shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing, vehicle inspection service facilities, and other transportation services whenever possible.

The department of licensing, the department of transportation, and the state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

(4) The department of licensing may lease develop with option to purchase or lease purchase new customer service centers to be paid for from operating revenues. The Washington state patrol shall provide project management for the department of licensing. Alternatively, a financing contract may be entered into on behalf of the department of licensing in the amounts indicated plus financing expenses and reserves pursuant to chapter 39.94 RCW. The locations and amounts for projects covered under this section are as follows:

- (a) A new customer service center in Vancouver for \$2,629,700;
- (b) A new customer service center in West Spokane for \$3,083,600;
- (c) A new customer service center in Lacey for \$3,152,500;
- (d) A new customer service center in Union Gap for \$3,026,500; and
- (e) A new customer service center in Wenatchee for \$2,078,800.

(5) The Washington state patrol, department of licensing, and department of transportation shall provide bimonthly progress reports on the capital facilities receiving an appropriation in this act.

NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL--CAPITAL PROJECTS

The appropriations in this section are provided for the following projects:

(1) ACADEMY DRIVE COURSE--SHELTON

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 500,000

(2) MINOR WORKS: PRESERVATION

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 890,000

(3) MINOR WORKS: PROGRAM

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 506,000

(4) SOUTH SEATTLE DETACHMENT

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 151,000

(5) WASHINGTON STATE PATROL OFFICE--SILVER LAKE REST AREA

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 197,000

(6) BELLEVUE COMMUNICATIONS CENTER IMPROVEMENT

Motor Vehicle Fund--State Patrol Highway Account--
State Appropriation \$ 358,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--
PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

All projects in this section are funded from the motor vehicle fund--transportation capital facilities account--state.

(1) OKANOGAN AREA MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 2,801,000

(2) CHEHALIS AREA MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 4,865,000

(3) WOODLAND SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,163,000

(4) CONNELL SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 150,000

(5) WILBUR SECTION MAINTENANCE FACILITY

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,036,000

(6) MINOR REGIONAL PROJECTS

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,525,000

(7) STATE-WIDE ADMINISTRATION AND SUPPORT

Motor Vehicle Fund--Transportation Capital
Facilities Account--State Appropriation \$ 1,525,000

(8) The department of transportation shall provide to the legislative transportation committee:
(a) Prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1995-97 biennium, and (b) bimonthly progress reports on all transportation capital facilities projects receiving appropriations in this act. GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 304. FOR THE STATE PARKS AND RECREATION COMMISSION--CAPITAL

Motor Vehicle Fund--State Appropriation \$ 400,000

NEW SECTION. Sec. 305. An appropriation of \$2,500,000 from the motor vehicle fund--state will not be provided to the department of general administration for improvements to the plaza garage renovation project unless the omnibus 1995-97 capital budget (2ESHB 1070) contains a \$1,700,000 appropriation for the repair and/or installation of escalators and elevators during the 1995-97 biennium for the department of transportation service center in Olympia, Washington. The above referenced motor vehicle fund--state appropriation is made upon satisfaction of this condition.

**PART IV
TRANSFERS AND DISTRIBUTIONS**

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Motor Vehicle Fund--Puget Sound Capital Construction Account
Appropriation \$ 4,250,000
Motor Vehicle Fund Appropriation \$ 695,000
Transportation Improvement Account
Appropriation \$ 1,250,000
Transportation Fund Appropriation \$ 208,000
Special Category C Account Appropriation \$ 4,000,000
Highway Bond Retirement Account Appropriation \$ 195,814,000
Ferry Bond Retirement Account Appropriation \$ 36,788,000
TOTAL APPROPRIATION \$ 243,005,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Fund--Puget Sound Capital Construction
Account Appropriation \$ 850,000
Motor Vehicle Fund Appropriation \$ 139,000
Motor Vehicle Fund--Urban Arterial Trust Account
Appropriation \$ 5,000
Motor Vehicle Fund--Transportation Improvement
Account Appropriation \$ 250,000
Special Category C Account Appropriation \$ 800,000
Transportation Fund Appropriation \$ 42,000
Transportation Capital Facilities Account
Appropriation \$ 1,000
TOTAL APPROPRIATION \$ 2,087,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Fund Appropriation for motor
vehicle fuel tax and overload penalties
distribution \$ 452,180,000

Transportation Fund Appropriation \$ 2,352,000
TOTAL APPROPRIATION \$ 454,532,000

NEW SECTION. Sec. 404. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE INCREASE REVOLVING ACCOUNT

Motor Vehicle Fund--State Patrol Highway Account
Appropriation \$ 8,947,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive a five percent salary increase on July 1, 1995.

(b) Commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol shall receive an additional four percent salary increase on July 1, 1996, if the state patrol vehicle inspection program is decommissioned by September 1, 1995.

(2) The salary increases provided for in subsection (1) of this section supersede any salary increases provided for in Engrossed Substitute House Bill No. 1410, the omnibus budget, for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol. The appropriation in this section is not in addition to the salary increases provided for in Engrossed Substitute House Bill No. 1410; therefore, the appropriation in this section shall be reduced by any amount provided for commissioned officers, commercial vehicle enforcement officers, and communication officers of the state patrol in Engrossed Substitute House Bill No. 1410.

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

Motor Vehicle Fund--State Patrol Highway Account:
For transfer to the department of retirement
systems expense fund \$ 130,000

NEW SECTION. Sec. 406. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 407. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 408. FOR THE STATE TREASURER--TRANSFERS

(1) R V Account--State Appropriation:
For transfer to the Motor Vehicle Fund--
State \$ 454,000
(2) Transfer Relief Account--State Appropriation:
For transfer to the Motor Vehicle Fund--
State \$ 1,329,000
(3) Motor Vehicle Fund--State Appropriation:

For transfer to the Transportation Capital
Facilities Account--State \$ 41,762,000
(4) Small City Account--State Appropriation:
For transfer to the Urban Arterial Trust
Account--State \$ 2,544,000
(5) Small City Account--State Appropriation:
For transfer to the Transportation Improvement
Account--State \$ 7,500,000
(6) High Capacity Transportation Account--
State Appropriation:
For transfer to the Passenger Ferry Account \$ 760,000
(7) Public Transportation Systems Account--
State Appropriation:
For transfer to the Transportation Fund--State \$ 178,000
(8) Transportation Fund--State Appropriation:
For transfer to the Marine Operating Fund--
State \$ 2,500,000

The appropriation in this subsection is subject to the following conditions and limitations:
\$1,000,000 of the appropriation in this subsection shall be transferred in fiscal year 1996. \$1,500,000
of the appropriation in this subsection shall be transferred in fiscal year 1997, provided, however, that
the transfer for fiscal year 1997 is null and void if Engrossed Substitute House Bill No. 1016 is enacted
by July 1, 1996.

NEW SECTION. **Sec. 409.** The department of transportation is authorized to transfer any
balances available in the highway construction stabilization account to the motor vehicle account to
fund the appropriations contained in this act.

NEW SECTION. **Sec. 410.** The motor vehicle account revenues are received at a relatively
even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer
and fall highway construction season, creating a negative cash balance during the heavy construction
season. Negative cash balances also may result from the use of state funds to finance federal advance
construction projects prior to conversion to federal funding. The governor and the legislature
recognize that the department of transportation may require interfund loans or other short-term
financing to meet temporary seasonal cash requirements and additional cash requirements to fund
federal advance construction projects.

NEW SECTION. **Sec. 411.** In addition to such other appropriations as are made by this act,
there is appropriated to the department of transportation from legally available bond proceeds in the
respective transportation funds and accounts such amounts as are necessary to pay the expenses
incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. **Sec. 412.** An appropriation of \$2,498,000 from the oil spill administration
account--state and an appropriation of \$206,000 from the state toxics control account--state are made to
the department of ecology pursuant to sections 514 through 524 of this act.

NEW SECTION. **Sec. 413.** The additional distribution of transit equalization moneys
provided for in chapter 298, Laws of 1995 is authorized. As provided in Section 408(7) of this act,
moneys are transferred from the public transportation systems account--state to the transportation fund--
state to compensate for distributions of transit equalization of moneys pursuant to chapter 298, Laws
of 1995 for the 1995-97 biennium.

NEW SECTION. **Sec. 414. EXPENDITURE AUTHORIZATIONS.** The appropriations
contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys

disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1995-97 biennium.

PART V
MISCELLANEOUS

NEW SECTION. Sec. 501. COORDINATION OF TRANSPORTATION INFORMATION TECHNOLOGY. To maximize the use of transportation revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, inter-governmental services bureau; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects, and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads, the office of financial management and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 502. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the business problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and legislative transportation committee. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A bimonthly project status report shall be submitted to the department of information services, the office of financial management, and legislative transportation committee for each project prior to reaching key decision points identified in the project management plan. Project status reports include: Project name, agency undertaking the project, a description of the project, key project activities or accomplishments during the next sixty to ninety days, baseline cost data, costs to date, baseline schedule, schedule to date, risk assessments, risk management, any deviations from the project feasibility study, and recommendations.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and legislative transportation committee.

NEW SECTION. **Sec. 503.** By December 1, 1995, the department of transportation, in consultation with the department of personnel, shall provide recommendations to the legislative transportation committee regarding the feasibility of consolidating the department of transportation's personnel office with the department of personnel.

NEW SECTION. **Sec. 504.** By December 1, 1995, the department of transportation, in consultation with the transportation improvement board and the county road administration board, shall provide recommendations to the legislative transportation committee and the office of financial management regarding the feasibility of consolidating the financial functions of the three agencies.

NEW SECTION. **Sec. 505.** The department of licensing, Washington state patrol, and department of transportation shall place into reserve any savings to transportation funds or accounts associated with reductions in the attorney general's appropriation in the omnibus budget.

NEW SECTION. **Sec. 506.** Many educational programs, especially early childhood education programs, lack sufficient funding to obtain necessary telecommunications equipment. State agencies have surplus equipment that no longer meets the business needs of the agencies. Sections 506 through 513 of this act are intended to facilitate the transfer of obsolete telecommunications equipment expeditiously and without extra cost from state agencies to local programs under RCW 28A.215.120.

NEW SECTION. **Sec. 507.** Beginning July 1, 1995, and ending January 1, 1996, a state agency, office, department, or educational institution may donate, on a pilot basis, obsolete telecommunications equipment and related surplus supplies to local programs provided under RCW 28A.215.120.

NEW SECTION. **Sec. 508.** Any state agency, office, department, or educational institution participating in the pilot program prescribed in section 507 of this act must use the following criteria in specifying which telecommunications equipment is considered obsolete. Items considered obsolete must meet one or more of the following criteria: (1) The equipment is no longer available for purchase in retail stores; (2) manufacture of the equipment or similar equipment has been discontinued for at least one year; or (3) the equipment is not consistent with the agency's current approved hardware standards due to upgrades. In addition, the agency must deem the equipment as no longer needed in accomplishing its mission.

NEW SECTION. **Sec. 509.** Those state agencies, offices, departments, or educational institutions participating in the pilot program described in section 507 of this act shall submit, by January 1, 1996, a report to the legislative transportation committee, office of financial management, and the department of general administration concerning implementation of section 507 of this act. The report shall list items of equipment donated, the recipients of the equipment, and recommendations regarding whether the program should be expanded to include other recipient groups or discontinued.

NEW SECTION. **Sec. 510.** Any state agency, office, department, or educational institution donating equipment under section 507 of this act shall maintain the following records for each item of equipment donated: State tag number, equipment description, serial number, recipient, appropriate state surplus transfer documents, and an explanation as to why the equipment was deemed obsolete.

Sec. 511. RCW 43.105.017 and 1992 c 20 s 6 are each amended to read as follows:

It is the intent of the legislature that:

- (1) State government use voice, data, and video telecommunications technologies to:
 - (a) Transmit and increase access to live, interactive classroom instruction and training;
 - (b) Provide for interactive public affairs presentations, including a public forum for state and local issues;
 - (c) Facilitate communications and exchange of information among state and local elected officials and the general public;
 - (d) Enhance state-wide communications within state agencies; and
 - (e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;
- (2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;
- (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency head;
- (4) Resources be used in the most efficient manner and services be shared when cost-effective;
- (5) A state agency, office, department, or educational institution may donate obsolete telecommunications equipment and related surplus supplies to local programs provided under RCW 28A.215.120 pursuant to section 507 of this act;
- (6) A structure be created to:
 - (a) Plan and manage telecommunications and computing networks;
 - (b) Increase agencies' awareness of information sharing opportunities; and
 - (c) Assist agencies in implementing such possibilities;
- ~~((6))~~ (7) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;
- ~~((7))~~ (8) To the greatest extent possible, major information technology projects be implemented on an incremental basis;
- ~~((8))~~ (9) The state maximize opportunities to exchange and share data and information by moving toward implementation of open system architecture based upon interface standards providing for application and data portability and interoperability;
- ~~((9))~~ (10) To the greatest extent possible, the state recognize any price performance advantages which may be available in midrange and personal computing architecture;
- ~~((10))~~ (11) The state improve recruitment, retention, and training of professional staff;
- ~~((11))~~ (12) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and
- ~~((12))~~ (13) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

Sec. 512. RCW 43.105.041 and 1990 c 208 s 6 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

(1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government, except as provided in RCW 43.105.017(5) and section 507 of this act, are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;

(3) To develop state-wide or interagency technical policies, standards, and procedures;

(4) To assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(6) To develop and implement a process for the resolution of appeals by:

(a) Vendors concerning the conduct of an acquisition process by an agency or the department;

or

(b) A customer agency concerning the provision of services by the department or by other state agency providers;

(7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, control, and use of information services;

(b) Training and education; and

(c) Project management;

(8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(9) To review and approve that portion of the department's budget requests that provides for support to the board.

Sec. 513. RCW 43.19.1919 and 1991 c 216 s 2 are each amended to read as follows:

Except as provided in RCW 43.19.1920, RCW 43.105.017, and section 507 of this act, the division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director of general administration to be in the best interest of the state. The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.

This section does not apply to property under RCW 27.53.045.

Sec. 514. RCW 43.21I.005 and 1991 c 200 s 401 are each amended to read as follows:

(1) The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. ~~((The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.~~

~~The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.-))~~

(2) The legislature finds that the long-term environmental health of the state's waters depends upon the strength and vitality of its oil spill prevention and response program. It is the intent of this section and sections 515 through 524 of this act to create an integrated oil spill prevention and response program that fosters planning, coordination, and incidence command. To that end, the merger of the office of marine safety with the department of ecology will: Ensure coordination via streamlining the marine safety functions of two agencies into one; provide a focused prevention and response program under a single administration; generate efficient incidence command to meet challenges threatening marine safety and the environment; and increase accountability owed to the public, the executive branch, and the legislature.

(3) It is the intent of the legislature that the merger of the office of marine safety with the department of ecology be accomplished in an organizational manner that maintains a priority focus and position for the oil spill prevention and response program. The merger shall allow for ready identification of the program by the public and ensure no diminution in the state's commitment to marine safety and environmental protection.

Sec. 515. RCW 43.21I.010 and 1992 c 73 s 4 are each amended to read as follows:

(1) There is hereby created ~~((an agency of state government to be known as the office of marine safety. The office shall be vested with all powers and duties transferred to it and such other powers and duties as may be authorized by law. The main administrative office of the office shall be located in the city of Olympia. The administrator may establish administrative facilities in other locations,-))~~ within the department of ecology an integrated oil spill prevention and response program. The department shall establish a division for the purpose of housing the integrated oil spill prevention and response program. The division shall establish its focus and independence from the department's other authorized divisions and services. The director may establish administrative facilities in various locations within the state of Washington, if deemed necessary for the efficient operation of the office, and if consistent with the principles set forth in subsection (2) of this section.

(2) The ~~((office of marine safety))~~ department shall ~~((be organized))~~ organize the oil spill prevention and response division consistent with the goals of providing the state ((government)) with a focus in marine transportation and serving the people of this state. ~~((The legislature recognizes that the administrator needs sufficient organizational flexibility to carry out the office's various duties.-))~~ To the extent practical, the ~~((administrator))~~ director shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the ~~((office))~~ department;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) The ~~((office))~~ department shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

(a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Providing expert advice to the executive and legislative branches of state government;

(c) Providing active and fair enforcement of rules;

(d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;

(e) Providing information to the public; and

(f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the ~~((office))~~ department shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the ~~((administrator))~~ director may create ~~((such administrative divisions, offices, bureaus, and programs within the office as the administrator))~~ whatever organizational framework the director deems necessary to achieve the goals and objectives of this section so long as it is consistent with RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW. The ~~((administrator))~~ director shall have complete charge of and supervisory powers over the ~~((office))~~ division, except where the ~~((administrator's))~~ director's authority is specifically limited by law.

(6) The ~~((administrator))~~ director shall appoint ~~((such personnel as are necessary to carry out the duties of the office))~~ an assistant director to carry out the duties of providing an oil spill prevention and response program consistent with RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW. In addition to exemptions set forth in RCW 41.06.070~~((28))~~ (3), the ~~((administrator, the administrator's confidential secretary, and up to four professional staff members))~~ director shall be exempt from the provisions of chapter 41.06 RCW. All other employees of the ~~((office))~~ division shall be subject to the provisions of chapter 41.06 RCW.

Sec. 516. RCW 43.21I.030 and 1992 c 73 s 11 are each amended to read as follows:

In addition to any other powers granted the ~~((administrator))~~ director, the ~~((administrator))~~ director, in the administration of the oil spill prevention and response division, may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.46 RCW. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The ~~((administrator))~~ director shall review each advisory committee within the jurisdiction of the ~~((office))~~ department's oil spill prevention and response division and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(4) Delegate powers, duties, and functions of the ~~((office))~~ department's oil spill prevention and response division to employees of the ~~((office))~~ department as the ~~((administrator))~~ director deems necessary to carry out the provisions of ~~((this chapter))~~ RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW;

(5) Enter into contracts on behalf of the ~~((office))~~ department's oil spill prevention and response division to carry out the purposes of ~~((this chapter))~~ RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of ~~((this chapter))~~ RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW; or

(7) Accept gifts, grants, or other funds.

Sec. 517. RCW 43.21I.040 and 1991 c 200 s 407 are each amended to read as follows:

(1) The ~~((administrator))~~ director shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the ~~((administrator))~~ director together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

Sec. 518. RCW 88.46.922 and 1991 c 200 s 431 are each amended to read as follows:

All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of marine safety shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the office of marine safety shall be made available to the department of ecology. All funds, credits, or other assets held by the office of marine safety shall be assigned to the department of ecology.

Any appropriations made to the office of marine safety shall, on ~~((July 1, 1997))~~ January 1, 1996, be transferred and credited to the department of ecology.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

Sec. 519. RCW 88.46.925 and 1991 c 200 s 434 are each amended to read as follows:

The transfer of the powers, duties, and functions~~((, and personnel))~~ of the office of marine safety shall not affect the validity of any act performed prior to ~~((July 1, 1997))~~ January 1, 1996.

NEW SECTION. **Sec. 520.** A new section is added to chapter 90.56 RCW to read as follows:

No moneys may be spent by the department from the oil spill administration account, as established in RCW 90.56.510, nor the oil spill response account, as established in RCW 90.56.500, for any purpose other than carrying out the purposes, programs, and services of oil spill prevention and response consistent with RCW 43.21I.005 through 43.21I.040 (as recodified by this act) and chapter 88.46 RCW.

Sec. 521. 1991 c 200 s 1120 (uncodified) is amended to read as follows:

Sections 430 through 436 ~~((of this act))~~, chapter 200, Laws of 1991 shall take effect ~~((July 1, 1997))~~ January 1, 1996.

Sec. 522. 1993 c 281 s 73 (uncodified) is amended to read as follows:

Section 67 ~~((of this act))~~, chapter 281, Laws of 1993 shall take effect ~~((July 1, 1997))~~ January 1, 1996.

NEW SECTION. **Sec. 523.** RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040, as amended in this act, are each recodified as new sections in chapter 43.21A RCW.

NEW SECTION. **Sec. 524.** The following acts or parts of acts are each repealed:

- (1) RCW 43.21I.020 and 1992 c 73 s 5 & 1991 c 200 s 403;
- (2) RCW 88.46.920 and 1991 c 200 s 429; and
- (3) RCW 88.46.923 and 1991 c 200 s 432.

Sec. 525. RCW 90.56.510 and 1994 1st sp.s. c 6 s 903 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by RCW 82.23B.020(2) for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance

of the oil spill response account is greater than twenty-five million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, ~~((1995))~~ 1997, the state treasurer may transfer ~~((funds))~~ up to \$1,718,000 from the oil spill response account to the oil spill administration account ~~((in amounts necessary))~~ to support appropriations made from the oil spill administration account in the omnibus and transportation appropriations acts adopted not later than June 30, ~~((1994))~~ 1997.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 526. In order to provide enhanced program visibility and improved legislative oversight, the legislature concurs with the recommendation of the transportation commission that two new program designations be established within the department of transportation: (1) The transportation economic partnerships program, and (2) the transit and rail program.

NEW SECTION. Sec. 527. The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

Sec. 528. RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

(1) There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight.

(2) For the biennium ending June 30, 1997, money in the account may be transferred to the passenger ferry account as provided for in section 408, chapter . . ., Laws of 1995 (this act).

Sec. 529. RCW 82.44.150 and 1994 c 241 s 1 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within ~~((i)) each county ((with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection))~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 530. RCW 70.94.531 and 1991 c 202 s 13 are each amended to read as follows:

(1) Not more than six months after the adoption of the commute trip reduction plan by a jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single-occupant vehicle commuting; (c) an annual review of

employee commuting and reporting of progress toward meeting the single-occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

- (i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;
 - (ii) Instituting or increasing parking charges for single-occupant vehicles;
 - (iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;
 - (iv) Provision of subsidies for transit fares;
 - (v) Provision of vans for van pools;
 - (vi) Provision of subsidies for car pooling or van pooling;
 - (vii) Permitting the use of the employer's vehicles for car pooling or van pooling;
 - (viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;
 - (ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;
 - (x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;
 - (xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
 - (xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;
 - (xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;
 - (xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; ~~((and))~~
 - (xv) Establishment of proximate commuting programs by employers with multiple worksites;
- and
- (xvi) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

(3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.

Sec. 531. RCW 82.44.180 and 1993 sp.s. c 23 s 64 and 1993 c 393 s 1 are each reenacted and amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article II, section 40 of the state Constitution.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee created in RCW 47.66.020 to public transportation projects within the region from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be appropriated to the department of transportation for public transportation related purposes specified in the transportation appropriations act or to the department of transportation and allocated by the multimodal transportation programs and projects selection committee to public transportation projects submitted by the public transportation systems from which the funds are derived, solely for:

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board.

Sec. 532. RCW 47.78.010 and 1991 sp.s. c 13 ss 66, 121 are each amended to read as follows:

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for high occupancy vehicle lane construction or for local high capacity transportation purposes including rail freight.

Sec. 533. 1994 c 303 s 20 (uncodified) is amended to read as follows:

(1) There is hereby appropriated cumulatively from the motor vehicle fund--state, the transportation fund--state, and the general fund--state, up to \$35,500,000 for preliminary engineering, right of way acquisition, and construction of the following regular category C projects:

- ~~((1))~~ (a) SPRING ST TO JOHNSON RD (627000D);
- ~~((2))~~ (b) W. LK SAMM. PKWY. TO SR 202 (152038A, 152039D);
- ~~((3))~~ (c) DIAMOND LAKE CHANNELIZATION (600232E);
- ~~((4))~~ (d) 15TH SW TO SR 161 U-XING (351214A);
- ~~((5))~~ (e) ANDRESEN ROAD TO SR 503 (450093B);
- ~~((6))~~ (f) NE 144TH ST TO BATTLEGROUNDS (450387B);
- ~~((7))~~ (g) STEAMBOAT ISLAND RD I/C (310199A);
- ~~((8))~~ (h) GRAHAM HILL VICINITY (316111A);
- ~~((9))~~ (i) NORTH OF WINSLOW - STAGE 1 (330505A);
- ~~((10))~~ (j) SR 5 TO BLANDFORD DRIVE (401487A);
- ~~((11))~~ (k) 32ND STREET INTERCHANGE (316711A); and
- ~~((12))~~ (l) SUNNYSLOPE I/C - STAGE 2 (228531A).

These projects are not necessarily in prioritized order and are not subject to the provisions of chapter 490, Laws of 1993.

The total expenditures under this section from all fund sources, including funds transferred under section 18(5) of this act, shall not exceed \$35,500,000. The general fund--state expenditure under this section and sections 18, 21, and 22 of this act, cumulatively, shall not exceed \$93,925,000.

(2) The purpose of this amendment is to clarify the intent of the legislature that the appropriation for project No. (b) included moneys for construction of Stage 1, including a diamond interchange at SR 520/SR 202. Such moneys are reappropriated for the project, W. Lake Sammamish Parkway to SR 202, including the construction of the diamond interchange at SR 520/SR 202. Such reappropriation shall be considered to be effective as of the date of section 20, chapter 303, Laws of 1994. All expenditures made by the department from that date are hereby ratified.

(3) If House Bill No. 2074 is enacted by June 30, 1995, this section is null and void.

NEW SECTION. **Sec. 534.** It is the intent of the legislature that the department of transportation may implement a voluntary retirement incentive program that is cost neutral provided that such program is approved by the director of financial management.

NEW SECTION. **Sec. 535. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1995 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, and 1993 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. **Sec. 536.** Sections 511 through 523 and 528 through 533 of this act expire June 30, 1997.

Sec. 537. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority))~~ any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders. A vote within the boundaries of a regional transit authority to authorize imposition of these dedicated funding sources may not occur prior to February 1, 1996.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.))~~

~~(8) ((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election))~~ When making public representations about revenues available to support a proposed project, regional transit authorities shall not assume, nor imply the availability of state funds unless those funds have been specifically authorized. Any assumptions of federal funds shall be based on authorizations in the current six-year transportation authorization law.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

Sec. 538. RCW 82.44.150 and 1994 c 241 s 1 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(1)(g), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within ~~((i)) each county ((with a population of two hundred ten thousand or more and (ii) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described in subsection (i) of this subsection))~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders; except that in a case of a municipality located in a county that has a population of one hundred seventy-five thousand or more

that does not have an interstate highway located within its borders, that sum shall be deposited in the passenger ferry account;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the general fund, for revenues distributed after June 30, 1993, and to the transportation fund, for revenues distributed after June 30, 1995, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection and RCW 82.14.046.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding (i) the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and (ii) the sales and use tax equalization distributions provided under RCW 82.14.046; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter, excluding the sales and use tax equalization distributions provided under RCW 82.14.046.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this

section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year excluding the sales and use tax equalization distributions provided under RCW 82.14.046. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section and RCW 82.14.046 shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

NEW SECTION. Sec. 539. The following acts or parts of acts are each repealed:

- (1) RCW 81.112.010 and 1992 c 101 s 1;
- (2) RCW 81.112.020 and 1992 c 101 s 2;
- (3) RCW 81.112.030 and 1994 c 44 s 1, 1993 sp.s. c 23 s 62, & 1992 c 101 s 3;
- (4) RCW 81.112.040 and 1994 c 109 s 1 & 1992 c 101 s 4;
- (5) RCW 81.112.050 and 1992 c 101 s 5;
- (6) RCW 81.112.060 and 1992 c 101 s 6;
- (7) RCW 81.112.070 and 1992 c 101 s 7;
- (8) RCW 81.112.080 and 1992 c 101 s 8;
- (9) RCW 81.112.090 and 1992 c 101 s 9;
- (10) RCW 81.112.100 and 1992 c 101 s 10;
- (11) RCW 81.112.110 and 1992 c 101 s 11;
- (12) RCW 81.112.120 and 1992 c 101 s 12;
- (13) RCW 81.112.130 and 1992 c 101 s 13;
- (14) RCW 81.112.140 and 1992 c 101 s 14;
- (15) RCW 81.112.150 and 1992 c 101 s 15;
- (16) RCW 81.112.160 and 1992 c 101 s 16;
- (17) RCW 81.112.170 and 1992 c 101 s 17;
- (18) RCW 81.112.900 and 1992 c 101 s 33;
- (19) RCW 81.112.901 and 1992 c 101 s 34; and
- (20) RCW 81.112.902 and 1992 c 101 s 35.

Sec. 540. RCW 81.104.015 and 1992 c 101 s 19 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.

(2) "Regional transit system" means a high capacity transportation system under the jurisdiction of one or more transit agencies (~~except where a regional transit authority created under chapter 81.112 RCW exists, in which case "regional transit system" means the high capacity transportation system under the jurisdiction of a regional transit authority~~).

(3) "Transit agency" means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.

Sec. 541. RCW 81.104.030 and 1993 c 428 s 1 are each amended to read as follows:

(1) In any county ~~((with a population of from two hundred ten thousand to less than one million that is not bordered by a county with a population of one million or more, and in each county with a population of less than two hundred ten thousand))~~ that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders, except for any county having a population of more than one million or a county that has a population more than four hundred thousand and is adjacent to a county with a population of more than one million, transit agencies may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation, or such agencies may use the designated metropolitan planning organization as the regional policy committee.

Transit agencies participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and financing plan. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington.

(2) Transit agencies in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or Canadian province.

Sec. 542. RCW 81.104.040 and 1992 c 101 s 21 are each amended to read as follows:

Transit agencies in each county with a population of one million or more, and in each county with a population of from ~~((two))~~ four ~~((ten))~~ thousand to less than one million bordering a county with a population of one million or more ~~((that are authorized on January 1, 1991, to provide high capacity transportation planning and operating services must))~~ may establish through interlocal agreements a ~~((joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.~~

~~(1) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.~~

~~(2) The joint regional policy committee shall be responsible for the preparation and adoption of) process to jointly prepare~~ a regional high capacity transportation implementation program, which shall include the system plan, project plans, and a financing plan. This program shall be in conformance with the regional transportation planning organization's regional transportation plan and consistent with RCW 81.104.080.

~~((3) The joint regional policy committee shall present an adopted high capacity transportation system plan and financing plan to the boards of directors of the transit agencies within the service area or to the regional transit authority, if such authority has been formed. The authority shall proceed as prescribed in RCW 81.112.030)).~~

Transit agencies are encouraged to utilize this process and the process in RCW 81.104.170 in order to better coordinate high-capacity transit services and to provide for more effective utilization of transportation resources.

Sec. 543. RCW 81.104.050 and 1992 c 101 s 22 are each amended to read as follows:

Regional high capacity transportation service may be expanded beyond the established district boundaries through interlocal agreements among the transit agencies ~~((and any regional transit authorities in existence)).~~

Sec. 544. RCW 81.104.120 and 1993 c 428 s 2 are each amended to read as follows:

(1) Transit agencies ~~((and regional transit authorities))~~ may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode. A reasonable alternative is

one whose (~~passenger~~) costs per passenger mile, including costs of trackage, equipment, maintenance, operations, and administration are equal to or less than comparable bus, entrained bus, trolley, or personal rapid transit systems.

(2) A county may use funds collected under RCW 81.100.030 or 81.100.060 to contract with one or more transit agencies (~~(or regional transit authorities)~~) for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation plan; (b) have met the project planning and oversight requirements of RCW 81.104.100 and 81.104.110; and (c) have been approved by the voters within the service area of each transit agency (~~(or regional transit authority)~~) participating in the project. For transit agencies in counties adjoining state or international boundaries where the high capacity transportation system plan and financing plan propose a bi-state or international high capacity transportation system, such voter approval shall be required from only those voters residing within the service area in the state of Washington. The phrase "approved by the voters" includes specific funding authorization for the commuter rail project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service.

Sec. 545. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Transit agencies authorized to provide high capacity transportation service(~~(, including transit agencies and regional transit authorities,)~~) are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (~~((a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority)~~) any county that has a population of one hundred seventy-five thousand or more and has an interstate highway within its borders.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. (~~(Except when a regional transit authority exists,)~~) Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled

with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. ~~((The ballot title shall reference the document identified in subsection (8) of this section.))~~

~~(8) ((Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election))~~ When making public representations about revenues available to support a proposed project transit agencies, shall not assume, nor imply the availability of state funds unless those funds have been specifically authorized. Any assumptions of federal funds shall be based on authorizations in the current six-year transportation authorization law.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

Sec. 546. RCW 81.104.150 and 1992 c 101 s 26 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas~~((, and regional transit authorities))~~ may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month per employee on all employers located within the agency's jurisdiction, measured by the number of full-time equivalent employees, solely for the purpose of providing high capacity transportation service. The rate of tax shall be approved by the voters. This tax may not be imposed by ~~((:-(1)))~~ a transit agency when the county within which it is located is imposing an excise tax pursuant to RCW 81.100.030 ~~((; or (2) a regional transit authority when any county within the authority's boundaries is imposing an excise tax pursuant to RCW 81.100.030))~~. The agency imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Sec. 547. RCW 81.104.160 and 1992 c 194 s 13 and 1992 c 101 s 27 are each reenacted and amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas~~((, and regional transit authorities))~~ may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, ~~((46.16.080,))~~ 46.16.085, or 46.16.090.

(2) An agency imposing a tax under subsection (1) of this section may also impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable

by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall bear the same ratio to the rate imposed under RCW 82.08.020(2) as the excise tax rate imposed under subsection (1) of this section bears to the excise tax rate imposed under RCW 82.44.020 (1) and (2). The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax. The revenue collected under this subsection shall be used in the same manner as excise taxes under subsection (1) of this section.

Sec. 548. RCW 81.104.170 and 1992 c 101 s 28 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(, and regional transit authorities)~~) may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340(~~(, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340)~~).

Sec. 549. RCW 81.104.180 and 1992 c 101 s 29 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(, and regional transit authorities)~~) are authorized to pledge revenues from the employer tax authorized by RCW 81.104.150, the special motor vehicle excise tax authorized by RCW 81.104.160, and the sales and use tax authorized by RCW 81.104.170, to retire bonds issued solely for the purpose of providing high capacity transportation service.

Sec. 550. RCW 81.104.190 and 1992 c 101 s 30 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas(~~(, and regional transit systems)~~) may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, and 81.104.170.

Sec. 551. RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read as follows:

By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, (~~(and each regional transit authority)~~) shall prepare a six-year transit development plan for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.70A RCW. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. The six-year plan for each municipality (~~(and regional transit authority)~~) shall specifically set forth those projects of regional significance for inclusion in the transportation improvement program within that region. Each municipality (~~(and regional transit authority)~~) shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality (~~(and the regional transit authority)~~) shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

Sec. 552. RCW 47.26.121 and 1995 c 269 s 2603 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) two representatives from the department of transportation; (c) two representatives of public transit systems; (d) a private sector representative; (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember, or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The public member shall have professional experience in transportation or land use planning, a demonstrated interest in transportation issues, and involvement with community groups or grass roots organizations.

(7) The port member shall be a commissioner or senior staff person of a public port.

(8) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.

(9) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.

(10) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, private sector, and public representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector, public, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized

transportation, special needs transportation, or the public member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, special needs transportation, or public member resigns or is unable or unwilling to serve.

(11) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

(12) The board shall elect a chair from among its members for a two-year term.

(13) Expenses of the board shall be paid in accordance with RCW 47.26.140.

(14) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area(~~(, or regional transit authority)~~).

Sec. 553. RCW 47.80.060 and 1992 c 101 s 31 are each amended to read as follows:

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the three largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards (~~(or on a regional transit authority)~~).

NEW SECTION. Sec. 554. (1) Every regional transit authority created under chapter 81.112 RCW is hereby abolished.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of any regional transit authority created under chapter 81.112 RCW shall be delivered to the custody of the transit agencies within the boundaries of the regional transit authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by any regional transit authority created under chapter 81.112 RCW shall be made available to the transit agencies within the boundaries of the regional transit authority. All funds, credits, or other assets held by any regional transit authority created under chapter 81.112 RCW shall be assigned to the transit agencies within the boundaries of the regional transit authority.

(b) Any appropriations or grants made to any regional transit authority created under chapter 81.112 RCW and any funds in the custody of any regional transit authority created under chapter 81.112 RCW shall, on the effective date of this section, be transferred and credited to the transit agencies within the boundaries of the regional transit authority.

(c) If any question or dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before any regional transit authority created under chapter 81.112 RCW shall be continued and acted upon by the transit agencies within the boundaries of the regional transit authority. All existing contracts and obligations shall remain in full force and shall be performed by the transit agencies within the boundaries of the regional transit authority.

(4) The transfer of the duties, functions, and personnel of any regional transit authority created under chapter 81.112 RCW shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected,

the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

(7) The transit agencies within the boundaries of the regional transit authority shall apportion equitably among themselves any assets or liabilities remaining after the regional transit authority is abolished.

NEW SECTION. Sec. 555. A new section is added to chapter 81.104 RCW to read as follows:

Transit agencies entering into local agreements under RCW 81.104.040 shall include, as part of their process to prepare a high capacity transportation program, a comprehensive treatment of mobility in the entire region which their program addresses. It shall consider existing and future technological alternatives under development demonstrating the capacity for addressing regional transportation problems into the twenty-first century.

The evaluation shall address trips throughout the region including city-to-city, city-to-suburb, and suburb-to-suburb, considering steps necessary to reduce congestion, especially addressing peak period traffic. The program shall be destination oriented, addressing not only the service needs of urban areas but those of less populated areas throughout the region. It shall include necessary freeway expansion, including the use of special purpose lanes to expedite commerce and for other purposes. It shall also consider programs developed for certain areas such as fare-free programs, and tax incentives for business and individuals designed to reduce trips, in order to reduce traffic congestion and to ensure mobility.

The process shall include input from cities and counties, public ports, large employers in the area, the department of transportation, and the legislature.

NEW SECTION. Sec. 556. Section 537, chapter . . ., Laws of 1995 1st sp. sess. (this act) shall expire on May 31, 1996.

Sec. 557. RCW 81.112.030 and 1994 c 44 s 1 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

(4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

(6) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall identify the system, and an estimate of the cost of that system, of which the phase is a component and also contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993, nor a second proposition prior to February 1, 1996; nor may the authority issue bonds or form any local improvement district prior to ~~((July 1, 1993))~~ February 1, 1996.

(9) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. The authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a

single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

NEW SECTION. Sec. 558. A new section is added to chapter 47.60 RCW to read as follows:

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels. Moneys in the account shall be expended with legislative appropriation.

NEW SECTION. Sec. 559. Sections 539 through 556 of this act shall take effect the earlier of: (1) May 31, 1996, unless a high capacity transportation system plan, with funding, as authorized under RCW 81.104.140 is approved by a majority of the voters within the boundaries of a regional transit authority, authorized under chapter 81.112 RCW, by May 31, 1996, then sections 539 through 556 of this act shall not take effect; or (2) the last day of the month following the month in which a high capacity transportation system plan, with funding, as authorized under RCW 81.104.140 is rejected by a majority of the voters within the boundaries of a regional transit authority, authorized under chapter 81.112 RCW, after January 31, 1996.

NEW SECTION. Sec. 560. Sections 537 through 558 of this act expire June 30, 1997.

NEW SECTION. Sec. 561. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 562. (1) Except for sections 514 through 524 and 539 through 556 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.
(2) Sections 514 through 524 of this act shall take effect January 1, 1996."

Correct internal references accordingly and fix the title as required.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.105.017, 43.105.041, 43.19.1919, 43.21I.005, 43.21I.010, 43.21I.030, 43.21I.040, 88.46.922, 88.46.925, 90.56.510, 47.78.010, 82.44.150, 70.94.531, 47.78.010, 81.104.140, 82.44.150, 81.104.015, 81.104.030, 81.104.040, 81.104.050, 81.104.120, 81.104.140, 81.104.150, 81.104.170, 81.104.180, 81.104.190, 35.58.2795, 47.26.121, 47.80.060, and 81.112.030; amending 1991 c 200 s 1120 (uncodified); 1993 c 281 s 73 (uncodified); 1994 c 303 s 20 (uncodified); reenacting and amending RCW 82.44.180 and 81.104.160; adding a new section to chapter 90.56 RCW; adding a new section to chapter 81.104 RCW; adding a new section to chapter 47.60 RCW; creating new sections; recodifying RCW 43.21I.005, 43.21I.010, 43.21I.030, and 43.21I.040; repealing RCW 43.21I.020, 88.46.920, 88.46.923, 81.112.010, 81.112.020, 81.112.030, 81.112.040, 81.112.050, 81.112.060, 81.112.070, 81.112.080, 81.112.090, 81.112.100, 81.112.110, 81.112.120, 81.112.130, 81.112.140, 81.112.150, 81.112.160, 81.112.170, 81.112.900, 81.112.901, and 81.112.902; making appropriations; providing expiration dates; providing a contingent effective date; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative K. Schmidt moved that the House concur in the Senate amendments to Second Engrossed Substitute House Bill No. 2080 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Second Engrossed Substitute House Bill No. 2080 as amended by the Senate.

Representative K. Schmidt spoke in favor of passage of the bill.

Representative R. Fisher spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2080 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 60, Nays - 34, Absent - 0, Excused - 4.

Voting yea: Representatives Backlund, Ballasiotes, Benton, Blanton, Boldt, Brumsickle, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Clements, Cooke, Costa, Crouse, Delvin, Elliot, Foreman, Fuhrman, Hankins, Hargrove, Hickel, Honeyford, Horn, Huff, Hymes, Johnson, Koster, Lambert, Lisk, Mastin, McMahan, McMorris, Mielke, Mitchell, Mulliken, Pennington, Radcliff, Reams, Robertson, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Sheldon, Sherstad, Silver, Skinner, Smith, Sterk, Stevens, Talcott, Thomas, B., Thomas, L., Thompson, Van Luven and Mr. Speaker - 60.

Voting nay: Representatives Appelwick, Basich, Brown, Casada, Chopp, Cody, Cole, Conway, Dellwo, Dickerson, Ebersole, Fisher, G., Fisher, R., Grant, Hatfield, Jacobsen, Kessler, Kremen, Mason, Morris, Ogden, Patterson, Pelesky, Poulsen, Quall, Regala, Romero, Rust, Sommers, Thibaudeau, Tokuda, Valle, Veloria and Wolfe - 34.

Excused: Representatives Beeksma, Chappell, Dyer and Goldsmith - 4.

Second Engrossed Substitute House Bill No. 2080 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted NAY on Second Engrossed Substitute House Bill No. 2080.

DAVE CHAPPELL, 20th District

POINT OF PERSONAL PRIVILEGE

Representative Foreman: Thank you Mr. Speaker. Mr. Speaker, I would like to thank you for the outstanding job you have done this year.

Speaker Ebersole, you did a fine job my first two years here and I have to say that the citizens of our state have been well served during the first two years when you were the Speaker sir and during this year when you were sir.

MOTION

Representative Jacobsen moved that the Rules Committee be relieved of House Concurrent Resolution No. 4415.

MESSAGES FROM THE SENATE

May 25, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8421,

and the same is herewith transmitted.

Marty Brown, Secretary

May 25, 1995

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8422,

and the same is herewith transmitted.

Marty Brown, Secretary

May 25, 1995

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1413,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,

and the same are herewith transmitted.

Marty Brown, Secretary

May 25, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5000,

and the same is herewith transmitted.

Marty Brown, Secretary

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SCR 8421 by Senators Gaspard and McDonald

Adjourning Sine Die.

SCR 8422 by Senators Gaspard and McDonald

Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

SENATE CONCURRENT RESOLUTION NO. 8422, by Senators Gaspard and McDonald

Concerning the status of bills, resolutions, and memorials prior to adjournment Sine Die.

The resolution was read the second time.

Representative Foreman moved adoption of the resolution.

Representative Foreman spoke in favor of adoption of the resolution.

Senate Concurrent Resolution No. 8422 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 1022,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,
HOUSE BILL NO. 2076,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5000,

SENATE CONCURRENT RESOLUTION NO. 8421, by Senators Gaspard and McDonald

Adjourning Sine Die.

The resolution was read the second time.

Representative Foreman moved adoption of the resolution.

Senate Concurrent Resolution No. 8421 was adopted.

MESSAGES FROM THE SENATE

May 25, 1995

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8421,

SENATE CONCURRENT RESOLUTION NO. 8422,

and the same are herewith transmitted.

Marty Brown, Secretary

May 25, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2080,

and the same is herewith transmitted.

Marty Brown, Secretary

May 25, 1995

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1070,
HOUSE BILL NO. 2076,

and the same are herewith transmitted.

Marty Brown, Secretary

May 25, 1995

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1022,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,

and the same are herewith transmitted.

Marty Brown, Secretary

May 25, 1995

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8422, the Senate returned the following House bills to the House:

HOUSE CONCURRENT RESOLUTION NO. 4409,

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8421,
SENATE CONCURRENT RESOLUTION NO. 8422,

MOTION

On motion of Representative Foreman, reading of the Journal of the Second Day of the Second Special Session of the Fifty-Fourth Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Representative Foreman, the 1995 Second Special Session of the Fifty-Fourth Legislature was adjourned Sine Die.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN, Chief Clerk

SECOND DAY, MAY 25, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

FIRST DAY

Third Special Session

MORNING SESSION

House Chamber, Olympia, Thursday, October 12, 1995

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Doug Follett and Dave Mangino. Prayer was offered by Reverend Robert Cassis, South Sound Presbyterian Church.

There being no objection, the House advanced to the third order of business.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 1995 regular session of the legislature adjourned April 23, 1995, the 105th day of the session and

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 1995 First Special Session of the legislature adjourned May 23, 1995, the 30th day; and

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 1995 Second Special Session of the legislature adjourned May 25, 1995, the 2nd day; and

WHEREAS, it is now necessary for me to convene a Third Special Session for the purpose of addressing matters related to stadium financing;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by the virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7, of the Washington State Constitution, do hereby convene the Legislature of the State of Washington on Thursday, the twelfth day of October, 1995 at 10:00 a.m. in Special Session in the Capitol at Olympia for the purpose stated herein.

IN WITNESS whereof, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 11th day of October, A.D., nineteen hundred and ninety-five.
(Seal)

Mike Lowry, Governor

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The Speaker declared the House to be at ease until 3:00 p.m.

The Speaker (Representative Horn presiding) called the House to order.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2115 by Representatives Van Luven and Appelwick; by request of Governor Lowry

AN ACT Relating to financing public sports facilities; amending RCW 46.16.301, 46.16.313, 67.70.240, 82.14.360, 35.21.280, 36.38.010, 36.100.010, 36.100.020, 39.10.120, and 82.29A.130; reenacting and amending RCW 43.79A.040 and 43.84.092; adding a new section to chapter 82.14 RCW; adding new sections to chapter 43.79 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 36.100 RCW; creating new sections; repealing RCW 36.100.090 and 39.10.902; making an appropriation; and declaring an emergency.

Held on first reading.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 9:00 a.m., Friday, October 13, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

FIRST DAY, OCTOBER 12, 1995

JOURNAL OF THE HOUSE

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SECOND DAY

Third Special Session

—————
MORNING SESSION
—————

House Chamber, Olympia, Friday, October 13, 1995

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Billy Joe Arends and Lovel Briere. Prayer was offered by Representative Carlson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

Representative Horn demanded a Call of the House and it was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and a quorum was present.

MOTION

On motion of Representative Talcott, Representatives Brumsickle, Carlson, Dellwo, Quall, Regala, Sommers and L. Thomas were excused and the House proceeded with business under the Call of the House.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

There being no objection, the rules were suspended and House Bill No. 2115 was advanced to second reading and read the second time in full.

SECOND READING

HOUSE BILL NO. 2115, by Representatives Van Luven and Appelwick; by request of Governor Lowry

Financing public sports facilities.

The bill was read the second time.

Representative Van Luven moved adoption of the following amendment by Representatives Van Luven, Appelwick, Foreman and Horn:

Strike everything after the enacting clause and insert:

"PART I STATE CONTRIBUTION

NEW SECTION. Sec. 101. A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a county with a population of one million or more may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.017 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium.

(4) No tax may be collected under this section before January 1, 1996, and no tax may be collected under this section until the county legislative authority has adopted resolutions imposing the taxes under RCW 82.14.360. The tax imposed in this section shall expire when the bonds issued for the construction of the baseball stadium are retired, but not more than twenty years after the bonds are issued.

(5) As used in this section, "baseball stadium" means a baseball stadium with natural turf and a retractable roof or canopy, together with associated parking facilities, constructed in the largest city in a county with a population of one million or more.

NEW SECTION. Sec. 102. A new section is added to chapter 67.70 RCW to read as follows:

The lottery commission shall conduct at least two but not more than four games with sports themes per year.

Sec. 103. RCW 67.70.240 and 1987 c 513 s 7 are each amended to read as follows:

The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for purposes of making deposits into the housing trust fund under the provisions of section 7 of this 1987 act; (5) for distribution to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in section 101 of this act, including reasonably necessary preconstruction costs; (6) for the purchase and promotion of lottery games and game-related services; and ~~((6))~~ (7) for the payment of agent compensation. Three million dollars shall be distributed under subsection (5) of this section during calendar year 1996. During subsequent years, such distributions shall equal the prior year's distributions increased by four percent. Distributions under subsection (5) of this section shall cease when the bonds issued for the construction of the baseball stadium are retired, but not more than twenty years after the bonds are issued.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

NEW SECTION. Sec. 104. Sections 101 through 103 of this act constitute the entire state contribution for a baseball stadium, as defined in section 101 of this act. The state will not make any additional contributions based on revised cost or revenue estimates, cost overruns, unforeseen circumstances, or any other reason.

PART II LOCAL FUNDING

Sec. 201. RCW 82.14.360 and 1995 1st sp.s. c 14 s 7 are each amended to read as follows:

(1) The legislative authority of a county with a population of one million or more (~~operating under a county charter~~) may impose a special stadium sales and use tax (~~by resolution adopted on or before December 31, 1995, for collection following its approval by a majority of the voters in the county at a general or special election~~) upon the retail sale or use within the county by restaurants, taverns, and bars of food and beverages that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall not exceed four-tenths of one percent of the selling price in the case of a sales tax, or value of the article used in the case of a use tax. The tax imposed under this subsection is in addition to any other taxes authorized by law and shall not be credited against any other tax imposed upon the same taxable event. As used in this section, "restaurant" does not include grocery stores, mini-markets, or convenience stores.

(2) The legislative authority of a county with a population of one million or more may impose a special stadium sales and use tax upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall (~~equal one-tenth of one~~) not exceed two percent of the selling price in the case of a sales tax, or rental value of the (~~article used~~) vehicle in the case of a use tax. The tax imposed under this (~~section~~) subsection is in addition to any other taxes authorized by law and shall not be credited against any other tax imposed upon the same taxable event.

(3) The revenue from the (~~tax~~) taxes imposed under this section shall be used for the purpose of principal and interest payments on bonds issued by (~~a public facilities district, created within~~) the county (~~under chapter 36.100 RCW,~~) to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium (~~with a retractable roof or canopy and natural turf.~~) The county shall issue bonds, in an amount determined to be necessary by the public facilities district, for the district to acquire, construct, own, and equip the baseball stadium. If the revenue from the tax imposed under this section exceeds the amount needed for such principal and interest payments in any year, the excess shall be used solely:

(a) For (~~either or both: (a)~~) early retirement of the bonds issued for the baseball stadium; (~~or (b) retirement of bonds issued for expanding, remodeling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty five thousand;~~) and

(b) If the revenue from the taxes imposed under this section exceeds the amount needed for the purposes in (a) of this subsection in any year, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction.

(4) The (~~tax~~) taxes authorized under this section may be collected only after the county executive has certified to the department of revenue that a professional major league baseball team has made a binding and legally enforceable contractual commitment to:

(a) Play at least ninety percent of its home games in the stadium for a period of time not shorter than the term of the bonds issued to finance the initial construction of the stadium;

(b) Contribute (~~principal of~~) forty-five million dollars toward the (~~bonded~~) reasonably necessary preconstruction costs including, but not limited to architectural, engineering, environmental, and legal services, and the cost of construction of the stadium, or to any associated public purpose separate from bond-financed property, including without limitation land acquisition, parking facilities, equipment, infrastructure or other similar costs associated with the project, which contribution shall be made during a term not to exceed the term of the bonds issued to finance the initial construction of the stadium. If all or part of the contribution is made after the date of issuance of the bonds, the team shall

contribute an additional amount equal to the accruing interest on the deferred portion of the contribution, calculated at the interest rate on the bonds maturing in the year in which the deferred contribution is made. No part of the contribution may be made without the consent of the county until a public facilities district is created under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium. To the extent possible, contributions shall be structured in a manner that would allow for the issuance of bonds to construct the stadium that are exempt from federal income taxes; and

(c) Share a portion of the profits generated by the baseball team from the operation of the professional franchise for a period of time equal to the term of the bonds issued to finance the initial construction of the stadium, after offsetting any losses incurred by the baseball team after the effective date of chapter 14, Laws of 1995 1st sp. sess. Such profits and the portion to be shared shall be defined by agreement between the public facilities district and the baseball team. The shared profits shall be used to retire the bonds issued to finance the initial construction of the stadium. If the bonds are retired before the expiration of their term, the shared profits shall be paid to the public facilities district.

(5) No tax may be collected under this section before January 1, 1996. Before collecting the taxes under this section or issuing bonds for a baseball stadium, the county shall create a public facilities district under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium, and the county shall acquire and contribute to the district such real property as the district determines to be necessary as a site for the baseball stadium. The proceeds of any bonds issued for the baseball stadium or any other facility that the district will own shall be provided to the district.

(6) As used in this section, "baseball stadium" means a baseball stadium as defined in section 101 of this act.

(7) The ((tax)) taxes imposed under this section shall expire when the bonds issued for the construction of the ((new public facilities)) baseball stadium are retired, but not later than twenty years after the tax is first collected.

Sec. 202. RCW 35.21.280 and 1995 1st sp.s. c 14 s 8 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by ~~((county government or))~~ a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

Sec. 203. RCW 36.38.010 and 1995 1st sp.s. c 14 s 9 are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the

same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the county, except that the legislative authority of a county with a population of one million or more may exclusively levy ~~((a tax))~~ taxes on events in stadiums constructed on or after January 1, 1995, that are owned by ~~((county government or))~~ a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the ~~((rate))~~ rates of:

(a) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in section 101 of this act. If the revenue from this exceeds the amount needed for that purpose, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction; and

(b) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in section 101 of this act. The tax imposed under this subsection (b) shall expire when the bonds issued for the construction of the baseball stadium are retired, but not later than twenty years after the tax is first collected. ~~((4) By contract, the county shall obligate itself to provide the revenue from the tax authorized by this section on events in stadia owned, managed, or operated by a public facilities district, having seating capacities over forty thousand, and constructed on or after January 1, 1995, to the public facilities district.))~~

PART III MISCELLANEOUS

Sec. 301. RCW 36.100.010 and 1995 1st sp.s. c 14 s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county and shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has approved such tax at a general or special election. A single ballot proposition may both validate the imposition of the sales and use tax under RCW 82.14.048 and the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) The county legislative authority or a city council may transfer property to the public facilities district ~~((as part of the process of creating the public facilities district))~~ created under this chapter. No property that is encumbered with debt or that is in need of major capital renovation may

be transferred to the district without the agreement of the district and revenues adequate to retire the existing indebtedness.

Sec. 302. RCW 36.100.020 and 1995 1st sp.s. c 14 s 2 are each amended to read as follows:

(1) A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five members selected as follows: (a) Two members appointed by the county legislative authority to serve for four-year staggered terms; (b) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and (c) one person to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district has either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county. However, if the county has a population of one million or more, the largest city in the county has a population of less than forty percent of the total county population, and the county operates under a county charter, which provides for an elected county executive, three members shall be appointed by the governor subject to confirmation by the senate. Of the remaining members, two shall be appointed and confirmed by the legislative authority of the county. If the board has seven members, the remaining two members shall be appointed by the county executive subject to confirmation by the county legislative authority. No member of the board of directors may exercise any of the powers of his or her office until confirmed by the legislative body specified in this section. Not more than two members appointed by the governor shall belong to the same political party. Not more than one member appointed by the county executive or the county legislative authority, respectively, may belong to the same political party.

(2) At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

(3) Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

(4) A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(5) A director appointed by the governor may be removed from office by the governor. Any other director may be removed from office by action of at least two-thirds of the members of the legislative authority which made the appointment.

NEW SECTION. Sec. 303. A new section is added to chapter 36.100 RCW to read as follows:

In addition to other powers and restrictions on a public facilities district, the following shall apply to a public facilities district, located in a county with a population of one million or more, that constructs a baseball stadium:

(1) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to determine the stadium site;

(2) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to establish the overall scope of the stadium project, including, but not limited to, the stadium itself, associated parking facilities, associated retail and office development that are part of the stadium facility, and ancillary services or facilities;

(3) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the final authority to make the final determination of the stadium design and specifications;

(4) The public facilities district shall have the authority to contract with the baseball team that will use the stadium to obtain architectural, engineering, environmental, and other professional services related to the stadium site and design options, environmental study requirements, and obtaining necessary permits for the stadium facility;

(5) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to establish the project budget and bidding specifications and requirements on the stadium project.

(6) The public facilities district, in consultation with the professional baseball team that will use the stadium and the county in which the public facilities district is located, shall have the authority to structure the financing of the stadium facility project.

As used in this section, "stadium" and "baseball stadium" mean a "baseball stadium" as defined in section 101 of this act.

Sec. 304. RCW 39.10.120 and 1994 c 132 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, 1997. Methods of public works contracting authorized by RCW 39.10.050 and 39.10.060 shall remain in full force and effect until completion of contracts signed before July 1, 1997.

(2) For the purposes of a baseball stadium as defined in section 101 of this act, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 1997.

Sec. 305. RCW 39.10.902 and 1994 c 132 s 15 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 1997:

- (1) RCW 39.10.010 and 1994 c 132 § 1;
- (2) RCW 39.10.020 and 1994 c 132 § 2;
- (3) RCW 39.10.030 and 1994 c 132 § 3;
- (4) RCW 39.10.040 and 1994 c 132 § 4;
- (5) RCW 39.10.050 and 1994 c 132 § 5;
- (6) RCW 39.10.060 and 1994 c 132 § 6;
- (7) RCW 39.10.070 and 1994 c 132 § 7;
- (8) RCW 39.10.080 and 1994 c 132 § 8;
- (9) RCW 39.10.090 and 1994 c 132 § 9;
- (10) RCW 39.10.100 and 1994 c 132 § 10;
- (11) RCW 39.10.110 and 1994 c 132 § 11;
- (12) ~~((RCW 39.10.120 and 1994 c 132 § 12;~~
- ~~(13))~~ RCW 39.10.900 and 1994 c 132 § 13;
- ~~((14))~~ (13) RCW 39.10.901 and 1994 c 132 § 14; and
- ~~((15))~~ (14) RCW 39.10.902 and 1994 c 132 § 15.

Sec. 306. RCW 82.29A.130 and 1995 c 138 s 1 are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

NEW SECTION. Sec. 307. The public facilities district, the county, and the city with the largest population in the county shall enter into an agreement regarding the construction and operation of a baseball stadium as defined in section 101 of this act. The agreement shall address, but not be limited to:

- (a) Expedited permit processing for the design and construction of the project;
- (b) Expedited environmental review processing;

(c) Expedited processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project; and
(d) Other items deemed necessary for the design and construction of the project.

NEW SECTION. Sec. 308. Part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 309. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except sections 102 and 103 of this act shall take effect January 1, 1996."

Representative Sheldon moved adoption of the following amendment to the striking amendment by Representative Sheldon:

On page 5, line 29 of the amendment, after "stadium." insert "No part of the contribution shall include any money generated from the sale of the baseball stadium naming rights by the professional major league baseball team."

On page 12, after line 12 of the amendment, insert:
"NEW SECTION. Sec. 303. A new section is added to chapter 36.100 RCW to read as follows:

The public facilities district, in consultation with the office of financial management, shall negotiate the price and terms of the stadium naming rights. The revenues generated from the sale of the stadium naming rights shall be applied against the state's contribution toward the cost of construction of the baseball stadium as defined in section 101 of this act."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title of the bill.

Representative Sheldon spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Sehlin and Appelwick spoke against the adoption of the amendment to the striking amendment.

The amendment to the striking amendment was not adopted.

With the consent of the House, amendment number 005 to House Bill No. 2115 was withdrawn.

Representatives Van Luven and Appelwick spoke in favor of the adoption of the striking amendment.

The striking amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appelwick, Foreman and Van Luven spoke in favor of passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2115.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2115, and the bill passed the House by the following vote: Yeas - 63, Nays - 29, Absent - 0, Excused - 6.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carrell, Chandler, Clements, Cody, Cole, Cooke, Crouse, Delvin, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Kessler, Lambert, Lisk, Mastin, McMorris, Mielke, Mitchell, Mulliken, Poulsen, Quall, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Smith, Sterk, Talcott, Thibaudeau, Thomas, L., Thompson, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 63.

Voting nay: Representatives Brown, Casada, Chappell, Chopp, Conway, Costa, Dickerson, Ebersole, Fisher, R., Goldsmith, Grant, Hargrove, Hymes, Koster, Kremen, Mason, McMahan, Morris, Ogden, Patterson, Pelesky, Pennington, Robertson, Romero, Rust, Sheldon, Sherstad, Stevens and Tokuda - 29.

Excused: Representatives Brumsickle, Carlson, Dellwo, Regala, Sommers and Thomas, B. - 6.

Engrossed House Bill No. 2115, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I intended to vote NAY on Engrossed House Bill No. 2115.

VELMA VELORIA, 11th District

I intended to vote NAY on Engrossed House Bill No. 2115.

KIP TOKUDA, 37th District

There being no objection, the Call of the House was dissolved.

There being no objection, the House advanced to the eleventh order of business.

MOTION

There being no objection, the House adjourned until 11:00 a.m., Saturday, October 14, 1995.

TIMOTHY A. MARTIN, Chief Clerk

CLYDE BALLARD, Speaker

SECOND DAY, OCTOBER 13, 1995

JOURNAL OF THE HOUSE

NOTICE: Formatting and page numbering in this document may be different from that in the original published version.

THIRD DAY

Third Special Session

MORNING SESSION

House Chamber, Olympia, Saturday, October 14, 1995

The House was called to order at 11:00 a.m. by the Speaker (Representative Horn presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tim Suttle and Billy Joe Arends. Prayer was offered by Representative Mulliken.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Representative Horn presiding) declared the House to be at ease.

The Speaker (Representative Horn presiding) called the House to order.

The Speaker (Representative Horn presiding) declared the House to be at ease until 1:00 p.m.

The Speaker called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

October 14, 1995

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2115 with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

"PART I
STATE CONTRIBUTION

NEW SECTION. **Sec. 101.** A new section is added to chapter 82.14 RCW to read as follows:
(1) The legislative authority of a county with a population of one million or more may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters

82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.017 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium.

(4) No tax may be collected under this section before January 1, 1996, and no tax may be collected under this section unless the taxes under RCW 82.14.360 are being collected. The tax imposed in this section shall expire when the bonds issued for the construction of the baseball stadium are retired, but not more than twenty years after the tax is first collected.

(5) As used in this section, "baseball stadium" means a baseball stadium with natural turf and a retractable roof or canopy, together with associated parking facilities, constructed in the largest city in a county with a population of one million or more.

Sec. 102. RCW 46.16.301 and 1994 c 194 s 2 are each amended to read as follows:

(1) The department may create, design, and issue special license plates that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates may:

(a) Denote the age or type of vehicle; or

(b) Denote special activities or interests; or

(c) Denote the status, or contribution or sacrifice for the United States, the state of Washington, or the citizens of the state of Washington, of a registered owner of that vehicle; or

(d) Display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

(2) The department shall create, design, and issue a special baseball stadium license plate that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates shall commemorate the construction of a baseball stadium, as defined in section 101 of this act. The department shall also issue to each recipient of a special baseball stadium license plate a certificate of participation in the construction of the baseball stadium.

(3) The department has the sole discretion to determine whether or not to create, design, or issue any series of special license plates, other than the special baseball stadium license plate under subsection (2) of this section, and whether any interest or status merits the issuance of a series of special license plates. In making this determination, the department shall consider whether or not an interest or status contributes or has contributed significantly to the public health, safety, or welfare of the citizens of the United States or of this state or to their significant benefit, or whether the interest or status is recognized by the United States, this state, or other states, in other settings or contexts. The department may also consider the potential number of persons who may be eligible for the plates and the cost and efficiency of producing limited numbers of the plates. The design of a special license plate shall conform to all requirements for plates for the type of vehicle for which it is issued, as provided elsewhere in this chapter.

Sec. 103. RCW 46.16.313 and 1994 c 194 s 4 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c) in an amount calculated to offset the cost of production of the special license plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under

this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) In addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in section 101 of this act, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

NEW SECTION. Sec. 104. A new section is added to chapter 67.70 RCW to read as follows:
The lottery commission shall conduct at least two but not more than four scratch games with sports themes per year. These games are intended to generate additional moneys sufficient to cover the distributions under RCW 67.70.240(5).

Sec. 105. RCW 67.70.240 and 1987 c 513 s 7 are each amended to read as follows:
The moneys in the state lottery account shall be used only: (1) For the payment of prizes to the holders of winning lottery tickets or shares; (2) for purposes of making deposits into the reserve account created by RCW 67.70.250 and into the lottery administrative account created by RCW 67.70.260; (3) for purposes of making deposits into the state's general fund; (4) for purposes of making deposits into the housing trust fund under the provisions of section 7 of this 1987 act; (5) for distribution to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in section 101 of this act, including reasonably necessary preconstruction costs; (6) for the purchase and promotion of lottery games and game-related services; and ((6)) (7) for the payment of agent compensation. Three million dollars shall be distributed under subsection (5) of this section during calendar year 1996. During subsequent years, such distributions shall equal the prior year's distributions increased by four percent. Distributions under subsection (5) of this section shall cease when the bonds issued for the construction of the baseball stadium are retired, but not more than twenty years after the tax under section 101 of this act is first imposed.

The office of financial management shall require the allotment of all expenses paid from the account and shall report to the ways and means committees of the senate and house of representatives any changes in the allotments.

NEW SECTION. Sec. 106. Sections 101 through 105 of this act constitute the entire state contribution for a baseball stadium, as defined in section 101 of this act. The state will not make any additional contributions based on revised cost or revenue estimates, cost overruns, unforeseen circumstances, or any other reason.

PART II LOCAL FUNDING

Sec. 201. RCW 82.14.360 and 1995 1st sp.s. c 14 s 7 are each amended to read as follows:
(1) The legislative authority of a county with a population of one million or more ((operating under a county charter)) may impose a special stadium sales and use tax ((by resolution adopted on or before December 31, 1995, for collection following its approval by a majority of the voters in the county at a general or special election)) upon the retail sale or use within the county by restaurants, taverns, and bars of food and beverages that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall not exceed five-tenths of one percent of the selling price in the case of a sales tax, or value of the article used in the case of a use tax. The tax imposed under this subsection is in addition to any other taxes authorized by law and shall not be credited against any other tax imposed upon the same taxable event. As used in this section, "restaurant" does not include grocery stores, mini-markets, or convenience stores.

(2) The legislative authority of a county with a population of one million or more may impose a special stadium sales and use tax upon retail car rentals within the county that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of the tax shall ((equal one tenth of one)) not exceed two percent of the selling price in the case of a sales tax, or rental value of the ((article used)) vehicle in the case of a use tax. The tax imposed under this ((section)) subsection is in addition to any other taxes authorized by law and shall not be credited against any other tax imposed upon the same taxable event.

(3) The revenue from the ((tax)) taxes imposed under this section shall be used for the purpose of principal and interest payments on bonds, issued by ((a public facilities district, created within)) the county ((under chapter 36.100 RCW)), to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium ((with a retractable roof or canopy and natural turf)). Revenues from the taxes authorized in this section may be used for design and other preconstruction costs of the baseball stadium until bonds are issued for the baseball stadium. The county shall issue bonds, in an amount determined to be necessary by the public facilities district, for the district to acquire, construct, own, and equip the baseball stadium. The county shall have no obligation to issue bonds in an amount greater than that which would be supported by the tax revenues under this section, section 101 of this act, and RCW 36.38.010(3)(a) and (b). If the revenue from the taxes imposed under this section exceeds the amount needed for such principal and interest payments in any year, the excess shall be used solely:

(a) For ((either or both: (a))) early retirement of the bonds issued for the baseball stadium; ((or (b) retirement of bonds issued for expanding, remodeling, repairing, or reequipping of a multipurpose stadium that has a seating capacity over forty five thousand;)) and

(b) If the revenue from the taxes imposed under this section exceeds the amount needed for the purposes in (a) of this subsection in any year, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction.

(4) The taxes authorized under this section ((may)) shall not be collected ((only)) after June 30, 1997, unless the county executive has certified to the department of revenue that a professional major league baseball team has made a binding and legally enforceable contractual commitment to:

(a) Play at least ninety percent of its home games in the stadium for a period of time not shorter than the term of the bonds issued to finance the initial construction of the stadium;

(b) Contribute ((principal of)) forty-five million dollars toward the ((bonded)) reasonably necessary preconstruction costs including, but not limited to architectural, engineering, environmental, and legal services, and the cost of construction of the stadium, or to any associated public purpose separate from bond-financed property, including without limitation land acquisition, parking facilities, equipment, infrastructure or other similar costs associated with the project, which contribution shall be made during a term not to exceed the term of the bonds issued to finance the initial construction of the stadium. If all or part of the contribution is made after the date of issuance of the bonds, the team shall contribute an additional amount equal to the accruing interest on the deferred portion of the contribution, calculated at the interest rate on the bonds maturing in the year in which the deferred contribution is made. No part of the contribution may be made without the consent of the county until a public facilities district is created under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium. To the extent possible, contributions shall be structured in a manner that would allow for the issuance of bonds to construct the stadium that are exempt from federal income taxes; and

(c) Share a portion of the profits generated by the baseball team from the operation of the professional franchise for a period of time equal to the term of the bonds issued to finance the initial construction of the stadium, after offsetting any losses incurred by the baseball team after the effective date of chapter 14, Laws of 1995 1st sp. sess. Such profits and the portion to be shared shall be defined by agreement between the public facilities district and the baseball team. The shared profits shall be used to retire the bonds issued to finance the initial construction of the stadium. If the bonds are retired before the expiration of their term, the shared profits shall be paid to the public facilities district.

(5) No tax may be collected under this section before January 1, 1996. Before collecting the taxes under this section or issuing bonds for a baseball stadium, the county shall create a public facilities district under chapter 36.100 RCW to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate a baseball stadium.

(6) The county shall assemble such real property as the district determines to be necessary as a site for the baseball stadium. Property which is necessary for this purpose that is owned by the county on the effective date of this section shall be contributed to the district, and property which is necessary for this purpose that is acquired by the county on or after the effective date of this section shall be conveyed to the district.

(7) The proceeds of any bonds issued for the baseball stadium shall be provided to the district.

(8) As used in this section, "baseball stadium" means "baseball stadium" as defined in section 101 of this act.

(9) The taxes imposed under this section shall expire when the bonds issued for the construction of the ((new public facilities)) baseball stadium are retired, but not later than twenty years after the ((tax is)) taxes are first collected.

Sec. 202. RCW 35.21.280 and 1995 1st sp.s. c 14 s 8 are each amended to read as follows:

Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school. This includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by ((county government or)) a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

The term "admission charge" includes:

- (1) A charge made for season tickets or subscriptions;
- (2) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
- (3) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;
- (4) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
- (5) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

Sec. 203. RCW 36.38.010 and 1995 1st sp.s. c 14 s 9 are each amended to read as follows:

(1) Any county may by ordinance enacted by its county legislative authority, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: PROVIDED, No county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

(2) As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

(3) The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: PROVIDED, That whenever the same or similar kind of tax is imposed by

any such city or town, no such tax shall be levied within the corporate limits of such city or town by the county, except that the legislative authority of a county with a population of one million or more may exclusively levy ~~((a tax))~~ taxes on events in stadiums constructed on or after January 1, 1995, that are owned by ~~((county government or))~~ a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand at the ~~((rate))~~ rates of:

(a) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in section 101 of this act. If the revenue from the tax exceeds the amount needed for that purpose, the excess shall be placed in a contingency fund which may only be used to pay unanticipated capital costs on the baseball stadium, excluding any cost overruns on initial construction; and

(b) Not more than one cent on twenty cents or fraction thereof, to be used for the purpose of paying the principal and interest payments on bonds issued by a county to construct a baseball stadium as defined in section 101 of this act. The tax imposed under this subsection (b) shall expire when the bonds issued for the construction of the baseball stadium are retired, but not later than twenty years after the tax is first collected.

~~((4) By contract, the county shall obligate itself to provide the revenue from the tax authorized by this section on events in stadia owned, managed, or operated by a public facilities district, having seating capacities over forty thousand, and constructed on or after January 1, 1995, to the public facilities district.))~~

PART III MISCELLANEOUS

Sec. 301. RCW 36.100.010 and 1995 1st sp.s. c 14 s 1 are each amended to read as follows:

(1) A public facilities district may be created in any county and shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has approved such tax at a general or special election. A single ballot proposition may both validate the imposition of the sales and use tax under RCW 82.14.048 and the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) The county legislative authority or the city council may transfer property to the public facilities district ((as part of the process of creating the public facilities district)) created under this chapter. No property that is encumbered with debt or that is in need of major capital renovation may be transferred to the district without the agreement of the district and revenues adequate to retire the existing indebtedness.

Sec. 302. RCW 36.100.020 and 1995 1st sp.s. c 14 s 2 are each amended to read as follows:

(1) A public facilities district shall be governed by a board of directors consisting of five or seven members as provided in this section. If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district shall consist of five members selected as follows: (a) Two members appointed by the county legislative authority to serve for four-year staggered terms; (b) two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and (c) one person to serve for a four-year term who is selected by the other directors. If the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority shall establish in the resolution creating the public facilities district whether the board of directors of the public facilities district has either five or seven members, and the county legislative authority shall appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as

the unincorporated area of the county. However, if the county has a population of one million or more, the largest city in the county has a population of less than forty percent of the total county population, and the county operates under a county charter, which provides for an elected county executive, three members shall be appointed by the governor and the remaining members shall be appointed by the county executive subject to confirmation by the county legislative authority. Of the members appointed by the governor, the speaker of the house of representatives and the majority leader of the senate shall each recommend to the governor a person to be appointed to the board.

(2) At least one member on the board of directors shall be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040.

(3) Members of the board of directors shall serve four-year terms of office, except that two of the initial five board members or three of the initial seven board members shall serve two-year terms of office.

(4) A vacancy shall be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy shall serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(5) A director appointed by the governor may be removed from office by the governor. Any other director may be removed from office by action of at least two-thirds of the members of the legislative authority which made the appointment.

NEW SECTION. Sec. 303. A new section is added to chapter 36.100 RCW to read as follows:

In addition to other powers and restrictions on a public facilities district, the following shall apply to a public facilities district, located in a county with a population of one million or more, that constructs a baseball stadium:

(1) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to determine the stadium site;

(2) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to establish the overall scope of the stadium project, including, but not limited to, the stadium itself, associated parking facilities, associated retail and office development that are part of the stadium facility, and ancillary services or facilities;

(3) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the final authority to make the final determination of the stadium design and specifications;

(4) The public facilities district shall have the authority to contract with the baseball team that will use the stadium to obtain architectural, engineering, environmental, and other professional services related to the stadium site and design options, environmental study requirements, and obtaining necessary permits for the stadium facility;

(5) The public facilities district, in consultation with the professional baseball team that will use the stadium, shall have the authority to establish the project budget and bidding specifications and requirements on the stadium project;

(6) The public facilities district, in consultation with the professional baseball team that will use the stadium and the county in which the public facilities district is located, shall have the authority to structure the financing of the stadium facility project; and

(7) The public facilities district shall consult with the house of representatives executive rules committee and the senate facilities and operations committee before selecting a name for the stadium.

As used in this section, "stadium" and "baseball stadium" mean a "baseball stadium" as defined in section 101 of this act.

NEW SECTION. Sec. 304. A new section is added to chapter 36.100 RCW to read as follows:

A public facilities district may accept and expend moneys that may be donated for the purpose of a baseball stadium as defined in section 101 of this act.

Sec. 305. RCW 39.10.120 and 1994 c 132 s 12 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1,

1997. Methods of public works contracting authorized by RCW 39.10.050 and 39.10.060 shall remain in full force and effect until completion of contracts signed before July 1, 1997.

(2) For the purposes of a baseball stadium as defined in section 101 of this act, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 1997.

Sec. 306. RCW 39.10.902 and 1994 c 132 s 15 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 1997:

- (1) RCW 39.10.010 and 1994 c 132 § 1;
- (2) RCW 39.10.020 and 1994 c 132 § 2;
- (3) RCW 39.10.030 and 1994 c 132 § 3;
- (4) RCW 39.10.040 and 1994 c 132 § 4;
- (5) RCW 39.10.050 and 1994 c 132 § 5;
- (6) RCW 39.10.060 and 1994 c 132 § 6;
- (7) RCW 39.10.070 and 1994 c 132 § 7;
- (8) RCW 39.10.080 and 1994 c 132 § 8;
- (9) RCW 39.10.090 and 1994 c 132 § 9;
- (10) RCW 39.10.100 and 1994 c 132 § 10;
- (11) RCW 39.10.110 and 1994 c 132 § 11;
- (12) ~~((RCW 39.10.120 and 1994 c 132 § 12;~~
- ~~(13))~~ RCW 39.10.900 and 1994 c 132 § 13;
- ~~((14))~~ (13) RCW 39.10.901 and 1994 c 132 § 14; and
- ~~((15))~~ (14) RCW 39.10.902 and 1994 c 132 § 15.

Sec. 307. RCW 82.29A.130 and 1995 c 138 s 1 are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

NEW SECTION. Sec. 308. The public facilities district, the county, and the city with the largest population in the county shall enter into an agreement regarding the construction of a baseball stadium as defined in section 101 of this act. The agreement shall address, but not be limited to:

- (a) Expedited permit processing for the design and construction of the project;
- (b) Expedited environmental review processing;
- (c) Expedited processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project; and
- (d) Other items deemed necessary for the design and construction of the project.

NEW SECTION. Sec. 309. Part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 310. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 46.16.301, 46.16.313, 67.70.240, 82.14.360, 35.21.280, 36.38.010, 36.100.010, 36.100.020, 39.10.120, 39.10.902, and 82.29A.130; adding a new section to chapter 82.14 RCW;

adding a new section to chapter 67.70 RCW; adding new sections to chapter 36.100 RCW; creating new sections; and declaring an emergency."

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

MOTION

Representative Foreman moved that the House concur in the Senate amendments to Engrossed House Bill No. 2115 and pass the bill as amended by the Senate. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2115 as amended by the Senate.

MOTIONS

On motion of Representative Kessler, Representatives Sommers, Regala and Chappell were excused.

On motion of Representative Talcott, Representatives Brumsickle, Casada, Koster and L. Thomas were excused.

Representatives D. Schmidt, Appelwick, Brown, Veloria, Clements, Skinner, Foreman, Chopp and Van Luven spoke in favor of passage of the bill.

Representatives Sheldon, Morris, Mason and Hargrove spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2115, as amended by the Senate and the bill passed the House by the following vote: Yeas - 66, Nays - 24, Absent - 0, Excused - 7.

Voting yea: Representatives Appelwick, Backlund, Ballasiotes, Basich, Beeksma, Benton, Blanton, Boldt, Buck, Cairnes, Campbell, Carlson, Carrell, Chandler, Clements, Cody, Cole, Cooke, Costa, Crouse, Delvin, Dickerson, Dyer, Elliot, Fisher, G., Foreman, Fuhrman, Hankins, Hatfield, Hickel, Honeyford, Horn, Huff, Jacobsen, Johnson, Kessler, Lambert, Lisk, Mastin, McMorris, Mielke, Mitchell, Mulliken, Poulsen, Quall, Radcliff, Reams, Schmidt, D., Schmidt, K., Schoesler, Scott, Sehlin, Sheahan, Silver, Skinner, Smith, Sterk, Talcott, Thomas, B., Thompson, Tokuda, Valle, Van Luven, Veloria, Wolfe and Mr. Speaker - 66.

Voting nay: Representatives Brown, Chopp, Conway, Dellwo, Ebersole, Fisher, R., Goldsmith, Grant, Hargrove, Hymes, Kremen, Mason, McMahan, Morris, Ogden, Patterson, Pelesky, Pennington, Robertson, Romero, Rust, Sheldon, Sherstad and Stevens - 24.

Excused: Representatives Brumsickle, Casada, Chappell, Koster, Regala, Sommers and Thomas, L. - 7.

Engrossed House Bill No. 2115, as amended by the Senate having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HCR 4419 by Representative Foreman

Adjourning Sine Die.

MOTION

On motion of Representative Foreman, the rules were suspended and House Concurrent Resolution No. 4419 was advanced to second reading and read the second time in full.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4419, by Representative Foreman

Adjourning Sine Die.

MOTION

On motion of Representative Foreman, the rules were suspended, the second reading considered the third and the resolution was placed on final adoption.

House Concurrent Resolution No. 4419 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 2115,

MOTION

On motion of Representative Foreman, reading of the Journal of the Third Day of the Third Special Session of the Fifty-Fourth Legislature was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

October 14, 1995

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same is herewith transmitted.

Marty Brown, Secretary

October 14, 1995

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 2115,

and the same is herewith transmitted.

Marty Brown, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4419,
MESSAGE FROM THE SENATE

October 14, 1995

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same is herewith transmitted.

Marty Brown, Secretary

MOTION

On motion of Representative Foreman, the 1995 Third Special Session of the Fifty-Fourth Legislature was adjourned Sine Die.

CLYDE BALLARD, Speaker

TIMOTHY A. MARTIN. Chief Clerk

THIRD DAY, OCTOBER 14, 1995

JOURNAL OF THE HOUSE
